COPENHAGEN – Joint Meeting: GAC and ALAC
Tuesday, March 14, 2017 – 17:00 to 18:00 CET
ICANN58 | Copenhagen, Denmark

CHAIR SCHNEIDER: Thank you. Please take your seats. We have the ALAC with us, as you see. And we'll start in a few seconds. And we are not late.

Let me welcome Alan or liaison and Alan chair of the ALAC. I hope there are others from the ALAC here. So feel free to come up.

ALAN GREENBERG: We have some seats.

CHAIR SCHNEIDER: Feel free to come up here so that people can actually see you from the front. Fill up the spaces as much as there are free ones. But I will give the floor immediately to Alan to say hello.

ALAN GREENBERG: Hello.

This is always one of our favorite sessions. And I'm looking forward to good dialogue and discussion on this.

The ALAC and the GAC have not formally worked together a lot in terms of submitting joint papers and things. But, increasingly, we are talking to each other and I think influencing each other, perhaps, in where we go. And that, I think, is the whole target of these kinds of discussions and just making each other a little bit familiar with the other people. So, if nothing else, you can approach people in the hallway. And continue our discussions.

I have nothing else to say in terms of introduction. And let's get right to the -- we have a long agenda, which we probably won't finish. But I look forward to it

CHAIR SCHNEIDER: Thank you. Now we see ourselves on the second screen and not the agenda. I have no problem of not seeing ourselves but rather the agenda. Unbelievable. From my memory and what I see the first item is about geographic names and future rounds of gTLDs, which, as you know, is a very important issue not just to governments but also to other people in this community.

And I will give the floor to Olga. She's been running the working group that we have on this and has been engaging with others for quite some time. She will briefly present where we are to you on this. And then, hopefully, we have an exchange on the issue. So, Olga, please go ahead.

OLGA CAVALLI: Thank you, Chair. Thank you to the ALAC for visiting us here in our GAC room.

Very briefly, I want to update you about the work that we are doing in the working group of protection of geographic names and new rounds of new gTLDs. This group was formed after GAC communique in the Durban meeting. And we are gathered to try to refine or help refining the rules for the next round so we have less conflicts and a more smooth way of defining the new gTLDs.

As you know, in the first round, there were some conflicts due to the usage of some names that were not in the reserved list in the -- and included in the Applicant Guidebook. So that the -- that finally end up in being in some conflict. Some of the applications were with. Some others were not withdrawn and were part of the GAC advice. And some others were part of the private negotiations. But it was not an easy process for some of the new gTLDs that were requested by some applicants. Not only for governments, as our chair expressed, only also for other members of the community, other companies, and other organizations. So we have been working since that time.

We have produced several documents. Some of them were -- you may recall there was a document open for public comments, which was very unusual as it was done by a working

group in the GAC. We received a lot of comments. We processed them. We presented them in a session in Singapore.

For a moment now we're focused in working in a set of best practices for a new round of gTLDs in relation with geographic names and in -- by the September last year, we received the proposal submitted by the Swiss delegation. And we have been analyzing it. This has been the focus of our work.

 The idea is that what happens with these terms with geographic significance that are out of this list? And for some are available for being registered as TLDs and for others, like communities or countries, that are names which are important for the communities or for the governments. So this is a gray area that we are trying -- at least trying to think about how to define it.

 We also hope that our work could be inspiration for establishing a framework for governance terms that do not fit any specific category. And also to help both parties, applicants and the community and interested parties in not having conflicts in the future.

 What we have seen -- and it's interesting. We received a visit the other day from the gTLDs, a constituency group.   What (indiscernible) is .BERLIN and all of them? They expressed that they have many successful stories. And then I was talking to them.

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And, personally, I think that the success of their stories is based on an early contact in between the parties, an agreement, a previous agreement in between the parties. No surprises when you see the request TLD. And it's a name that means -- that has a different meaning.

So I will go very briefly through an ongoing work. It is not even a document defined by the working group. But it's ongoing work on the proposed best practices that are -- that use the idea of a repository of terms.

This idea of the repository of terms has been going back and forth in the working group several times. Some find concerns; some others find advantages of it. But, if this list or repository of terms would exist, there should be a due diligence by the applicant in searching this repository of terms and see if this term has a contact to get in touch with and see if this is a name that can be requested or not.

