HYDERABAD – GAC meeting with the GNSO
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CHAIR SCHNEIDER: Thank you all. Please take your seats. We will start very soon.

Okay, please take your seats. We are starting as it is already past 2:30. So for those who are looking on the GAC agenda what is this meeting about, this is our regular meeting with the GNSO. And you also have a briefing document which is on agenda item number 7 that you can consult to get some background information if you haven't already. And we have an agenda that you see in our schedule like the four key points that we would like to exchange. There may be others, depending on how much time we have and where the discussion will lead us, of course. Let me say hello to James and his team. Maybe, please, for those who are new in the GAC, do introduce yourself and -- so that we all know who you are.

JAMES BLADEL: So thank you, Thomas. I'm James Bladel, chair of the GNSO Council. And I'll just go down the line here. To my right is Donna Austin, contracted party house chair of -- vice chair of the GNSO Council, and to her right is Heather Forrest, non-contracted

party house vice chair of the GNSO Council, and at the very end, last but not least is Mason Cole, our GNSO liaison to the GAC. And just as a note that by way of announcement, this will be Mason's last meeting as the GNSO liaison to the GAC. So perhaps we could just take five seconds of our time and the GAC's time to thank him for his contributions over the last two years, particularly extending his term a little bit to help us find a successor. So thank you, Mason.

[Applause]

CHAIR SCHNEIDER: Thank you. For those in the GNSO who do not know me, I'm Thomas Schneider, currently the chair of the GAC and left of me seated from my side is Manal from Egypt. She's here because she has been working together with -- in particular with Jonathan Robinson on the so-called GAC/GNSO consultation group. That will be one of the agenda items that we'll have an exchange on.

So the agenda -- yeah, we see it. It looks slightly differently. This is why I didn't recognize it. So the first agenda item is an exchange of views on the GNSO/GAC consultation group. So let me give the floor to Manal who will briefly update us, for those who don't know what it is, what it is and what the plan is with this consultation group. Thank you.

MANAL ISMAIL: Thank you, Thomas, and thank you, James, for that introduction. So I can see Jonathan has already arrived so as Thomas rightly mentioned that the GAC/GNSO consultation group is co-chaired by Jonathan Robinson from the GNSO side and myself from the GAC. So if we can go to the next slide, please.

JONATHAN ROBINSON: Thanks, Manal. Sorry I was just a couple of minutes late as I was on the way over here for precisely 2:30 and got slightly delayed. So we set this initiative up jointly with the GAC and the GNSO specifically to enhance ways in which we could work together. I think many of you have heard from us as this work's evolved, so we won't go through it in the fine details. The slides should be available to you and have previously been available to you in some form or another. But really the significant thing we did is divided this work into the two different tracks to see how we might work together on both a day-to-day basis and ensure, as best as possible and respectful of the mechanics and constraints of the way in which the GAC works, to ensure GAC early engagement in our PDPs. We worked on a series of deliverables, and we really feel that we've taken this to a point where we now need to hand it back from the consultation group back to the

GAC and the GNSO to continue with the work together or really develop on these ideas. And you see those key deliverables there, that the GNSO liaison to the GAC, which Mason has admirably performed for the last couple of years and is likely to be -- or will be continued, the initial quick look mechanism or issue scoping, the one-pagers that have come out highlighting each and every next engagement opportunity. And it's clear that in some instances the GAC may choose not to engage and participate. It may be seen that there is no overarching public policy oriented motivation for the GAC to participate, but the purpose of things like the one-pager is to give that opportunity to highlight and permit you to have a mechanism on which to decide that. And then there's the joint GAC/GNSO leadership calls which I understand have largely continued.

So we really bring to you our final status report which Manal will now -- can talk to you about and the key recommendations based on the original charter. I hand over to you with that, Manal.

MANAL ISMAIL: Okay, thank you, Jonathan. So if we go to the next slide, please, and this explains how the report is structured. I'm sorry, can we go one back? Yeah. So it has a part that describes the consultation group charter, the goal objectives and deliverables,

and a section on overview of the achievements to date, which Jonathan already gave some highlights on. Then overview of outstanding items which were not tackled at the time of Helsinki meeting. So we tried to address whatever has been missing as per our charter in this section. And then the recommendations to deal with the outstanding items. And finally a conclusion. So if we go to the following slide, please.

So we thought to have the presentation directly addressing the recommendations. So with respect to the day-to-day ongoing coordination, the consultation group recommends to schedule a consultation between GAC secretariat, the outgoing and incoming GNSO liaison to the GAC, and relevant support staff to review current information and communication methods and determine what improvements, if any, need to be made. And also in relation is recommendation 1b, and it says further strengthen the contacts between the leadership teams of the GNSO Council and the GAC by providing for periodic conference calls and meetings where pressing issues could be debated. So those are the first two recommendations. I'll go to number 2. I'm happy to elaborate. If you have any questions, please feel free to interrupt me. I think it's better to take questions one by one rather than leave things till the very end.

The second recommendation is ICANN staff is to develop a process flow based on existing mechanisms, highlighting those

that have been added as a result of the GAC/GNSO consultation group. And again, if you check the report itself, it has the objectives and the goals and the deliverables that were asked from the consultation group per the charter and it -- it shows better where those recommendations come from.   So recommendations 3, the consultation group recommends to make the quick look mechanism a standard feature of the PDP, factoring in the possible simplification and generalization of the process proposed in the GAC quick look mechanism experiences to date, which is the name of a document.   And also recommendation number 4 -- and those two recommendations has to do with the GAC early engagement in GNSO PDP. The status of GAC early engagement and GNSO policy development is regularly reviewed and discussed as part of regular dialogue. Furthermore, PDP working groups are encouraged to communicate to the GAC how its input has been considered and addressed and encourages the GAC to strengthen its participation in the later stages of the PDP. So let me maybe pause here and see if anyone has any questions or reactions. Iran, please.

IRAN: Thank you, Manal. Thank you, Jonathan for a very constructive and positive report. We not only have no difficulty and comment to the recommendation, but we fully endorse that.

My comment is that having the recommend and endorsing the recommendation, GAC should really implement that. You talk of early engagement. I personally practice there is no such early engagement of the GAC in one of the group dealing with the new gTLD round. They are discussing very frequently and so on and so forth and I see almost very few or sometimes one or even none from the GAC in that group. This is a PDP which is a new round and then we say nothing and then it is established and we complain. So in order to follow your recommendation, GAC could really have some sort of commitment to participate in that early engagement. Or to be involved in that early engagement. My view is that whenever we come and physically are meeting, we always say okay, okay. But once we're finished, we forget until the next meeting. Always. So we are very good recommendation need to be implemented. And it is up to us and also under the guidance of the chair to provide ways, means, advice how to implement those recommendation. Thank you.

MANAL ISMAIL: Thank you, Iran, for your very constructive comment. And I -- I echo what you said.

If we have it just in writing, this doesn't help. We have to -- to really practice the early engagement and -- and get more engaged.

So thank you for your comments.

