
ICANN83 | PF – GNSO Council Wrap-Up
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TERRI AGNEW

Thank you. Hello and welcome to the Closed GNSO Council Wrap-up Session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment policy. If you'd like to speak during the session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. I will now turn the floor back over to the one, the only, Greg DiBiase.

GREG DIBIASE

Hey, everyone. Welcome to our wrap-up meeting. As a reminder, this is where we go over things that came up during the week. Sometimes in our meeting due to time constraints or perhaps other reasons, we make a note to revisit things. It's also a time to reflect on the work that we did, if people have thoughts, and we can also talk about next steps. So, leadership and staff, put together a couple bullets that we thought might be worth talking about, but this is not exclusive. If anyone has additional thoughts, they're free to raise their hands as well. And then, Terri, I think you said closed, but this isn't closed.

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TERRI AGNEW

I know. I don't know why I said that.

GREG DIBIASE

Okay, not closed. Great. So, the first topic we've labeled as Law Enforcement, GNSO, GAC/PSWG Engagement, but maybe I'd refer to that as the Thomas authentication is happening in multiple streams, we should do something about it observation. I guess I'll start with my two cents is that, yeah, it does seem to be popping up in a lot of groups, but I'm not sure how we go about it, how we would structure broadening the work here. So, I'll open the queue and then maybe start with you, Thomas, if you don't mind.

THOMAS RICKERT

I like the name of the project. I think that makes a nice acronym. I don't know what it is, but maybe we can revisit that from-- There's no transcript, right? Anyways, I should probably preface this by saying that the Registration Data Policy IRT that is focusing its work on the timeline at the moment seems to be working on language that might allow for the registration data policy part of that to be resolved at some point. That is you could, for example, say if it's domestic law enforcement requesting data from a domestic or local contracted party, then the time frame is this or that. So that we can hopefully close the IRT's discussion on that very point. But that would just be symptomatic, right? So, we would just be able to solve one of these questions.

And I think that this topic of how we interact with law enforcement is going to haunt us for the years to come. And I think I should probably explain a little more what the idea is so that those who are joining this conversation or listening and understand what it means. So basically, the Registration Data Policy, or in general, an expectation also in the discussion surrounding the RDRS, is that if law enforcement authorities request data to be disclosed, that ICANN's mechanism should be the place to do that.

And we have basically two difficulties. One is, how does a registry or registrar that receives a disclosure request know that the request is actually originating from a law enforcement authority? We do know that law enforcement authorities sometimes use Gmail or Hotmail so you can't see it from the email itself. So, the authentication part, that's one. But then also the question is, am I as a registrar legally entitled to share data with a law enforcement authority from another jurisdiction?

So, domestically, everything is relatively easy. Although still, for law enforcement requests that are based in Germany, that are coming from law enforcement authorities in Germany, you still need to check them. They ask for more many times. They ask for crazy things many times. So, you need to do some vetting. But still, there's the expectation from some parts of this ICANN community that once a law enforcement authority is authenticated, that you can then automatically disclose.

And so, as I said, for domestic-domestic, it might be relatively easy. You may even be able to automate the formal checks. But then when it comes to international requests, international scenarios, the question is, is there an MLAT regime in place? And interestingly, if there is an MLAT regime in place, the usual way is that law enforcement in the request to our country should ask the law enforcement authority in the receiving country, and then the receiving country's law enforcement authority would go get the data from the contracted party. So, it does not foresee that you disclose to a foreign law enforcement authority, right?

So, there's even a European Data Protection Board guidance that was issued earlier this month that said standard practice for somebody, for an infrastructure provider receiving a request is decline. So, we seem to be forcing contracted parties via the ICANN channels to do things that might not be okay. And then if there's no MLAT regime in place, then you need to do additional checks, or you might not even be able to disclose. And we can't solve this, particularly the GNSO, which can impose burdens on contracted parties. We can't resolve an issue that only governments can resolve.

So, we need them for the authentication part. They need to help us create lists of law enforcement authorities in the first place. But then also, they need to help us understand to which extent we can disclose. And maybe we would even need to ask them to put the legal basis in place so that you can disclose data without being at the risk of being held accountable for wrongful disclosure. And

therefore, I think what we can't afford is let these discussions go on and go on with the misconception that I can deliver on something that I can't deliver on.

Or we should not accept a situation where the GAC and the PSWG in particular are increasing the pressure on ICANN to find a solution for a problem that they haven't solved for themselves. Last December, there was a hearing on the Budapest Convention. And the question to law enforcement was, how do we authenticate? And they said, "We can't. We don't have the mechanisms in place." And I think we should put that out in public and say we're willing to help. We can go thus far. I think the SSAD, if it were developed, would be a place where this could happen with some intelligence to help pass who can disclose in what scenarios. But we need the governments to put the mechanisms in place that provide the appropriate legal safeguards.

And I think that it would be a good initiative for the GNSO Council, given the letter that we got from the Board. The Board said, for urgent requests, even days are not appropriate. We need to talk about seconds. Others say, we need to talk about disclosure and split seconds. But then say, okay, we're willing to help, but let's have a GAC/PSWG, the Board, if it wishes to join, and the GNSO. That can't be a PDP, as I've mentioned earlier, because we can't task governments to do something. But I think we should put this question out in the open and try to find constructive ways forward. I think it makes the GNSO look good and mature. It also, I think,

can act as a pressure valve and just manage expectations from those who are asking ICANN for delivering unrealistic results.

GREG DIBIASE

Thanks, Thomas. We have a queue. Damon, you're first.

DAMON ASHCRAFT

Sure. Thank you very much, Thomas. Those are all really good points. And there's the urgent requests and the whole idea with law enforcement is a complex one. And there's lots of things there. That being said, I think we should certainly, ICANN and the Council should be an aid to law enforcement. We don't want to be seen as a bureaucracy that would hinder law enforcement.

