
LOS ANGELES – GAC Meeting: WHOIS Session
Tuesday, October 14, 2014 – 12:00 to 12:30 PDT
ICANN – Los Angeles, USA

CHAIR DRYDEN:

Okay, so for the GAC, we have one more topic to cover before we break for the lunch period and this is the topic of WHOIS. For those of you that are not here for the GAC meeting, if you could leave the room, please. If I can ask support staff to help encourage colleagues to leave the room. I don't see any support staff.

Okay. So on WHOIS, we had a discussion at the beginning of our GAC meetings this week to just go over where we stand on WHOIS and all the various activities and efforts underway in the community. Yesterday there was a session held that was a community session with a number of panelists updating about various streams of work and that was quite a detailed presentation. But as we discussed, I did intervene in that exchange to explain the challenge that we're having in tracking all the different work and identifying exactly where it is that we could usefully weigh in and influence those discussions. And I think we had in the end a very good exchange with our colleagues and that they are now aware or understanding what the challenge is that much better. Our proposal to have some kind of critical path or roadmap that's mapping out not only the overview of the different streams of work but describing the linkages between them. We had a very useful intervention from a colleague on the board, Bruce Tonkin, who explained that in some cases it's a policy development process that's underway, in some cases it's implementation of an agreed policy, and in

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

some cases it is a matter of measuring or looking at reviewing the implementation or the implementation of a particular policy. And so since we are first and foremost interested in the policy development processes and potentially in the implementation because we are finding that we are in certain instances wanting to look at implementation issues, that we also may want to be better attentive to those issues.

So my take-away from that exchange for us is that we could perhaps request this critical path, explaining what it is, and it could be something that we put in our communique as advice, as a follow-up, based on, as I say, what I believe was the understanding from the community session yesterday. A couple of colleagues did weigh in. A couple of GAC members did contribute to that discussion, helping to describe again the challenge that we have here. And we do have access to all of the presentations that were made by the panelists, if any of you are interested in looking more closely at each of those issues.

So this is my main take-away. And this is what I'm suggesting as a way forward. United States, can you help?

UNITED STATES:

Thank you very much. You've done an excellent overview. I certainly appreciate it. I wanted to flag something before we have our break for lunch. Not to get into it in horrible detail at the moment, but my take-away from the public WHOIS session yesterday was quite comparable to yours, but perhaps I -- my take-away was also that we had tried to emphasize the issue of understanding where all of these different activities were with a view to working our way forward, as you're saying a clear roadmap. And so my impression, certainly I thought we were

conveying a concern/hesitation trying -- that it was going to be very challenging for us to take things on until we had a better sense. And yet just today we have been given an announcement of a request for a call for volunteers for the implementation advisory group, and I'm just -- I'm a bit confused as to whether our messages, you know, have actually been taken into account. Because part of our request for a roadmap had to do with timing and what is currently on our plates right now. And yet we now have this announcement that if we are interested in the WHOIS conflicts policy for handling -- WHOIS procedure for handling conflicts with national privacy law, we need to join an implementation advisory group right now. So if we could perhaps think about how best to address that later, that would be great. Thank you.

CHAIR DRYDEN:

Thank you, U.S., for drawing that to our attention. I think you're exactly right. If our main point is that we can't do things piecemeal and we've just been asked to deal with things piecemeal, then we need to question whether we are, in fact, being understood. And the more that we get these requests individually and are expected to somehow work out how it links to other things and whether we're meant to put our attention there, then we will continue to not be contributing at all to any of these streams of work. So it is something we still need to overcome. Okay. Thank you. Did I see a request? European Commission.

EUROPEAN COMMISSION:

Thank you, Madam Chair. I just would like to remind that the European Commission provided comments to this comment period and that fully

endorse the proposal that the colleague from the United States just put to the fore. I think it's necessary that we participate in the implementation, and we could contribute also to involve other colleagues on the basis of our contribution which I would like to mention also is being widely endorsed by our constituencies, including the noncommercial stakeholders group. So I think that we have already a starting point and simply would be good to discuss this intersessionally before Marrakech. Thank you very much.

CHAIR DRYDEN: Thank you, European Commission. Okay. So as a GAC, as a whole, we need guidance, we need some analysis of all of the different activities underway. This is a point we will have to make, I think before we leave Los Angeles, and to specify precisely what it is that we are seeking, and this will help us as a whole be able to engage more fully in these discussions. Okay. So at this point, we can break for lunch.

CHAIR DRYDEN: Okay. Before we break, Michelle, do you have results to report?

MICHELLE SCOTT-TUCKER: Yes, I have some results to report.

Dr. Imad Youssef Hoballah, Lebanon, 37 votes. Mr. Thomas Schneider, Switzerland, 61 votes.

