
BEIJING – Meeting of the Board / GAC Recommendation Implementation WG

Sunday, April 07, 2013 – 11:00 to 12:30

ICANN – Beijing, People’s Republic of China

CHAIR DRYDEN: Good morning, everyone. If we could begin to take our seats. And a message to the GAC members around the table. Please remember we have a number of guests joining us from the Board in particular and the GNSO as well, so if we can make room, please, at the main table wherever possible. And this might mean limiting ourselves to one representative from a GAC member at the main table. But please, let's accommodate our guests.

Thank you.

MANAL ISMAIL: So good morning, everyone, and welcome to the BGRI Working Group session, which is basically the working group that's working on the implementation of the six GAC-related ATRT 1 recommendations.

We have two main topics on our agenda today, and before going into the agenda details, I'll pass the floor to Bill Graham, who is co-chairing this working group with me.

BILL GRAHAM: Thank you, Manal, and it's great to see such interest in this meeting today and the topics discussed. I don't want to take too much time.

As Manal said, we have two main topics. The main one is to continue pursuing the work we have been doing on early GAC engagement in the

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policy development process. And this morning we'll be focusing on the GNSO policy development process, which of course is really central to ICANN's functioning. And it's very, very important to find effective ways for the GAC and the GNSO to work effectively together before things come to a highly official level. So we're really trying to take to heart the ATRT recommendation and find ways to make that work.

So that's the focus of the first part this morning, and we're very privileged to have a large number of members of the GNSO Council join us for this discussion as well as, of course, all of the GAC members and the Board BGRI members. So I look forward to a very fruitful discussion.

Thanks, Manal.

MANAL ISMAIL:

Thank you, Bill. And of course needless to say, this is going to hopefully be a win-win-win output to the GAC, the GNSO and the Board.

And without any further delay, I'll pass the floor to Heather, the GAC chair, just setting the scene quickly with respect to the GAC working methods and how the GAC deal with issues. And then we're going to pass through the same brief from the GNSO, Jonathan, and then we'll take it from there. Heather, please.

CHAIR DRYDEN:

Thank you very much, Manal. I'll just give a very brief overview. And as we move through the agenda, we may need to go into further detail about some aspects, but I'm happy to get things going by talking a built about our working methods.

So as I think everyone here knows, the Governmental Advisory Committee is one of the advisory committees here at ICANN, and our main focus is on the public-policy aspects of the coordination role that ICANN plays for the names and numbers for the Internet.

And we are comprised of members and observers, and this is to accommodate governments as well as having intergovernmental organizations participate and contribute either regional or substantive expertise to the workings of the committee.

The committee is growing in size, so this does have quite an impact on our working methods. If you think back to the beginning or even just five years ago, there's been an enormous amount of growth.

At this point, I think we're up close to 140 members in the GAC, and about 25 intergovernmental organizations. And considering that we are a consensus-based committee, so we are always working towards consensus, and considering that we have a broad remit, in that we look at aspects related to the generics as well as some aspects of country codes that are addressed in the community, and then other related issues to ICANN and its workings, we have quite a challenge in moving our work along on a consensus basis as well as being able to contend with the size and substance of the various work that's undertaken by ICANN.

So I would point out that though we don't drive the policy development process, we are part of it. And so we need to perhaps think about, as a community, the impacts that the amount of work has on the GAC's ability to engage fully and to provide our advice on all the topics that really are of interest to us.

And we can form consensus on just about any topic, given enough time. But that that's where we have a certain amount of pressure, because the idea of ICANN is to be flexible and to be responsive and able to address issues at a speed appropriate for a technology like the Internet.

But to this point, what I find interesting is that in the bylaws, as an advisory committee, the GAC does actually have the ability to request an issue or raise an issue for policy development. And this is something that we don't use in the GAC. And we probably don't want to use it because it would seem inconsistent with the policy development approach.

But I highlight this because I think it's important for the community to realize that this is the case; that this is how we view our role in relation to policy development. And so I wanted to just touch on that.

But in terms of our methodologies, well, there are national processes, preparatory processes that need to occur for GAC members to bring forward their views to a meeting. And, as well, we value our face-to-face interactions. It's really very challenging for us to get the representation that we need via other means. And intersessionally, we have done it, and we do when there is a need. But, really, in order for us to get our work done, we need to be face to face. And I think this is one of the ways in which it can be challenging for the GAC to participate in other policy development processes where working methods are really quite different.

So government representatives don't engage in rapid exchanges back and forth. They will develop a position or thinking, initial or otherwise, and then contribute that at a particular moment, and we know this is

not entirely consistent with the ways that other parts of the community may exchange on a particular topic.

So that's, I think, for now, perhaps a good initial sense of things. But, you know, I am happy to comment further, and as well, other colleagues in the GAC. We have some quite experienced people around the table, and I'm happy to have them supplement or clarify anything that I have touched upon to give a sense of how the GAC works.

MANAL ISMAIL:

Thank you, Heather. And I'll turn to Jonathan to hopefully also give us a brief on GNSO working methods.

JONATHAN ROBINSON:

Thank you, Heather, thank you, Manal. If you will permit me, I will make a couple of opening remarks before taking you through a set of slides that has helpful been prepared for me and by ICANN policy staff to give you a good view of the ways in which we work.

I came in as chair of the GNSO Council and had the privilege of coming into that position at the Toronto meeting. So this is our first meeting together as a council with the new councillors that came onto the council at that meeting, and with myself in a position as chair. And this meeting happens to be our first face to face.

It's opinion a long gap, obviously, since the Toronto meeting. But, really, I felt that there were three critical areas we could work on to improve our position as a council and our effectiveness. And the three things I've talked with the council about and we have talked together on

are our effective and efficient working methods together, because it's my personal view that only -- if and only if we are working as effectively as possible together can we then question whether we could improve our ways of working.

So the first thing to do is to focus on how we might work within our existing processes and mechanisms as efficiently and as effectively as possible.

In order to do that, I think we would all recognize and I have encouraged the council to recognize that that requires effective interpersonal relationships within the council. Now, that's not the -- that's perhaps easier said than done. We, like the GAC, I suspect, are a diverse group of individuals. But even more significantly than that, the GNSO is, in some ways, often quoted, and the GNSO Council, as a microcosm of the diversity within the multistakeholder model.

So we come from very diverse positions, of commercial and noncommercial activities, different -- all sorts of variety within -- and I'll show that to you on a slide in a minute as well. So that's no mean feat.