We can't solve this. As you pointed out, Thomas, there's a whole lot of things that we can't do. But I think we ought to clarify and just let the community know, here's what we can do, and here's what's standing in the way of what we can't do, what we need to try to do to get it resolved. I think the point you made on governments is a good one. But I just want to be sure that our messaging is that we don't come across as a bureaucracy that would tie the hands of law enforcement.

GREG DIBIASE

Thanks, Damon. So, I put myself on the queue. So, all this makes sense. My reservation is I don't want to end up slowing the work that's already ongoing on the more specific issue that they're

working on now. So maybe there's like a phased approach here, right? But that authentication mechanism work that is related to the IRT, that is work that has been lingering a long time. My two cents is this seems like a worthy project to pay attention to, but I'm a little hesitant to expand the scope of what that team is working on, or at least giving them a chance to achieve their goal and then take stock and see what else can be done. So, that's my two cents. Lawrence?

LAWRENCE
ROBERTS

OLAWALE- Thank you, Greg. I'm sure everyone can hear me clearly. So, following the work of this particular group and looking at the concerns brought to fore, first of all, there has been remarkable progress on the work of this working party, which regards the assignment from the IRT. And as we've been told, the approach that they're currently working with is one where in the immediate looking for a means of resolving the issues around authenticating law enforcement to be able to assess and pull relevant data from the ICANN platform, the RDRS.

And then again, there is also a long-term plan that is more structured, will involve a lot more integration technology being put in place and interfacing with ICANN, which hopefully will be the eventual plan. But the good thing is from the discussions we've had so far, and from what we've seen happening, there is progress being made in this direction. And I fully align with what you said, Greg, that as much as possible, we should not throw spinners in

that wheel but should encourage their delivery of that mandate. Now, that to a large extent will help us resolve the issues around authentication.

The whole RDRS platform, to my understanding, is around disclosure. And I believe that we will continue to, this is definitely going to be a continuous walk in progress. There's a lot more that - we're just talking law enforcement. There are other parties that have also had discussions around how to assess and in terms of disclosure and co. And so, maybe into the future, there will still be a lot of interest and things to be worked around.

But I believe that in the immediate, we should continue to support the work of the working party, working on authentication. If there are issues that might require Council's attention, I'm sure that will be brought to fore, and then we can look at that dispassionately. But if there's any other way we want to integrate stuff, it should be with the mindset that the ongoing work shouldn't be impacted in any way. Thank you.

GREG DIBIASE

Thanks, Lawrence. And I think you said, I think an important process point here, it's typically that it's the group itself that brings, if issues arise, they bring it back to Council. So, I think that's helpful feedback. Desiree?

DESIREE MILOSEVIC

Thanks, Greg. Just to build on, I think, what you said and also Lawrence, I think let's keep the momentum of the work going. I think that's the idea. But we also need to manage the expectations realistically. As Thomas has raised this issue, I think you know that there's a lot of countries that do not have the MLAT or the Mutual Legal Assistance Treaties. And we can use some of the examples of how platforms have run into similar problems.

So, with that in mind when these similar hurdles arise, I think it would be good to build some understanding with PSWG what happens if Cambodia doesn't have a MLAT with Singapore, for example. So, when asked to respond to these legal requests, and from jurisdictions where there's no existing mechanism set. So, I think, yeah, these kinds of structural limitations need to be understood. Thank you.

GREG DIBIASE

Thanks, Desiree. Anne?

ANNE AIKMAN-SCALESE

Thank you. It's Anne. I agree with not stopping the work of the parallel tracks. But I think that Thomas makes a very good point that these two groups aren't talking to each other at all. And I think that can result in some problems later. Everyone's saying, well, yeah question comes up, issue comes up, bring it back to Council.

TERRI AGNEW

Thank you.

ANNE AIKMAN-SCALESE

Hi, it's Anne. Again, I won't repeat that part. But first of all, in the PSWG group, we have underlined I don't know how many times that it's not sufficient for the authentication to exist. And that answers every question that there's a process for analysis of the type of request. And I agree with what Thomas said that really, the legal basis for that request should be stated so that it can be measured against the urgent requests qualifications, in addition to the authentication process.

But I think Thomas is right that there are things that are like falling through the cracks between the two groups not having the same understanding. I mean, for instance, if I were in a discussion group that involved these two groups talking to each other, I'd say, hey, guys, it makes a lot more sense for any timeline to be triggered from the time of authentication and not before.

So, I think there's a lot that could be gained from Thomas' suggestion of having these two groups without stopping the work of either one of them to speak to each other occasionally, at least in a discussion group to try to be proceeding on the same page with the same understanding. So, I support the suggestion from Thomas to I don't know if you'd call it a DG or what, but I also support what Greg intervened for that you don't stop the work of either group. Thanks.

GREG DIBIASE

Thanks, Anne. Thomas?

THOMAS RICKERT

Yeah, you are making excellent points. And I should have probably clarified during my initial intervention that this is not about slowing things down to the halt. To the contrary, I think this could substantially expedite the effort. If we told everyone that wherever this topic is coming up, we are just talking about the timeline in isolation.

We might be talking about a little about the scenario domestic to domestic, and then close that question and put concerns of those that want to have disclosure times to be defined in a policy address by saying we're on it. But it's a separate discussion that needs to take place elsewhere. So, basically carve out this element of the discussion from the teams wherever it pops up, and give everyone the confidence that we mean it seriously to come up with workable solutions, not only for particular scenarios, but for the entire ecosystem.

