
LOS ANGELES – GAC Meeting: Transition of US Stewardship of IANA and Strengthening ICANN Accountability
Sunday, October 12, 2014 – 10:30 to 12:30 PDT
ICANN – Los Angeles, USA

CHAIR DRYDEN:

Okay. Welcome back from the break, everybody, and thank you, Tom, for handling the sound effects for the GAC. So we have an agenda for our discussion here in this session. You should have those available in hard copy, and I hope they have been circulated as well so that you can see them online. Hard copies are available at the back, if you do need one.

Okay. So as you can see, we have two general streams of work to discuss. The first is the IANA stewardship transition and the second is enhancing accountability. So let's start with the IANA stewardship transition. And the first item we have here to take note of is the next meeting that we will have on this topic here in the GAC which will be an exchange with the IANA coordination group. So they will be coming to meet with us on Wednesday morning, and we have an agenda, a list of topics to cover in that exchange with them. And there will be an opportunity, if you have any questions and want to make any points to the ICG in that exchange, there will be time in order to do that. So that's Wednesday morning we will have that exchange. And there will be members of the IANA coordination group that can tell you a bit about the process that's underway to look at the protocol parameters, to look at the numbers related IANA function and then as well on the -- the domain name side as well. But we're also participating as part of

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the cross community working group which is the next topic that we have on our agenda for this session.

So we heard a little bit yesterday from our GAC participants in that process, Norway and Thailand, and I understand they have been able to attend a call that was on October 6 which would have been the first meeting, or certainly this first meeting with the GAC participating, and there is a second meeting planned for tomorrow, Monday, and that is a meeting of the cross community working group and it's an open meeting. So any and all that are interested in attending that meeting may do so. And I expect a number of you will want to attend that cross community working group meeting.

So we also have the possibility of others attending as participants and we know, for example, that the U.K. is one government that has decided to join and participate in the cross community working group. Others may also wish to do that.

So in terms of the key work items, we heard from our colleagues yesterday that we have a timeline that is under development by the cross community working group. Quite a tight timeline as that particular piece of the overall proposal is meant to be completed by mid-January, and then we need to talk here today about a process for organizing ourselves and feeding in where it is appropriate to do so and where we choose to do so here in the GAC.

So I'd like us to spend a little bit of time on this point about the process for GAC input and feedback and keep in mind as well the action items that have been identified by the cross community working group in terms of the deliverables. And again, our colleagues have brought these

to our attention yesterday, but these are the things that the cross community working group is going to be working on. So here in the GAC it would be useful, I believe, for us to identify where we may have views and how we would like to communicate them and engage our GAC participants in that process.

So at this point, I don't know whether Norway or Thailand would like to contribute or whether we can maybe just see if there are some comments from the floor, but if you can assist us in guiding our exchanges on this, that would be quite welcome. Norway, please.

NORWAY:

Thank you, Chair. Well, the emails are already going back and forward within this group, of course. It has for some days. Just a comment on the timeline. It's already discussion that goes on translation of key documents that are produced in this group, whether or not we should have translation of those. And that, again, is a question of timeline. Of course, because it's going to cause a lot more work and will probably then mean that the timeline will be pushed forward. I see that it is a discussion within the group now, if the principle of having a thorough and good process and combine it with a very tight timeline, if that is possible. And somebody already pointed to that the timeline is too tight. So I am just going to warn you that this is probably going to be a large part of the discussion Monday, for tomorrow, the timeline issue. And of course, some voices said that we should try to meet the timeline first and then probably extend it if we need it. But I would like to -- it would be better to have a thorough discussion and maybe then extend

the timeline already so we know all here and all the other participants what we are working on.

And when it comes to deliverables, it is also a discussion in the group we have someone who has then -- I can read some of them and some suggestion, what we should go through in the group and that is of course describe all the steps in the current IANA process for names, identify the places in those steps where the U.S. government through the NTIA or any other government agency participates, identify elements of the U.S. government's role that's needed to be replaced, and brainstorming ideas about possible multistakeholder, not multilateral, processes replacing the U.S. and so on. It is a lot of work that is put forward that is kind of like basis work that needs to be put forward so we know what to work on and how to start up and who's going to do what. So it would probably be a lot of subgroups also doing works within this -- this cross community working group.

Again, I'd like the attendance of as many as possible on the Monday meeting. Just many of you might just pop in to see if this is interesting for you to participate in further on also. So I think on Monday, as many as possible of the GAC members who are interested, should show up and listen in. It will be a lot of work to participate, but I think this is a very important process. So that's all I have for now really.

Just also a comment on the contract thing that I said yesterday about legal work in this group, it's been a bit confusing, my comment and it's my fault. I was referring to the contract between NTIA on the specific IANA functions, not the cc contracts in general. Just so you know. Okay. Thank you.

CHAIR DRYDEN:

Thank you very much, Norway. It's very useful for us to have a sense of where the cross community working group is at and what they will be discussing tomorrow. I think it's going to be challenging for us to really start getting into the substance of these issues if we're still at the beginning of that cross community working group process. But we will need to be able to deal with those substance matters as early as possible since there -- there is this challenging timeline in front of us. So very useful.

Thailand, did you have anything to -- to add to that at this stage? Feel free to request to speak.

THAILAND:

Yes. Okay. I think only additional two points that we see. One is that the mention about workshop meeting with the ICG in mid-November which is not specified a date yet. And we need to go through the timelines. We're dealing with six meetings until 15 of January plus the meeting at ICG, so somebody said that almost like Mission: Impossible but we stick with the 15 of January as a notation baseline. So I do believe that we need a lot of works among GACs and how could we collaborate and working to respond to the works that will be quite extensive that are the issue I'd like to add.

CHAIR DRYDEN:

Thank you very much. So again, that's a meeting between the cross community working group and the IANA coordination group in mid-November, and that reminds me of another similar kind of linkage and that's between the IANA coordination group and the enhancing

accountability track of work. So that's something that we will discuss a bit later in this session or have the opportunity to.

So Iran, you're next, please.

IRAN:

Thank you, Madam Chairman. Madam Chairman, from the time that distinguished GAC members gave us five people, including myself, the privilege to be GAC representative members in the ICG, I personally have spent almost 60% of my full time on the ICG, doing nothing in the administration in my government but ICG.

First of all, I hope that we are discussing the issue of IANA transition, of the stewardship from United States government to global multistakeholder community, for which the ICG has been established. And within that, we will discuss later with ICG at that time. There are three operational communities. Operational community dealing with names, operational community dealing with numbers, and operational community dealing with protocol and parameters.

Apart from these operational communities, there are ten other communities that are involved with the opportunities of the ICG. By the way, Madam Chairman, I have provided a 42 pages of detailed report of myself as a GAC member in the activity of the ICG for which I spent about a month to prepare that. I will discuss later at the issue of that.

Before starting to discuss, unfortunately there are some confusions, mixtures between all these acronyms. Cross-Community Working Group. If we dealing with Cross-Community Working Group within the context and mandate of the IANA transition, that is a Cross-Community

Working Group which has been established under the operational community of names, ccNSO, and GNSO, for which GAC is one of the key players. Then we requested or invited or encourage to contribute on that.

Coming to the contribution. I don't know at this stage whether you are talking of contribution of GAC in total as an entity to that process or we're dealing and discussing in GAC to encourage each individual government to comment on the process of the IANA transition of the stewardship from one entity to the global community.

So this is a point that we have to clearly mention.

I do not know exactly what is the terms and duty and mandate of Norway and Thailand, whether they want to prepare something that should be submitted from the GAC on behalf of GAC as an entity to the transition activities or whether these distinguished colleagues, they are working and participating in the meetings in order to provide information in detail for each GAC member to go to inside its government, its institution, its local communities and local multistakeholders in order to encourage them to individually confer and send comments on that.

This is something that should be discussed.

People are talking about the timeline. I don't think that timeline is a matter to be discussed under the Cross-Community Working Group. Timeline is exclusively in hand of the ICG, and ICG, after the lengthy discussions, has established and completed that timeline, and that is

15th of January 2015. It was 31st of December. It was extended to 15th of January by diffusing the time of the NTIA to discuss the matter.

At this stage it is unchangeable and it is fixed, and it is definitive.