That said, in the interim period I think we have shown that we can work very, very effectively together. We have turned around rapidly some requests from the Board, notwithstanding that those have -- and for policy advice and input, notwithstanding the fact that these requests challenge even the way in which we work. And I'll come on to that a little.

And I think the third component -- So the first was to work efficiently within our existing processes. The second was to work effectively

together. And the third was to reach out and perhaps reset some expectations with other stakeholders within the community.

And I think the GAC clearly represents a significant stakeholder within the community, and there is no doubt about that.

And so we come to this with an open mind and a very welcome and positive approach. And see this as a really golden opportunity to reset expectations in a way in which we can potentially engage with and work with the GAC in our policy development process.

In talking about this with the Council, I think we saw that we share, perhaps, many or certain key elements with the GAC in that we ultimately see our responsibility as a council, as a GNSO, to the end users of domain names, the registrants. And we understand that the GAC has a responsibility, or GAC members, to their citizens. So in many ways, there is an analogy of responsibility that we share.

We also both have significant diversity, and that brings with it both richness and challenges. And probably or perhaps most significantly, we wouldn't be in this same room together if we didn't share a commitment to the multistakeholder process itself.

So with that context in mind, I'll take you through a set of slides that we prepared to show you how our most recent variant of the policy development process works, and we can talk through that and then set the scene for further discussion.

So I think it's important to recognize that the GNSO Council has a very specific relationship with the GNSO, and that is as the policy management body within the GNSO. We are not, in and of ourselves as

a council, a legislative body. Our objective is to make sure that policy is managed effectively from a bottom-up process within the GNSO itself.

And what we will talk about a little bit more within this agenda is that plus or policy development process, and then lead into the pilot project that's under way with the BGRI.

Next slide, please.

The GNSO has a responsibility for policy development related to generic top-level domains. And we're made up of a diverse group of councillors from a number of different constituencies, stakeholder groups, and some NomCom appointees. The council is split into two different structures -- the contracted parties house, the registries and the registrars, and the non-contracted parties house made up of the different groups that you can see on the slide here. I'm conscious of time. I don't want to -- I know many of you are familiar with structures. I'm going to walk through these at a pace. We're willing to share these slides and engage with you on detail of this, but I don't want to bore you with a lot of fine detail that you could readily get from our Web site. But it's important to just step through this.

So the next slide, please, Jeannie.

When you look at the different community structures that make up the GNSO and ultimately feed into the council -- I think I made this point in the introductory remarks -- this diversity and makeup both provides us with a richness but also a challenge. And I think it's -- I really want to flag this. Because, from an external perspective, it sometimes appears that we seem fractured or fractious in our discussions and our

deliberations. And, in many ways, that's not surprising when you see the diversity of representation. That said, I would emphasize to you the quality of our -- of our dialogue and our recent particularly interaction where we have managed to handle some challenging subjects and issues including some that we genuinely struggle to agree on or simply don't agree on, but we've managed to work in a very effective and civil way.

So there are some challenges. And I think it's important, whenever talking about the GNSO and the GNSO Council and its role within the GNSO to recognize that.

So there has been substantial work on the PDP process. And the most recent variant of it is the one we are working with now. Let me take you through a couple of slides that talk about the way in which the PDP process works and highlight some opportunities for early engagement.

The PDP process is -- like many processes within ICANN is subject to regular and ongoing review. And it was revised as part of the last GNSO review and then finally adopted in December of 2011. The revised rules are now applicable on all PDPs going forward. And I would emphasize that one of the critical values -- I mean, the PDP sits at the heart of our policy making process and ultimately results in contractually binding policy on existing and future TLDs. So it has a very broad applicability and is an essential component of the way in which the community is able to influence and create binding policy on operators of domain name services.

I'm not going to talk through the detail of this. But the important points here is that there is a sequenced process whereby an issues report is

created. It's at various stages. And, in fact, it's highlighted by the symbols of the people on that chart. There are opportunities for public comment and for, input including from SOs and ACs, as Heather pointed out in her opening remarks, from the very start of the process and through -- and I think one of the challenges here is not so much that the opportunities don't exist for engagement at the various points. But it's a matter of the mechanics and working on those mechanics and ensuring they happen effectively and efficiently without either slowing down or -- because one of the universal concerns is that -- is the speed at which the process takes place. We feel that that is a very fine balance to be struck between speed of throughput and effectiveness of multistakeholder input.

So, as we said at the outset and as was highlighted, any advisory committee can request an issue report. And an issue report is the precursor to the policy development -- to the policy development process and kicks off the policy development process within the GNSO. There are opportunities for public comment and input. And, in fact, there's a strong encouragement for views to be put in at the earliest stage.

The council has the opportunity to then take an issue report and commence a PDP on the back of that or -- and/or reject it. And then there is a process by which that -- if it is rejected, to discuss the rationale back with the initiating body, or, indeed, to move on to former drafting team. And I think one of the points which we've had in the past is -- and this is important, I think, we've perhaps gone beyond this now - - is there was -- there's -- and I'll put this on the table to be clear about it.

When a working group is formed, it's open to anyone. I think the refrain has been well, the GAC could join the working group. And I think what my early discussions have indicated -- and I think that Heather, in essence, referred to this in some of her opening remarks, is that may not suit the way in which the GAC or the GAC representatives work. So I think where we're coming at this with a new and open mind is recognizing that there may be other ways other than engaging at the working group level, which may not be practical or effective for the GAC or GAC members. And we'll come on to that.

Next?

I think the one bullet I'd highlight is that second one here that it is a requirement of the PDP process to reach out at an early stage and obtain input from SOs and ACs within the community during a PDP working group process. So it is not only an opportunity for input to be taking place by joining the working group, but it is a requirement of our process that we do reach out. We take that input. And we ultimately synthesize any further output by taking cognizance and recognizing that input, which may well in this particular case have arisen from the GAC itself.

Ultimately, the outcome of the thorough process and the open and multi-faceted process that is the PDP model is that the recommendations go to the board, which will include an overview of any consultations undertaken and input received along the way. And so you can see how input that would be taken can't be in any sense not recognized or swept under the carpet. So I think it's important to

highlight that, in making the recommendations to the board, it would have to include a recognition of those inputs along the way.

And, clearly, a requirement, ultimately, to inform the GAC if the policy recommendations affect policy -- affect public policy concerns.