And let's not forget we have these two layers. And if you want to go back and talk to you about this with your constituency or stakeholder group friends, the authentication part is one. But then the other layer is the substantive layer to check whether you can do that, and in what scenarios you can do it. And even folks that say we should be waiting for NIS2 to inform us about that, and NIS2

should be the global policy, whatever, to allow for immediate disclosure. If you read carefully what's in NIS2, it says there are legitimate access seekers, those are defined by the national lawmakers. And you're on the list of legitimate access seekers, that entitles you to send a request.

But the law says also, these requests must be duly substantiated. So, that's the substantive legal part that needs to be assessed, right? So, there's no way for us to bypass this in Europe, but I'm sure that's true for other jurisdictions as well. So, we need the second layer. And my suggestion is primarily to talk about this second layer. If we can deal with the authentication part elsewhere, that's fine but just so everyone understands this correctly, this is not to shut off a discussion or to prolong the processes. But I think the small teams as well as the IRT would have a much easier time if we could put on record we have a plan for this, but this is not the right forum to get it done.

GREG DIBIASE

Thanks, Thomas. That's helpful. And yeah, I take your point that separating these issues could even speed up the work of the ongoing authentication by explaining that. Anne, is that an old hand?

ANNE AIKMAN-SCALESE

Does discussion group work as a possibility? I don't know what tool to suggest less frequent meetings than the current parallel work,

but a touch point, touch base once a month or something. What works as a format?

THOMAS RICKERT

I don't know. I think we should send an invitation to talk to the Board and to the GAC/PSWG and then let them guide us on what the appropriate format would be, because I think they need to talk to their respective ministries or something to get the right people to the table.

GREG DIBIASE

Okay. Farzi, you're next in the queue.

FARZANEH BADIEI

Yes. I haven't formulated this very well, so I'm sorry if I blabber on. Whatever, it's not a policy, whatever process that we use and to discuss this, we should also consider that our principles should-- we should apply the processes globally and it should actually be able to afford, like we talk about jurisdictions and the European board said this about disclosure and that, but there's a reason why they say that it's possible, it should not be possible to disclose. It's because privacy of the domain name registrant is at stake. And I think that we need to at least look at this through a global lens to also see if those arguments can be-- like if we can make those arguments ethically at the global level and provide that minimum protection for the domain name registrant. Thank you.

GREG DIBIASE

Thanks, Farzi. Seb?

SEBASTIEN DUCOS

So, I want to make two points and I'm going to put my fingers like this so I don't forget that I have two points. So, the first one actually is pretty close to Farzi's. This system or not disclosing data remains something in the toolbox of the registrar. If law enforcement imposes on those registrars' conditions in terms of times, in terms of that are too constricted, the default protective answer is going to be no. And this is no reflection on my work at RDRS, but we do not want to create a no machine. It's not good for them. It's not good for us. It doesn't reflect well on this community. So, they also need to understand what is feasible, what is practical, what the best efforts can be.

And the second point that I wanted to make, and I want to make sure that, again, we talk about a very long timeline in decision making in this organization and the amount of people that are around it. This is non-official because we're still looking at the number, but I represent a fairly large registrar, about 30% of gTLD registrations. We've seen in the last four years, five years, I think that we're looking back, four urgent requests. Four things that qualify as urgent requests that were treated as such for law enforcement. They're putting pressure on all of us to move, to have people running, racing. Four. Let's keep things in perspective. Those four, Gabe had our phone number, it probably all went

through him or one of his colleagues that we know. That's the sort of scale of what we're talking about. So, let's keep it in perspective and not all race to waste our time on this. We also have a lot of work. Thanks.

GREG DIBIASE

Thanks, Seb. Okay, that's the last hand in the queue. I think maybe it warrants before going to the step of a discussion group or setting up something like that, working on a problem statement, because these are complex issues, so I think we need to write something out before trying to plan a meeting. That's just my thought. So maybe we can take that away, try to write something out, what the issues are, and then think about next steps from there. Thomas, what do you think about that?

THOMAS RICKERT

I'm happy for someone else to write that part. No, I can put something together.

GREG DIBIASE

Okay, great. This is the Thomas' proposal. Anne will help. Okay, great. Great discussion on a thorny topic. Next, we touched briefly upon the relatively new idea of review of reviews. This is a conversation that stemmed most immediately out of a resolution that the Board passed deferring ATRT4 and suggesting a dialogue about reviews and whether they're still working as intended 10 years on since the transition. There was some concern in the

community about further delaying ATRT4 because the timelines are defined in the bylaws.

The most recent idea that was discussed was to have a bylaw amendment deferring the timelines and also suggesting a specific review of reviews, or come up with a better term for that at some point. But that would be time boxed. So, there would be a review of reviews, would have a certain amount of time to look at the reviews more holistically and try to ensure they're fit for purpose and perhaps fix the current issue where there's this backlog before a review is implemented, the next one is due to start.

So, we talked about this briefly at Council. There seemed to be consensus that looking at reviews made sense or that's something responsible organizations do is periodically look at their processes. And I know, I doubt that people have been able to go back to their groups and discuss this, but I'll just open up the queue and see if people want to discuss this further and have thoughts they'd like to share. Sam.

SAMANTHA DEMETRIOU

Thanks, Greg. This is Sam. I don't have initial thoughts yet because it's still pretty new. But to take it back to the registries and get some more input, I was wondering if there was any discussion so far about the sequence of events and the timeline of events that would go into this? Because I think when you presented it yesterday, it sounded like the first step would be to do an interim bylaws amendment, and that would involve a timeline under which

this review of reviews would be conducted. And I think knowing how everything fits together and what those durations are meant to be might inform some of the feedback that we get on this.