So I know we have received in ICG some requests from the ccNSO and GNSO that they may not meet that mandate; that that is another issue. That is communication between these two communities and ICG and is not the communication between the cross-community Coordination Group talking that that time limit could not be maintained, because that would have impact on the entire timeline.

So my question, Madam Chairman, is to you. What is the expectations from Norway and Thailand, what they have to do. They participate in the meeting, just to collect the information, and send that information to each GAC member through appropriate means or to the GAC. And if it is to each GAC member, what is the means and ways, and so on and so forth. And I would request you kindly listen to the experience that I have.

During the transition activities for ICG for the first round, I was totally disappointed that I send ten brief to Asia-Pacific colleagues, ten brief. Tens of pages. Many, many information, and I have received absolutely no comment.

I have received four comment. One from Thailand saying that, yes, he is discussing inside his country. I have received something from Korea, very, very minor. And I have received something from Japan. They wanted to add another person to the name. So on and so forth.

And apart from that, no comment at all. I have raised many, many questions and no answer was received.

If the same thing, Madam, is going to happen with respect to the activities of the Cross-Community Working Group in relation with the transition function, I don't believe that there would be anything unless we try to ask seriously the government that that is a process belonging to you. You are part of the name. You are the main key players, and you have to or you requested or invited to really take part in this. And I don't think that taking part would be through the GAC. Each government could take part individually, but GAC members and this cross-community could help provide the information, could show them why, ways and means how to communicate.

So first of all, Madam, please do not confuse this Cross-Community Coordination Group with another Cross-Community Coordination Group which is now established under ICANN accountability.

I don't know why ICANN choose exactly the same acronym. It is totally confusing.

So we have to mention that what cross-community group we are discussing. Discussing the one related to the names or discussing the one related to accountability. That should be quite clear, Chairman.

I don't want to continue now. I stop and I request you to kindly reply to the question I have raised. The role of the Norway and the role of the Thailand, how to do the things and how to encourage the GAC. Whether we should send something on behalf of GAC to the ICG or

whether we encourage each government to send separately or we do both.

And I thank you very much at this stage.

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

You raise a number of important issues that we are certainly focused on discussing here in this particular session. It's certainly the case that the IANA Coordination Group and the timing of that activity is something we need to keep in mind. And when we have our exchange with the IANA Coordination Group on Wednesday morning, we'll be able to spend a bit more time to give that appropriate attention as being the main overall process under way to deal with coordinating the proposal that would be forwarded to the NTIA. And clearly having representatives from the GAC participating in that process is going to be tremendously helpful to us in staying up-to-date and aware of developments there. And that includes things like public comment opportunities and understanding what they are and how it is possible for individual governments or governments as part of the GAC, and so on, what are the options, what are the possibilities for governments to be able to shape that, the proposal being developed and put in place.

So I look to our colleagues participate in the ICG to continue to guide the GAC and to help us, in particular in that session Wednesday with the IANA Coordination Group. And I see you nodding, and thank you for your continued effort in that regard. It does deserve

appropriate recognition. And it is a significant commitment of time. That is certainly the case with all of these kinds of processes.

One of the things that I think has become apparent from the IANA Coordination Group effort is that when things are moving very quickly, it becomes a bit of a which will for us to deal with precisely those things that you are pointing out about communicating back and forth, providing information, coming up with a possible GAC view, and so on and so forth.

So we have adapted our approach for the Cross-Community Working Group on the domain name function in order to see if we can make that work for us. And it does seem that the Cross-Community Working Group will need to go at an even faster pace than we've seen in the IANA Coordination Group.

And, as far as how Norway and Thailand would participate for the GAC in that this is something that I think our colleagues from Norway and Thailand would want to hear about from the GAC, if we can give them guidance, if we can give them clarity about what our expectations are. And I think having them sharing information as they are in this session and as they did yesterday is clearly going to help us. So that's one example of the way in which we can look to our colleagues.

But, if we can set clear expectations around that, it's to our clear advantage. And, since it is possible for other participants to join -- and we have seen some governments already join as participants in that process, well then others are certainly open. There's an openness to them doing that. So that remains an option for anyone that wants to be following things more closely in that process.

So we do have some working methods questions. Certainly sharing information is going to assist us, certainly as far as our GAC participants in that process are concerned. And then, when we get to discussing the enhancing process, then we can talk about what that process is now, what it looks like, and then discuss as well how the GAC would participate in that.

So I see requests from Indonesia and over at the end of the room there. Yes. And I see -- ah, CTU. Great. Okay. And China and France. Okay.

Indonesia, please.

INDONESIA:

Thank you, Heather. First of all, about the ICG itself, I understand that at the moment we have five GAC members at ICG, if I'm not mistaken. And the ICG meeting is open for all of us. And I'm quite happy to hear that we will have several meetings with the ICG tomorrow or something like that about the process.

And also I understand that we will have to wait until -- we'll have to get the public comments until 15 January 2015.

And so I hope all the GAC members can provide input, ideas, whatsoever especially for our five representatives at the ICG.

And just to give short comments to Mr. Arasteh that his brief notes I found is very useful. And I appreciate that. However, to give response to that is not an easy matter. And we have -- in Indonesia we have to discard it internally first before we give comments to the substance as to how ICG substantially can move forward.

Now, I would like the second -- to go to the second thing that is the substance of the transition of IANA stewardship. As was commonly understood by all of us, IANA operation was requested to be controlled by the multistakeholders institutions and not a group of countries. That is very important. On the other hand, during several meetings, including the last IGF in Turkey, there are questions as to how this institution is not controlled by a particular country or working under a particular country legal system can be formed.

Because, if it operates, it has to be located in a particular country. So how it can work not under a legal system of that particular country. I also ask this question in several meetings. And it's very interesting. Because the response that I received is, well, we have to invent one system for that.

So in this meeting perhaps the GAC itself is a very important organization within ICANN that should invent as how a multistakeholder institutions, which is not governed by a particular legal system of a particular country can be formed. Now, at the moment, as far as I understand, there's only one organization which is the U.N. which has its own U.N. system, as all of us knows. When we have IGF in Turkey, for example, that particular area is not a Turkish jurisdiction. It is a U.N. jurisdiction. When we had the same one in Bali, the Bali conference center is not an Indonesia jurisdiction. It is a U.N. jurisdiction. Perhaps we should work together as to how we can have an area like that where the multistakeholders group can work and not under a particular country jurisdictions. So it is not responsible for legal system or particular country. I do not know how it is possible, but I think GAC is in a nice position in a good position to find a way out for them. For

example, is it possible that we set up a multistakeholder's organizations which can use U.N. legal system, work under U.N. legal system but not responsible to U.N., not responsible to U.N. general assembly. There's no such thing like that. But can we do that? I do not know. But GAC should be in a position to discuss this.

Or is it possible to have another organizations, for example, well, we have United Nations. Maybe we can have a united multistakeholders that can set up its own system. If it is agreed by all countries, then we have -- we can have an agreement where this IANA organization multistakeholder group will not work under a particular country legal system. So it is a free system for Internet group. Now, I do not know how it should work because there's no such thing like that currently available. But I think GAC is the organization so within ICANN that can find a way out for that. Thank you.

CHAIR DRYDEN:

Thank you very much, Indonesia. Next, I have the CTU, please.

CTU:

Thank you, Madam Chair. Nigel Cassimire from the Caribbean Telecommunications Union.

I have a specific question. I heard our colleague from Norway say that one of the aspects of the transition to be studied is the current role of the U.S. government in having stewardship over IANA and ensuring that these functions are appropriately transitioned as well.

When I look at the action items listed for the cross-community working group, I don't see this specific aspect listed there. Is it that the -- the study of these items, you know, the current role and transition of the role of the U.S. government, is that being studied in a different group? And, whether or not it is, is this an aspect that should also be on the GAC watch list? Thank you.

CHAIR DRYDEN: Norway, please.

NORWAY: Thank you. No, it's not on the list as such as on the mandate of the working group. I think I tried to describe that this group is already working. It's already started to discuss what we have to look at in this group. And one of the things that has been identified is to describe and identify the places where the U.S. government has evolved towards IANA functions. So this is how it works, you know? You have a mandate, and then you start digging. And you have to see how to fulfill the mandate. And one of those things that is put forward that we should look into is to identify where the NTIA has a role towards the IANA functions. It's not to -- yeah. Nothing more, nothing less. But it is one other thing we have to look into. Thank you.