Ultimately, having developed the policy, the council has the opportunity to form an implementation review team to assist the staff. And even those implementation plans may then be posted for public comment for additional consultation. So there are -- I suppose that the takeaway from the set of slides is there are many opportunities, including obligatory responsibilities, to take input along the way. And it's really a matter of -- I believe, our work with the GAC is about finding a way that doesn't -- that neither substantially disrupts or derails what we believe to be an effective and thorough process which takes all inputs but nevertheless recognizes the way in which the GAC worked and takes input from you and understands your mechanics and your working and is receptive to that and recognizes that properly.

Next slide.

So thank you. I know that was a bit of a whistle stop tour. I just was very conscious that I didn't want to go into each and every step in the process. But I hope I've managed to get across some of the key messages which are really -- are primarily our receptiveness to working with you and understanding that things haven't worked in a satisfactory way in the past and that it is a requirement of the ATRT to aim to develop ways in which the GAC may be involved in policy earlier on. And we are very receptive and open to that. I think David is next. Thank you very much.

MANAL ISMAIL: Thank you, Jonathan. As you mentioned, this mostly takes us to the slides prepared by David to quickly again highlight the pilot that's been taken place since Toronto. Again, it's the monthly public policy circular that's being summarized and translated and circulated to the GAC for public -- for early engagement opportunities. So David.

DAVID OLIVE: Thank you, Manal. And thank you members of the GAC and ICANN community. Let me just say that, since our last meeting in Toronto where we presented the pilot project for early policy information for you as a way to focus attention on the opportunities for comment within the PDP process both within this GNSO and the ccNSO, we have these monthly reports that we provide to you both to the list and posted to the public Web site of the GAC. These one-page information items come from the Web sites and information that are publicly available. We just put it in more condensed format for your review.

I would like to introduce, of course. Brian Peck, a policy director from my staff, from the ICANN policy staff, who prepares these on a monthly basis. And we're having the slides coming up shortly. Brian?

BRIAN PECK: Thank you, David. And thank you, members, for your time this morning. We'd like to take a few minutes to go over the 1-page reports that have been submitted, as Manal mentioned, since the Toronto meeting. And I'd like to maximize the time we have to solicit any comments or feedback that members of the GAC may have in terms of effectiveness

or suggestions of how to improve it. So this is basically to implement the ATRT recommendation number 12, which is to facilitate opportunities for the GAC to engage earlier in the policy development process.

The objectives of these one-page reports are, basically, to help the GAC members identify possible opportunities, to engage in the policy development process, to identify public policy matters of interest that may -- they feel is important for the GAC members or the GAC as a whole to advise the GNSO Council in its individual PDP processes. I believe copies of the one-page reports have been distributed. There is one for the GNSO issue, one for ccNSO issue. As you can see, they've been designed to try to be as succinct as possible, providing a basic summary along with a graphic demonstrating at what stage of the development process that current PDP process is at. And it's highlighted by a circling or on the ccNSO graph by lateral square highlight. And, again, these are meant to, basically, help GAC members identify possible public interest matters and identify at what step of the process they can be involved in, whether it is in the issue report, whether it is soliciting or providing comments or advice at the working group stage or in the final deliberations.

So, as I mentioned, we'd like to take the time that we have here to solicit any feedback or comments, suggestions you may have to improve on it, whether it's a project you'd like to see continued on a monthly basis. You know, perhaps we've added some suggestions here. Perhaps we can enhance this basic tool, for example, forming perhaps a small working group that could review the monthly reports. Again, identify possible interest areas of public global interest that they may want to

comment on. The policy department would be willing to facilitate a specialized webinar prior to the international public meetings where we could highlight certain topics that would be, you know, a likely subject of attention at the public meetings. They're also using these monthly updates as a way to engage and solicit and provide input or advice to the individual working groups and for the GNSO on areas of interest that are upcoming prior to the public meetings.

So that's a basic outline of the tool. And, again, we'd like to solicit any feedback or comments, suggestions that any members might have or any questions that you might have.

BILL GRAHAM:

Thank you, David and Brian. In the interest of keeping the meeting flowing, I don't want to take much time for comments or questions now. But I'd like to open the floor on a couple, if there are any right now. It could be good to know if these updates are, in fact, useful and whether they have been used before we move on to talk about the mechanisms that might be used additionally to ensure that -- the early engagement of the GAC. But are there any comments on these policy, monthly policy updates right now, please? U.K., please.

UNITED KINGDOM:

Yes. Thank you, Bill, and thanks to everybody who has presented this morning on the early involvement and so on in the process. Just on the update, I think it's a very useful tool. It's very easy to read. It's concise, easy to pick up the key elements, and so on. So I think the design of it is really off to a good start. My only suggestion is that we always want to

sort of look ahead, what's coming down the track. And, if there is some opportunity in this update to say on your next agenda, this new issue has been tabled, it's a great sort of early flag to us, ah, that could be something that we want to follow more -- in more detail. So it's just a suggestion. But, on the whole, I think it's a very useful tool. Thanks very much.

BILL GRAHAM: Thank you. That's a very useful suggestion.

MANAL ISMAIL: I also recall another comment that was circulated on the list, which was having some sort of a calendar or timeline that -- of the circulated issue that might be annexed or as a cover page or something that has to do with the timeline.

BILL GRAHAM: Thanks, Manal. European Commission, please?

EUROPEAN COMMISSION: Thank you, Chair. European Commission speaking. I had some more general comments. I'm not sure you want to hear them now or at a later stage. So I would need your guidance, please.

BILL GRAHAM: If they're specifically on these policy updates, it would be great to have them now, please.

EUROPEAN COMMISSION: Well then, I'll do my best. But please do interrupt me if you feel that my comments are going off topic or they're too general.

First of all, on behalf of the European Commission, we would like to thank ICANN staff for the work that has been done so far. This has been useful. It's a step in the right direction.

I would like to point out, however, that, as has been mentioned by one of the previous speakers, there are certain differences in the way in which the GAC and the GNSO, in effect, other constituencies of ICANN work, which I'm not sure can be -- they require further discussion that aren't necessarily addressed by the policy updates. And I refer, in particular, to the fact that -- and referring specifically to the participation by GAC members in the policy development process. Our experience, the experience of the European Commission is that it is always extremely difficult, which is a diplomatic way to say impossible, but I'm trying to be optimistic here, it is extremely difficult when, take for example me, if I participate in the working group, even if I make the point always that my position is not an official position of the European Commission, because, frankly, the way in which public administration works does not allow the speed to participate in the working group and also provide official position of the public administration. And, even if I say that, there is the possibility -- there is the risk at which for us, public administration, governments in general, is a high risk that our comments will be interpreted as official positions. And that puts us in a very complicated situation. And since we are, by definition, risk averse

because we're all bureaucrats, we tend to avoid risks as much as possible.