GREG DIBIASE

So, that is great feedback. And because this is evolving, I don't know if I have the answers, I think. And I'm going to ask staff for help that the idea was to have this discussion at ICANN84. I don't know the answer of when this bylaw would, but yes, that's a good thing to raise is that's a pretty critical question.

STEVE CHEN

Thanks. This is Steve. Yeah, I think there's maybe two lines of thoughts that are going through the community right now. One is what Greg just said, which is kick off the process at Oman so that there's a draft set of bylaw amendments and then subsequent to this discussion, then actually effectuate those changes. Versus what I think is maybe circulating in some other places is actually have all of that, the bylaws amendment actually adopted and in effect by 84, which is a very tight timeline. So, I think our thinking, and Russ is about to probably correct this, is more along the first part where it's-- I'll just stop talking. Thanks, Russ.

GREG DIBIASE

Explain this, Russ.

RUSS WEINSTEIN

Hi, everyone. Russ Weinstein. Yes, this is a live topic and a developing one, but the discussion amongst SO and AC leaders yesterday, I think there was universal support for urgency and that to not let this fester. I think what I heard was a desire to likely adjust the bylaws to get us out of any current violations of the bylaws and in parallel, be working on scoping that review of reviews so that it's ready to go once the bylaws are ready to go with it. I think the specific timeline for when any bylaw amendment comes into effect, I'm not around that quite yet, but there's a process in our bylaws about how to change bylaws. But first we have to get really clear on what's changing. And I think that's the exercise we're still talking through now.

And obviously I want to make this part really clear. This is something the SO/AC chairs talked through and asked for. This is not something the Board or the Org asked for in terms of changing the bylaws. So, we would like to see it come from the community if that's in fact what you want to be a request to ICANN to make an adjustment to the bylaws for this purpose. So, this is not being driven by us that a bylaw adjustment must come into effect in this way.

GREG DIBIASE

Sure. I think the slight caveat that the desire for a review of reviews is coming from ICANN and then this conversation would be how do we make that work?

RUSS WEINSTEIN

Yeah, I think we definitely want a community discussion on review of reviews or way forward from where we are today. We heard don't do ATRT yet. And so, that's what the Board resolved, the yet. The changing the bylaws as a way out and way forward was organic yesterday. And so, if that's the way from the community forward, we'll figure out how to make that happen together.

GREG DIBIASE

Thanks, Russ. Paul?

PAUL MCGRADY

Thanks. Paul McGrady. So, some of the feedback I got lends me to offer the following piece of advice to whoever is doing their rhetoric around this. We should make it clear that any bylaw change is like one-time only, special event, act now. But it's not the idea of every single time the Org or the Board slips out of compliance with the bylaws. We don't want to set the precedent that we'll just run out and change the bylaws. And it's somehow the community will ask the Board, oh, would you please change the bylaws so that you can get back in compliance with them? And so, in order to quell any criticism, we should make it very, very clear that the ask is for a one-time unique situation. And I think that will go a long way to helping folks get comfortable with this. Thanks.

GREG DIBIASE

Great. Thanks, Paul. Bruna?

BRUNA SANTOS

Thanks, Greg. Same things as Paul, so adding a plus one on that. And also, while moving forward with either the bylaws changing or whatever solution we would decide for, it would be nice to convene a community discussion on that, because just relaying decisions towards the SO/AC group is, I mean, I don't see it as legitimate as a communitywide discussion on the solution towards this situation. And the bylaws change, as Paul was saying, is serious enough for us to consider. So, community discussion should be the way, not just the SO/AC group. And nothing against the group on itself, but just more an issue of legitimacy.

GREG DIBIASE

Thanks, Bruna. And I think that's a really important point, because I participated in the SO/AC group, but my feedback was, this seems like an okay idea, but I need to hear from my constituency. So, I think that's a really good reminder. Anne?

ANNE AIKMAN-SCALESE

Thanks. I think that the idea that came up in that meeting with the SO and AC chairs to do what I'll call a rectify bylaw, where the situation is rectified so that the Board is in compliance. It's a really good idea, but to Sam's question about how long there would be a process of how long before the old bylaw would kick in, if no new solution is adopted, is largely a question of what process the

community elects to pursue, because we're going to have to estimate the amount of time that it will take to conduct a review of reviews.

And so, there were some suggestions, I think. I recall Manju on behalf of NCSG talking about possibly a GNSO input process and that kind of thing. I know everyone today needs time to go back to their constituencies on this, but I just wanted to express support for the rectifying bylaw to be done as quickly as possible and to the extent that we could get that done before Oman, it would be terrific, because we're in a WSIS+20 year. So, I just would like for us to be able to say no, we have the Board back in compliance with the existing bylaw.

GREG DIBIASE

Thanks, Anne. Sam?

SAMANTHA DEMETRIOU

Thanks, Greg. I just jumped back in the queue since we have Russ at the table here. I think a lot of the gathering community input on the support for a review of reviews and how that looks, a lot of that's going to turn on what that even is. Because there's no process for this. We're having to develop it as we go. So, as I know that the intention, at least following the Board resolution, was to convene not just a community dialogue at 84, but potentially dialogues leading up to it. I think the more that those can be

structured to get this kind of input and get the feedback from the community, the better off it'll be.

I think the more direction you can give to the community about what to provide their input on, that's going to be really helpful, especially if we're looking to move somewhat quickly on this. This is the kind of topic that we could swirl on for, this is ICANN, so like a decade. So yeah, that's just my two cents, and it's going to make it easier to get input from our groups too. So, thank you, Russ.

GREG DIBIASE

Thanks, Sam. Great points. So yeah, no other hands in the queue. Following on what Sam said, this is probably still in the more discussion of an idea as opposed to a thumbs up or thumbs down. And then I think we're still looking for ICANN for more guidance and possibly reconvening a group, convening a group, as Bruna said. So, let's take this back, continue to think about it. I'm sure we'll dialogue with ICANN and the Board and hopefully figure out a path forward. Okay. Any other comment here? Jen.