The new GAC chair is Thomas Schneider, Switzerland.

[Applause]

Congratulations.

CHAIR DRYDEN:

Thank you, Michelle.

So congratulations to Thomas for this result, and thank you to both candidates for running in this election and for your willingness to come forward and take on this role.

Would you like to say something? Lebanon.

LEBANON:

Yes, please. I know I'm between us and lunch, but I believe after what has happened, you probably could indulge me and listen to me for a few minutes, couple minutes.

Now that the GAC chair elections are over, I wanted to share with you a few thoughts.

Internet governance is going through a transformation phase that requires listening, engagement, trust, and respect of all and by all stakeholders.

It's a phase filled with emotions and infested, amongst other things, with personal agendas. We could ask what's the GAC's views of other constituencies, but we better ask ourselves how do other constituencies and stakeholders view the GAC.

Others, honestly, view the GAC as a very, very big problem. Very slow, polarized, holding onto to dissipating power, and above all, non-

cooperative and non-constructive. No one should be shocked with my statement.

We have major challenges that can be addressed only if steered around the public's wider interest. One of these challenges is the answer to the questions of where is the GAC really for multistakeholders and where do governments really stand with respect to multistakeholderism. Especially when many governments talk multistakeholderism but act from the point of view of, well, "My stakes."

We are stuck in silos of individual governments and along the wishes of individual representatives sometimes. But GAC colleagues, recent developments have clearly demonstrated that the GAC is far more challenged than we have been willing to acknowledge.

We all have lived the challenges, but you're probably too nice to mention them or repeat them in public. These challenges have become especially clear during the events leading up to the elections of the GAC chair and vice chairs, leading up to today.

Many of us seem to have forgotten the principles of public interest and a truly open Interneted connected world.

When I accepted the nomination to the responsibility of the GAC chair, I had great hopes that we together could do great things using a crystal clear version and vision of listening, cooperation, determination, openness, engagement with respect and, above all, helping all end users to better their lives.

I had hoped that we could work in a healthy environment and reach out to other non-represented governments and other constituencies and

build real multistakeholder consensus where the public, the consumers, the end users, all users are at the center.

I had hoped for all of us to have better outreach towards developing countries and look at the issues globally rather than the way we have been doing things. I had hoped that we will not be defending the very limited or different special interests with unhealthy politics. However, we have built silos.

The GAC is the one that needs urgent support to function properly. We need it.

To my dismay and to the dismay of many others, the GAC ended up living divisiveness and polarizations that we are supposed to eliminate and not reinforce.

It is unfortunate that the election process overlooked the platform, the skills, the listening, the engagement, the advancement and turned into camps, divisiveness, polarization and procrastination. This is not by the way, to take away from Tom's platforms at all or his skills. Please don't misunderstand me.

It has not been very healthy and I'm glad it's over. We cannot work with other constituencies this way. Heck, we cannot work together this way.

Like many of you, I, for one, definitely am happy that this is over and we need to rebuild and reconnect the GAC. I have been and will continue to do what is necessary for the little person, the little man, the little woman; however, I cannot be my own man if I did not represent and defend the wider, not the limited, public good.

We all know that democracy is the name of the game, but let me be clear that polarization has delivered us what it has delivered. The challenge to myself, to Tom, and to the whole GAC is to rise above the emotions and divisive matters and engage together, and with other constituencies listening, trusting each other, and behave in a manner to deserve the trust and respect from each other.

I honestly thank everyone who supported my platform on engagement, and Tom has good qualities that, with proper support, guidance and engagement, could work towards moving the GAC forward. But he, supported by every GAC member, has major challenges that we must and he must find ways to overcome.

It is the responsibility of each and every GAC member, and even other constituencies, to help him overcome that.

Congratulations, Tom, and may God help us.

CHAIR DRYDEN:

Many thanks for your words, Dr. Hoballah.

Okay. Thomas, would you like to say a few words?

THOMAS SCHNEIDER:

I'm sorry for actually being the one who is standing behind you and lunch, but I think it's time to also say a few words.

First of all, I want to thank everybody here who trusted me and appreciated the work that I have been doing so far and thinks that I'm a person that might help in moving this institution forward.

I also want to particularly thank Imad because we have been able, on a personal level, not to fall into this divide and to keep a friendly relationship throughout this period, which is something I appreciated very much.

As you know, that we have not put ourselves forward as Switzerland. We have been asked by a number of other delegations to accept the nomination. We discuss this internally in my government, including the top of the government, and accepted this because Switzerland has been, for a very long time, and still is, very committed to development of the Internet governance ecosystem, to Internet governance processes -- I will not repeat our commitments and the diverse fora that we are active and supporting -- with a special focus on capacity building and on inclusion of developing country stakeholders and other stakeholders that are in some, many ways, disadvantaged and have not so easy access to these processes. And this is something that is worrying us and that we would want to contribute to improve.