So following again the GAC early engagement in GNSO PDP recommendations, recommendation number 5 states the GAC, the GNSO, and the ICANN Board should all assess the impact of the early engagement mechanisms and determine whether a conciliation mechanism is to be developed. The consultation group encourages the GAC and the GNSO Council to engage in dialogue in those instances where there is an obvious difference between the proposed PDP recommendations and GAC input that has been provided.

Recommendation 6: The GAC and the GNSO leadership teams as well as the GNSO liaison to the GAC, and the GAC secretariat, use their regular engagements as opportunities to review and discuss the status of early engagement to allow for early identification of potential issues and/or other mechanisms that could be considered.

And finally, one general recommendation: The GAC and the GNSO leadership teams review, as part of their regular exchanges, the status of GAC early engagement in the GNSO PDP and recommends that the GNSO liaison to the GAC provides an

annual report to the GAC and the GNSO that highlights early engagement efforts to date as well as possible improvements to be considered. Based upon the review of these possible improvements by the GAC and the GNSO, next steps can be determined.

So recommendation number 8, I think I'll hand back to Jonathan. It's just the conclusion, and I leave to you the last two slides. So please go ahead.

JONATHAN ROBINSON: Thank you, Manal. So as you can see, in our view we've done what we've set out to do. We've picked up on the -- the recommendations that have come out of the ATRT1 and 2 and formed voluntarily this collaborative group to try and move forward the issue of effective GNSO-GAC working. And we would very much like to hand this report over to the -- back to the organizations now to take up the sort of challenge. And as one of the earlier comments said, we really very much hope that you will find the opportunity to get involved in the way in which we have suggested and to pick up the various mechanisms.

So let's have a look at the last two slides, then, and see if there's anything else we can cover to try to wrap this up and hand back to Thomas and James for the rest of the session.

Can we move to -- Are there any other slides? I think there's a -- Yeah. So really this is the next steps.

We would anticipate and hope very much that you will properly consider these recommendations and adopt them and move forward with the work of the group. And there's a series of links here, therefore, for you to see the various bases of the work, the full mailing list. It's all been transparent.

We specifically avoided at the outset calling this a working group so we wouldn't be constrained by one or other group's mechanisms or processes of working. And it seems to have been a very effective way. And so I guess the final word is really to thank everyone who did contribute to this during the course of the work and to all of you for supporting us through this and for hearing out our recommendations.

So thank you, and thanks to my co-chair Manal as well.

MANAL ISMAIL: Thank you, Jonathan.

And just to highlight that the full report was already circulated, and it is within the GAC pack that has briefings for all agenda items.

Iran, please.

IRAN: Thank you. If possibly you can go to the recommendation 5, it is mentioned that -- going here, where you're talking of the input of the GAC to the PDP. Yes. Where there is a obvious -- I don't know which one you were talking of that they should take into account input from GAC.

Yes, here. Input at what stage? Input at the stage of the public comment? Because usually your PDP have minimum two public comment if not three, and at what time and where does input come from? Are you talking of advice of the GAC or talking of reflections or feedback from GAC to the preparation of the PDP at the stage of preparation? Before public comment? Within to public comment? After to public comment? This is one point that we need really a clarification.

And then I have some explanation. I am following, not always, the working group dealing with the PDP for the new gTLD, and I have witnessed that the group very carefully consider all input from GAC. The chair, even reading one by one, word by word and asking that whether there is any comment or anything to be added by the GAC at the -- participating at the meeting. But due to the nonparticipation, sometimes even there is no any input to that.

So once again, I come back to the recommendation implementations. It must be implemented. Even more than encouraged. Perhaps we should use something else a little more stronger than encouragement. If not commitment, then something else.

Thank you.

MANAL ISMAIL: Thank you, Kavouss, and thanks for the question. And sorry it was not clear.

But here we meant to specifically focus on early input from the GAC. So we're talking about the very early stages of issue scoping and very early stages of the PDP.

And, yes, it's recommended that when the GAC provides an early input to the GNSO, that at least we know how this has been considered and whether it is in conflict or in agreement with the GNSO views.

So this is what the recommendation alludes to. And based on the early engagement, we hope that any conflicting views would be resolved early enough, and we don't even have to find a conciliation mechanism. But this remains to be seen when we put the recommendations into practice, as you mentioned. So....

Thank you.

JAMES BLADEL: Thank you Manal and Jonathan, and not only for walking us through these particular slides and these recommendations but also for your contributions to this consulting group.

I can report that the GNSO is considering the motion to adopt these recommendations and implement them here in Hyderabad in our meeting on Monday. And I suspect that that will be a fairly noncontroversial agenda item.

We are encouraged and continue to encourage that the most valuable information input and feedback we can receive from the GAC is that which is received as early as possible, while the -- while the work is being initialized, while the scopes are being defined and while definitions are being defined.

In the middle of the process and the end of the process, the value starts to deteriorate. And I think that's what we're encouraging, early and frequent engagement, as soon as possible but also throughout the process.

I think that we are looking forward to building and strengthening this type of cross-pollination of ideas and feedback into the policy development process, including the regular updates from the GNSO liaison to the GAC and the

different -- the periodic calls that we have established between -- between the leadership of the GNSO Council and the GAC.

This is -- This is something that I think -- these are just a couple of the recommendations specifically that we can adopt as soon as possible.

CHAIR SCHNEIDER: Thank you. Thank you, Jason. And it would, actually, be interesting to hear from GAC members in addition to a response to what our colleague from Iran has said about GAC -- early, actual, real, factual early participation of the GAC in these processes. But before that, I think that this issue is -- is highlighting a structural, let's say, challenge of the GAC's role in this organization because if you look at the bylaws, and that includes the new bylaws as well, the role of the GAC is to give advice to the Board.

At a stage where the Board -- after the Board receives -- normally after the Board receives recommendations from the policy-making bodies, either the GNSO or the ccNSO. And once these recommendations are there, the GAC comes in and gives advice to the Board.

This is the role of the GAC according to the bylaws. Nothing else so far, apart from the new things like empowered community.

That I'm leaving aside for the time being. This is the role of the GAC. There is no -- Unlike with the ALAC where there's some text in the bylaws about interaction with SOs, there's no text in the bylaws about interaction, direct interaction, with the GAC between the GAC and SOs. At least I haven't found any. Maybe I've overlooked something. If somebody finds something, then please tell me.

So this is the situation that the structural -- the constitution of ICANN basically tells us this is your role. And we all know and the experience with the new gTLD process in particular I guess has shown that there are some challenges based on expectations on different side about the role -- in this triangle about the role of the GAC, about the role of the Board, about the consequences on the GNSO work and planning, and on and so forth, that have led to these, among others, to these efforts to say, okay, it would be good if GAC could engage, the governments could engage earlier in the process and exchange. This is what we have been trying to do and I think these recommendations are useful and good.

Why this is -- seems to be difficult to implement? Because I don't think it's a question of willingness or lack of willingness from the GAC side to engage. I don't -- I have not heard anybody that said, well, we don't care. We'll not participate.

I think there are other reasons, and it would be good, maybe, to hear some of the reasons if GAC members know the reasons why it is difficult for GAC members to participate in -- early in these processes in addition to the functions that we have according to the bylaws.