JENNIFER CHUNG

Just reacting to your last bit about dialoguing with the Board, we always have this informal call with the GNSO appointed Board members, and I'm looking right at you now. This could be a topic that we surface with them and have this dialogue depending on how soon we get more information on it. And I'm also looking at

Russ, who's at our table, typing away notes, I'm sure, to bring back. Thanks.

GREG DIBIASE

Thanks, Jen. Okay. Let's move on to the next topic. Feedback on improvements from the meeting with the GAC. I heard some feedback that this GAC meeting went better than the last. They seem to appreciate our more substantive updates. I did hear some commentary that the Board-- there was an emphasis on process and how PDPs work and the length of them. So, I marked that as a takeaway that that could be helpful for the next meeting, explaining what goes into a PDP. But as that was an interesting meeting, I wanted to stop there and see if people had feedback or comments on how the GAC meeting went. Thomas?

THOMAS RICKERT

First of all, I thought that the meeting was much better than the one at the last ICANN meeting. But then again, what we saw at last ICANN's meeting was pretty much rock bottom. I was just wondering. I thought it went well. I thought we were well prepared. I think that Gemma still would have loved to have to get more substance. So, after the meeting, when I had a chat with her, she said, well, "I hoped you would step in and say a little more." So, I'm not sure.

I think we were okay with what we did. But given the fact that we have like 80 new GAC members, Farzi, I think you have the number,

right? Maybe we should use the opportunity to add more color to what we're doing. Because we seem to give folks a snapshot with a rough view of where we're going. And I would be very surprised if the GAC reps, particularly the new ones, knew what the projects are about. So, I think we should probably embed it in a little bit more colorful story about what the processes are about, where we came from, why we're doing this, what the outcome is, so that they also understand why it takes a couple of months or even years for us to achieve certain things.

And maybe in that same vein, we can maybe offer to have dedicated updates, as Council does, for the GNSO to inform GAC members about the various projects in more depth and give them the opportunity to ask questions that would not be possible in that short format.

GREG DIBIASE

Thanks, Thomas. I'm jumping the queue, but just responding to something you said. Yeah, GAC gets presentations from other groups, but maybe there is like a GNSO process presentation in addition to our update on the individual topics that could be useful. Susan, you're next in the queue.

SUSAN PAYNE

Yeah, thanks, Greg. So, I agree with everything Thomas just said, so I won't reiterate, really. But I do think it went better. I think we all agree on that. I thought we were well prepared. And actually,

I'd been very concerned about the fact that we weren't going to have an opportunity to have one of our prep sessions before we went into meeting with the GAC. I know it was raised in advance, and it wasn't something that could get resolved. So, we ended up having to use that pre-meeting webinar for that, plus email to some extent.

That worked really well. And so, in a way, I think it would be good to keep that. But I still think we should also preferably have something on the ground as well so that the first meeting where Council is together isn't straight in front of the GAC. But I wouldn't want to lose that additional work that got done in advance that did actually probably significantly inform the Council generally and ensure that actually we did go in front of the GAC quite pretty well prepared.

GREG DIBIASE

Thanks, Susan. And to that point, it's probably worth thanking Seb here, because Seb did pull together some extra meetings beforehand on the chairs and was more demanding maybe on saying let's get actual topics and questions from GAC. So, I think that was helpful, being able to pull out their specific questions for our planning. So, thank you for that. Jen?

JENNIFER CHUNG

Thanks, Greg. Plus one on that. I really appreciated that Greg, not Greg, I appreciate you also, but that Seb actually got the Spalding

leads in contact with the topical leads in GAC and facilitated that conversation beforehand. And I'm also seeing in the chat, it feels like Justine and I are mind melding, because maybe that transcript is right. Maybe I am Justine Chew. Yeah.

So, the GAC did get a briefing on DNS abuse, but that is GAC led and they requested this. So, that's why they asked for the different people to do that. I'm wondering if it's good for us to actually initiate from Council saying, hey, you know what, you should probably have briefings on this too. And we're offering this. We're not saying you must listen to us, but to get us informed with these topics, I think would be really good. And because they had this briefing when we actually had it in front of the entire GAC, it went really well.

I'm just speaking on the topic of DNS abuse here, even though right now, of course, they're still drafting texts on that. I think it really went a long way to getting the two groups quite at least understanding each other's point of view. And if they needed more information, I think that's also a really good way, both informally in the briefing and also formally when we're like meeting with a transcript on the stage.

GREG DIBIASE

Great. Thanks, Jen. Farzi?

FARZANEH BADIEI

So, yes, I think it went comparatively very well. So, one of the things that we can do, but this problem of GAC not knowing us, like it was quite apparent there was another group who were talking about the GNSO and some of them were asking questions about what is GNSO. And we need to, as well as doing these updates with the GAC, we need to find maybe in during their capacity building sessions or, I don't know, some other session we go-- and also telling them about the boring processes might not be very enticing. It might be better that we talk, be more issue specific, what we actually tackle and speak in their language. And I think our dear liaison can help us with that to fill in the gap because a one-hour session of just updates is not enough.

GREG DIBIASE

Thanks, Farzi. Vivek?

FARZANEH BADIEI

I have just another.

GREG DIBIASE

Oh, sorry.

FARZANEH BADIEI

And also, we discussed, maybe we can also talk about, I don't know how we can do that, but other industry practices and efforts that are being done outside of ICANN and what is being done about mitigation of DNS abuse, stuff like that, what are these different

industry consortium. I don't know how we can do it, if it's better to do it outside of ICANN even, but it's not a bad idea to give them an overview of what is being done in this space.