We need to further discuss a way in which this problem, which is a problem, quite frankly, can be avoided. I don't have any solution. I just want to flag that this is an issue to be considered. And, to be honest, I'm not sure that this has been considered enough.

Another point, the last point, when it comes to policy updates, in the GAC -- GAC/board implementation working group -- I made this point previously -- policy updates are excellent. However, ICANN should be careful in selecting issues which ICANN itself believes have a public policy relevance because ICANN might not be taking responsibility by claiming that a particular issue does not have a public policy implication. So we have to be very clear on that to avoid misunderstandings.

And, last, but not least, without naming names, which would be completely inappropriate in this context, but, of course, as many others, we had a conversation with some of the new gTLD applicants on issues which we believed had a public policy implication. And, on more than one occasion, in many occasions, in fact, when I raised with the applicant a particular issue saying, well, we believe that your application might have possibly this impact on European legislation or European policy positions, the answers from the applicant were, "Yes, we know." Then sorry for the French but why the hell didn't you tell us before?

The general updates has to come early on. This is the point I think that has been hinted at by the U.K. as well. Let's not wait until the last moment and until a GAC member comes to you telling you this might be a problem. If you know that there is a problem, come before. And let's

have a discussion. And we have the means to have a discussion on an informal basis. We have the means to ensure that whatever position is taken in the discussion does not prejudice your position. Again, we're bureaucrats; so we're very well accustomed to this kind of discussion. These are the comments I wanted to make. I do not hope they were too general, chair.

BILL GRAHAM:

Thank you, European Commission. In fact, those, I think, were very useful in that they lead organically into the next part of the discussion, which is to explore mechanisms and timing for the GAC to be informed and provide input into the GNSO PDP. I know Jonathan will have some comments. I've asked him to hang on until after Suzanne Radell of the U.S. has generously agreed to address this issue for us. Thank you.

SUZANNE RADELL:

Thank you, Mr. Chairman. And thank you to everyone who has joined us today. Really, really grateful. We always find it extremely helpful that not only the GAC and the board have the chance to interact. But it's extremely useful for us to have the GNSO Council here and so many other members of the GNSO and the rest of the community.

It has always sort of been our thinking, as we talk about integrating the GAC earlier on -- I believe that's -- you know, facilitating the earlier engagement of the GAC into ICANN's policy development processes, clearly, this -- we would like this to be a shared activity, a shared goal, a partnership approach. So very, very grateful for your interest and the

level of participation in the room today. After Toronto -- the slide you have that is very, very difficult to see. So apologies.

After the Toronto meeting, the board/GAC recommendation implementation working group wanted to explore some -- and this is on a very preliminary basis -- just try to explore some ideas, some options or mechanisms that we might want to take up with you to test as to whether they would meet with your approval, whether you think they could be implemented.

So what we were taken by is, of course, as Jonathan has so carefully walked us through, in the process there are dotted lines from working group to the left that says, "Seek the opinion of other ICANN advisory committees and supporting organizations." We don't actually know how that works today. And it may be that we're not paying sufficient attention to any signals that come our way. But I don't believe -- I think it would be fair to say that we're not entirely sure how that works. So we looked at that and wondered if we could maybe insert the idea that there would be a more formal kind of exchange so that the GAC -- there would be a reach out to say look, heads up, we've decided to create this working group. And we'd like to get your views now sort of before the working group actually starts to work. I believe you have a charter. Typically, you have laid out the issues in the issue report. But that you might look to us to help identify which of the policy issues you're developing that we believe have a public policy component. So there's a little bit of sort of a big P, if you will, public policy that needs to be taken into account as you do your -- and by using the diminutive is not intended to be offensive in any way, please. It's the little "p" gTLD policy. So we're very eager to explore with you whether that moment

in time might be an appropriate moment where you could share with us either the charter or the outline or however you intend to structure the work, that it gets shared with the GAC. And we're given an opportunity to provide our feedback so that we could identify at an earlier stage where we see a public policy component or element that you might want to take up with us in more detail.

We then had -- I think I have some dotted lines here that I myself am not understanding. So apologies.

Based on whatever we might identify, then we could actually try to schedule a consultation. Now, obviously for some of this we will have to do this online. We'll have to structure this on an intercessional basis. So what you would be getting from the GAC, we think, would be preliminary views. Because, as our chair pointed out to you, we rely on our face-to-face consultations to arrive at GAC consensus. So on an interim basis, though, we're always advancing our own work. And I think we could at least experiment with how to integrate an overture from the GNSO, an outline of how you intend to proceed on an issue. And then we would do our -- endeavor to do our best efforts to identify where we see the public policy component to that. And then we could consult to figure out how best to go forward.

Because this is -- again, this is kind of a new idea.

So Jonathan, I was also struck by the fact that you said at a later point in time there was a slide reference that I don't believe is on the one that we have. You had a requirement to inform the GAC of something. And I wasn't entirely sure how that works, because I'm not sure we've been exposed to that particular requirement in a formal way. So, again,

we're not proposing a huge level of formality at the moment. I think we're trying to find steps that we could experiment with that would permit earlier exchanges.

And, as you know, our hesitation has been when we participate individually, we're just representing an individual perspective that may or may not even be a final official position. But at least it's an individual perspective.

I think where we have perhaps run into some difficulties or misunderstandings in the past is a sense, having served as a GNSO liaison in the past, one of the reasons we, the GAC, determined to terminate liaisons was that we felt there was a misunderstanding that the GAC liaison could actually speak for the GAC.

And that is not the case. So our only GAC liaison who speaks for the GAC is, in fact, our chair, who then represents consensus GAC views to the board.

So, if we can perhaps, you know, have more clarity at the outset as to the purpose of the feedback you get, the structure of it and sort of how you intend to use it. That would be very, very helpful. And I do think we're quite open to experimentation. So that we can try a few things. And, if they don't work particularly well, you drop them and you move on to plan B. So I think we're very open to that.

One other question we had -- because we don't -- I don't know how formal it has been to date -- is to whether you would then perhaps communicate a -- an interim draft of something or an interim set of proposals to the GAC in writing so that you could get our feedback.

Because I don't know how or whether that happens today. So that was something we were contemplating at least presenting to you as an option for you to consider a little bit further.

