HYDERABAD – GAC preparation for meeting with the Board
Monday, November 07, 2016 – 12:00 to 12:30 IST
ICANN57 | Hyderabad, India

CHAIR SCHNEIDER: We now have to move -- and we will have to run a few minutes into the lunch break. I am sorry for this. But, again, we have so many things on our plate, and time is limited, so it's difficult to avoid this.

The preparatory meeting with the board. There has been a list of proposed issues that we could discuss with the board. This list has been shared on the email list. I think it's -- Gulten is putting it up so that we see what we came up with some time ago. Maybe this list will need to be updated according to what we feel is necessary or useful to discuss with the board.

I will quickly read through this, or highlight the elements.

1 is our -- the outstanding response of the GAC -- of -- sorry, of the ICANN board on our Helsinki advice. That's point 1. In particular, the issues that are highlighted.

Then next one is the actions about the Red Cross, Red Crescent statement in Helsinki communique.

The next one is follow-up of the issues raised at the teleconference that we had post-Helsinki with the GAC to common understanding of the respective roles of the board and the GAC. And this is, I think, we should build on the discussion that we had with the GNSO on this issue, because it's not just the relation between us and the board, but also between the perception of the board of its role or not role with regard to actually policy-making in ICANN. And that also includes those who the board thinks or the supporting organizations think that their role is. So this is not just the GAC and the board, but it's also linked to, let's say, the understanding of each other's roles with the supporting organizations that recommend policies to the board. So I think this is, in my view, a fundamental thing, and we should raise this if not at the beginning, but at least devote significant time to this issue, because that's at the core of -- some of our differences in understanding of each other's roles are at the core of basically all of the other items. So if we start with this, that may help us go through the other items. That's my proposal.

Then the question 4 is about the board's evaluation of the GAC's -- is it the GAC's or the board's active participation in its policy development processes? Oh, from stakeholders in all countries worldwide. So it's about the -- it's about the diversity of participation in the policy development processes. I think this is

part as a reference to the accountability discussion that is very important.

Then we have a few more items: Mitigation of DNS abuse, underserved regions, community gTLD applications. And that may be also linked to these new inputs that we're having that we want to refer to with a report from the Council of Europe.

Is that all or is there more to come below this screen that we don't see? Just what is proposed. Gulten, maybe if you can scroll down.

No. That's it. Thank you very much.

Yeah, I read them.

Okay. So this is a proposal. So we have a little bit of time to discuss the content and also the priority and order of whatever.

So I have European Commission, Iran, Argentina, China, Indonesia, New Zealand.

So please be sure. Thank you.

European Commission.

EUROPEAN COMMISSION: Yes, thank you very much, and thank you for the initial proposal.

On the first question, of course I think it's a good question, but I think the answer you will get is something like soon, we've been busy, da-da-da.

The problem is that on a number of these issues, we know that, for example, the Board is expected to take a decision on two-letter codes during this meeting. It has not reacted to the GAC's position on two-letter codes. Spain has raised this. Singapore and ASEAN has raised this. A number of others have raised this. So rather than just asking when, should we not put it in a stronger context and say we have not had a response to the Helsinki communique. We understand why, but this is absolutely urgent because you are about, or have, taken a decision related to GAC advice and the response has not been, perhaps, taken into account. We have not had a response. So I think we have to be much stronger and much clearer on that first point and put it into the context and be much more clear.

I'm also tempted to raise my other issue, but I think I will leave it as that for the moment.

CHAIR SCHNEIDER: Feel free to raise the other issue.

I think that my writing says Iran.

Just a quick point on this one. Of course the question is outdated now, but we know that we won't receive a reply. And I fully agree we should focus on the substance, the country codes, two-letter codes, tell our expectation, communicate our expectations to the Board on that point, and the same with the IGO, and so on and so forth.

Iran.

IRAN:

Yes, I endorse what European Commission mentioned. We should specify the issues. Rather than saying that we have not received, you should mention about two letters. And I don't know, where is IGO issue? IGO? We have to mention that, because that is something which is totally frustrating with the reply we receive from the GNSO vice chair that we don't move. We don't need to move until somebody prove that our PDP is wrong. And who is taking that action? So we should be more precise.