GREG DIBIASE

Thanks, Farzi. Vivek?

VIVEK GOYAL

Yeah, I think plus one that it went well, no doubts about it. On educating the GAC, just a few thoughts. See, there's always election going on in some part of the world in some country, governments are changing, GAC members will change. If we use that limited time we have and our bandwidth to keep on educating them about the whole background from every topic again and again and again, we will never move forward. I think it's the onus is on the GAC itself to educate new members. I'm sure there's staff available to help them.

The members themselves are smart enough, they're part of smart governments to educate themselves on topics. So, if they don't know what GNSO is about, maybe they should read up on that. It's not on us to tell them what GNSO does if you're sitting in ICANN. I think we should use the time with GAC to come prepared, send them preparatory material beforehand and get answers to move forward, to address the concerns then, not spend time to give them background every time we meet them on every topic. Thank you.

GREG DIBIASE

Thanks, Vivek. Peter?

PETER TAIWO

Thanks, Greg. In addition to wonderful comments that other councilors have actually submitted, I would say two things I observed during the GAC meeting is Smart Team Plus lead in the conversation. And secondly, we have a slide that actually shows that we have actually deliberated on the issues. I guess these are two observations that I observed that actually had color to our submissions, because GAC actually does not know what we're doing and the kind of effort that actually goes into conversation at the Council level.

I guess going forward and maybe proposing that we can like allow Smart Team Plus actually lead conversation like when it comes to different issues that Council is actually talking about and also get slide ready in terms of potential recommendations or conversations that is ongoing rather than if you slide and trying to explain from there because sometimes there might be thinking is that we're just explaining things that we have actually not discussed. So, I guess those are the things I'm proposing that maybe Smart Team Plus lead can also be part of the things that can naturally conversation why the chair can also add or any other person can add. Thank you.

GREG DIBIASE

Thanks, Peter. One follow-up. In that session, we did have the small team chairs leading the conversation on their specific topics. Are you saying leading a conversation elsewhere or?

PETE RTAIWO

No, no, no. What I'm saying is that that actually had a colorful point through that conversations where we had slides and the small team lead actually gave explanation on what they've deliberated and also had like slides actually shown. I'm proposing maybe we should adopt that strategy going forward.

GREG DIBIASE

Got it. Thank you, Peter. Sebastien.

SEBASTIEN DUCOS

I'm not going to do the fingers, to point about. So first of all, the questions that we get from the GAC when we present for the GAC come from the topic leads. These are usually people that are fairly informed but not informed on what we've done since the last. They meet every Friday or every second Friday. I can't remember exactly what Fabien has told me. I was invited, actually, to a session three weeks ago, four weeks ago. I can't remember.

At the time they were drafting those questions and we had just started our small team, so I was able to talk. We hadn't done anything but starting. I was able to tell them. That already created a path to better questions because they knew where we were at,

less aggressive question, less putting us less on the back foot. So, this is maybe something we should also try to install with them, having a pre-conversation topic on topic with the topic leads. And I'm happy to take that back to them.

And now I've forgotten the second thing already. The second thing is that there's a huge gap and the GAC keeps on saying it, a huge gap of knowledge between the topic leads and the people in those topic conversation, usually GAC members that have been there for a few years, and those that are just newcomers. It's normal in any organization.

The GAC being what the GAC is, those newcomers, some are very vocal on topics that they might not completely know everything on and some are very quiet and wait until they find the information. This is part of the GAC. We've talked about it. I remember a long conversation with Jorge Cancio about it. And it's always going to be like that. So, we need to also set expectations when we go into that room that some of the stuff is going to come out of left field and that's the way it is.

GREG DIBIASE

Thank you, Seb. Bruna?

BRUNA SANTOS

Thanks. Just highlighting the suggestion we gave a couple of sessions ago of asking for slots on the capacity building for the GAC. I know it would be nice to continue asking, especially for the one

they do at the community forum, for instance. So, perhaps it's one way of bringing them up to date. So just reminding everyone of that.

GREG DIBIASE

I like that suggestion. Prudence?

PRUDENCE MALINKI

So, the chat's been moving really quickly and fast along, but I wanted to echo everyone's sentiment. So, I think the session did go really well and I think everyone was much more prepared and I think that came through. However, the turnover of the GAC is always going to be an issue, and I think we all need to start being more prepared to do this continuous training and update and exercise where we're constantly making them aware of who we are and what we do.

Now, I can't take any credit for this because there's amazing stuff going on in the chat and there's been some fantastic suggestions I just want to bring to the fore. And one of them is making a recording explaining about what we do and making it a mandatory element that in order for you to sit in on these sessions, get up to speed, watch this recording so then we don't have to do this over and over again. That's a brilliant idea. There's also just more jovial stuff about wearing T-shirts with the Z on it, which again, I'm a fan of. But I think we're going to have to start doing more on a more frequent basis.

And I love the idea, and I can't remember whose originally it was, of getting engaged at the capacity development sessions, older capacity building sessions. I think we should be doing that regardless. So, we should be having more touch with the GAC to improve our relationship with the GAC, period. So even if it's not just to provide policy updates, they need to get to know us, they need to get familiar with us and they need to get to like us a bit more. And you do that by making yourself accessible and available. So, we should be always trying to make sure we slot into those sessions. And I think a recording so we have less legwork to do over and over again, I think is a really good idea. Thanks.

GREG DIBIASE

Thank you, Prudence. More great suggestions. Seb, you got your work cut out for you, bringing these into force. Vivek?

VIVEK GOYAL

So, if I have to get it correctly, is Seb's job to go to government representatives and tell them that ICANN is mandating you to watch this video? Because then I will not envy him at all.