And the thing is, also, that if -- There's a difference between individual GAC members participating in -- in a PDP than to the GAC coming up with consolidated, negotiated, if necessary, consensus, input, whatever that would be, advice or there's not even a word for that, an official one, because that doesn't exist in the bylaws. That would require if we are -- we were to formalize this, which is something we can think about, if you talk about now that we created ICANN version two, if we think about creating or going over to ICANN version three, Wolfgang Kleinwaechter used to call it, we may think about creating formal channels for such interaction. For the time being, they are not there. There are no processes in the GAC to formulate whatever advice. No formal processes to the GNSO. This is something we may need to think about whether we can and want to go in that direction, and then also on the other side, how is this received, and so on and so forth. Apart from the public comment processes, of course, which is something we can use that historically the GAC has not used, at least in the days when I started there was the perception that the GAC doesn't

participate in public comment periods. Its role is to give advice to the Board. That is what I have been told when I came here in 2008, 2009.

The CCWG, which is an interesting exercise, has actually made us, like everybody else, work quite differently and we took great efforts to somehow manage and cope without physical meetings to coordinate and send papers into public comment periods, and so on and so forth. That was a huge effort, and we think fairly well succeeded under the circumstances and given the resources that we have.

I'll stop here, but I think this is a fundamental issue and we need to think about this all together in order to see how we make this model work as best as we can and what potential consequences for the future, maybe, if we think what we do now is not ideal, is not the most efficient thing, so there may be room for further development of ICANN. But for the time being, it would be good to know and to tell the GNSO what the problem is with early engagement, to actually go and participate in these processes.

So just for us understanding better.

So I have a list of -- If you're -- Donna, let's state with Donna first and then give some -- Okay. Thank you.

DONNA AUSTIN: Thanks, Thomas. Donna Austin.

I appreciate, you know, the background, and I did spend some years inside the GAC, so I probably have more of an appreciation than most about some of the challenges that the GAC does face. What I've come to realize on the GNSO is we have processes and procedures that we need to abide by, too, and that is coming to -- it's creating some challenges for us, too.

So we've been having some discussions about, you know, we acknowledge what's in the bylaws, we acknowledge what's in our procedures, but I don't know that there's anything really that stops us -- stops us from finding other ways to work the process so that we try to reduce the possibility that the GNSO comes up with recommendations and then we have GAC advice that comes over the top of that that may be in conflict.

And I notice on these recommendations, I think it's recommendation 5, Manal, there's a suggestion that there's an opportunity for conciliation between the GAC, Board, and the Council. And I think that's something we've come to realize, is we have bilateral conversations with the GAC. The Board has bilateral conversations with the GAC. And then we have bilateral conversations with the Board. But the three of us don't get in the room together and have the opportunity for some open dialogue on topics that we know are important to the three of

us. And I think we would all benefit from having opportunities during these ICANN meetings for structured conversations around the issues that we're all dealing with and we know that we have different perspectives.

From a -- the council perspective, we have four PDPs that are currently in -- under way, and there is set processes that we have to go through. And I hope that you appreciate what they are and what the different steps are.

What we would like to find -- we know that there's public comments, we know that, you know, we've got this early warning -- not early warning. That's part of the process. Quick -- quick look, sorry. The quick look, but what we would like to do or find a way to do is have that conversation before the -- before the GNSO signs off on its recommendations and before the GAC actually provides advice to the board that we can actually have a structured conversation around the -- the differences of opinion, if there happen to be those, and try to get some resolution or at least an understanding of why we're coming from those different perspectives before the recommendations or the advice goes to the board.

So we haven't had this conversation with the board yet. We're looking forward to having it. But we really -- we appreciate that everybody has a different processes that, you know, you have

requirements in the bylaws, we have requirements in the bylaws, we have operating procedures. There are certain points where we can't change that, and we're in that position now. But if we can be a little bit flexible and think a little bit outside the box as to how we can not get in the position that we have been in the past where we're -- we have recommendations and GAC advice that are at odds and that makes it a challenge for the board. So I think the recommendation 5 I think is a good start, that we need to acknowledge that these are three important parties. If we can get them in the room -- in the room to have substantive discussion, I think that will help us getting a better understanding of where everybody else is and maybe make some progress and solutions. Thanks, Thomas.

CHAIR SCHNEIDER: Thank you. And I think we share basically the same -- the same goals with different constraints sometimes. I have a -- a list. New Zealand, Iran, Norway, European Commission, Jonathan Robinson, Egypt, and Switzerland. So that's the list. Please go ahead. Thank you. New Zealand.

NEW ZEALAND: Thank you, Chair. I think where we can find flexibility, that's going to be really useful. I find that we work best when we engage, GAC gets out of the room. Some of the formal decisions

we had in Marrakech I found really useful for understanding what the GNSO was trying to achieve and how we might find some solutions.

In the previous GAC session we just had there was some discussion about multiple WHOIS processes that are going on and how difficult it has been for some people to follow work streams and resource them. So I just wanted to talk a bit about how you're probably aware that the diversity of GAC membership means we often want several people engaging rather than one liaison, and we want to convey several views. So when we get out of the room, we have to go to a lot of different places. The more we can do to get out of the room and have these conversations the better it will be, but the more work streams there are, the harder this is.

We've referenced this before in cross-community decisions, but, I mean, you mentioned there's four current PDPs underway just in the GNSO. So my question for you is whether there are any current practices or ways that we can find for the GNSO to prioritize its work and consider what impacts you might be having from all the work streams crossing over each other so that we can actually make sure we're focused. Thank you.

CHAIR SCHNEIDER: Let's -- I would suggest let's take the feedback and then give you a collective opportunity to respond. Iran. Thank you.

IRAN: Thank you. Let me further explain on what I heard. I heard that with respect to the interaction between GAC and GNSO there is nothing in the bylaw. We don't need to have that in the bylaw. Bylaw is the high level provisions giving general guidelines. Moreover, from legal point of view, bylaw does not exclude such interaction. Can somebody show me where in the bylaws is that GAC is not requested or invited or expected to take any cooperative interaction with any constituency of the ICANN including GNSO? Nothing is mentioned. So I think when they complain that some of the issue is blocked for years because of this conflict between the recommendations of PDP on one hand and advice of the GAC on the other hand. In order to avoid that, if you work from the very beginning, that will be minimized if not totally taken out. So we have to do that. This is a sort of collaborations. Good recommendation has been made, and we don't need bylaw to advise us or tell us that implement that recommendation. Recommendation is practically useful to be implemented, and we have to implement that and we have to take any possible course of action to implement and enforce and having feedback whether properly has been implemented or not. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. Norway.

NORWAY: Yes, thank you, Chair.   And thank you, also, to Manal and Jonathan for this work doing this report and recommendations.