And as you mentioned -- sorry. Board agreed to have a resolution on the two letter. So before to take a resolution, they should have a clear reply to us that our point in the communique will be taken into account in the resolutions and not put us before fait accompli.

Thank you.

CHAIR SCHNEIDER: Thank you. As I said, the -- all these elements are in the first phrase, but we'll separate them because they're, like, summarized under when the response to the Helsinki communique will come, where these items are listed, as you see in the second and third line. So we will turn them into separate bullet items over lunchtime, and then that will then be the more distilled version.

Argentina.

ARGENTINA: Thank you, Chair. I would propose to add another item to ask the opinion of the Board, it's receive their perspective about the issue that seems to have legal implications for ICANN. It's the .WEB process.

There seems to be some lack of transparency and accountability in this auction process. It's not -- From what I have been reading, not only for .WEB. There were other cases before similar to .WEB.

The information that we have, it's only from blogs and from the opinions of the companies, so it could be good to have the opinion from -- from the Board about this issue.

Thank you.

CHAIR SCHNEIDER: Thank you. I think this is -- that has been raised now on several occasions and fliers are around, so I think this is an issue of common interest and probably -- or may be of accountability. So I think it is fair to ask for further information. Also in light with the competition review, and so on and so forth.

So point taken.

Switzerland -- No, China first. Sorry.

CHINA: Thank you, Chair.

One -- one thing I was intending to -- to raise, you have already touched upon, is the two-letter, three-letter IGO things.

Another one is that I suggest we may, as the GAC, can interact with the Board on the -- on the operation of new arrangement after IANA transition.

We may could ask the Board update as the -- maybe the operation of PTI, for example.

CHAIR SCHNEIDER: Thank you. I think -- I'm not sure whether I have fully understood what exactly it is that you would raise with regard to the IANA transition and whether this is a -- there's a question that you would like to ask the Board or an information. So if you could help me understand what exactly you're proposing.

Thank you.

CHINA: I would like to propose we can ask the Board update us the operation of PTI, for example. And exchange views with the Board on the new arrangement after the IANA transition. The architecture now we have after IANA transition.

CHAIR SCHNEIDER: Okay. That makes it more -- more clear. Thank you.

Switzerland.

SWITZERLAND: Thank you, Chair.

Building upon what has been said by the European Commission and also Iran, I think that, especially on the IGO issue and the Red Cross, we should be very specific and also build on what we have discussed here in the GAC, and also with the GNSO. On the IGO issue I think we should ask formally the Board what is going to be their action to resolve the -- the situation we have now that we have the small group proposal on the table. What specific actions they are going to take.

And I would also express the expectation that we think that very speedy process is needed to resolve this as soon as possible.

As to the Red Cross issue, I think that regarding national society names, we have expressed also the expectation that this is solved as quickly as possible as there seems to be clarity that this is a separate issue with an own legal basis, and that ICANN Board could resolve this quickly.

Thank you.

CHAIR SCHNEIDER: Thank you.

Indonesia.

INDONESIA: Yeah, I have a quick point. First is following China's information. I would like also to get more information on the legal entity of the PTI and how it will develop later, post -- no. Post-transition IANA, something like that. Legal entity and what kind of organization it looks like, because understand that it has been transferred from the U.S. DoC body.

Secondly is that would like also to get the commitment from the ICANN itself, after the IANA transitions to PTI and later to other legal entity. We'd like that, to make sure that the public interest of all countries is still fully served. Although the IANA and the PTI and later, whatever, are located somewhere in California, I just want to make sure, as you -- related to what you mentioned yesterday, that all countries in the world, including Indonesia, of course, will get the -- to be served as on the basis of public interest of the country.

Thank you.

CHAIR SCHNEIDER: Thank you. I take this in the understanding that maybe for -- for the legal details of the PTI, the request is to give us some written information after the meeting, because I don't think it's feasible to -- to go on details on this during the meeting. And I think the information is probably already available somewhere.

But given the number of issues, it would probably take too much time to go into details. But I think it's good to ask them the question and show our interest on this.