The best practices also suggest that there should be an effective public consultation requirement in order to give all the opportunity to raise concerns about those strings. The contact obligation -- so, if the string is in the repository, then there should be also ways to contact the interested party related with that name.

A non-objection requirement for the government from -- sorry -- from the government authority community saying that they are okay or not with the usage of that term.

A dispute resolution in cases that a non-objection is not obtained. And everyone should be able to provide documentation and saying that this term has some relation with the parties.

About the repository, very briefly, the idea of the draft proposed that it would be a repository maintained by ICANN compiling a relevant list of terms. The governments and authorities would be able to input the names in the repository, and I won't go into too much details. But that would be the idea.

This raised several comments. Some in favor and some against.

So we don't have -- we have divergent views. And we're working on them. So the concerns are that some strings have a multiple legitimate use and meaning. Some suggest that there is a de facto legal right if the term is in the database. Something that there could be harm to free speech and legitimate commerce. Governments are -- not all the governments are aware of the processes within ICANN, so some may not be sending their names to the database.

Some think that there is no established legal basis or accepted norm that would ensure predictability for new gTLDs applicants. Extremely complex to build and maintain, this is part of the concerns.

And the comments in favor -- some delegations think that it's important because it will help avoid future conflicts and litigations. The repository could also benefit from lists of other international organizations that have already this list of names that could be inputted into the database.

We could work on the experience on the past rounds and improve them. And also this could be part of the high-level principles.

So where we are now -- we, after this week, we know that there will be something that for me is new, a cross-community dialogue in the meeting in Johannesburg about this issue. So we hope that we are invited to this cross-community dialogue. And we hope that you are also invited.

And there will be a webinar in the -- I think, in late April. So this is ongoing work within the working group. Any interaction with the community is always very helpful. And I will stop here. And perhaps there are comments from our colleagues. Thank you.

CHAIR SCHNEIDER:	Thank you. Comments or questions from colleagues for from ALAC as well on this issue? Yes, Leon.
LEON SANCHEZ:	I will speak in Spanish. I think, Olga, that the work you've done in the review in the development of this document has been great. Certainly, there are some aspects to be refined. But this dialogue session you're inviting everybody, I'm positively certain that it will deliver this positive outcome. I cannot speak on behalf of ALAC but I'm offering my personal help because, in my view, it is essential for the community to establish these best practices. And, if there is any new round of gTLDs, this should be a fundamental document for these rounds to take place. Thank you.
CHAIR SCHNEIDER:	Other comments, views, questions on this? In case somebody is sitting in the back, please hold up your hands clearly so that I can -- or we can see you. No more questions. Iran.
IRAN:	Yes. No question. But the comment that I have made on our behalf was that, before going through the detail of the repository preparation, it would be good if you put ideas across

the community to see what is the feedback from that. Because it will be tedious work, if you start to do something and then have difficulties with that. Also adding that the preparation of repository is not a simple issue, even in a given country. Because many, many entities are involved. Thank you.

CHAIR SCHNEIDER: Yes. Argentina, Olga.

ARGENTINA: Gracias. I will speak in Spanish. This is Olga Cavalli. First of all, I want to congratulate my dear friend Leon for his appointment to the Board. It is a reason of pride for the region. I'm sure it will be great for ICANN. Secondly, I want to emphasize again this is ongoing work. This proposal of the repository was precisely that. A proposal. So I agree with my distinguished Iranian colleague that it is one of the many ideas that we have been working on this year. It is not just one solution; however, it is high value in dialogue and in the exchange of ideas. And, from the exchange of ideas, we will be finding and developing a path that we hope will be less conflicted and more constructive for the entire community. Thank you.

CHAIR SCHNEIDER: To add, if I understand the proposal correctly, this is not meant to create new rights. The main idea is to serve as displaying stakes or interests of people or communities or rights holders or whatever in a particular name in the beginning of the process to help people finding out what potential conflicts may be that help them assess when they make -- when they think about making applications.

If there are no more comments on this one, then I think we can go to the next item, which is the Council of Europe study on community applications. And that, of course, that study has two elements. One is an analysis of a particular situation, and the other part is then some concrete recommendations. But I will give the floor to Mark who has been closely involved in this. Thank you.