And perhaps I will stop there and see if there are any questions. We -- there are additional points on the next slide. But I think why don't I stop there for now and just to see how you might respond.

Before handing over the microphone, if I may, to our joint chairs, I did want to draw people's attention to before the BGRI, we had a different acronym. It was called the JWG -- we all like acronyms -- the Joint Working Group. So that was the previous incarnation of this joint initiative between the GAC and the Board. And I think it was May or June of 2011, we issued that final report, and there's quite a lengthy writeup of our perspective on the role of liaisons. And in that report we actually made several proposals, and it would be useful if we could refresh that. And if we need to circulate that again, I think we'd be more than happy to. But we surfaced a proposal that our counterparts in other SOs and ACs may consider reverse liaisons. Because we've experimented with a GAC liaison to each S.O. and A.C, and we no longer have them for a variety of reasons which that report goes into some detail on.

I think it might be worth resurfacing this idea. Could we experiment with reverse liaisons?

So I confess it's an idea. I have no idea how we would develop the mechanics of it, but I would love to get at least preliminary reactions from the GNSO side on that, if I may.

Thank you.

MANAL ISMAIL:

Okay, thank you, U.S.

And just to recollect, I think, from what European Commission, U.S., and earlier the chair has mentioned that there is a challenge for real-time interaction with the GNSO. And the GAC really needs to take this off-line and come back with the GAC input on such issues.

And we need to be highlighted early enough not to delay the GNSO process so that we can provide a timely input on such issues.

So we need to know how this would work within your process. Also, as Suzanne mentioned, how would you would be highlight -- I mean notified of such issues because you mentioned in your slides that it's a requirement that you seek input from SOs and ACs, and I'm not sure, again as Suzanne mentioned, how this works. And I think finally it's the reverse liaison.

JONATHAN ROBINSON:

I'm not sure we'll have time to go through all of this in detail, and I think we recognize that this is a preliminary take on some of these points. I think there's a couple of things, just reversing back to the point made by Europe earlier. I mean, I think the whole purpose of being here is recognizing that the challenge exists for -- we can't simply go back to saying, "Well, the GAC can participate in working groups. Join the club." And we recognize that we have to explore innovative and new ways. And this is the start of it.

I shared the slide, Suzanne, with the Council very recently. As you know, it's only very recently in circulation. I would say to you the initial reaction was positive. It doesn't appear to circumvent or undermine existing processes but seeks to engage with and interact with. So there was a positive initial response.

I think there's a couple of points I'd make, and then I'd recognize, I'm a little conscious of time. I am also conscious there are many other councillors and GNSO reps in the room and I don't want to hog the microphone so I think we're going to have to deal with many of your points and questions in a follow-up meeting and we're very receptive to doing that.

I think we do indeed to understand what "formal notification" means because I think we're all deluged with lots of notification. I think you will probably find we are notifying you but we are perhaps not notifying you in a way that works effectively for you.

So whilst we might be able to hold up the e-mail or the piece of paper that says, "We told you," if it doesn't work for you we need to find another way of doing that and work with you to do that.

I think there was one point where there was an understanding that we had a formal requirement to inform you, and I think it was one of the final slides where it's actually a Board requirement to inform the GAC. But we can go through this in some more detail.

So I think I'll hold off there, and there's a relatively short time, and if there are other questions or inputs, maybe give way on the microphone for those.

BILL GRAHAM: Thank you, Jonathan.

As you've noted, we're running short on time. Let me suggest I take a comment first from one of the other councillors, and then I see the U.K. has his hand up, and we'll see how we go on the time that's available.

So Wolfgang, please.

WOLFGANG KLEINWACHTER: My name is Wolfgang Kleinwachter. I am a member of the GNSO Council and represent the Noncommercial Stakeholder Group.

I'm very happy to hear here that both from the government side and from the council side we have heard the word "sharing." Shared commitments, sharing responsibilities.

You know, I think this is really the spirit we want to have in a bottom-up policy development process.

We're all sitting in the same boat. We're all supporting the multistakeholder model. We understand that we are playing different roles. We have to act in the respective roles, as we know from the World Summit on the Information Society, but we have a common goal. And we have to find ways how to make this as efficient as possible.

And insofar the early engagement of governments is important. If a bottom-up policy starts from the ground from the various constituencies. And Jonathan has outlined very precisely how diverse the GNSO is.

And I think from a very practical perspective, and also from my own perspective, I can make a difference and all of the other councilors can make a difference. Whether it's an individual statement from a GAC representative, whether it's an official statement from a government or whether it's a position of the whole GAC. And so far, Andrea is absolutely right by saying, okay, this creates a problem for governments. But if you approach this from the other side, then we can make this difference. And if you make very clearly, you know, "This is an individual statement. It's not the official statement of my government," this is very helpful in an early stage in a policy development process.

As Suzanne has said, it's an experimentation. It's not the last word. But it indicates something.

It was very helpful that the OECD and the WIPO participated in online discussions via e-mails in the IGO, NGO working group so that we had at an early stage, you know, an impression, what the OECD, what the WIPO thinks about certain issues related to the protection of names of intergovernmental organizations.

So I encourage, really, the GAC members to be more proactive. I understand that it takes some time to present a GAC position. But there is no need at an early stage to represent the GAC position.

There's a need of input to get more perspectives that we can move forward step by step, and finally we can reach, then, a certain consensus and the GAC goes not to the GNSO Council. The GAC advice goes to the Board, although the GNSO Council reports to the Board. So

at the end of the day, it is in the hands of the Board to make the final decision.

BILL GRAHAM:

Thank you, Wolfgang.

Because of time I am going to call on the U.K., Zahid and Lebanon and then we will draw the line and make a few concluding remarks today. We will of course be returning with this discussion more fulsomely when we get an opportunity.

U.K., please.

UNITED KINGDOM:

Yes. I will be very brief.

Just following on from Mr. Kleinwächter's comments there, I think what is of concern to me is that we provide quality input. And that does require some time together.

If an issue has cropped up where we have to consult across administrations or with a regulator and so on, we need that time window to be able to ensure that our input is quality. It doesn't have to be consensus, but input into the early sort of thinking and framing of an issue, if there is a public-policy element in there, is vitally important. Otherwise, you know, we miss that critical opportunity.

So my question really is coming from this sort of resource impacts angle, really, what is the scale of work hear that we're contemplating?

Can I just put it crudely? How many issue reports a year are there?

And so as a result of that, how many consultations were the GAC will there need to be?