CHAIR DRYDEN: Thank you, Norway. Something to keep in mind is that the IANA coordination group took their mandate from the announcement from the NTIA. And then it was formed as a coordination group to coordinate the proposal to be submitted to the NTIA. And they developed a

document called an RFP, communities document, or a document aimed at inviting the proposals, the pieces of the proposal to come from the different operational communities and the groups associated with them to come up with a piece of the proposal that corresponds to one of the three main IANA functions. So, if you want to look at the document that gave the mandate to the cross-community working group or is inviting a response on the part of the overall proposal that relates to the domain name function, you can look at the IANA coordination group document to see some guidance there. I can see Iran who is also participating in the ICG. Perhaps you can assist.

IRAN:

Thank you, Madam Chairman. Let us reply to the question one by one. We are grateful to our distinguished colleague from Indonesia. But the point he raised is outside the mandate of GAC and outside the mandate of the transition and outside the mandate of ICANN. He referred to the governance of the issue. We are not dealing with that. His question is valid and pertinent, but we are not discussing that. At this stage we are discussing the issue of the transition of the IANA function stewardship from the United States government to NTIA to the multistakeholder global community. We are not able at this stage to say who are these multistakeholder global community. This is the answer that Indonesia will get outside. And his question is valid. So we can't discuss that.

Now, let us come to the situation. From the moment that ICG was established, first, in my report I have mentioned that. ICG first discussed its internal organizations. Having said that, I think the ICG has provided and approved its charter. I invited people to read that charter.

Then ICG prepared the RFP, the request for proposal, from the entire people and entire community dealing with this issue of transition. And that is a document that I request colleagues to read that document. Then ICG prepared a timeline what action should be done at what time and what is the total time frame within the purview and discussing the 15th of September 2015 that NTIA put as the first deadline.

Then ICG discussed the process of guideline how decisions should be made. And that is another document. And you have it, and I have mentioned that in my report to you.

Now, what we are discussing here among the actions of the transitions which relate to three areas -- area of names, which is ccNSO, GNSO. GAC is involved in both. And the area of numbers, RIRs plus ISO. And the area of the parameters and the protocol which is IETF. We are now discussing one of them. And that is names. And that is the issue which part of the ICG. For that we discussed that it should be good to go to the cross-community working group and ask the community what is their view with respect to the preparation of the proposals under that particular subject. We don't refer to numbers. We don't refer to protocol, although numbers and protocols, they are interconnected with names. But at this stage we say the process how we get the proposals from the people encouraging them. And it was thought that we established this cross-community working group for which there is a charter. And request CTO to read the charter of the cross-community working group mentioning that what is the duty, what is the action? And, if that charter it should not be available, maybe request a Secretariat to make it available. I think it is already Tom did a lot of

good work but maybe referred to the people that they need to read the charter.

So some of these questions are not relevant to this discussion, Madam, at this meeting. We would like to know that the cross-community working group how, through the good offices of Norway and Thailand, could encourage the people to propose something for that 15th of January with respect to the names only. If they want to also refer to the numbers and to the protocols in connection with the names, that they could do that. The problem is that, in the first process, there was only one week. And there was no reaction except very few from the government and communities and other distance. It is a long time and people they have to do that, although they might be difficult to get. But I think that this situation, we should limit the discussion model to the issue of the cross-community working group in relation with the naming ccNSO and GNSO and a group of Thailand and Norway and how they could encourage the people either collectively, individually through GAC or not through GAC or both to communicate and give the views to that to the ICG chairman. We should not mix up the whole things. We are not discussing the whole issue. Otherwise, we never get out of that. Let us limit ourself to what we are going to discuss. Thank you.

CHAIR DRYDEN:

Thank you, Iran. Next, I have China, please.

CHINA:

Thank you, Madam Chair. We want to share some initial thoughts with colleagues. I speak Chinese.

We think the undergoing IANA stewardship transition we need to consider two things. First, GAC early participation.

For now we have discussed a lot about our engagement and our practice. We have taken actions too. I think this early engagement from GAC is very important because this will make sure that the transition is on time and smooth. And we also think that the early engagement from the U.S. government is also very important because the last proposal will be decided or approved by the U.S. government. We hope that the U.S. government can engage in this entire process in an early way and offer their suggestions to make sure that the transition is smooth.

Second, the focus topics of the IANA transition from the public interests view, governments take great importance on the smooth and secure operation of the Internet. So IANA functions are very important. They're very important to the secure, stable, and resilient operation of the Internet.

The future -- the design of the future mechanisms should be an important topic in the entire process. For now, the ICG has distinguished three functions; namely, names, protocol, and numbers. I'm not sure whether the root zone is also included.

Whether the root zone is in the area of naming.

Also, RSSAC as the root zone operator is it involved in this whole process? I'm not sure.

Also, NTIA has a contract with ICANN, but also has contracts with VeriSign with the cooperative agreements.

So I'm not sure whether this contract is also included, whether we should also consider this contract or not, I'm not sure. That's my opinion. Thank you.

CHAIR DRYDEN: Thank you very much, China. Next I have France, please.

FRANCE: Thank you, Madam Chairman. Thank you. I -- our colleague put forth very good questions. I would like to thank the Chinese and the Indonesian delegations for opening this discussion. But I would like to check a point with you, Madam Chair, about we have started the discussion of the substantive issues and I believe this is good because if the GAC devoted its time only to processes that would be a waste of energy. So I want to make sure that the IANA aspect of this reform will enable us to carry out a discussion of substantive issues and whether this will be included in our meeting or our session on accountability. If that were the case, Madam Chair, I would like to participate in that second part of the session. Thank you.

CHAIR DRYDEN: Please, go ahead.

AUSTRALIA: Thank you, Chair, and thanks to all for this very interesting and informative discussion. Also, I'd like to thank the GAC's ICG representatives and Mr. Arestah for all the updates you have been providing to Asian Pacific colleagues. They've been very useful. Like my

Indonesian colleague, it's been somewhat difficult to keep up recently, but certainly we are reading your briefs. And I note that the last one, the comprehensive brief, was shared with the whole GAC. And I'm wondering whether going forward it would be useful for those ICG reps who are able to provide debriefs from the meetings to share them with the whole GAC so that everyone gets all the same information and there's not an information disparity within the GAC. So that's just a suggestion going forward. But certainly thank you very much for your efforts there.

Thanks also to Norway and Thailand for volunteering to take on the huge amount of work that the CCWG will involve. And building off France's suggestion of going to substance, I recall yesterday that Netherlands made a suggestion about whether the GAC should begin to develop or consider developing some high-level policy principles that could guide the GAC's representatives' interventions in these spaces so that at -- I mean, I think this would serve a number of purposes. I mean, the representatives in these various groups are going to be very busy, things will be moving very quickly. I think some high-level guidance about goalposts, frameworks, et cetera, some broad things that the GAC can potentially agree to as a group may be very useful guidance. And I think it would also, if we begin to have that discussion at a principles level, it may help the GAC take some steps forward in where we might like to see this go, if anywhere. It may be that we can't agree on very much and individual countries will intervene on their own, but it may be that at a level of principles about security, stability, predictability, service standards for IANA service users and so on, the GAC may be able to agree. And I think we should potentially begin that discussion

relatively soon. I agree with Netherlands. I think that could be a useful starting point.

CHAIR DRYDEN:

Thank you, Australia, for that proposal. It does seem to be a useful one for us. Regarding process, of course, we do need to have clarity about the process, and not everyone has been following the various parts of the IANA stewardship and enhancing accountability as closely as others, so we do need to have clarity on that and try to address questions or requests for further information here and with the assistance of our capable support to understand those points and that allows us to then have some greater focus on the substance of these issues. There isn't a proposal yet for the GAC to look at, but if we focus on principles or guidance up front that will help us later on when we are actually going to be reviewing a proposal for the ICG to consider or coordinate and then forward to the NTIA, then that does seem to be a very useful approach to doing that. Okay. So I had a request over here. Brazil. Thank you. European Commission and Indonesia.