MARK CARVELL: Thank you, Thomas. And welcome, Alan and ALAC colleagues, to the meeting. And grateful for the opportunity to have an exchange about the Council of Europe report.

It's had a lot of visibility since it was published at the time of the Hyderbad meeting. It's reported to the attention of the Board. And it's great. It's gone -- it's been picked up and looked at by ALAC and other parts of the community. So I won't say too much about it. In view of its -- we're all aware of why the report was

commissioned by the Council of Europe and its scope and its overall objectives in terms of improving, enhancing the processes for prioritizing community-based gTLD applications in any subsequent round or process.

Here at the Copenhagen meeting, the GAC has had the opportunity, with the help of one of the authors, Eve Salomon, to go through the recommendations with a view to expressing support for consideration by the PDP on subsequent procedures of the recommendations. And there will be a statement in the Copenhagen communique to that effect, that it is now for the PDP to look at the report and the concrete proposals and corrective measures and so on that the report makes.

So that's, basically, the situation we're at. We haven't instituted a procedure to endorse the report. That was not our purpose.

It really was to provide some -- provide an opportunity for the GAC to express support for their consideration in the appropriate policy development process.

With that, I'll turn to Elvana Thaci, who is over there. She's with the Information Society Department of the Council of Europe to say a few words in view of the fact that the report was commissioned by the Council of Europe. So, Elvana, if you could say a few words as well. Thank you.

ELVANA THACI: Thank you. Thank you, Mark. I'll just say a few words to contextualize a little bit this report in the overall mission of the Council of Europe here in the GAC. Maybe that can trigger some reflection about synergies between the GAC and ALAC in the future. And the Council of Europe is certainly happy to contribute to that as much as we can and within our mandate.

So the Council of Europe is an inter-governmental organization. It comprises 47 member states, European member states. Our mission is to defend and to promote values such as human rights, democracy, and rule of law.

In the GAC we are observers since 2010. And our role here in the GAC, according to a mandate that has been given to us by the Committee of Ministers of the Council of Europe, is to promote an active engagement of the Council of Europe member states in the GAC with regard to human rights. We bring to the table human rights issues to bring to the attention of our member states but also to other members of the GAC obligations rising for member states for states from international human rights law, in particular, the European Convention on Human Rights. And here I could add that the Council of Europe is an organization which also has European court of human rights. An

individual can bring a case against a state to that court on human rights violations.

Our second priority or role here is to engage with ICANN to ensure that it assumes responsibility for respecting international human rights law by taking due diligence steps to identify, to prevent, to mitigate any harms to human rights.

Thirdly, we promote a more transparent and accountable policy development processes with measurable standards and full respect for -- of public interest.

Since we became observers in 2010, we have submitted three reports to the GAC -- one in 2012 on freedom of expression and freedom of association in new gTLDs; one in 2014, the chair of the GAC, the current chair of the GAC was one of the co-authors of that report; and the present report on community-based applications for TLDs.

We are also very active in data protection, privacy issues. There have been very interesting and constructive exchanges, especially yesterday with data protection commissioners. And the Council of Europe played an instrumental role in facilitating that dialogue.

We also contribute to the Public Safety Working Group and the mitigation of abuse by way of child sexual abuse and injury in the top-level domains.

So this is the context in which the Council of Europe participates in the GAC. That is especially for the information of ALAC colleagues. The GAC members are informed of this. Now the report that was presented on Saturday and discussed afterwards as well, that was concerned primarily with community-based applications for new gTLDs. It was released before the Hyderabad meeting.

And the background of that rationale, actually, for that report is that top-level domain names are considered by us in the Council of Europe by our expert as tools which enable people to communicate and access information across borders.

They are important for the enjoyment and the exercise of freedom of expression, freedom of assembly and association. And these freedoms should be enjoyed, and they should be guaranteed without discrimination. The principle of non-discrimination is essential for these rights.

So, with that in mind, we embarked on this analysis with two independent experts of community-based applications for new gTLDs. And the report analyzes, in particular, two processes --

community objections and community priority valuations from a human rights perspective.

As I mentioned, freedom of expression, freedom of association, the principle of non-discrimination, and due process.

And one of the objectives is also to contribute to the GNSO policy development process on community-based applications and human rights.