And others say the scheduling of consultations must allow time for us to be able to discuss with administrations, and also we must be consulted on the scheduling. Some of us may be away at conferences, we have other commitments and so on and so forth.

So there has to be a very careful process of scheduling for the consultations.

So what is the scale of the work that we're contemplating? I don't really have an understanding of that. And just to underline what I was saying in a previous sessions, actually, that the way we work in capitals requires us to have a sufficient window to be able to gather the inputs and ensure that we contribute effectively, fully and with quality control, if you like.

Thank you.

BILL GRAHAM:

Thank you, U.K.

Zahid.

ZAHID JAMIL:

Thank you. Just a quick one. We have the opportunity when the charter is being sort of drafted, et cetera, to reach out and maybe send. And I understand this is something that the GNSO does for the entire community, but maybe what the solution is that you have a letter or an

e-mail go directly from the chair of the GNSO to the GAC. But these are things we have to discuss within the GNSO itself.

On -- I like the can idea of the reverse liaisons. B.C. would support something like that. It would give us the opportunity. Maybe us being there, because we are several and you being one from every country, there's a certain constraint on you of resource. And that leads me to the last point in responding to what Mark from the U.K. said. I think you may have to prioritize whenever we do send you out the list of all different works we are doing, because the number of different working groups is enormous. Even we find it fairly challenging to keep pace from constituents, et cetera.

So we understand that you are possibly one from every country and that makes it difficult.

So I would to say you definitely want to prioritize. But there are three different stages where you can input. One would be when the charter is being drafted by the GNSO and is being considered. The second would be when there is a -- you know, between that space, then there is a preliminary report and a final report. And let's not forget before we even start a PDP, there is an issues report before that.

So there are various stages, about five or six stages, where -- and I think what we can do is continue to provide you with information. But that's up to consultation within the GNSO to see how they want to formulate that.

But there are about six or seven stages in which any issue goes, and you can provide input.

MANAL ISMAIL: We have Lebanon next.

LEBANON: Thank you, everyone, for everything that has gone on today. And my comment may not fit properly because I'm new to this process.

I am not aware of how this process works from a timing point of view. Are there time frames for each one of these stages, in general, to see how we fit with them within those time frames?

Second, I believe in the effort to improve as much as possible the engagement of the different constituents, we really need to start with the issue -- at the issue identification phase where at that time we should be able to draft something and send it to everybody so everybody has like an early warning, and people are able to look at it at that time. So by the time the working group gets together, at least the GAC and the GAC membership has had enough time to be able to really put its two cents in and be heard positively.

Thank you.

BILL GRAHAM: Thank you, Lebanon.

Milton Mueller has a point he would like to make, and then we'll conclude, please.

MILTON MUELLER:

Thank you, Bill.

Milton Mueller, Syracuse University, interim GNSO Councillor for the noncommercial stakeholder's group.

I wanted to follow up on the idea of a reverse liaison, because I think that may be the best solution we can come up with.

Essentially what we're hearing from the GAC members is that you really do have a parallel policy-making process going on parallel to the GNSO, which in the end turns out to be competitive. And I don't see any way around that other than to have a GNSO representative here to tell you what are the stages that we are actually going through in our policy-making process.

For example, the thing that you called for the delegate from Lebanon, actually already happens. We have something that we designate as an issue. We have an issues report that's developed by the staff, and then we form a working group.

Now, it makes no sense for us to sort of issue you a casual request, oh, we just started a working group on this, what do you think about this, because we haven't negotiated anything ourselves. And it would be equally impossible for you to come up with a position that would be helpful as a collective entity, although I agree with Wolfgang that individual opinions would be helpful at that stage.

But if you have somebody from the GNSO telling you, "Hey, we just got an issues report on this thing that you're talking about," and the GNSO is working on it, and then in the next stage they tell you, "Hey, the working group has been formed and here its charter," that relieves you

of the burden of tracking all this stuff, which you would never be able to do while tracking all the GAC stuff.

So if you have a voice, a strong voice, for the GNSO right here in the GAC telling you what's going on, I think there would be better coordination.

BILL GRAHAM:

Thank you, Milton.

Before I turn this over to Manal and we move on to the next process, I'd like to offer Jonathan and Heather opportunities to make brief statements.

I think we've -- certainly I've taken notes in a number of areas that we need to explore more fully, and we'll have to find a way to determine whether we can explore this intersessionally or at the time.

JONATHAN ROBINSON:

Thank you, Bill. Thank you to all of you. And it's immensely encouraging to see both the volume of participation as well as the tone.

There are too many questions that have been asked and too many issues raised now. I think we will have to systematically go through the transcript and highlight them. But already I can see a number of constructive possibilities coming out and various suggestions.

So I think I am not even going to attempt to summarize those now, but this does feel like a very positive opportunity to make a new start. So I'll leave it at that.

Thank you again.

MANAL ISMAIL: Okay. Thank you, Jonathan.

Heather, would you like to?

CHAIR DRYDEN: Thank you. I don't have a great deal to add to that.

I hear various proposals that we can explore further, and I do like this idea of focusing on having a shared challenge and approaching it as partners in trying to find ways to improve the process and make it work better for everyone.

And so I like that. And I think we should continue to keep that in our approach.

So thank you, everyone.

MANAL ISMAIL: Thank you, Heather.

And I suggest that we take this intersessionally also and not only wait to the next meeting in Durban so that we can have an equally fruitful output next meeting in Durban. So we will take this intersessionally, and then we can now move to the second agenda item.

BILL GRAHAM: Right.

So thanks very much. GNSO people, you're welcome to stay through the remainder of the discussion but we're going to move now to some work on Board/GAC consultation processes. That may be interesting for you to see how that's all going as well. But thank you very, very much for the active interest and participation.

So for members of the BGRI, you will recall that we have been having discussions about the flowcharts for Board/GAC consultation processes. And we are hoping that we're pretty close to finalizing that work.

Samantha's got a presentation for us, I believe, on the consultation process as it works now, and I'd ask Samantha to please come to the mic.

Thank you.

SAMANTHA EISNER:

Jeannie, if you can go to the last page of your slide deck. Thank you.

I'm Samantha Eisner. I'm senior counsel in ICANN's office of General Counsel.

This is very difficult to read but we've had documents that have been circulated to the BGRI on this. It goes through and gives kind of a graphic representation with timeline inserted on the Board/GAC consultation process as its been revised through the BGRI, and what's recommended to be forwarded to the Board for consideration. And I'll take you through some of the highlights of that process.