There are many issues to -- I think could be discussed but I'll try to be brief on the main issues. I also want to say that I very much agree with you, Chair, that stating what is actually in the bylaws and what is our formal obligations and how to interact and work with ICANN and the community. On the other hand, I see these recommendations as -- as a guidance to try to implement informal procedures for how we can best work together. So, of course, we can strive and have a best effort informal procedures and how to interact with the GNSO and on the issues relevant for both GNSO and the GAC. And I also expect that the GNSO also have certain formal obligations and it might also not -- it doesn't exist that you have any obligations to take into account the GAC input into your procedures. So I think, for example, as you, Donna, was mentioning, maybe we could in -- on important issues, we could try to schedule on the GAC agenda to have informal deliberations on -- discuss issues between the GNSO and the GAC, for example. Because it is difficult for the GAC members to participate in -- individually into

the PDPs. Because then, of course, there will be some countries that you have resources to do that and provide input but, of course, it will not be a GAC input as such. So I think we must consider this as a best effort to try to enlighten and to have a more fruitful and wider perspective of the issues that are discussed in the PDPs. And if GAC can be helpful in providing more perspectives on that, that would be useful. But I think also as you said, Thomas, that we are -- also have to be conformant with our GAC advice will be input to the board. And, of course, if you can -- as GNSO can take that into your process in the PDPs that would both be useful. But just to repeat myself, I think we have to consider this as a best effort on informal procedures and try if we can put it -- this in and that will improve the processes. And as also these recommendations point out, that we need an evaluation, an assessment of if the interaction has been improved processes or been better. So I think that's vital, that we pay attention to that and assess the improvements or not. Thanks.

CHAIR SCHNEIDER: Thank you, Norway. European Commission.

EUROPEAN COMMISSION: Yes, thank you very much. And again, thanks to the -- for the presentation, which I think is very useful.

It's clear, I think -- and I don't want to repeat what everyone else has already said. I think there's a clear interest and voluntarity -- you know what I mean, interest in continuing to work together. It's clear that the GAC is part and parcel of the bottom-up multistakeholder community and we have to participate at an early stage. How and under what circumstances we do that, we can discuss later. But I think the principles are very important. And nothing in the bylaws or anything else vitiates the GAC's ability to carry out its normal ICANN board advice role by having participated at an earlier stage or having identified public policy problems or just transferring information back and forth. And if we end up in circumstances such as we've had with the intergovernmental organizations names where positions have been taken on two different sides. Without necessarily participating as effectively or as usefully at initial stages, we end up with different positions which are probably not really so different but they've been established. So by participating earlier and exchanging information, this can only help us all. So we just have to find a way to do it properly.

CHAIR SCHNEIDER: That's exactly the problem, we all want to participate. And we all repeat that we want to participate. But we do not seem to have found a way that is actually -- happens to an extent that we want it. So I was trying to get some answers from you about why

participation, for instance if you take -- if you take the -- one of the four PDPs on subsequent rounds with nine subgroups, why is there so few participation in that? We know that this is important. This is why we're here. But what is the problem? We have to discuss this, or at least give some hints and be honest with each other, if there's a problem to tell what the problem is. Manal, Switzerland, and then I have Jonathan and Donna, I think.

MANAL ISMAIL: Okay. I was just (indiscernible) in response to what Donna said because I -- I fully agree that it only makes sense that we benefit from the multistakeholder nature of the organization. I mean, and establish direct communication between the GNSO and the GAC. Otherwise, if we keep working individually and then communicating through board, that doesn't help. And I don't think this is what we mean by multistakeholder. So -- and if I may, not to request to floor again, to thank my colleagues again very quickly, my co-chair, Jonathan, and Mason also, GAC liaison, and each and every one of the members from the GNSO side and the GAC side and also the excellent support we've been provided by ICANN staff, and I would specify Olof and Marika. They did an excellent job. So thanks to everyone, and back to the order of speech. I'm sorry. Thank you.

CHAIR SCHNEIDER: Thank you. Switzerland.

SWITZERLAND: Thank you, Chair. I would like to perhaps take a step back and look at the -- at the big picture here. And I think that the -- the recommendations from the contact group between the GAC and the GNSO, and by way of disclosure in the last months I was part of that, could provide for good instruments to improve this informal interaction without needing to address any ICANN bylaws changes. Especially recommendation 4 where there is mention that if there is any GAC input to a PDP working group that the -- the working group responds explicitly to the GAC so that we know what has been the result of that previous input and that's not only the early engagement or the quick look input but inputs that may come in later stages. Or also the recommendation 5 that Donna mentioned, that before we make things final, be it in the GNSO or be it in the GAC -- and by making them final, I mean we have sent them to the board. Before we go to that step and we see with the history of the PDP up to that stage, whether there are still some conflicts, to really try to solve these issues before they -- they reach the board stage.

I think that if we really follow these recommendations and not only the letter of them and implement them as additional layers

of procedure but we attend to the spirit and the finality of them, we may avoid of lot of problems in the future. We will be able to improve a lot our cooperation.

And I think that, for instance, I'm having personally the experience of participating as much as I can in the gTLD subsequent procedures PDP. And I think that there's a -- you feel very well -- very welcomed in that working group. It's a good spirit of working together there. Even if it's probably the most difficult working -- PDP, that's ongoing, well, the WHOIS PDP, that's also quite thorny. But it's important for -- for our GNSO colleagues, for you GNSO colleagues, to be aware that there's also a cultural difference between you and us. We are used to other kinds of interaction. So perhaps when people from the GAC speak we use a more diplomatic tone but you have to read between the lines, if you want to get the spirit of what we are saying. And if that is done, then the -- the potential for conflict is lessened. If you are just looking to what is the explicit meaning of what is being said, maybe you may take that into account but you may lose sight of much of what is being conveyed and things may pop up later at the stage where the problems led to more difficult to resolve.

So a welcoming culture I think is very important, and people that are able to translate the culture from one part of the community to the other and vice versa is also important.

And we also have legacy situations. We -- I think the chair now will leave us -- lead us to those in a couple of minutes, the IGOs, the Red Cross. I think we have to be flexible in trying to resolve that as quickly as possible. Thank you.

CHAIR SCHNEIDER: Thank you. Time is moving on. We're spending a lot of time on this. This is fundamentally important so I don't regret us spending time on this, but I can't take any more views from the GAC. We can continue informally. I have Jonathan, Donna, and James on the list on the GNSO side to react to this. I guess the resourcing challenges for governments with -- not growing per staff but growing tasks and growing issues is something that probably will come up as an answer to why -- a reason to why participation is limited. So I anticipate that because that may have been something that would come up. And we can't just pluralize our tasks and speed up ourselves like a computer that doubles its speed every two -- every half year. That doesn't work with governments because we need to like follow some rules also at home. So I stop here. Jonathan, Donna, and James, please.

JONATHAN ROBINSON: Thank you, Thomas. I can be very brief. I think I'm certainly in agreement with what others have said, that these

recommendations were respectful of the bylaws' role of the GAC and in no way, in my opinion, were they intended to be nor are they inconsistent with that role. So hopefully that can be seen, that they are in a sense intended to enhance the effectiveness of that role.