The report has several findings. It has a number of recommendations, which were also presented to the GAC.

And, as Mark said, the objective is to submit these recommendations to the relevant processes here in ICANN and to propose consideration for those recommendations without putting a GAC stamp on it, without the GAC needing to endorse those recommendations.

So I hope that was helpful. And I'm happy to answer any questions you may have. Thank you

MARK CARVELL: Thank you, Elvana. I should also add that it's also been recognized as an important contribution for the Competition and Consumer Choice Review Team, which has also identified

the issue of community-based gTLD applications within its scope.

Anyway, with that, we'd like to hear for ALAC -- ALAC's views, reactions, comments, anything. Alan, thanks.

ALAN GREENBERG: Thank you very much. From what I understood from what Mark said, that you are essentially forwarding it to the PDP with a request that it be seriously considered. I can't imagine that we would say don't consider it seriously. So we certainly support that part.

If you look at the particular aspects of it -- and the ALAC has not looked at it in any detail at this point. Certainly, community TLDs have been a very important part of how we view the new gTLD program. And we, like many others, were exceedingly disappointed that the process was set with such a high bar that it effectively wasn't there.

And I can't imagine us doing anything other than strongly supporting that the processes in any future rounds or future -- whatever, do anything but try to make sure that communities, as we understand them, are supported actively and can obtain TLDs.

Certainly if there's going to be any competition, it should be between which groups are the real community, or how do we get them to merge together and not be taken over as a commercial entity instead.

So we strongly support the intent. I suspect we will strongly support at least some of the recommendations, if not all of them. And at some point in the near future, we will be talking about it so that our representatives on the GNSO PDP cannot only speak on their personal behalf but on behalf of ALAC.

So thank you for doing the work. And, you know, to the extent that we may well want a briefing from one of the authors or something on a future teleconference, then we may be in touch on that.

Thank you.

CHAIR SCHNEIDER: Thank you, Alan.

Well, I think there's certainly a willingness from the authors to give you such a briefing.

Any other questions on this one?

IRAN: Thank you, Chairman. Thank you, Alan. I don't think that we need to put an adjective of seriously or nonseriously. It give the impression that they consider other proposal unseriously. So I want to avoid that. Let us say they consider them. That's all.

Seriously, unseriously, diligently, nondiligently, let's avoid that adjective.

Thank you.

CHAIR SCHNEIDER: Okay. Thank you.

With this -- Yes.

JAVIER RUA-JOVET: Yes, Javier Rua-Jovet from the ALAC, for the record.

Just to state in line with Alan's comments that, you know, in many ways the -- the ALAC and GAC, from given perspectives, represent the public interest. So together we represent the whole public interest. It makes complete sense to collaborate and to -- and to -- in these types of topics.

So personally, as an ALAC member, I'm looking forward to collaborations on this matter.

CHAIR SCHNEIDER: Thank you.   I think that makes sense and will hopefully be followed.

If there are no more comments or questions on this, I think that we can go to the next one, which is the draft GAC survey on underserved regions.

May I ask Tepua to give us some information about one of the key elements of the work of the working group on underserved regions.

Thank you.

PUA HUNTER: Thank you, Chair.   Pua Hunter, Cook Islands, co-chair for the underserved working regions.

Welcome, Alan and your team, ALAC members.

The survey is one of the tasks in our work plan and was there for -- developed with the object to understand the challenges and the capacity needs of GAC members from the underserved region.   And this is also to help us to respond directly and appropriately through any support to ensure they participate and that -- or to also increase their participation.   And more importantly, they -- they engage and get involved and remain active in the work of GAC and with the broader ICANN processes.

The survey at this stage is aimed at GAC members and newcomers. However, we intend to expand the content and the scope of the survey in collaboration with you and other -- others, and to extend and share this to the wider ICANN community.

Thank you.

CHAIR SCHNEIDER: Thank you, Tepua.

Any questions or comments in this regard?

Yes, please.

MAUREEN HILYARD: Hi. My name is Maureen Hilyard. I'm also from the Cook Islands.