BRAZIL:

Thank you, Madam Chair. I'd like to make a comment in regard to it's more a comprehensive comment, not exactly limited to this issue at hand. I hope this will not be found out of place. But my comment is the following: From the perspective of the government, we have been active participants in ICANN for a number of years and we value the multistakeholder approach that is undertaken in the context of ICANN. But as a government, our main concern has been along the years, and we have been very clear about that, is about the unilateral jurisdiction

under which ICANN operates. I'm saying this because we are involved in a process in which we should seek to provide inputs in the most constructive way we can and contribute, and I agree with Iran, that at this point some issues would not be the focus but as a governmental representative I cannot refrain from thinking that from the perspective of government -- from the interest of government the discussion around the ICANN transition is important but it is -- I will not say it would be our main concern. We are confident that ICANN has been operating technically from a very -- in a very good way. We are confident that this will continue after the transition. But we would be -- we think that would be a lost opportunity if the proposal that will come forward in September 2015 would be limited to this very narrow aspect of the transition.

The discussion on accountability, on transparency, has been going on for a number of years, and there is a point that it should continue to proceed in that way that it has been done. However, we cannot forget that the announcement that was made by the NTIA on March 15 changed the dynamics of everything we have been doing so far. So if we limit the transition to the mere compliance with the conditions that were spelled out by NTIA for the transition, if we don't -- we forget about the other elements that from the perspective of government it would be important to see an ICANN -- an ICANN that would be seen more legitimate from the point of view of what it has been done from the point of view of not being attached one single jurisdiction but being responsible to the multiple -- to the multistakeholder community. I think the points raised by Indonesia are very important from perspective of government interest. I think the ideal solution for us as

governments would be to come up with an organization that is -- that has a true international status, not intergovernmental status but as Indonesia was saying maybe something we can try to find to come up with the same environment we have the U.N. but not linked to the General Assembly, something that would be related to the multistakeholder -- this is something new. This is not something that exists. We do not have any precedent of that. But I think from the perspective of the ultimate objective, if we limit ourselves only to these narrow IANA exercise that would be very frustrate -- frustrating exercise from the point of (indiscernible). At least both processes should converge, the accountability transition and we should have one proposal that encompasses both. And will be looking very much to the discussion that will follow on accountability but certainly we think, as in our paper, we have tabled (indiscernible) accountability. We think both things should go together. We cannot be engaged in an exercise only to comply with the NTIA announcement. We have also to look at what our governmental interests, and I don't think that only by complying with the NTIA five points we are doing the best in the interest of our peoples at large and to the legitimacy of this system as a whole. So I'll stop at that, and I look forward to the discussion on that.

CHAIR DRYDEN:

Thank you, Brazil. Next I have European Commission, please.

EUROPEAN COMMISSION:

Thank you very much. I was -- this is just a question actually more to Peter, I think, also. You were mentioning high-level principles about the IANA transition and the interest to do such a thing. I mean, for my point

of view, I'm just wondering is this something that we should draft in a
communicate this time or is it something that we should develop in a
longer period? I mean, that's just a matter that I think is important for
transparency for GAC to know if we want to put something in the
communicate and how we will then draft something like that here. I'm
just open to the -- the suggestion and wanted to know the timeline.
Thank you.

CHAIR DRYDEN:

Thank you, European Commission. Australia, did you have comments to
offer or --

AUSTRALIA:

That's a very good question. No, look, I think it would be useful if GAC
colleagues thought about whether having some principles would be
useful as a first step and then we could probably discuss process. So,
you know, there could be something in this communicate that would be
obviously quite challenging, given the time, we could form a working
group, or we could appoint a lead to try to lead on this intercessionally.
But I think if we are going to go down this path, sooner rather than later
would be useful so that our colleagues who were going to be extremely
busy keeping up with things will have appropriate guidance. I mean, if
there is going to be guidance, earlier would be better, so yeah.

CHAIR DRYDEN:

Thank you, Australia. And again, the theme of the day is that we have
such a tight timeline that we're working against that if we are going to
look at principles, we really do need to start that now. And there may

be principles or comments that have been submitted as part of this process that we can refer to that we can help to start getting some principles together. There may be some that we referred to when we included text in our communique about the NTIA announcement and so on. So it may be that we already have some work that we can draw on and then we can perhaps further develop that. But if we are -- are going to do this, I think it needs to be sooner rather than later for it to be serving the purpose that we are pursuing. Okay.

I have Indonesia, Switzerland, Portugal, Norway, U.K., Iran, Sweden, and Netherlands.

INDONESIA:

Thank you, Heather. First of all, I fully understand that at the moment ICG is setting up several things and they are setting up the charter. ICG is also setting up the procedures to make decisions and so on. But in addition to that -- I know it is important, but in addition to that a GAC meeting like this is very rare. I think we only have three times a year, something like that. We can have more if we want, of course. But as far as I understand, at the moment we still have three times a year meeting like this. And these rare opportunities should be used also to discuss at a macro level the high principles as how we can transfer --

OPERATOR:

There are only one people in this conference. This call will be --

[Laughter]

INDONESIA:

What's that? Oh, I hope my -- my comment is not being (indiscernible).

[Laughter]

Okay. Now, where am I now? Now, it is based on that idea, Heather, that I propose that we can also discuss during these rare opportunities the high-level principles as how we can transfer IANA. I propose that it's also because during the ICG in Turkey, for example, some discussion in some meetings, they showed the similarities between the IANA transfer or Internet operations with, say, GPS activities. As you might -- as you might aware GPS is used by all people here. Well, the driver that brought me yesterday to this hotel also used GPS. The same thing we use in Jakarta, in Bali, and so on. Now, until now GPS still operated by the U.S. government and not by a multistakeholders, (indiscernible) multistakeholders. As a result we have -- we know the situation now. We have GLONASS, we have Galileo, we have Bado, et cetera. So we do not -- if we still want to have one Internet, perhaps we should start now to discuss how we can have it, one Internet, a neutral -- run by neutral multistakeholders organizations. Not being -- not have to report to a particular country, not bind it -- not bind by -- not binding by a particular country's legal system and so on. It is based on this idea and based on the many discussions during the IGF in Turkey that I also propose that we should discuss it more also at a high-level principles in addition to the timeline, to the charter and so on that has been distributed after the ICG face-to-face meeting in Istanbul and followed by the -- the conference in the computers and so on. Thank you very much.

CHAIR DRYDEN: Thank you, Indonesia. I have Switzerland next, please.

SWITZERLAND: Thank you. I'm trying to be brief. I think this debate is extremely interesting and I welcome the remarks made by other colleagues. I just wanted to signal that we also do think it's a good idea to think about high-level principles that we could formulate and knowing that the time is short and that things are running fast, we would need to either try to come up with something in the drafting of the communique. If that is not feasible, we would need to take a decision probably about a process, small sub working group or whatever we would call it, that would start working immediately after this meeting to agree electronically on something like that as soon as possible. Thank you.

CHAIR DRYDEN: Thank you, Switzerland. So if we can start thinking about what those principles might be, let's start seeing if we can begin to discuss or share views about where we might start with that. There seems to be an openness to us doing this, so let's get to the point of proposing some. We've heard a lot about the importance of preserving security and stability, along with resiliency, so maybe that's a principle that we can get agreement around. Okay. Next I have Portugal. Thanks.

PORTUGAL: Thank you. And I'm going to speak in Portuguese. I would like to thank Brazil because they made some comments in this respect, and I think that the transition of the IANA function is something that is really very important and we have been following this up from the very beginning

as well as the groups that have been created, the subgroups that have been created, and we know that this is important for the ICANN as well.

In terms of ICANN accountability, there is something more than that. I think that the governments should be here discussing a kind of a strategy, and they should give priority to what they consider is most important for us in this ecosystem where the governments are located. Because we are here at ICANN, but we also participate in some other places, some other venues, where we talk about Internet governance ecosystem. So our view, with respect to this issue and the IANA transition, is just one of the elements. It's one technical elements, and not a political element. Because the transition of the IANA function is included in the contract. We know that this would happen. We have been knowing this for a long time, but what we don't know -- or what -- let me check my notes, what I like to say.