As far as I think the CCWG participation by members of the GAC in the recent big CCWGs was very helpful in teaching us some ways in which other ways of working might be, and I really appreciated what your colleague said a moment ago about -- from Switzerland, about some of the learnings that can be taken in particular points like that cultural sensitivity one about different styles of working. So I'm personally very optimistic and really have enjoyed listening to the input from your -- your GAC colleagues.

CHAIR SCHNEIDER: Thank you. Donna.

DONNA AUSTIN: Thanks, Thomas. Donna Austin. I think just -- I think Thomas said we're looking for suggestions for practical solutions. If I could just use the subsequent procedures PDP working group as an example, we're well aware that the GAC has been having discussions about geographic names for some period of time.

Also Community Priority Evaluation or community applications has been the subject of GAC advice for some time. Underserved regions is something that you're discussing as well. And these are also topics that are being discussed within the PDP working group. So, you know, just a first step. And I understand that Avri and Jeff as the co-chairs of those working groups have spoken to some GAC members about how do we encourage some dialogue so that we can try to head off the situations or the potential problems that we see coming down the road.

So I guess through revision of GAC advice we can already see where some of those touchpoints are and what some of the positions have been in the past and, you know, what the GAC thinking is on some of those issues. And I think, you know, that's input that potentially the PDP working groups could take into account -- sorry, account, and use that as the -- potentially a basis to start a dialogue with the GAC as to how do we try to resolve those issues and at least have an exchange so that we understand the different points of view. And that -- because I think if we -- if we can understand the different perspectives, then we have a better chance of getting to resolution.

And not putting the Board in that position of having to choose their favorite child.

So -- And I think that's one of the things that we're trying to avoid.

So I think we have some opportunities. We have some lessons that we've potentially learned from other experiences, so, you know, let's try to move forward with that.

JAMES BLADEL: So in the interest of time, I note that we still have quite a bit of a -- of our agenda yet to be covered, but I did want to circle back and touch on two questions that were raised specifically during the interventions from the floor. And the first one I think was raised by New Zealand regarding the challenges with participation and the question of prioritization. If I can be funny for a second here, if we knew how to solve that problem for the GAC, we would have solved it for ourselves because it is something that the GNSO struggles with as well in terms of the broader community challenged with ensuring that we have adequate coverings and participation in all these various work streams.

It is difficult -- I hate to use the word "impossible," but perhaps exceedingly difficult to prioritize different PDPs because they're in different stages of the PDP life cycle. And so that would require some mechanism to pause a PDP that was currently under way and reallocate those resources, which are probably

not necessarily compatible or transportable to other work efforts. So it's not something we've done in the past and I don't know that it's something we could easily implement in the future. But it is something, it is an acknowledgment of the challenge that you've raised and it is something that we struggle with in our own community as well.

And I think there was a second question coming from Norway regarding how a GNSO PDP is not obligated, necessarily, to consider the input of the GAC in those -- in those particular advices. In fact, the GNSO PDPs are obligated to consider and reflect all of the public comments that they receive, regardless of the source. So I think the GAC input would be welcome in that regard, and they would be obligatory on the working group to be considered.

Furthermore, wring if we were to adopt the recommendations of this consultation group, we could strengthen that as well and say that any early -- early participation or feedback, either by individual GAC members or the GAC as a whole early on into the PDP process would carry some significant influence into those early policy development process.

So I just wanted to circle back and touch on those two questions because I thought they were excellent points that illustrate not only the challenges of GAC involvement in the PDP but, in fact,

some of the challenges that we ourselves encounter when managing this process.

If you don't mind, we can move on, then, to the next item agenda -- agenda item, which is an overview of the PDPs that we currently have under way, and specifically those that would be interesting to the GAC.

I'm going to turn it over to Mason to go through these, but I think because of the amount of time we wanted to spend on that previous agenda item and the one that we have coming up next, we'll probably go through these in an abbreviated fashion and then just highlight those -- those items. So, Mason, if you don't mind.

MASON COLE: Thank you, James. Before I do that I just wanted to take a moment. First of all, I want to say thank you to the GAC for the opportunity to serve in the liaison role, as well as the GNSO, for placing their trust in me to help build some stronger bridges between the GAC and the GNSO. It's been a privilege to serve in this role, and thank everyone here in the room for the opportunity and I wish my friend Carlos the best of luck as he takes up the role immediately following this meeting.

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I also wanted to say thank you to a few other people; namely, ICANN staff, especially Marika Koenigs and Mary Wong who are incredibly supportive in making sure we have updated information available not only to the GNSO but to the members of the GAC. They do an outstanding job.

I also want to say thank you to Tom Dale who has been supportive of building a good working relationship between the GNSO and the GAC. So thank you to Tom as well.

I also wanted to highlight that there is -- I circulated this to Tom last week. I have some hard copies here as well. This is the latest policy report put out by staff that addresses everything that the GNSO is working on in terms of conducting its business, especially ongoing PDPs. If you haven't had an opportunity to review that, I encourage you to do so. And if you would like a hard copy, I can arrange that for you as well. In fact, James, with your permission, and Thomas's as well, I'd like to run very quickly through these slides, only in the interest of time, and rely on the availability of that report as a way to inform the GAC.

So here are -- and I'm going to make this very quick. I apologize for doing so.

Excuse me.

We have four PDPs, as Donna alluded to a moment ago, one dealing with WHOIS, another dealing with new TLD subsequent procedures. The third is the review of all RPMs in all gTLDs; not just new TLDs but all gTLDs. And then the current one on access to curative rights mechanisms for IGOs and INGOs.

Next slide, please.

This is the status update on the PDP for next generation RDS. There's a great deal of information on these slides. I'm certainly not going to read them aloud to you. That would just be tedious, so what I'd like to do is just run through these very briefly and then I'll forward the slides to Tom for distribution to the GAC, if I may.

So next slide.

So we're in deliberation stage on this. You see in the highlight sort of rectangle there on item number 12, on that task we're in the position where we're ready to deliberate some requirements starting with the three charter questions you see on the right side of the slide.

Next slide, please.

We have some upcoming sessions here in Hyderabad on this matter. I realize the GAC is very busy. If there's an opportunity for any of you to take a moment to attend a face-to-face meeting

or otherwise try to collect some information about this, there are opportunities to do that. I'm sure that Tom and I would be happy to collaborate and provide some updated information from the working group leaders back to you if that would be helpful.

Next slide, please.

New subsequent procedures PDP. Also ongoing.

Next slide.

Current status here. You see that there are a number of overarching issues that are being addressed, a total of 38 were identified in the charter. Six as high level. Those are being now addressed in work traps -- in work tracks led by subteams, and we're looking for community input during deliberations on each subject. So there is an opportunity for the GAC to contribute.

Here's our timeline. You see this is going to be a long-range PDP lasting most likely until the middle of 2018. There's lots of subjects to cover here and there's going to be a great deal of input for GAC input.

Next slide.

Review much all RPMs in all gTLDs. Here's where we are in that. It will be a two phased PDP. One will deal specifically with the

trademark clearinghouse and the associated RPMs that go along with that, and the URS and the post delegation dispute resolution procedure.