GREG DIBIASE

Seb's, he's a diplomat. He massages the message. Yeah. Oh, Sam.

SAMANTHA DEMETRIOU

Yeah, I think the idea of recording one of the this is what the GNSO is and this is how it works, here are some key GNSO processes and

how they function in a very friendly lay person acronym devoid way. I think the idea there is when people are saying like, well, the GAC should just do its reading and learn how the GNSO works. Okay. I have people in my stakeholder group who don't know how the GNSO works. Those documents are pretty dense. It's a lot to get through.

A very digestible video. It's a different way of getting that right. It can be in the library of things that the GAC uses when it onboards new members. It could also be like a short version at the beginning of an in-person capacity development session so that we don't have to look for a volunteer to stand up and do a live performance every single time, which just eats into valuable time. Because those capacity building sessions, even at the community forum, it's usually a day or a day and a half and they're jam packed. So, time is always of the essence. So, that was the idea behind the video, not Seb telling every government around the world to watch the same YouTube video.

GREG DIBIASE

Yeah. Maybe Seb has to deliver the message, but then he gets to pick a councilor to actually deliver the training. Seb?

SEBASTIEN DUCOS

Yeah. I just checked again, but there's a lot of training videos. There's a lot of stuff that ICANN has prepared for newcomers, for NextGen, for all these things. I don't know. Maybe of them need to

be refreshed and that's possible, but there's a lot of stuff existing that they should be exactly. Yeah.

GREG DIBIASE

Bruna?

BRUNA SANTOS

I was going to say exactly the same thing as Seb. I could see on YouTube now, at least four to five videos on what does the GNSO do at an ICANN meeting and the preparation for it. So, I mean, yes. The thing is, I don't think it's about the GAC knowing who the GNSO is. I think it's about the GAC acknowledging the GNSO as part of the conversation as a decision maker for many of those things. So, it's not just about a video. It's also about qualifying the conversation a little bit better. So maybe it's a video for now, but there's a couple more things, including on the preparation of those meetings. So yeah, just highlighting the videos.

GREG DIBIASE

Thanks, Bruna. Manju?

MANJU CHEN

Thank you. So as a person who has been educating the Taiwanese GAC for the past eight years, I can tell you some people are just not teachable. But that's not my point. So, what I'm trying to say is government people are very busy, just like us. They have their day job. This is like 10% of their day job. And it's very hard to convince

them it's so necessary to learn about whatever ICANN is because they are busier dealing with other stuff.

There has been a lot of videos, but I feel like there are a lot of good ideas going around. Definitely, Seb is going to wear that t-shirt with that diagram. And on the back, there's going to be a QR code with all the educational material, right? But I guess we just have to accept the fact that there's this high turnover rate. And not everybody is going to know what we do. We expect ignorant questions from everyone, not only from the GAC.

And I don't know why we're so fixated with our interactions with the GAC. There are other communities out there. There's SSAC. There's the ALAC. We don't seem to be as concerned that they don't feel our input is as valuable. This is a multistakeholder governance model. We should be equally having equal voice. I know it's an illusion, but let's keep dreaming. Thank you.

GREG DIBIASE

Thanks, Manju. All right, I'm going to give Desiree the last word on this topic.

DESIREE MILOSEVIC

Okay, pressure. So, I remember that, yeah, there's already a lot of material, as others have said, that could be used. And there's a huge turnover among the GAC members. But also, I think I used to remember that they had GAC reception, which is not very conducive. But I wonder whether we could have, during this future

capacity building session, some kind of an exercise where we explain how the PDP was formed, and who participated from the GAC, and take them through the process. Something more entertaining than trying to see like we're having a patronizing view. Thank you. Or a game.

GREG DIBIASE

Thanks, Desiree. Okay. Russ?

RUS WEINSTEIN

Hi. Russ Weinstein. Really fascinating discussion you guys are having, and a good one. I just offer that my team supports the GAC as well, and other constituencies. And it's a challenge that's real, that there's a lot of turnover in the GAC, and we're doing things that we think are helpful to try and affect that. But just trying to offer that you don't have to go it alone. Engage the staff support from my team that supports the GNSO, who can also coordinate with the others. And we can leverage what's working, what's already existing, figure out what it is that's really important to you to convey, and figure out the best ways to do that, and what exists already, and what doesn't. Just so you don't have to keep reinventing. And also learn from other constituencies, how they engage the GAC, and get their attention, and interact, and things like that. So, we can all learn from each other. So please leverage that group over there. Not instead of, but before you put too much resource into it.

GREG DIBIASE

Thanks Russ. Manju, is that a new hand?

MANJU CHEN

I'm very sorry. I got so carried away by my painful memories that I forgot to make the point I actually raised my hand for. I remember when we were talking about how we should teach the ICANN community why WSIS is important, and we're encouraging us to just reach out to our GAC representatives to talk to them about this. I think this is something we should do too. They're always this APAC space, or African space, whatever space, doing ICANN meetings. Go there, talk to whoever, whatever GAC is there, and from your region, tell them what GNSO is. Talk to your GAC representative.

I know sometimes it could be painful, but it will be worth it in the future. Talk to them, talk to their friends, because they only make friends in the GAC room, because they're locked in there forever. Just in-person efforts will matter a lot too, so I guess that was actually the point I wanted to make. Thank you.

GREG DIBIASE

Thanks, Manju. Great point. Okay, I think that's a good segue onto our last bullet here, Call for Volunteers for GAC Communique Response. Zoom hands, yeah. Okay, we have the hands. We're

good to go. Thank you, volunteers. That brings us to AOB. Any other topics people would like to raise? Vivek?