I think what I wrote next is New Zealand. Is that correct? Did you ask for the floor? Okay. Thank you.

NEW ZEALAND: Thank you, Chair.

This is a long list, so I thought firstly we'd just say what we agree are priorities, particularly, are the two-character codes, and also discussing the ways in which we communicate with the Board after the communique to talk about the villages.

I think this actually may be covered in 3, but we would be interested in getting a commitment from the Board to this follow-up process and maybe putting a date to it.

My question is rather about how we approach this meeting. We've tried different ways to introduce topics with the board meeting before with a chair or topic lead. Last time I think we had you as the chair providing an overview and then members would comment. In the interest of time I just wanted to know how we might maximize this. Do we expect that you will introduce the topics or would you like topic leads to discuss this?

Thank you.

CHAIR SCHNEIDER: Yes, we tried different things and everything has pros and cons in the end.

I'm in your hands. Given the time where we are now, we can go through the list again and identify topic lead, or I can do my best and try and introduce things, and then you complement.

I'm in your hands. It's up to you.

I see Iran and Switzerland.

Thank you.

IRAN: Thank you, Thomas.

I think, first of all, you need to put some order of priority, that not if important issue like IGO, and so on, for at the end and no time. And second, I suggest, just suggest that you introduce the issue. If people believe that they need to complement, they complement that.

Moreover, the issue raised by our distinguished colleague from China and Indonesia, already they are announced by ICANN in the ICANN alert and in their circular to the public. So we don't

need to go to that one. It takes a lot of time to talk about legality of the PTI, and so on, so forth. These are the things quite clear, Chairman. We need to read what has been distributed. So I don't think that. But you raise the point, and ask them to direct colleagues toward the publication. That's all. But not go to the legal entity of the PTI, which takes several weeks of the CWG.

Thank you.

CHAIR SCHNEIDER: Thank you, China [sic].

Switzerland.

SWITZERLAND: Very briefly. I think on most of the topics where it is clear that there is a GAC position coming from previous communiques, it should be the chair in the name of the GAC raising it, and topic leads can complement.

CHAIR SCHNEIDER: Okay. I do understand that this is the way -- Netherlands first, and then I try to sum up.

NETHERLANDS:	Yes, and Switzerland, you got my point exactly. I think you should introduce it very shortly and then give it to the topic lead.

I think there are a lot of questions which can be answered by public information. I think, for example, the legal entity of PTI. I think it would be very -- let's say taking too much of our time to get into this to explain something which is publicly available information.

But I could recognize that from the PTI operation we could ask whether ICANN is confident that, let's say, the operation is going in the right way, in the right -- with the right deadlines (indiscernible). So that aspect would be interesting.

Thank you.

CHAIR SCHNEIDER:	Thank you. That may actually be one way of dealing with that, that we basically just state that members are interested in finding more information about the functioning of the PTI and that we ask them for a version of assessment whether they think everything is going well or there are challenges that were not foreseen or something like that. Focus on this.

With regard to prior advertising this fairly long list, the first thing, so I will try to very briefly introduce the items. From what I hear from you, I think I will take a little bit more time focusing

on the two-character code issue than maybe on others further down the road. Focusing on the way we exchange between the Board and ICANN on GAC advice and -- and including ask them as a concrete action item for a date for a next teleconference meeting to digest not only the -- the Hyderabad advice but maybe even the Helsinki advice so that our relation and mutual understanding of each other's roles. I think this is a fundamental issue. And from what I hear also, the IGO and related but not joint. With that, the Red Cross issue; that we make clear that this is important that we want these things resolved, that we want a clear signal from the Board, and so on and so forth.

And the rest, all the other issues we'll take, then, in sequence.

And by the way, we have three points that the Board has asked us to -- to think about. Maybe we can quickly -- and this comes from -- these are things that Goran has been asking the community. So we actually should take some seconds to remind us of what these three issue are.

So if anybody -- I don't know whether, Tom, you can find the email or maybe Olof or anybody else. But I -- you got it. I love this efficiency of that person. Unbelievable.

TOM DALE: Thank you, Thomas.