My understanding is the working group will issue an interim report at that point before taking up phase 2 which will deal exclusively with UDRP. And then a final report will be issued at that point.

So you see here some more information about how that PDP will be coordinated with other parallel related efforts. I know your colleague Mark Carvell from the U.K. has been prompting the GAC on the status of this PDP and offering opportunities for input. Just before we met in Hyderabad, I forwarded Mark an update on where this work stood, so hopefully that was helpful to the GAC.

Next slide.

These are expected next steps for that working group.

Next slide, please.

Okay. And finally, curative rights mechanisms for IGOs and INGOs. I know this is the next item on the agenda.

Here's where we are. We're very close to a presentation of preliminary recommendations. I know that Phil Corwin, one of

the co-chairs of this working group, is in the room and he is available to speak with the GAC about the details of this PDP. There's a session later on this week as well to discuss it.

We should have, I believe, a final report issued between now and the end of the year.

Next slide, please.

Yes. There is an open working group session on Monday at 9:00 a.m., I believe in Hall 6. So that's out there and available.

Next slide.

PDPs in implementation phase. I think -- I think you're aware of most of these. There are four. I won't go through all of them right now, but I can certainly provide additional information.

Next slide.

Okay. We're on item 4. Thank you very much, James and Thomas.

JAMES BLADEL: Thank you, Mason.

So you can see we have a full boat of active PDPs in different stages, but all of them currently open to participation from GAC

members individually. And I think, you know, would be welcome for GAC input as well, generally.

So with that, we can move on to agenda item number 4. Thomas, however you want to tee this up. Go ahead.

CHAIR SCHNEIDER: Yes. And actually, it follows on what Mason has reported, which is a part of this bigger discussion.

And this, as has been alluded to already by some people, this is a long story that dates back to a time where we didn't have such an intense -- although it can still be improved, but also again looking to where we come from, we have already walked quite a way. At that time, it was not, as I said before, it was not custom to have such intense interaction with the GNSO and with the PDPs, although there was -- the IGOs have been participating, despite what some people say elsewhere, have been participating quite intensive and actively in the first PDP on IGO protection that -- I don't even remember when it started. Something like 2009 or '10 probably that went to around 2012. But that may have been what Jorge from Switzerland has alluded to; a little bit of learning exercise, a painful learning exercise in terms of understanding different cultures and different ways of people working and expressing themselves and so on and so forth.

So the essence of that is we ended up with recommendations by the GNSO where the GAC then issued advice to the Board that went into another direction or requested different protections for IGOs. And at least in some respect, some was overlapping, some was not.

So that's the history part to it, or let's say the first Act 1.

And then in 2013, the GAC, after issuing the advice, declared its willingness to participate in further -- like what we have been discussing, to participate in further discussion with -- within the ICANN framework and asked the Board or expressed this to the Board, whereas the NGPC then invited the GAC to participate in a small group of -- that was the -- by invitation of the Board, which the GAC accepted; that the so-called small group was created and the GAC decided to participate in good faith and with best intentions in the hope that the work of the small group would lead on an informal basis, would gather ideas and try to improve the mutual understanding of the situation and would help providing on any formal basis a common understanding that could then, from a pragmatic point of view, that could then serve as a basis for a solution to these differences that exist.

So that was -- And then the Board decide -- the Board in 2014 adopted those recommendations by the GNSO that were not inconsistent with regard to GAC advice and urged the GNSO to

rethink the possibility of revising the other -- the other recommendations within their procedures. There's a letter of 2014 that I re-read yesterday that asks the GNSO to do that.

The Board has never accepted or rejected that part of the recommendations of the GNSO. It has neither accepted nor rejected GAC advice.

So this is the situation that we are in for quite some time now. The small group has -- the intention of those participating would have been that this would -- an informal idea would come up in a few months. But given the transition and other things, it was not just us but, in particular, also the Board who struggled with resources to move on every aspect of the work as quickly as possible. So there were some delays, so that now we have a proposal, an informal proposal. This is not a secretive -- at least not in the understanding of the GAC, is not a secretive conspiracy of trying to bypass existing procedures or whatever. Some people like to think about it. This is a good faith attempt, as I said, to contribute to a solution from a pragmatic level.

And so this is where we are, let's say, from the GAC side, noting that there is a significant development in substance in terms of compromise. If you look at the initial ideas that IGOs and the GAC had in terms of what they would like to have as curative and preventive protection to where we've come in the development

of interaction from the GAC side, and we hope that we can find a basis for concluding this on a basis that is accepted by everybody as a basis which is inclusive and transparent and open, and so on and so forth.

And I stop here. We will be eager to see where the GNSO is at on -- on their side of this somewhat unfortunate history that dates back quite a long time ago.

Thank you.

JAMES BLADEL: Thanks, Thomas, for the recap of how we got here. And I would emphasize -- well, not that it matters, but a lot of this happened before any of us were even on the GNSO Council. So we all have inherited this particular topic.

I would just make a couple of notes, because I think there is maybe some misunderstandings of what the GNSO poss- -- can do versus what the GNSO wants to do. And I think sometimes we talk about those interchangeably, but in fact there are limitations on what we're available to do.

But going back to some of the history, I think that there was a discussion about whether or not the GNSO recommendations could be revised. We do have a mechanism for that, but it -- in many cases, we are -- we need something to trigger that

mechanism. And I think, for example, a Board rejection of our recommendations would be very -- a very adequate trigger.

In some cases, we've been, I think, -- like yourselves in the GAC, we've been waiting an extended period of time for some developments on this, and I think that's what prompted us to, earlier this year, to send a letter to the Board indicating that the -- as far as we could tell, following the bread crumbs through the history that you just outlined, the process stopped with the New gTLD Program Committee, which was dissolved. So we were very curious ourselves what the next step in the process would be.

I think we have a couple of separate issues. We have the PDP that was concluded and that was adopted by the GNSO in -- I want to say in late 2013, and we have an ongoing PDP which is one of the ones that Mason just outlined for us that was -- involved the access to curative rights by IGOs and INGOs. I think these are part and parcel of the same problem, but it's important to think of them as one that's work that's concluded and one of them that's work is still under way.

I do want to emphasize, and I think this is something that's just more of a -- an opportunity to just clear up misconceptions, is that the GNSO Council in particular and the GNSO leadership is not authorized or it's not within our remit to start with a policy

development PDP and then negotiate what's in a PDP. That is -- That is unfortunately something we are not authorized to do.

The PDP was created by our community, and those recommendations were adopted by our community, and so it's not -- we can't give them away because they aren't ours, if that makes any sense. So that's what -- that's part of the challenge here.

I understand that we want to find a path forward versus kind of revisiting all the highlights of how we got here. And I think that's probably where we should use the occasion of this meeting in Hyderabad as a pivot to change course from where, you know, the track brought us here versus the track that leads us to some kind of a solution. And I think we're open to discussing all of those options a as well.

And I think at least one if not both of the GNSO vice chairs would like to weigh in on this as well.

Heather, go ahead.

HEATHER FORREST: Thank you, James, very much. Heather Forrest.