I'd just like to say that I can quite appreciate the work that Pua has done within this particular area. It's something that even at home we're often discussing, how do we engage -- how do we engage our communities in the work of ICANN and the respect I have areas in which we're operating. And I know this Pua does a lot of work trying to -- to -- to gain the support of the government organizations within the -- within the Pacific region, just as I attempt to gather the support of my ALSs within the region, and also as the ccNSO liaison to try to engage the CCT community.

So we've got common ground here and we're just sort of like lucky that the two of us can spend quite a lot of time together to talk about ICANN issues and how we can help each other to gather some momentum within the Pacific. And I know she does a fantastic job.

Thank you.

CHAIR SCHNEIDER: Thank you very much.

Further comments or questions?

Yes, Alan.

ALAN GREENBERG: This is going to sound repetitive, but this is another area where, again, I can't imagine we're going to disagree that this doesn't need more focus. And I look forward to seeing more details, and, to the extent where possible, being involved.

Thank you.

CHAIR SCHNEIDER: Thank you.

Next on the list we have -- it is only three words. It says At-Large review, but I guess that's a bigger exercise.

[Laughter]

So, yeah, Alan, the floor is yours. What are you doing? What have you been done? What will you be doing?

ALAN GREENBERG: Oh, dear.

We are the second in a -- the series of second reviews, I guess. The GNSO was reviewed a few years ago, and we were the next Guinea pig on the block. And we -- the process has been, to some extent, modeled after what they developed.

The results have been interesting. The analysis of the issues has been pretty well spot on. You know, the ALAC has significant difficulty engaging people, as one would expect given that not everyone in the world is really interested in what we talk about. And even if they're interested, getting up to speed and then spending enough time on it -- I know one of the things I've heard from GAC members is "Do you really expect me to spend several hours every week on a PDP? I have other things to do with my life."

And it's something we hear from our own people as well. So, yes, certainly there are engagement issues.

Many of the recommendations that -- that have come out of the review we are accepting. Many of them are quite easy to accept because, in fact, they're things we're already doing. And that's perhaps a little bit discouraging that somebody thought they would to tell us to do things that we're doing.

Some of the other recommendations we believe would not only be unacceptable to implement but dangerous to implement from our perspective. Part of that is because the recommendations have been very proscriptive, and we've spent perhaps -- fortunately or unfortunately a large amount of time responding to these. It's had a very positive effect that it's increased our engagement at the periphery of the organization. It certainly has motivated people to get involved.

I'm not sure I like using this kind of motivation, but it has done that.

On the other hand, we -- because of the experience, we were told today at our meeting with the board that the Operational Effectiveness Committee has decided to change how they do reviews in the future. And, in fact, the focus is going to be on the external reviewer identifying issues, not necessarily telling us how to fix them.

And I think that's a very positive development, which -- and it -- to some extent, makes the pain and effort, energy we've put into

this process worthwhile if other people don't have to go through that again.

The review process in ICANN has not been spectacularly successful. You know, many of them do not get implemented, or get only very small parts implemented.

So given that it's something that we believe we have to do, it's really positive that we're -- we may be moving in a way where these reviews can really be effective and useful.

That's my summary. I welcome anyone else in the group giving their view or taking any questions.

Holly Raiche, who is co-chair of the work party overseeing the review.

HOLLY RAICHE: I'd say that there are issues that have been identified, and that's very useful. I think that our response has often been to say, well, yes, you've identified issues. Now, a lot of those issues we already are aware of and are addressing. But focus very much -- not so much on their proscription, which in some cases we actually don't think will work, but using their identification issues as a way to say, well, either we're doing it or thank you very much and this is what we will be doing, as a way to respond

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CHAIR SCHNEIDER: I've seen the delegate from Pakistan raising his hand.

Thank you.

PAKISTAN: Thank you.

My question is about Alan, from Alan about the ICANN review process. He said that there is a minimal success in the review process. The question is that maybe it's the lack of engagement of the community. If there is a -- ALAC has some statistics about five years ago how many community were on the ICANN Board and presently how much ICANN community, who will give the input in the PDP process?

How -- And next question is how we improve the community engagement? And what are their plans?

ALAN GREENBERG: In terms of the review, the success of reviews -- and to be clear, ways giving a personal opinion, not necessarily an ALAC or an ICANN opinion. But I've been in ICANN for ten years and seen a fair number of reviews that are not heavily implemented.