Let me check my notes. What I like to say. We do not know yet what will happen in the future with ICANN itself. And that's the most important issue. We would like to continue with an organization that is regulated by the California law, or we would like to generate another organization regulated by international law.

CHAIR DRYDEN: Thank you, Portugal.

Next I have Norway. Please.

NORWAY: Thank you.

It was just a comment on the timeline, actually, so it's just to echo what was said, I think it was from Switzerland, that if we're going to have any guidelines to be fed into the CWG, WG process, it has to be done at this meeting or directly after because we have to send a report before the next physical meeting, the 15th of January. We have the Marrakech meeting I think is in February. So we don't have any time to have a discussion in plenum about what is put forward on the working group.

So it is unfortunately, but it's just the way the timeline is set now. As Iran said, it's not up to the CWG to decide any other timeline, so it is what we have to deal with.

Okay. Thank you.

CHAIR DRYDEN:

Thank you, Norway.

Australia, do you want me to put you in the queue or -- yeah. Okay.

All right. So next I have U.K. Please.

UNITED KINGDOM:

Yes, thank you, Chair. And thank you everybody who has contributed so far. I think we are now successfully moving towards focus on substance, and that's very welcome indeed.

I very much support the proposal for developing principles, I think. That's a very good start point for the GAC to have.

A number of administrations, including U.K., have national stakeholder consultation processes relating to IANA under way, and I think that needs to be taken into account.

I think we can -- we can certainly identify some important high-level principles at this meeting. We've already touched on some of them already in terms of security and stability. Accountability of operational functions to be undertaken under the new stewardship arrangements. Transparency of policy decisions. Redress mechanisms have been to be fully open and effective with absolute clarity for all stakeholders across the world.

And ultimately, one would hope that there be some review framework of accountability, I think as a check on have we got the right solution.

We might consider a principle along those lines.

I think we're getting to a useful list of key strategic issues which we could try and capture in a communique. But as I say, I think you ought to allow time for perhaps some of the detail to be considered by governments within their national processes.

Now, we all need to move faster. I readily concur with all colleagues on that. And perhaps we might consider -- we might consider some intersessional consultation as the GAC. Not only on this, on IANA, but also on accountability. I mean, the timeline for that is very tight. We see from the document just released that it's anticipated there be a first meeting of the CCWG, the Cross-Community Working Group on enhancing accountability, in mid-November so we all have to work pretty fast.

So perhaps we might consider some scheduling of intersessional discussions to refine further what we have set out in the communique.

I put that on the table as a thought on the way forward.

Thank you.

CHAIR DRYDEN:

Thank you very much, U.K.

Next I have Iran.

IRAN:

Thank you, Madam Chairman. Once again, I request yourself and distinguished colleague of GAC that at this stage, at this session we are sitting, we concentrate on the transition and issue relating to the Cross-Community Working Group relating to the names, so on, so forth, within the issue of the ICG. However, the point raised by Portugal and by United Kingdom relating to accountability are very valid point, but we discuss it later on. I have several input to submit.

Now, coming back to the situation, the question raised by our distinguished colleague from Indonesia, supported by, if I'm not mistaken, by France and reformulated by Brazil is valid point, but the modality that we refer to the "you" and so on, so forth, we have to be very careful. We should not get to the trap of multilateralism versus multistakeholderisms. It is very, very sensitive and delicate issue.

Let us have this, the matter differently as was proposed by Australia.

If you want to have high level, if colleagues have read in my report, which I think some have not, in paragraph 6.8.1 I said that the concept of oversight mechanism could legitimately include new institutional arrangement that move the IANA function out of ICANN, and so on, so forth.

We said that within the proposal made, this should not be excluded. What Indonesia referred, which is right, and I refer to the other part of my report, which I hope you have read that, after the transition, who will be responsible as an entity with that oversight? We could not say multistakeholderisms or multistakeholder community. Who will be that? I raised this point in the other part of my report in five or six questions that I hope colleagues have read that and that are -- just, if you give me a minute, I bring that to make it quite clear that, first of all, I refer to the four functions made currently by IANA. The coordination of the assignment of technical Internet protocol parameters; the administrations of certain responsibilities associated with the Internet DNSSEC root zone management; the allocation of Internet numbering resources; and other services related to the management of the ARPA and INT top-level domain TDL and some of these functions are assigned to ICANN and some others to others. VeriSign, and so on, so forth. I raise these are the function.

Now, I raised after transition to global community, who will perform the overseeing function currently being done by IANA? Who? This is one of the high-level principles that Australia mentioned.

Who oversees the processing of the changes request for the authoritative root zone? That is the question raised by China.

So I have raised this in my report.

If we want to start having some high-level principle, first of all, Madam, we need to do it at this meeting. It will be too late if we start even intersessionals.

It would not be difficult to raise these questions, and so on, so forth, and have this high level. However, we should put in the sense that Brazil mentioned, not referring to the U.N. based or the U.N. model of the multilateralism, but some internationally oversight principles and so on, so forth, to at least comply with the conditions of the transition function that IANA mentioned in 14 -- sorry, IANA in 14th of March, 2014. So we have to apply to that.

So we need to sit down and have this principle, if possible, where we see it goes. And in fact in ICG, some of these questions have been raised. I have an issue of the exchange of email between certain ICG member. They are talking of this mechanism. Who and what mechanism will be.

Now, when we discuss the accountability at the next meeting, we have exactly the same thing. After the end of the process, ICANN would be accountable to whom? It could not be accountable to himself. So that is another issue.

So we need to have this one. And I'm very grateful to the distinguished colleague to raise the questions.

When we come to the communities, we have to say who are these communities? What are the legitimacy of these communities? What are the footing of these communities? What are the footing of these

communities vis-a-vis the government? Whether the government have the equal footing not equal footing?

That is the issue raised at NETmundial and in the report of NETmundial, and is mentioned these are the issues to be addressed.

So I fully agree that we should devote time at this meeting to possibly, if possible, have these principles in a very concise and precise manner, so far so for not politically, more technically and procedurally, and to see what we can do and put it in the communique and transmit that to the community to reply to that.

And I thank you very much.

CHAIR DRYDEN:

Thank you, Iran. So I have Sweden, Netherlands, Germany, Australia, and France.

Sweden, please.

SWEDEN:

Thank you, Madam Chair.

Since we are discussing the macro perspective, I just thought I'd put out another alternative view on that.

Now, we're talking about the replacement of NTIA, an NTIA that, frankly, the fear has been they have the power of making policy considerations and there have been suspicions of them making policy considerations, and whatever. And now when we're talking about an alternative, we're talking about an alternative where everybody should

be at the table in order to possibly check on each other. Not -- to make sure that nobody is making policy recommendations that they wouldn't accept.

An option to this, an alternative to this would be to have a neutral third party performing the oversight of the IANA. So not to replace one body with the powers of policy consideration but replacing it with a body that has no policy consideration powers at all. An independent notarius publicus, if you like, tasked to perform the role of checking the compliance work order only.

So we could consider, for instance, just as an example contracting three firms doing legal service or audit service to perform this compliance check.

Now, this would -- And they will three do it in parallel.

This would require that we have very good quality of policies and rules and regulations in place in order for them to have a very clear -- knowing very clearly how to treat the IANA work order, how to -- what to check the compliance with.

So that would be the task of governments and any other participant in the ICANN community, to make sure that there are such policies in place, working in the GAC and in other constituencies as well.

And of course there are some questions to this. How would we contract this? How would we make oversight of them, so to speak? But this is also the infinite regression of who oversees the overseer. But I think that could be dealt with as well. And how would you do the contracting

for the IANA functions as well. But I think there are solutions to that as well.

So just as an alternative to multilateral or multistakeholder model, consider a neutral third-party option. And I do support to start talking about the principles and then move on to the macro issues later.

Thank you.

CHAIR DRYDEN:

Thank you, Sweden.

Netherlands.

NETHERLANDS:

Thank you, Heather, for the words.