I -- To your point, James, specifically about the trigger and what processes are available to us, the original recommendations on

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which or let's say from which the concerns that are being articulated and discussed today stem were based not on personal opinion or random assumptions. They were based on international law as it was then in force. And that's documented in the GNSO recommendations and principles document upon which the current consensus policy is based.

And in terms of that trigger, to the extent that those interpretations and identifications of international law as are set out in those documents were incorrect or irrelevant or incomplete or in some way faulty, that would be the sort of trigger that would certainly signal to us a reason to revisit this issue. And unfortunately, the existence of the small group proposal in and of itself, just having that input, isn't -- isn't really sufficient to serve as -- as that trigger. What we need is something to demonstrate to us that the work that took place before was somehow incorrect or incomplete. And I'll say, just sort of glancing back at topic 3 that Mason took you through which was the existing PDP work, that's exactly the approach that's being taken in those PDPs on new gTLDs, both subsequent procedures and the RPMs.

Let's go back as a starting point to our original policy recommendations and principles and let's evaluate if circumstances have changed. Circumstances being the law. Circumstances being market conditions. And to the extent that

there is a change in those things, then that justifies our reevaluation and reconsideration of things. But it's not within, let's say, GNSO processes in this particular instance to open up reconsideration of a matter simply because we're asked to open up a reconsideration of a matter or that it's in a particular party's interest.

So it would be very helpful if there were efforts taken to review those original policy recommendations and principles and identify places where the GNSO process that took place at that time got it wrong. Thank you.

CHAIR SCHNEIDER: Thank you. I think Donna was the one to react on this. No. That's okay. I think -- thank you for clarifying this from your situation. From what I know, I wasn't there at that time. The IGO that participated didn't share the interpretation that the majority of the group was having on these -- on how to interpret the international law. I see Brian Beckham from WIPO was part of this. Let's not dwell too much on this, but just to say that there were different views in that group, at least from -- from the IGO side. Brian, very briefly, thank you.

BRIAN BECKHAM: Thank you, Thomas. I think, Heather, to the question of what's the relevant trigger to look at these recommendations, you would not be surprised to find that there are disagreements as to what is the status of international law, vis-a-vis IGOs. But more broadly than that, the GAC has issued advice on this topic which stems from its public policy remit to issue advice to the board. Picking up on what James said, we have one PDP that we look backwards on and one which is ongoing now, and earlier our colleague from Switzerland raised some interesting points about the process for engagement going forward.

The GNSO PDP that's looking at the curative rights protection aspect for IGOs has been aware. In the Los Angeles communique there were some very specific guideposts laid down. In the Helsinki communique this has been conveyed personally to members of the working group, including both of the co-chairs, and now in the form of the small group proposal. So the question is, when this working group is given information from the GAC which has particular markers on the policy aspects that it's looking at, what does it do with those? And earlier this morning we sat in a working group briefing from the co-chairs of this working group where they have very clearly stated that they intend to come out with recommendations which go squarely against the advice that's been given by the GAC on this. So I think that raises big questions about, you know, we're sitting

here being asked to provide input into the process, but when the input is given, it's not taken on board.

DONNA AUSTIN: Thanks. Donna Austin. If I could just address the -- this is where the GNSO or the -- any PDP working group has challenges with GAC advice because you are providing that advice to the board and the board, from my recollection, has not directed and I don't -- the board cannot direct a PDP working group to do anything with the GAC advice. So I appreciate -- while we appreciate that the GAC advice was there, it was provided to the board and the board engaged in a bilateral conversation with the GAC about that advice. But it didn't necessarily come full circle in that there was a conversation with the GNSO or the PDP working group at the time of that advice. So this is -- this is where we need to learn from what's happened here and the challenges of the processes that we currently have and how we've got to this point. So -- but I think it's -- you know, while we acknowledge that the GAC advice was there, the PDP working group, there's no mechanism for the board to direct the PDP working group to take into account GAC advice. So that's part of the struggle that we have.

CHAIR SCHNEIDER: Thank you. So just help somebody like me understand. So if there's a GAC advice that is formulated to the board, and then the same -- if I understand Brian from WIPO correctly, the same substance is communicated to people from the working group by people like Brian and others who convey the same substance to the working group, you can't take this into account because it's been addressed to the board first or -- as well -- I'm trying to understand what -- how these processes work. Thank you.

DONNA AUSTIN: Yeah. Thanks, Thomas. Donna Austin. So if I can try to break it down. So as a member of the working group, you provide input. And the working group considers that input as -- as part of that bottom-up multistakeholder model. So, you know, I -- my understanding is that there were representatives from the Red Cross, I think WIPO might have been in the PDP working group, so those discussions were had within the working group, and the PDP recommendations were, at the end of the day, different to what the GAC advice was. But Thomas, and my understanding of how the -- how the -- that in the end what happened, you had two parallel discussions going on with the same topic. One was going on within the PDP working group. One was going on between the board and the small -- small group proposal, whatever we're calling that, but there was no kind of conscious

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effort to feed that together. So that's, you know, part of the struggle. I don't know if that made sense.

CHAIR SCHNEIDER: Thank you. I have Iran, Switzerland. Heather first and James on the list. I think what we're realizing is that there are too many whatever you call them silos and we all need to -- back at the beginning we all need to sit together. The question is who triggers whom so that everybody accepts that actually yes, okay, we're going to sit together. Maybe that's the essence of this and we need to find an answer. So very briefly, Switzerland, Iran, please be brief, and Heather and James. Thank you. Switzerland, you want -- Iran was first. Sorry. Okay, Iran, please.

IRAN: No problem. What I heard from the two vice chairs of the GNSO are very strict and very formalistic positions. Are you suggesting that there is no practical solution for this? We don't want to prove that the PDP was faulty, incorrect, not based on something. We don't want to talk about the GAC advice that was based on nothing. We have a problem, and we want to resolve the problem. What is your suggestion for resolving the problem? Are you waiting that someone from one side to start and you follow that? We should put all effort together. It does not matter who start first. What is the ground that we should

resolve this problem? What is the -- what is the issue that we resolve this problem? What were you suggesting? I think before you come into this meeting in the morning there was full support for this issue in the GAC, and now we hear that no, can he cannot do anything because board cannot advise the GNSO to review the PDP for that unless provide or prove that it is faulty, it is not based on fact and figure. So what do you suggest? Can you have a practical suggestions which end up this issue and not continuing at every GAC meeting this IGO, IGO for years from 2013 up to now? The world is moving but we are stopping because of the confrontations. We try to be working together. We said many times and I said many times that we are very much prepared to work together. What is your suggestions? Please propose some suggestion. Some practical words. Thank you.

CHAIR SCHNEIDER: Thank you. Switzerland.

SWITZERLAND: Thank you, Chair. And thank you for the comments made up to now. I agree very much with the spirit of the intervention of our Iranian colleague. I think that we have a legacy situation here. Perhaps things didn't go well or weren't made as -- as -- as good as possible four years ago, for whatever reason, without trying

to -- to shift here the -- the culprit to any of the parties. But we have a problem on the table, and we want to resolve it. So what do we -- what do we do? And so my question to you as GNSO Council would be, do we find -- do we want to find an agreed solution, yes or no. And may we ask the board as the final decision-maker in this organization to guide us through a process where we can all sit at the table and find that agreed solution in a couple of meetings at most? Is that possible? Those are my two questions on the IGOs.