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I think the problem has been the real difficulty of finding external independent reviewers who are sufficiently independent but can come into ICANN and understand us. That's not an easy task. We're --

CHAIR SCHNEIDER: You're using too many acronyms or....

ALAN GREENBERG: We never use acronyms in our organization.

[Laughter]

No, I don't think it's the acronyms. It's the complexity of the relationships. And so I -- you know, it's a difficult job. I spent many years in a university before I started this, and we used to do reviews all the time and had about the same spectacular success. And in a completely different environment with a completely different set of rules.

In terms of engagement, one of the problems is we were -- for At Large, we were handed an organization that we had to implement. And it's not clear to us that it is -- it was implementable, to a large extent.

The concept of being able to find hundreds and thousands of people in every country who would quickly get interested in

ICANN and work is probably not a really viable proposal to begin with. And the -- a lot of the issues that were raised in the report were not new to us. We have, in fact, been working on an internal task force for the last year, trying to address the same -- the same sort of questions. And the conclusion we've come to at this point, and we actually just discussed it for the last hour or two, is we can't expect to engage people unless we can somehow present ICANN in an understandable way. And we're going to try something new, and hopefully it will work. Ask us in two years and we'll tell you whether it did or not.

So it's a real challenge. I don't think there's any magic answers.

CHAIR SCHNEIDER: Olga, Argentina.

ARGENTINA: Thank you, Chair, and thank you, Alan, for the explanation.

I would like to know in relation with this review, which are the next steps? It's something that might be reviewed, I don't know, by you, by the board, implemented, not implemented. Which are the next steps to the future?

ALAN GREENBERG: It's now out for public comment. The reviewers will receive our comments, everyone's comments, and come out with a final report that is due a month, plus or minus from now.

That then goes back to our work party and our community to specifically comment on whether we believe the recommendations are advisable, not advisable, advisable in a modified way.

This is patterned after what the GNSO did, and that's our expectation. Sometime by the end of the summer we will present a report to the Operational Effectiveness Committee with our verdict, so to speak, on the recommendations and what we believe they should do about them. They will then look at the documents, look at our input, and make some recommendations. You know, in theory they could do anything from tell us to implement them all, even if we don't like them, to throwing them all out, or presumably something in between. And then they -- the Operational Effectiveness Committee gives their recommendation to the board that makes their decision.

So we're expecting it -- it's going to be out of our hands hopefully by the summer and I would like to think that the board committee and the board will act with modest haste. So by the end of the calendar year, we should know what our marching orders are.

CHAIR SCHNEIDER: Thank you.

And just to add a little bit to the review issue. As you say, it's probably a challenge to get the right balance between independence and actually knowing -- or not being too far away from what you're supposed to independently review. And that is a challenge by definition in the end.

Another experience that I have made or we have made with the ATRT reviews and other things, that sometimes the recommendations tend to go into very minor details and losing sight of the bigger issues that could actually be resolved if there was a will to actually look at the bigger issues instead of getting lost in minor issues that are maybe nice but not necessarily the most urgent things to do. But that depends also on a will to implement things.

And then I think, yeah, whatever the concrete recommendations say, if there's a will to learn from the findings, there is a way to do that. And to the extent that is realistic with human beings that are not machines but human beings, that by definition are not perfect, which is something that we sometimes forget working so much with machines that are not perfect, by the way, as well.

If there are no more comments on these issues -- we are of course keen to see how this affects you, hopefully positively, and --

[Laughter]

Why are you laughing?

And I think we have a few minutes that we can spend on -- on the accountability work, Work Stream 2 of topics of joint interest.

I don't know who wants to take the floor on this one, but I guess we do have, as always, some topics of joint interest. So, Alan, thank you.

ALAN GREENBERG: I -- I have one more comment on the At-Large review. Some of us came into this meeting being not too optimistic. I think we're feeling pretty good right now. We're getting a response together which we think is clear and rational. The reviewers seem to understand that some of their ideas may not fly. And I believe they have a vested interest in coming up with a report which will be implemented and, in fact, address some of the problems.

So ultimately, it's a win-win situation if we can come -- come up with some way of going -- moving forward and seeing some benefit from this process.

I have no particular comment about Work Stream 2, but we have lots of people who are working on it, as do you. So I'm going to open the -- I'm going to not speak and open the floor to anyone who would like to contribute from either side.