Coming back to the many -- the good discussion we had. I think we, from The Netherlands point of view, we have always had the position that we would not like to design or co-design this new model. I think the stakeholders themselves would be the best -- let's say the best parties to be capable to do this. Although I have sympathy for the idea of a trusted third party from Sweden, but I think we should stick to high-level principles because that's our role as an advisory body. We have to advise in the interest of the public interest, and that's what we should do, as we did with GAC principles on delegation/redelegation, new gTLD, et cetera.

One point which I would add is that although the criteria that NTIA formulated, and the fifth one about nongovernmental, let's say,

dominance -- sorry, government dominance, I think these are -- we welcome them in the form of communique, I remember, but it's a starting point.

I think I heard some considerations by Australia and U.K., and also by Brazil, China. Setting this criteria is going a little bit further than it should be in the interest of the stability and security. These are very general thoughts.

So it's really about the criteria of the oversight. Whether it's a group of persons and institution or whatever, but it's about the -- I would say the independence, neutrality, free of interests of stakeholders themselves, mechanisms which should lead to the oversight.

So given the time constraints, I very much agree with, I think, Switzerland's idea of having an intersessional consultation internally. I think U.K. said this also. Because our next Marrakech meeting will be too late. I think the ICG already has even assessed the proposals from the council -- sorry, the Cross-Community Working Groups.

Thank you.

CHAIR DRYDEN:

Thank you, Netherlands.

So next I have Germany, Australia, France, and Denmark.

Germany, please.

GERMANY:

Yes, thank you, Madam Chair. And I also would like to thank all the colleagues who participated in this discussion. I think it was quite fruitful and bringing quite a lot of ideas also to our own thinking.

I -- From our understandings, this idea to develop some general principles seems to be quite, quite valid and a sensible approach, and we surely would support it. And I think that issues mentioned by -- in particular by our colleague from the U.K. sounded good and leading in a correct direction.

I also would like to add that we may like to add some of the general principles given by the U.S. government, because if I read through these papers, it's general principles we probably all would like to support. If I read development and support of the multistakeholder model, retention of the security and stability of the domain system, continuation of the openness of the Internet, I think these are general principles we probably all would like to support and that these principles need to be integrated in this compromise -- in these discussions.

What I find a very challenging issue is merely to understand and find a common understanding on the question of what do we consider to be accountability. Because it's, from my perspective, it's a very shiny term, and there are different approaches and different understandings, and finding some common understanding on that seems to be rather challenging for us all. Nevertheless, I think the approach some colleagues have proposed seems, from our perspective, to be quite, quite useful, as I said before, to start a discussion with general principles and hopefully find some way forward. And as also stated, this needs to

be done rather before -- before Marrakech. And that means probably before the end of this year, if we really want to participate in the discussion.

Thank you.

CHAIR DRYDEN:

Thank you for that, Germany.

Australia, please.

AUSTRALIA:

Thank you, Chair.

To be honest, the discussion's moved on from when I put my hand up, so I'm thinking now that many -- agreeing with Germany that many of the principles or the shells of principles put forward by the U.K. sounded like a very good idea. I also quite like the idea that perhaps there are some very high level and uncontroversial ones that we may be able to agree on in the very short term. Potentially even here if we're able to get a small group to draft some text to put on the table for discussion on the communique, and then we take some more complicated ones intersessionally. But that's just some thinking. Would like to break it up into some ones that are less controversial and potentially less complicated.

And one thing to throw out there, while the discussion has already started. So to my colleague from Sweden about having an external third party, an independent third party to do some sort of auditing. I think we can all agree that that's probably an attractive idea on the face of it.

Just I've actually been discussing this same idea with colleagues recently, and they've suggested one thing to think about was this is what ICANN often does, is contracting third parties to provide independent advice. And in the case of the new gTLD program, some of those independent committees and parties provided advice which was sometimes inconsistent, sometimes missed some things, and it was kind of a "be careful what you wish for" kind of approach.

And that's been suggested to now that one thing to think about is instead of redesigning some new ideal ICANN mark 2 to oversee ICANN mark 1, why don't we just make sure the ICANN we have is working really, really well, is internally robust and has those necessary checks and balances.

That's just something out there for discussion probably in the complicated basket, but we'll see.

CHAIR DRYDEN:

Thank you, Australia. That's very helpful. To your last point, then I think the principle that we might discuss taking out of that is neutrality. So, while we may not be able to gather around there being a specific third party auditing body, something like that, or maybe it's just too soon for us to come to a conclusion on that, the concept of neutrality is something maybe we can start discussing as a principle. So I like your proposal in that it allows us to deal with the fact that we are here and able to meet in the margins and come up with something as well as recognizing that we may need more time to elaborate on these thoughts further.

Okay. So next I have France.

FRANCE:

Thank you, Chair. I would like to say the following: I commend my distinguished colleague from Iran's comment. And it's necessary for us to move forward in terms of the IANA stewardship transition. That is important. However, I would like to echo the comments by our colleagues from Brazil and Portugal. That is, it is impossible to consider that the transition of the IANA stewardship, the transition of the stewardship of those IANA functions is complete, is to be considered as complete. That cannot be considered as complete in as much as the ICANN accountability review has not been concluded. Both topics are closely related, and they cannot be separated.

A while ago I asked whether the accountability track was going to be addressed in detail during this session. And I received no reply. However, I see that our GAC agenda includes the IANA transition and the ICANN accountability track as well.

We have half an hour left for this session. And I believe this is the only time allocated to addressing this topic. So I will address this topic now. We have serious issues to be analyzed regarding ICANN accountability. Our recent experience for us in Europe shows that the appeal mechanisms in ICANN are non-credible or lack credibility or else are unfair, and they are not accessible to everyone. We have a very unpleasant surprise. Our reconsideration requests were examined by the very same people that had taken or made the decisions that we were appealing. And no one can say that this process is credible.

A certain number of industries and the commission prepared to form an IRP, an independent review panel. And we do know that this procedure will be very costly. Who in this room can assure or certify that everyone will have access to this procedure in practice? Who can say that this is a fair and accessible procedure?

Madam Chair, we want these issues to be addressed. The NETmundial statement mentions the Internet as a public resource that has to be managed in the public interest, not only in the interest of the ICANN global multistakeholder community, but in the interest of the ICANN community itself or the Internet global community itself.

ICANN was part of that statement, so it must adhere to the principles there. The ICANN board makes decisions according to the interests of the organization. So a general assembly needs to be set forth so as to guarantee that the public interest is protected and that all the multistakeholders interests are protected.

Even before the meeting in Istanbul regarding ICANN accountability, ICANN told us that this process should be always ongoing, that it should never stop, and that we have to focus on constant improvement. This is not a satisfactory reply to us.

This reply is just 5% or fulfills only 5% of our expectations and meets only 5% of our conclusions.

Once all the reforms that ICANN needs are in place, we will be able to say that the ICANN accountability process is ongoing and that we have to pay attention to that process. It is very important to pose these questions and to reply to these questions. So, during this week, we will

not be able to address this topic again. That is why I am putting forth this topic right now. I agree with the idea of agreeing on common principles within the GAC. However, this has to focus not only on the IANA reform but on the accountability reform as well. Thank you.

CHAIR DRYDEN:

When and how we would get into substance and the response that I provided, along with inputs from other colleagues, was that we needed to address the process questions in order to deal with the substance and that there would be time for both of those. And then a discussion of the substance followed.

So I believe your question was addressed. In terms of principles, we're hearing a lot of good support for principles. And I have a few more requests for speakers. And then I will move us to at least touch upon the latest process, the revised process that has been posted on accountability so that we can at least spend some time focused on that. But since these processes are linked, colleagues have taken advantage of this discussion to refer to accountability and include that in their remarks.

So I hope that we can, as I say, at least take a moment before we break in order to look at the revised process and identify what are our next steps in terms of that. And we need to acknowledge that those processes are linked. I think we all view them as being linked. And it's an important linkage to not overlook.

I have Denmark, Norway, Iran, Brazil, Thailand, Sweden. And then I will sum up, and we will see what time remains to look at any other

accountability-related issues, particularly in terms of process if there is lack of clarity around that aspect of things. Okay.

So Denmark. Please.

DENMARK:

Thank you, Madam Chairman. And thank you to colleagues for the different interventions and the good idea. We certainly can support the development of principles. And we think it would be a good idea if we, in this meeting, tried to make those principles as long as we can agree on many of them, I think. But there might be also other things which we might have to work intersessional on.