VIVEK GOYAL

Yeah. This is a request to the leadership and the ICANN team to look for other venues, if possible, for the strategy session that will be held in January. It's getting more and more difficult to get visas to US now, and even if you have one, it's getting more challenging to travel to US. So, I know last time it was in Washington, and though some of us did request, but it was a last-minute request, but now there are six months, so requesting the team and everybody involved to please look at alternate areas to do it. Thank you.

GREG DIBIASE

Thanks, Vivek. And to be clear, you're talking about the strategic planning session?

VIVEK GOYAL

Yes.

GREG DIBIASE

Noted. Are these new hands in the chat, or GAC Communique? New hands? Desiree?

DESIREE MILOSEVIC

Just a brief update to say that the small, well, we're not a small team, we're an informal team on WSIS and IG topics. We managed

to meet with the GAC IG topic leads as well and have an informal meeting yesterday, and they really appreciated our efforts in doing the mapping document, and it's been taken to the SO/AC WSIS discussion as well. And now there is an action point that resulted from the session on Monday that other ccNSO and other organization, well, constituencies may also do their mapping according to the one, the template that we have built. And there was a good response from some GAC members raising some questions, what is the GNSO does, so it was a great interest and an idea perhaps to organize a webinar in September, but we'll follow up with that once our team meets after this meeting. Thank you.

GREG DIBIASE

Awesome. Thank you so much to Desiree and the team for putting that together and bringing it to the right people. We all really appreciate that effort. Bruna?

BRUNA SANTOS

Just to support the comment on SPS, and I don't think it's about the visa, but also the political situation in the US and eventual restrictions on the entrance for many of us, surveillance cases, and so on. So, if we push for an SPS, it would be nice to have an updated risk assessment from ICANN as well, so everyone is aware that we're safe ongoing and the situation is going to be well, so yes.

GREG DIBIASE

Thank you, Bruna. Farzi?

FARZANEH BADIEI

Yeah, so I haven't talked to the informal group on internet governance, and I'm sorry, but I just wanted to know if we want to reopen that mapping and make some modification and stuff, would that be possible? Co you allow us? Can you all say yes you can, and then we will send it back to the Council for approval again.

GREG DIBIASE

I think as long as it goes, whatever version is being shared externally, Council has a chance to review. I think that sounds fine. Anyone have contrary thoughts?

FARZANEH BADIEI

I have another point. We keep talking about this and we do nothing about it. Our open mic sessions, we need to encourage people to come to those open mic sessions and tell us their issues, and only usual suspects do, which include me. So, I think that we need to make it a little bit more exciting and also raise awareness about that-- We should tell people what we actually do, and so that they'll be like, oh, I can comment on this, or I can-- I don't know, I think we should make it, I think that if we put this time and effort for the community to come to us, I think we should encourage them, or we should not do it all together.

GREG DIBIASE

Thanks, Farzi. Staff has actually worked on something, it's on leadership that we weren't able to implement at this meeting, but Staff has some ideas that we'll share with the Council to that effect. Anne?

ANNE AIKMAN-SCALESE

Yeah, thanks. Just as a quick follow-up to what Farzi had asked about the mapping and the WSIS+20 action lines. If any of you have ideas for things that should be added there as we go along, please get with us. Desiree and Farzi are our leaders. One thing that came up was that we omitted the community priority evaluation as something that contributes on C3 on the WSIS action line, and so we didn't want to change anything because it hadn't been approved by Council, but it's clearly something that ICANN is doing. And so, we will make changes and we'll send it back to Council, and we definitely don't want to present anything that Council has not approved. But contribute your own ideas as you are looking at the mapping and looking at the WSIS+20 process, anything that you want to add, let us know. Thanks.

GREG DIBIASE

Thanks, Anne. Yeah, it makes sense that document would evolve, especially after talking with the GAC representatives. Okay, we have five minutes left. The queue is clear. Does anyone have anything else they'd like to share? Okay. No, I have one more meeting in person, yeah. Anne?

ANNE AIKMAN-SCALESE When you're on the Board, will you be wearing ties to the meetings?

GREG DIBIASE I'm not sure. We'll see how it goes.

ANNE AIKMAN-SCALESE Would you like to receive some as parting gifts? Because I've got a whole closet full of ties my husband never wears.

GREG DIBIASE That makes it all worth it, Anne. Thank you.

BRUNA SANTOS I think the welcome gift from the Board will be a tie in that sense, right? We can work on that, and be ready for a 7:00 a.m. breakfast NCSG, you and Chris.

GREG DIBIASE Sounds good. Thomas?

THOMAS RICKERT Yeah, just briefly. I think we're going to say proper goodbye and thanks during the last meeting that you're going to chair, but I would like to encourage everyone in the room and beyond that, for whom it might be the last opportunity to look at that person in person before he joins the Board, because that might be the last

time you see him before he undergoes the JJ and ICANN org indoctrination program.

GREG DIBIASE

Yeah, get a good look, this is it. Vivek?

VIVEK GOYAL

Yeah, one thing's for sure, after you go to the Board, nobody from Board will confuse on what the GNSO does, so that's a plus point.

GREG DIBIASE

I hope so. Well, thank you all. That's really, really nice sentiment. It's been an honor being chair. I've really, really enjoyed this work, and how hard we've all worked, and I think we've accomplished a lot over the last couple years, so thanks. I really appreciate it. Okay. And with that, I call this meeting to a close. Thanks for a great ICANN meeting, and everyone have safe travels back home.

FARZANEH BADIEI

If you're interested, just stay in this room at 3:30. NCSG has a session on disclosure of private information to third parties and human rights impact assessment. Sorry, that was not in my Council head capacity.

LAWRENCE
ROBERTS

OLAWALE- Bye, all. Thank you.

[END OF TRANSCRIPTION]