CHAIR SCHNEIDER: Iran.

IRAN: A lot of issues. Just one particular point I want to perhaps know what the views of ALAC.

At one of the meeting of CCWG for one item, jurisdiction, I asked the following question, where we are. Beginning of the end or end of the beginning?

Thank you.

ALAN GREENBERG: Who would like to take that from our side?

I'll admit, jurisdiction is one of the groups I have avoided.

Nobody?

No one dares to venture into that area.

CHAIR SCHNEIDER: Normally on this occasion, we would say, okay, we'll take this offline and continue the discussion there.

Other comments, questions?

I guess the diversity is probably one of the innocent issues where we all have some experience and some ideas on how to improve the situation.   Accountability, as we just have discussed, review is maybe something that you may also want to express yourself.

So, yes.

ALAN GREENBERG: Seun, and then I'll put myself in the queue.

SEUN OJEDEJI: Okay; thank you. This is Seun, for the record. ALAC.

I'm not responding to the diversity part. I just wanted to direct questions to the GAC for those who are participating in the human rights subgroup.

SSAC, okay, that's an acronym. SSAC, they posted a response recently relating to -- Am I right? I just wanted to confirm if the

GAC members have had an opportunity to read that statement and to know if they have a perspective in relation to it?

Thank you.

CHAIR SCHNEIDER: European Commission.

EUROPEAN COMMISSION: I was -- I was going to suggest that you answered it. Individual GAC members have most likely read it, but we haven't discussed it in the GAC, per se, so we don't have an official GAC position, which is a copout.

CHAIR SCHNEIDER: So then I can't answer it.

So anybody wants to step forward?

You talk about the SSAC. Right.

ALAN GREENBERG: Garth Bruen, and then I'll come back on the SSAC and diversity.

GARTH BRUEN: Thank you. Garth Bruen, ALAC.

My colleague Javier reminded me that both of our constituencies represent consumers and Internet users. However, I feel like sometimes we still have a problem in that some people within the ICANN organization within the structure, and sometimes members of the board, even, don't think that they have any obligations to parties beyond the parties that directly submit money to ICANN. And this is a comment that we've actually heard a few times from different places, and it amazes me that this -- this is still going on.

And I just -- in terms of accountability, you can't really have accountability if we're not clear on who we're accountable to.

 So I just wanted to see if there were any thoughts on that.

ALAN GREENBERG: Seeing no hands, I'll go back to -- to diversity, and in particular, some issues raised by the SSAC.

We had a very interesting discussion on last Friday at the plenary because it was an almost classic situation that we were violently disagreeing with each other because we were using the same word in two different ways. And there was a proposal on the table that among the diversities that we looked at should include skills or skill.

Now, within ICANN, we have often had the discussion that, yes, we want diversity, but skill is a prerequisite. We don't want to take someone just because they're diverse if they can't -- don't really have the skills we need.

And when SSAC proposed that skill be included as a diversity, that wasn't what they meant. They didn't mean skills versus no skills. They meant a diversity of skills, and that you need different kinds of skills to be able to flesh out any particular group. It's certainly true in SSAC but it's equally true in other parts of the organization.

And we were talking at cross-purposes for probably a good 10, 15 minutes until we realized we were using the word in two different ways, or at least one as an adjective and one as a verb or something. I don't know. But it just shows you how long these discussions can go on when the people are actually agreeing with each other if they speak a common language. And this was in English, of course.

So it was an interesting discussion. I think we came to closure on, yes, of course we need a diversity of skills, but we definitely want skill if skill is necessary for the given position.

So I thought it was quite fascinating and we made a lot of progress because we finally made sure we were using the same words in the same way.

Iran.

IRAN: Yes. If I remember correctly, in that Friday afternoon, after intervention of somebody, I said that the skill is not among six or seven. It's, as you mention, prerequisite for any of those six or seven.

A skill plus a -- A skill plus language, a skill plus gender, a skill plus patati patata. But it's not one of them, because you may fulfill all of them but have no skill. That doesn't help.

Thank you.

CHAIR SCHNEIDER: But on the other hand, if you want to be open for newcomers you have to be open for less skilled people to earn their skills. And sometimes naive people like me actually happen to ask good questions because they have no skills or little skills in an issue.