From our point of view, we have difficulties to look at the IANA transition in isolation. As you mentioned, it is deeply interlinked with the accountability things. And what we think is important before the transition is that we have the appropriate check and balances in place. Whether it should be an oversight, it should not -- if it should be an oversight, it should not be a big one. But it might be that we are not really concerned about the administrative or technical thing. We think that can be handled. But other things might be in an oversight.

And, as has been mentioned before, the effective mechanism is also important to have in place.

Also in the transition how country code and the involvement of ICANN and IANA in redelegation is also important. Of course, there is a technical and administrative part of it. But we think it's up to countries and member states to decide if there's going to be a reallocation and no intervening afterwards other than the necessary administrative things

should be carried out. But it's also important in this process to see that there will be no capture later on in the process in many years. And also that ICANN really are still being -- have the scope that it is today and not expanding the scope and also that we can secure that the review teams in the AoC are continuing also in the future.

Thank you very much.

CHAIR DRYDEN:

Thank you, Denmark. Norway, you are next.

NORWAY:

Thank you, Madam Chair. I just wanted to comment briefly on the Swedish proposal. At the first glance, of course, it seems appealing because it will solve the challenges with the neutrality and independence.

But what we failed to see is that it will not solve the challenge with enforcement if you have violations. Because we cannot see how you can enforce the contract the power to enforce certain aspects of the oversight function.

So, in that respect, we will -- would like to see another proposal or solution for this. And also, this issue of enforcement is also very linked to accountability.

And also I just wanted to make a comment on jurisdiction, as Brazil was mentioning. Jurisdiction is important related to enforcement. And it will have an impact on the design of the solution of the oversight

function because it is linked to what mechanisms of enforcement in what jurisdiction, et cetera.

So that is really important of the design of an oversight or supervisory function. I think also I want also to make the note that we also agree with the comments from Australia. Because designing with these independent review panels, et cetera, you will have limited knowledge about interpretation of ICANN policy. So I think we will run up -- run into the same problems there with this independent notarius publicus.

So I think also it will be the best solution to work with the current system within -- to design a solution for this. Thank you.

CHAIR DRYDEN:

Thank you, Norway. Next I have Iran.

IRAN:

First of all, I fully agree with my French colleague. With respect to the point that we have mentioned, accountability, but we had been discussed fully. It's important for ICG and it's more important at the transition itself, because this is the heart of our discussion. Secondly, with respect to our proposal from our Swedish colleague, this topic was discussed not in depth. But it was discussed at the ICG. Sorry. At the IGF. The possibility of having an external auditor.

But certainly we couldn't find or we couldn't discuss the pros and cons. We thought about an independent panel as our -- the representative from Australia proposed that, of course, we have to check the mandate

and qualifications, et cetera. So we have to discuss about this overseen entity, because this is very important.

And finally, Madam Chair, I do not agree with the words of the representatives from the Netherlands and Germany so that we may refer to the NTIA announcement of March supporting or rejecting it.

We have discussed this in the meeting. We have discussed this before. And we said we would not interpret and we would not make any reference to these announcements, not to support it or not support it because it will raise certain difficulties. And perhaps there may be some misunderstandings. So, as governments, we have to be cautious in this respect. So I do not agree to any mention in our communique saying that we support or not part of these five conditions establishing the announcement of the NTIA.

BRAZIL:

Thank you, Madam Chair. First of all, I'd like to say that as government we see ourselves as part of the multistakeholder community. As one of the stakeholders, we don't think there will be any reason to refrain from making any comment, any proposal that could serve the community as a whole. The second comment is that, in regard to high-level principles that we should -- we could issue, I think it would be an important thing if there is an added value in regard to what is already on the table if we can compare some vision coming from government, upholding principles that are there and framing them in governmental perspective interest.

If we will be repeating the principles that are already on the table, if we are saying that we uphold security and stability, there is no added value. We don't see any point in doing this. For example, we thank the UK for making those proposals. But those are the framework in which all of us are working. If we say we are concerned about the accountability in regard to operational aspects, I don't think there is no added value in saying this. Especially because some governments, including my own, we think accountability should go beyond the operational elements.

So -- and I would also like, as France has done, to recall that in NETmundial, we have developed principles. So maybe, if we want to refer to principles, we could refer to NETmundial even though maybe one or another we could not include -- but I don't think there is a need to develop something that was very extensively discussed there.

So, in regard to this issue at hand, high-level principles in support but to the extent that there would be an added value that that would convey a political vision in regard to the process, I would suggest that if we can say we -- three things: Participate as part of the multistakeholder community. And we consider ourself part of the community want to be constructive. We uphold the principles that are guiding the exercise, but we are not -- our concern would go beyond the mere technical aspects. We'd also look at ways to enhance the legitimacy of the organization. And maybe we can get some ideas about accountability. But I think if we can -- again, I think the main purpose and the main objective would be to add something that is not already on the table, not merely repeating principles that everyone is already being guided by. Thank you.

CHAIR DRYDEN: Thank you, Brazil.

Thailand, please.

THAILAND: Thank you, Madam Chair. So, from the document that you sent on the charter and the summary paper that you sent today that focused on the deliverable of action items, I think I urge the GAC to go back to read the function of IANA that contains 11 functions. And the CWGs of the name is responsible for 9 out of 11 functions. We not include the address. And we not include the coordination of our part. The rest of the 9 functions of IANA is falling into the CWG names.

And, therefore, we serve points on how the root zone managed. We're not talking about who. The reason I raised that is it's important for all of us to understand they've been discussed in the first meeting that we have to understand the contracts of IANA or the chapters that we lay. That will be contained in the contracts. And then look into the functions of IANA that fall under these working groups, for example, the root zones is under the summary itself. They're not talking who is going to run. But they're talking about the relate to the accountability between the contractors and -- so we need to go back to the charter document as well, not only the general terms to have the principles to be drafted during this GAC session.

And one thing I also like to add is I wish that we could have the priorities on which of the IANA functions that are of interest of GACs. So we have been trying to work out by mapping the GAC communique in the past,

map back to the functions of IANA, what have been stated in the GAC communique that relate to that function performed by IANA, for example, WHOIS or whatever topic that relate to the function specifying.

So we do believe that that is the way to go. And it's always an issue. I think we have been discussed that the CGI, having for their meetings and they do recalibration works. But the CWG that have to do bottom-up multistakeholder and consensus based have 90-minutes working on Monday over the lunch. And we have six weeks -- six meetings to go. So it's really a lot of work needs to be done.

So I cannot say who needs to do the priorities, but what we try best to do and communicate with the GAC, is mapping the communique wishes, something that we have consensus already, mapping back to the function have been specifying because statement of work of IANA functions. I think that is a solid thing that we have consensus already and focus on priority area of IANA function. Thank you.

CHAIR DRYDEN:

Thank you, Thailand. I think that's a very good recommendation to us. We will need to prioritize our work. And we won't be able to get through every aspect that the cross-community working group will be looking at.

Okay. So I have Sweden who is last in this queue to speak. Sweden, please.

SWEDEN:

Thank you. Just briefly to clarify something I said on a neutral third party and to Australia. I'm not suggesting a body or an organization that is giving advice. But only instrumental function. I think rule of law or rather rule of rule, since we're not writing -- ICANN is not writing law but are writing the rules. So, if I would add a principle, it would be the principle of rule of rule, if you see my point.

And also, to Norway, I'm happy if you only see one weakness in this idea. I think there are several weaknesses. Enforcement is one of them.

But my point is that we should pursue different alternative models. We shouldn't stick to one model singularly but look at different alternatives as well.

And I suggest that this will be one. Thank you.

CHAIR DRYDEN:

Thank you, Sweden. Okay. So there is clearly a good deal of support for looking at some high-level principles and some are of the view that we can take some of those that we have heard about before that we are accustomed to hearing about and use them as a basis. Others are seeking greater value than simply reverting back to the existing principles where there is consensus existing. I will say as an observation in this exchange that referring to principles new or old has allowed us to have a very robust exchange and that does seem to me to be of value to the GAC process. So I hope that we can have a high degree of openness to working with what exists and building on that to come up with maybe further principles or clarifying them further and drawing on established work. Our colleagues have Brazil have mentioned NETmundial and

rightly so, and maybe there are things there that we can take into account and draw on in order to develop some principles here.