So of course this whole process has to be initiated by the Board providing notice to the GAC that -- providing in detail that GAC advice to

the Board will not be followed or the Board has determined not to follow that. The Board has to provide documentation and provide rationale for that reason. That is what kicks off this consultation process.

So then after that time, the GAC is afforded a period of time to review the Board's notice and explanation and assess whether there are additional elements of GAC advice that the Board has not included in its determination so that the Board can then consider if it is, indeed, rejecting further advice from the GAC.

And within the proposed timeline, what we've done is one of the ultimate goals that the BGRI set was that this consultation process should have a maximum duration of six months. This is, of course, a guideline depending on the complexity of the issues or the number of issues. There could always be variants, but this would have to be agreed upon between the Board and the GAC to extend the consultation period.

So we were timing this, when you see the dates, to a timeline of 180-day process.

So there would be a 45 calendar day period for the GAC to consider that Board notice.

Within 60 days of receipt of the notice from the Board, the chair of the GAC and the chair of the Board would then begin a conference as to the appropriate time and agenda for the meeting between the Board and the GAC which would actually be that bylaws consultation.

Now, to be clear, this does not have to be a single meeting. If there is a belief that the item is of such complexity and import, it could be that at this time the Board and the GAC would identify a series of meetings and a time frame for those series of meetings to occur, or it could be that even after the initial consultation that the Board and the GAC agree that further consultation would be necessary before the consultation is deemed closed.

So when we use the term "consultation," it does not connote that it has to be a single meeting.

The next step in the process is that all issues related to the meeting will be identified and agreed upon between the Board and the GAC. So what this is essentially is agreeing to an agenda. It's agreeing to know all the issues that the Board and the GAC will wish to discuss so that each side has time to prepare sufficiently to prepare written materials and share materials in advance of the consultation if that's wished upon.

So then you'll see at the next column, which is up at the top, at the next half of the slide, so the chair and the Board and the GAC would have agreed upon a timeline for the creation of written documentation that would be shared, and this sets out that those documentations should be published and shared at least two weeks prior to the bylaws consultation meeting.

And then we go to the bylaws consultation. It's recommended that it occurs within 60 calendar days of the agreement upon the issues between the GAC and the Board. So there would be essentially a 60-day

time period that the Board and the GAC would each have to really develop their positions on the specific issues.

And then after that consultation has concluded, the Board would determine the action it will take based upon the consultation and provide notice to the GAC. So here, this is a step for the Board to let the GAC know is the Board going to change its course of action and act in accordance with GAC advice. Possibly through the consultation, the GAC and the Board have agreed upon a way forward that would not require the Board to act in contravention of GAC advice, or it could be that the Board still considers that it will act in what it believes to be in continued contravention of GAC advice.

The GAC, after receipt of that, would then have the ability to provide comment, if any, on the Board decision.

What's not really stated fully within the process but is clearly anticipated in the spirit of the consultation would be if the two sides agree that further consultation would be beneficial, they sudden always proceed to that.

Hopefully all of the issues have been vetted through the consultation process at this point, and then the Board would actually take its final decision.

One of the areas where there has been a recommendation for change is what happens at the time that the Board actually takes the action in contravention to that GAC advice, if that is still where the Board is determined to go.

The BGRI has recommended that the Board only take that action by a two-thirds majority of board members. So this would impose a supermajority requirement on the Board in order to act in contravention of GAC advice.

This is similar to what we find arising out of the GNSO policy development process. When the Board seeks to reject a GNSO policy that's been recommended by a GNSO supermajority, the Board also has to act by a supermajority to reject that.

So it's aligned with what we see in other places in the bylaws. That would require a bylaws change in order to do that.

Are there any questions on the process?

MANAL ISMAIL: U.K., please.

UNITED KINGDOM: Thanks very much. That was very clear, Samantha. Thanks very much. Appreciate that.

The only point I just want to sort of flag up is when there's a problem like this, the way the GAC is going to be most effective in engaging with that problem is when it meets. You know, when everybody is around the table, as we are here in Beijing, with a very well attended meeting. Then we can ensure that we interact effectively to identify the issues.

So, you know, looking at this sort of scheduling of maximum time, 75 days to identify the issues within that period, if the scheduling of a GAC meeting does not quite fit with that, we may have a problem.

Maybe you've already considered this, but I'd just like -- it immediately strikes me, that point.

Thank you.

SAMANTHA EISNER:

Thank you. I think that that's one of those areas that would be really appropriate for the chair of the Board and the GAC to consider when looking at the schedule overall to determine if the six-month time frame is feasible.

If this is an opportunity for a face-to-face meeting of the GAC to occur and, therefore, it makes sense to extend out that initial period to allow for the GAC to have an opportunity to meet face to face, it likely would make sense for that.

So the process is flexible enough to account for considerations like that in the timeline.

BILL GRAHAM:

Thank you. Thank you for the question, U.K, and thank you, Samantha, for the answer.

As we discussed, I think, at the last meeting, these are notional timelines. My recollection of the discussion is that we did take into consideration the point that you raise, and it's a very valid point and

fully recognized on both sides. But we felt that having some notional time frames might serve to keep our feet to the fire, if I may say, and certainly there would have to be some flexibility built in for a negotiated extension of the time frame. That's one reason that after consultation with legal staff that we determined that the time frame probably should not be enshrined in a bylaw but, rather, left to mutual agreement by the chair of the Board and the chair of the GAC.

MANAL ISMAIL:

I want just to -- this would take us to another question which was posed already by one of my GAC colleagues, and it's when exactly do we start counting the six months now that we have agreed that a maximum of six months? Would that count starting from the meeting or from whenever the GAC is notified that the Board is not going to follow a certain advice?

SAMANTHA EISNER:

The process does require that there's a formal notice to the GAC from the Board. So it wouldn't just be time from a board meeting. It would be a requirement that the Board formally give notice to the GAC in the process that the Board and the GAC have now agreed upon for provision of notice.

So that is day one of the time, the notice.

Okay. And then the other way round, there was a question that was posed by the board members on what if the implementation of a GAC advice was not -- I mean, the GAC felt that the implementation does not really follow the advice? Despite the fact that the Board did not reject

the advice, but still, the implementation does not really follow the GAC advice, then what happens next?