So I would just make a point for the less skilled people that sometimes are useful for the more skilled people to ask some fundamental questions that they tend to forget.

Having said that, I think we may go back to the accountability thing. And I think it is, of course, important, and that question of

good governance, and so on and so forth, that money flows are transparent and people know about it, and that it is not necessarily -- in a public-policy, public-interest based environment, not necessarily a market-based environment that there are -- that money flows do not fully influence decisions. And I think this is something that of course needs to be looked at regularly, not just here in ICANN but in any environment that has money flows that go around and, at the same time, is working for public interest that should be dependent or broader, at least, than money flows. So I think that point is very well noted.

We have -- would have five minutes left.

Yes, we have the EBU.

Thank you.

EUROPEAN BROADCASTING UNION: Because we are talking about accountability, I would like to ask -- attract the attention of ALAC that I think the most useful reflection can be taken out of the last gTLD process that is still going on, where a lot of cases proved that the tools of accountability that are currently in place doesn't work or can be used exactly for the opposite scope for which it's been created.

We have been seeing IRP used simply to delay competitors to go on the market. We have seen the ombudsman that first write

something very unclear, and then just one month before to leave the office, say what he really thinks. And then you can try to figure out why you didn't say so clearly what he was thinking six months before. Probably because he was under renewal.

So there are a lot of things that would be useful to study and to reflect. And I -- as has been said by the colleague before, I think that ALAC and GAC, because both, they have the public interest as a first reference, have a lot to say together. And saying it together probably will be finally heard better.

ALAN GREENBERG: I can't argue with that.

[Laughter]

Oh, I could probably argue with it, but I don't think I want to.

Mark.

UNITED KINGDOM: Thanks very much, and very much on that theme, we welcome very much the appointment of a liaison from the ALAC to the GAC. Yrjo Lansipuro here on the far right. A highly eligible person for this role because you're a former GAC representative from Finland, yes? As I recall from my early days on the GAC. And I think the facility of a liaison is a very valuable mechanism,

if I can describe you as a mechanism. It sounds very impersonal. Forgive me.

But because we do have a lot of public interest issues in common, and we have great opportunity to exchange information and perhaps coordinate on some issues and enlighten each other on immediate and challenges coming down the track. There's such a heavy workload for the whole community, it's getting very difficult to keep on top of everything.

So effective coordination between the GAC and the ALAC I think is going to be very helpful in mitigating that immense challenge.

Thanks.

ALAN GREENBERG: We are absolutely delighted to Yrjo in this position. I had the occasion, partly in response to the At-Large review, I felt it was necessary to put together some statistics of who was in what position at what time in the ALAC, because one of the things that -- it was in the first draft of the review, was the same people who were here ten years ago were here now. And I admit, that's true for me, but I may be the only one.

But nevertheless, I spent a lot of time going over old emails and old announcements, and the first reference I found to a liaison

from the ALAC to the GAC was in early 2007. That it was suggested that we have one, and it was pointed out by whoever it was in charge that day that maybe we couldn't do it unilaterally without the GAC agreeing. And it took ten years, but thank you.

CHAIR SCHNEIDER: Thank you. Well, I can't remember the GAC having opposed to this, but maybe that was before my time.

Yes, Yrjo.

YRJO LANSIPURO: Yes, thank you. I just want to say that I'm very happy to be the mechanism for bringing these two -- two groups together. And before Johannesburg, I hope that we -- we find good, relevant items for our joint meeting agenda in Johannesburg.

Thank you.

CHAIR SCHNEIDER: Yeah. And some internal cuisine. We had -- We were struggling find time to actually use that mechanism in the last few months, so -- which is also due to my quite intense schedule.

But let's try and fix dates early to actually use it and have the chance to interact. So before I forget to say that.

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It's six -- 6:00, so I think I'd like to thank you all for coming here. That was useful as always, and also not so heavy in terms of substance at this hour of the day. I think that was also making it quite nice to spend time with you.

So we have another 30-minute session on our table so we are not yet done. I hope you are for today, but maybe not.

ALAN GREENBERG: No.

CHAIR SCHNEIDER: See you soon.

ALAN GREENBERG: Thank you for inviting us.

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