And my question on the Red Cross, which is a separate issue but has been linked to this for some reasons, is on the protection of the national societies at the second level, can we solve this here in Hyderabad? Can you, as GNSO, solve it here in Hyderabad? Can we give a signal to the community that we are able to deliver on this. Thank you.

CHAIR SCHNEIDER: Thank you. I have Heather and Donna and maybe James as well, too.

HEATHER FORREST: Thank you, Thomas. Heather Forrest. In answer to the intervention from Iran and the question of what can we do and picking up on comments that were made by Donna, I don't

believe it's the case that GAC advice is ignored. Anything but. I believe part of the problem in this situation throughout its lifespan is that GAC advice was developed independently of various PDP efforts and I think in light of the question what can we do at this stage, I think we almost start over and work together. Not in separate streams, not in silos as asking different but related or slightly nuanced questions. Not in different efforts with overlapping but not entirely consistent scopes. It seems to me that, you know, we -- we're asking for full, complete active participation, not just talking about participation. We need to be answering the same question. I think this is what has gotten us into trouble up to now, is that we've been answering slightly different questions and doing so working in separate streams. And trying to interject into each other's streams too late in the process. And so I think that's perhaps why we've gotten to where we are now and how we might rectify the situation going forward. Thank you. Oh, and I should say, pardon me, in terms of the small group proposal and whether that was taken into consideration, I will speak for the co-chairs of the curative rights PDP and say it's certainly not the case that the small group proposal was ignored by that group. Albeit it came very, very late into that group's work. The small group proposal was developed entirely independently of the curative rights PDP, but the curative rights report when it's issued I understand will specifically and explicitly detail the fact

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and outcome of its consideration of the small group's proposal. So that should reassure you that that has not been ignored. Thank you.

DONNA AUSTIN: Thanks, Heather. Donna Austin. I think just to respond to Iran and Switzerland about, you know, what's the solution here. I think we have to acknowledge that we've spent the -- the council has spent a fair amount of time trying to unpack this because we've had to go back and understand how we got to this point. And to some extent we're still doing that.

The reason that the IGO acronym and Red Cross issues are still joined at the hip, from our perspective, is because they are recommendations that went to the board. So the council unanimously approved those recommendations and it went to the board, and the board has an obligation to accept or reject those. And three years ago they accepted most of those recommendations for the PDP, but set aside others because they were trying to -- you know, because of this -- the GAC advice and these recommendations were inconsistent. So that's kind of been sitting out there for two years. And I think in Marrakech the Red Cross issue came back on our radar, so we raised it with the board as to saying where are we -- you know, what's the

situation with this and can you give us a status report so we can try to work this out.

So we understand this is a long-standing issue, but to be fair to us, I think the small group proposal, we didn't have any visibility into the work that was taking place on that so we -- we couldn't react to any of the conversations that were going on in relation to that. But we have been making best efforts to unravel this because it is really complicated once we try to understand what we can and can't do in terms of our processes. So we acknowledge the GAC has its struggles in terms of providing GAC advice, but I think what we're trying to make clear here is we want to resolve this issue too, because the permanent protections that are in the Registry Agreement -- sorry, the temporary protections were only supposed to be temporary. So I think three years we're getting a little bit beyond temporary. So we want to resolve this issue too, but please appreciate that we're trying to unpack this so that we understand this -- the challenge that we're dealing with in order that we can find a solution that's acceptable to the GNSO and certainly those people that have put the time in in the working group.

So we are trying to work to a solution, but appreciate that while I understand that it's been an issue that you might have been having dialogue with the board for the last three years, we've

only recently reinitiated that discussion. So that's part of our struggle.

JAMES BLADEL: Just to close off on this topic, and I think Donna and Heather have addressed a lot of what I wanted to contribute, but just to the last point, I think, Iran that you raised, what would help us would be if the GAC, instead of providing -- or citing advice and showing us where the conflicts are, is a rationale perhaps of showing why our deficiencies or our PDP process was -- there was information that we did not have or there was some legal basis that was not considered. I think that would help us either to readdress some of the PDPs or to -- or to Switzerland's point to separate, to go back and take a look at separating the Red Cross from the IGO issue. I think what -- that's what we're looking for as one potential trigger for the process of reevaluating PDP recommendations that were already adapted. Yeah, go ahead.

CHAIR SCHNEIDER: Thank you. It's already past 4:00 so we need to conclude. I cannot -- I will not open the floor. We can continue this discussion in the coffee break.

Just one point. With regard to the small group, the Board that had convened the small group, the person that had led the small group on behalf of the Board together with ICANN, people from ICANN staff, we had constant regular discussion with ICANN staff, with the Board about what would be acceptable for the GNSO and, blah, blah, blah, and so on. And we were working in the assumption that their responses were based on informal discussions with the people in the particular GNSO processes. That was our -- our understanding; that what we got as responses, like what is acceptable to them, and so on and so forth, that what we got was consulted with you informally. The whole process was informal. So just to make that very clear. That was our assumption.

And then not from the beginning, but on my request, at some point in time, Mary Wong, who is the support staff -- ICANN support staff person that is working for this particular PDP, she was part of the group. So I don't know how the communication works between the Board and -- and ICANN staff and the GNSO, but we were assuming that there were channels that these things were exchanged. So it's a little bit of a surprise to us that you seem to have seen this only, like, very late or now, or what do you say.

But I think this is -- this is just to -- to hopefully get rid of some misunderstandings and mutual (indiscernible) and I think we

hopefully can leave history, and those that write funny articles about their visions about how things must have been and so on and so forth, and actually turn to a forward-looking thing that -- that is -- is solving the problem. And if I get you, is that basically we all agree that we should sit together, convened by the Board with -- the GAC with the GNSO, with the Board in one way or another. The question is then, okay, what kind of trigger do you actually need? Or can we just say, okay, let's basically ask the Board that we do not wait for another paper that states something that probably has already been in another paper in a few years back. We can do that. But why not just say that we -- maybe we have to go back to our constituencies and ask themselves whether we can -- why not declare our willingness to sit together and get a solution to this? That would be my final question. Then we need to wrap up.

JAMES BLADEL: I understand we're over time. Two points. Let's sit down, let's have this conversation.

And, secondly, I just want to note because you mentioned Mary Wong by name. My understanding is she was not involved in that group at all. So I don't think there was breakdown where she was not conveying that information to us. It's --

CHAIR SCHNEIDER: I at that time in meetings with her. There were others, too, but she was one.

Okay. So thank you very much. We can continue this in a coffee break. And -- Yeah. Hopefully, hopefully, hopefully find a solution to this. Because I think we're all -- we didn't start this. We inherited it. And we want to prove that we develop as an institution and as individuals working in this institution.

Thank you very much. Thank you very much. That was really useful and helpful.

Thank you.

[Coffee break]