CHRIS DISSPAIN: Chris Disspain. Seems to me, in order for you to decide that, you'd have to come to consensus that it didn't and, therefore, provide advice. Therefore, you'd be advising us that the previous advice hadn't been followed. And so, therefore, it fits into this process again. And you do it again. Otherwise -- because you can't advise us that we haven't followed your advice without coming to consensus and providing us with advice of the fact that we haven't followed your advice.

MANAL ISMAIL: Australia, please.

AUSTRALIA: That seems to make sense.

MANAL ISMAIL: I probably have to revise the transcripts to make sure I understand. But, anyway, we have Italy and then Lebanon.

ITALY: Okay. So in a previous meeting I -- the final -- the possible phase that -- from the board, is the interpretation of the GAC advice. And then we have to verify if this has been asked and understood in what we expect.

And then there is the implementation. So, after the implementation, the GAC could say in our opinion you didn't implement as we would have liked. So -- and this means that, after the advice from the GAC, there should be a real interaction in order to be sure that we very well interpreted what this was meaning.

And sometimes we have to accept an opinion from the board that says, okay, you gave an advice that is too vague, let's say. And then we won't understand how to implement it and confront with the GAC. Thank you.

BILL GRAHAM:

Thank you, Italy. You're entirely correct, of course. That phase takes place before this formal phase kicks in. And it is something that we've been discussing and trying to create a timeline for within the board. Because we have felt dissatisfied with our own performance, to be perfectly frank. The way that would work, just in a nutshell, is, of course, the GAC issues its advice at the conclusion of its meetings. The board then goes back to the GAC with a response. That response would include questions for clarification and a preliminary indication of how we intend to deal with the GAC advice. That then leaves it open to the GAC to come back and say well, we don't think that's compliant. So all of that happens before the formal acceptance or rejection of GAC advice.

Once there's a formal rejection, then we kick into this process. Thank you.

ITALY: This time has to be as short as possible.

MANAL ISMAIL: We have Lebanon, then Iran.

LEBANON: Thank you. Two items. One is thanks for the explanation. I was going to say that there needs to be a conformance or compliance form, some kind of compliance form for the implementation. And, based on that, you wouldn't need later consensus from the GAC to do it.

Second is on the issue related to the case when the board decides not to go ahead in accordance with the GAC advice. And I heard that there needs to be a 2/3 majority decision. Who has the right later to change that 2/3 majority to 1/2? It's like, it will be stated that two-thirds -- I believe it's up to the board later to say we want to change it. It's no longer two-thirds for one reason, just in case things do not go well between the GAC and the board. Thanks.

BILL GRAHAM: Thank you. May I ask Samantha, please, to outline the bylaw change procedure?

SAMANTHA EISNER: There was a document circulated to the BGRI that can be circulated further to the GAC, if it would be of assistance.

The ICANN bylaws require a process for change. So the board cannot just say, "I would like this to change" and change it. There has to be an

opportunity for public comment. There's a requirement that there is a minimum 30-day public comment for bylaws changes. And so that item would be put out for public comment. And I believe that it's part of the process that the GAC itself is notified of public comment openings.

So, if there was a public comment that tried to change that threshold, the GAC would be notified and likely, would, I would imagine, try to initiate the provision of GAC advice on that, if they wish to do so, about that change. But that sort of change does not happen in secret. There would have to be a public comment period. The board is obligated to consider public comment prior to taking a decision on the -- any sort of change to the bylaws process. And so all of that has to happen before the board could actually enact a bylaws change.

MANAL ISMAIL:

Okay. Thank you, Samantha. Iran, please.

IRAN:

Thank you, Madam Chairman. There are several things. With respect to the beginning and end of the process, it should be quite clear. Any process associated with that deadline, the beginning of the deadline and the end of the deadline should be quite clearly mentioned and so on and so forth. The counting of that. That's number one. Number two, when you said two-thirds of majority, if the criteria established cannot be changed unilaterally, unless there is a process to change it. So, if the decision is made that any rejections or non-acceptance -- let us put in that way. Non-acceptance will be based on two-thirds of majority is two-thirds of majority. Should not be one case. Two-thirds of

majority is called absolute majority or 1/2 plus 1, which is called simple majority. So I think that should be mentioned. Another possibility I think we should perhaps understand, when we say two-thirds of majority, means two-thirds of the full board members, but not two-thirds of quorum, those board members are present. It might happen that some board members are not present. This should be clarified. That's it.

And the last issue is that, before the board deciding on something, if there is a need for clarification, that clarification could be resolved before making decisions. I don't think a decision should be made because of the ambiguous or non-clarity of the questions. If there is a need for clarification in the view of the board that the issue requires such clarification, that clarification should be solved before decision is made on that on the acceptance or otherwise. Thank you.

MANAL ISMAIL:

Thank you. Thank you, Iran. But just to clarify that we were not talking about ambiguous advice, but rather one advice might have more than one way to implement. And the GAC might not be very satisfied with one way of the implementation. I'm sorry. I don't have examples on top of my head right now. But this is what was meant by the implementation thing. But your points are well noted. Thank you.

So I think, if we don't have any further questions, then we should be also wrapping this. And I believe that the supermajority and the time frame needs bylaws amendment. And we have agreed that we would postpone triggering bylaws amendments until we have a more holistic approach to amend the bylaws just in case we have other things that

may come up within the new gTLDs process and also to see the impact of those changes on other parts of the bylaws. So -- and I think there was also a suggestion by Steve that those be incorporated in the board manual, I think. So --

BILL GRAHAM:

Yes. Thank you, Manal. Steve Crocker, the board chair, has not been able to attend. He was called to another meeting, so that's unfortunate.

But he and I have had lengthy discussions about this. And, if he were here, he would want to assure you that he is entirely committed to these ideas, to the extent of putting them into the board operating procedures immediately before the bylaw change just so that they will be acted upon in good faith until such time as a bylaw change is made if we are agreed that these actually do cover off the issues.

The points that have been raised here are all very good points. We have taken note of them. I believe that the -- the drafting of the bylaw change will actually address the mechanics of these in very great detail and proper legal phrasing. But I can assure you that the spirit of the fine distinctions you have made has been noted and we'll be working on those.

So thank you very much for these useful comments and interventions.

MANAL ISMAIL:

Okay. Thank you for a very productive meeting, I would say. And I think this would conclude somehow recommendation 11. And we can have the flow chart ultimately posted online, and then we'll take the early

engagement intercession lead until we meet in Durban, hopefully.
Heather, would you like to --

CHAIR DRYDEN:

Thank you. I just wanted to let the GAC know that we're back in this room at 2:00 after lunch. So thank you.

(Lunch break)