We are also very supportive of a multistakeholder approach that is applied to find solutions to the challenges and to seize the opportunities that the Internet and its governance poses to us. And -- But we do not understand a multistakeholder approach as a scenario in a wild west movie where those who have the strongest and best guns win, but we understand this as a concept where all stakeholders work together, respect each other, work together on shared principles, and with the attempt to mutually understand what their issues, their views, their needs are, and also work together in their respective roles.

Those who have been participating in the discussions in WSIS and whatever followed thereafter know that this notion of respective roles is at the core of the challenges that we face in particular when it comes to respective roles of governments. We think these roles still need to be further clarified here in the GAC, but elsewhere, but that we have to have a frank and inclusive debate of all stakeholders about what these respective roles, of every stakeholder himself but also of the other stakeholders, should be.

As a Swiss and representative of the Swiss government, I'm committed to contribute to clear rules, transparency and accountability and fairness in the multistakeholder model so that everyone, irrespective of the color of your skin, of your language, and of the economic power of the country you represent, can participate and have the voice and is heard.

Maybe it's good to know for you, since we are going to work together intensely in the next years, a little bit of my background.

I come from a country that has a political culture where all views are integrated in the government. We force each other to work together. Even if we do not agree, even if we do not even like each other, we commit to work together because we are convinced that only if we work together and respect each other we will find solutions that are acceptable to everyone, that will bring us peace and prosperity.

In my case, we have four cultures with four languages that live together. One culture, the German one, has the large majority in our country. We have a direct democratic system. If we do not agree among the cultures, the German culture would win every time. But we are aware

of the fact that we have to voluntarily sometimes cede to minorities in order to make them accept the rules, in order to make them feel part of it and not just governed by the majority, by the strong ones. And this is a fundamental understanding that I'm also carrying myself personally, that we need to strengthen minorities. We need to help the weaker parties to be equal with the stronger ones. And in my country, if we wouldn't do this, Switzerland would fall apart. We would fragment the country into pieces, and all of the pieces are convinced that we're stronger together and we have a better life together, and I think this also applies to the Internet.

And with this spirit is how I see my role here in the GAC; to build bridges, to help create an atmosphere, an environment where people speak together, listen together, invite each other to participate, and invite others who are not here to participate, facilitate the entrance of them, and to build bridges among each other, create an environment where we can talk and not only talk but actually find solutions in the GAC, but also between governments and the other constituencies and communities outside the GAC, we need to make our role understood with the others. We need to understand their roles and their needs, and we need to improve and strengthen with the challenges growing and the opportunities growing to strengthen the relationship between the GAC and the rest of the community. This is something that is also very important for us.

As Imad has said, it's going to be a little bit of a challenge. It's not going to be easy and I won't be able to do this alone, so I need all of you here, those that voted for me, those that didn't vote for me -- and I don't just say that; I mean it -- because if we don't work as a team, we will not

succeed and that will not just be probably bad for the GAC, it might not be good for the rest of the Internet and the community either.

So this is the spirit in which I grow up, where I come from, and what I hope will help us in the next period to successfully face the challenges that we are facing.

I want to end with a few practical remarks on practical issues. The Swiss government, as I said and has been stated also by our minister and former president, is fully committed to put at the disposal the necessary resources for this task. You need to know that we are a rather small administration. We have taken steps to replace myself in case I was elected in my functions that I have within my government, in a number of other fora, regional and international ones where I represent Switzerland, which is quite a challenge for us as a small administration. We have done this with the view to have this operational after the Marrakech meeting in February and to be ready to take over at that time.

We have been informed very recently of the decision of the current chair to depart at the end of this meeting. We will do all we can to, if necessary, be ready before the end of the Marrakech meeting, but for my administration, it is simply not possible to let me go from all of my responsibilities and functions by this Friday. I ask you to note this.

So we will need -- and this is probably the first teamwork that we are going to engage, as a team of all outgoing and incoming officials with the rest of the GAC and the secretariat, both secretariat, to work together to find a solution for the GAC to function from now until February.

I thank you for your understanding, and I want to end with telling you that I'm looking forward to working with you in my new function in the same team, which is the GAC. And I thank you for your attention.

Thank you.

CHAIR DRYDEN:

Thank you very much for those words, Thomas. Good luck to you.

Okay. So now we are breaking for the lunch period. Please return for 2:00, and we will restart.

Thank you.

[END OF TRANSCRIPT]