CHAIR SCHNEIDER: Wu can you read them, please?

TOM DALE: Thank you, Thomas. I prefer working on five seconds' notice. It's much better.

The Board had -- and this was advice to the GAC some weeks ago. The Board is putting what I think are two generic questions to all the people they're meeting with. The first is what do we, the Board and ICANN organization, have to do to make the transition work for you?

And the second question is what do we, Board, ICANN organization, and community, need to do to advance trust and confidence in what we do?

Thank you.

CHAIR SCHNEIDER: So I think that's actually quite overlapping. It's just taking an approach that comes from a different angle. But, for instance, the issue of trust and confidence is also related to how we work together on implementing or processing advice, to give you one example. And so we don't have the time to discuss this, but the

question is what is the order? Are we starting with their question or are we starting with our questions or issues? Or will we take their questions as cross-cutting issues that we use for every of the items to talk about what works for us and what trust and things work for us?

I see Olga, at least, nodding. I see other people nodding.

So maybe we can start by saying we have -- we are aware of the questions, and our proposal is to look at these elements in every of the items that we -- because they are cross-cutting in the end. That we treat this as an underlying issue of all the items that we go through.

That something that you think makes sense?

Okay. All right. Thank you.

Iran.

IRAN: Thank you, Chairman.

For the IGO, I heard that maybe the Board would mention that you, GAC and GNSO, getting together and solving the problem. That is not going anywhere.

I think I heard from the GNSO they want to have a tripartite: Board, GNSO, and GAC. But they don't want that we just start to

talk together because we have the same situation. They set out PDPs here, we don't change it at all unless you prove that it is wrong. We say that it is our advice has not been implemented, so we get nowhere.

 So please kindly be careful when we asking the Board not just to push the (indiscernible) shoulder of GAC and GNSO. They must be involved in one way or another. Thank you.

CHAIR SCHNEIDER: Thank you. I think this is a position we share with the GNSO, that the Board has a responsibility in facilitating, whatever that means and whatever the process looks like. That I think this is clear. For information, there's some informal discussions in all kinds of directions, and I think -- feel free to, in particular, on this one, jump in and clearly communicate your expectations.

 What I will definitely say is whatever the process will be, it should be inclusive and it should be clear and there should be no games played in terms of assertions that whoever did follow the rules or not follow the rules and blah, blah, blah. Things need to be clear and inclusive and transparent. These are the three points I will make on this one.

 Is this -- So we come up with a list. Do our best to work with it, discuss into the list, and hopefully get the order right for you in

terms of priorities. And we'll send it to you as soon as we have it, and also to the Board, I assume, so at least they have a few minutes to -- to prepare.

Can we go into the break with this or is there something that we have forgotten?

African Union Commission. Thank you.

AFRICAN UNION COMMISSION: Thank you, Chair. I was wondering -- or a suggestion. For number 4 and 6, could actually be discussed together. Because it speaks to the same issue.

And the Underserved Regions Working Group has been working on exactly those issues. So I think we can put the two together.

CHAIR SCHNEIDER: Thank you. That's useful. So in the end it's about inclusivity, inclusion of the -- Yeah. I think that makes sense. Tom is also nodding.

Okay. Anything more?

I see no more --

UNIDENTIFIED SPEAKER: Can we see the full list in the screen?

CHAIR SCHNEIDER: This is actually the full list of what we have on paper. The rest we noted and we'll work into it. So you need to trust us that we are able to use the remaining 40 minutes to come up with something, because we have no other -- no other chance. But we'll do our best.

U.K., and then we think we have to close. Thank you.

UNITED KINGDOM: Thanks. Just with regard to 7, it's an information item, really, for us to inform the Board that this report -- which they're probably well aware of, actually, but I think we have the formal step of simply informing it. So that's not a discussion item.

Thank you

CHAIR SCHNEIDER: That will be fairly short, and I will just refer to you in that case as you have been accompanying this work as a GAC member and also member of the committee on the Council of Europe that does this. So, okay. Fine.

All right. So enjoy the break, the lunch break, and we will meet again at 1:30 to hear the results of the elections.

Thank you.

[Lunch break]