So in terms of principles, I think we're looking at working on a set of principles that would cover the IANA stewardship aspect as well as ICANN's accountability and they may even extend to the domain name function more specifically. So let's see how -- how far our principles take us. But I think in the first instance we're looking at coming up with a set of principles for the IANA stewardship and ICANN accountability, one set of principles to cover those both deeply intertwined processes. Some of the things that we've heard today, some familiar, some as well in terms of new proposals. We've heard references to security and stability and resiliency, accountability, where as some would rather talk about legitimacy in terms of principles, neutrality. Others are looking at the -- the importance of having freedom from capture and concepts of independence for -- for the IANA stewardship and ICANN accountability, preserving the openness of the Internet, also as well we heard about multistakeholder and multilateral and perhaps there's lack of clarity about what those things can be defined as but perhaps we can look at those in terms of our work on principles. And we heard about the rule of rule in our most recent intervention from Sweden. So these are some thoughts to get us started on this.

What I would like to suggest is following the proposal from Australia that there be a small group to draft in the next day or two and see what would -- what can be accomplished in that time frame. And the idea would be to include it in the communicate and then we can, of course, continue that work if we need to or if we deem that there is more work to be done after these meetings conclude. But I think we do want to

see whether we can include something in the communique simply because Marrakech will probably be too late, and we do have challenges when working intercessionally. And we're all here, we're all focused and ready to work, so let's see what we can accomplish in the next day or two.

So if I can look to Australia to help gather a group to guide that along, I would be very appreciative. Thank you. And I -- I expect there will be a good deal of interest from colleagues in the GAC in joining that effort.

So Iran, please.

IRAN:

Thank you, Madam Chairman. I fully agree with you. But I don't want that we put something in a slogan form, transparency, openness, Democratic. We should put something which is translatable into the practice, implementable. Simple, precise, concise, as much as possible non-political, go to the procedural and the technical aspects. But we do not talk -- and we don't want to concentrate only on names. We should have two tracks. Track one is transition. Track two accountability. And here, once again, I agree with France that these are totally and fully interrelated. They must be together. Thank you.

CHAIR DRYDEN:

Thank you, Iran. Okay. So for the small group, high-level principles, please. And there may be various views about what we should be including in that, but please do engage constructively to come up with a set of high-level principles. And, of course, it's easier to come to

consensus on higher-level principles than it is on more detailed proposals, so I hope that will also facilitate the work.

I said I would touch upon just the process elements associated with the revised accountability process. So the main components of the process that is now in front of us that was issued by ICANN the other day are to continue having something called a coordination group and to replace what was called a community working group with a cross community working group. So what we can expect is that the cross community working group on accountability will be developed in a similar way to the cross community work -- working group on the IANA domain name function. And as a consequence of that, there will be a charter, there will be chartering organizations, and we will have an opportunity as GAC to have participants from the GAC. And I would also expect that there will be the opportunity for others to participate as well. So there will be some familiarity with what happens next.

The coordination group, we would also need to think about participating in that in light of the creation of the cross community working group and how those two things will function together. So we will need to address the issue of participating. But I would encourage the GAC, I would encourage colleagues, to keep in mind this is another area where we want to be fast-moving and agile and able to be effective in that. So keep that in mind.

And then once the current revised process has developed enough and there is a point at which we need to identify people, then we can do that and we can do it I think in quite a similar way to how we handled the cross community working group. But if any of you have thoughts on

that or questions, then let's deal with that in the corridors and ask. I'm happy to talk to people about it, as are our capable Secretariat staff. Iran, please.

IRAN:

Thank you, Madam Chairman. Madam Chairman, allow me to a little bit discuss the issue in our last meeting, ICANN, GAC in London. We have received this announcement at the beginning. The group was aimed to be called ICANN enhanced accountability working group. And a structure similar to ICG was proposed with slightly fewer number, and we found that at least from the viewpoint of the structure it was quite clear. Then in the meantime, we have another announcement announcing that we would have ICANN accountability and governance cross community group, CCG, and ICANN accountability governance coordination group, CG, and having so many things for that and now we have received a last one, a third one, saying they want to combine the two together and call them cross community working group, I -- sorry CCWG. First of all, we would like to request that the name should be changed, not to be confused with the cross community working group on the IANA transition partnership. It is better to have another name such as ICANN accountability working group and so on and so forth, that we would not have similar acronym and similar name and so on and so forth. Then in this new proposal there are many, many things which are not clear. First, chartering organizations. Who is chartering organizations? Is it the various entities, communities like GAC, ALAC, so on, so forth, who has representatives according to they're rules and procedures. But who is chartering organizations? First question.

Second, what is the quota of these -- in ICG there is a quota. And you remember in the beginning that the GAC was totally marginalized to have two members and finally we discussed and agreed to have five members and agreed to have five in the ICG. Here the quota of each of these is not clear.

Then we come to the many other things that they have the charter, I don't know who established the charter. The charter of ICG was established by ICG. But the charter of this accountability of ICANN should be established by the same group but the charter should not come from outside. This is the charter should be established by the group. So they're putting the cart before the horse. They should put the cart after the horse. So they should allow the group to be formed with necessary quota from each of these organizations such as the ICG establishment having the GAC with sufficient number and then that group need to establish its own charter. No doubt they put it for some discussion, but charter should not come from outside.

Then, start with respect to the participation. Now, here we have participation that they want to have member of the board to participate on that. We don't know why. They want to have a staff of the ICANN to participate on that group. I don't know why. They want to have seven adviser to participate on that group. I don't know why. And they want to have four distinguished persons to participate on that group. We don't know why. And last but not least they want all of this to be submitted to ICANN for final editing. So ICANN accountability will be edited by ICANN itself. So it is self-regulations. It doesn't work, Madam Chairman.

Now, coming to the participation outside that group, if the group is properly established, which it's not. With respect to the participation of the board, we have no difficulty if board participate but merely and solely on advisory capacity. On advisory capacity.

CHAIR DRYDEN: Iran --

IRAN: The staff, I don't know why the staff needs to be there.

CHAIR DRYDEN: Iran, can you bring your comments to a close, please? We're ready to close the session.

IRAN: Excuse me?

CHAIR DRYDEN: Could you bring your comments to a close?

IRAN: Yes, I come to close.

CHAIR DRYDEN: I would like to close the session.

IRAN: All of these people proposed, in addition to the member which has been elected, or will be elected by the communities like us and others, all of these people, the four people from the accountability and review group, the persons from the social or, I don't know, social group or civil society. All of them they participate but in advisory capacity. Nevertheless, the report of the group should not be given to the ICANN for editing. ICANN cannot edit the accountability which relates to itself --

CHAIR DRYDEN: Thank you, Iran.

IRAN: It should be another entity. So that should be quite clear. Thank you.

CHAIR DRYDEN: Thank you. And you make a very good point. And this issue about how the board will need to respond to the recommendations coming out of the cross community working group is still to be finalized, but it's consistent in terms of the comments coming from the community that those outcomes should be very compelling for the board. It should be very difficult for the board in fact to not accept those recommendations. So I think there's a high degree of agreement with the view that you are expressing. And just in case there is some confusion still, the earlier process proposals that were put forward referred to various groups. They have now all been replaced by what is being called a cross community working group on enhancing accountability. So there's just one group that we are now needing to focus on.

So Tom, I will turn to you to let us know when there will be a meeting on this topic.

TOM DALE:

Thank you. On Thursday morning at 8:30 ICANN has scheduled a community session, I believe it's an information session, on the new enhancing ICANN accountability proposals. That will be at 8:30. And it's in the -- the schedule for the ICANN meeting so you're certainly encouraged to attend that. There will be significant clarification, I'm sure, of the quite new set of proposals that have now been posted a couple of days ago. So enhancing ICANN accountability Thursday at 8:30. Please check the schedule. Thank you, Heather.

CHAIR DRYDEN:

Thank you, Tom. Please be back in the room at 2:15, and then we will start our afternoon sessions. Thank you, everyone.

[END OF TRANSCRIPT]