COPENHAGEN – GAC preparation for meeting with the Board
Tuesday, March 14, 2017 – 16:00 to 16:45 CET
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CHAIR SCHNEIDER: We have another important prep session now for the next 45 minutes, which is the preparation for the meeting with the Board. Some time ago the leadership team has gathered the number of potential issues that could be discussed with the Board that has developed into a rather long list, as you have seen, because we've sent it to you sometime ago. The list has become even longer because we've had additional proposals that came from the GAC.

What I'm trying to say is that we, of course, have to have a look at all of this. But we may have to take priorities. If we want to have more than two minutes on every one of them, we could -- we really have to get a sense of you what do you think is priority and maybe even take off some of the items on the list that we think have lower priorities or that we think we can ask the Board. There are things we could ask the Board in writing for and ask the Board for information and a response. So, with these remarks, let me turn to Tom and to the screen. I think the -- the questions, the initial ones, at least, should be up on the screen soon. And then Tom will present to you the added ones that came in after we distributed that initial proposed list. And,

again, this is a collection of proposed items. But we may not be able to use or to -- yeah -- to put them all on the final list of the agenda.

And, by the way, the Board -- before I forget it, the Board has sent an email to us. I think that has been distributed to the GAC where they asked us two questions.

Olof, is that right, that the GAC is aware of these two questions that the Board has sent to us? Okay. So we need to -- and I think this is -- first of all, it's positive that the Board is actively seeking to hear from us on issues that they think is relevant. And they're fairly fundamental. But we need to take into account that that will also -- in case we what I assume respond orally to these questions and not in writing, that will also take some of the time that we have at our disposal. So with this, if you could please help us with the proposed agenda items on the screen. If not, maybe, Tom, you just start mentioning them until they're on the screen. Thank you.

TOM DALE: Thank you, Thomas. Yeah. If I could ask the support staff if it's possible to have the document with the questions I sent a little while ago, that will be helpful.

To remind the GAC on the 3rd of March we sent to you a list of 10 questions that had been sent to the Board to raise at the meeting that the GAC is having with the Board tomorrow. A number of people since then in fact, just over the last 24 hours, a number of GAC members have suggested two additional matters at least to be raised with the Board. And a number have indicated that the list is too long, and you would like to have it shortened.

The two additional matters that have been raised on the GAC list are the question of two-character codes at the second level and the handling of that issue and GAC advice by the ICANN board.

And the second issue -- second additional issue which has just been raised concerns the .WEB auction and some concerns that were raised at the Hyderbad meeting by some parties to that process and the fact that the GAC asked that the community be kept informed of developments in that case.

So those were the two matters, the additional matters that GAC members have suggested over the last few hours on the GAC list the two-character code issue, which you recall was discussed by a number of members recently land, secondly, the .WEB auction where there was some concerns about the process involved. Perhaps if we could -- yep, it's getting bigger. Hooray.

The issues that you see there are -- I'll just run very quickly through.

These were sent to the Board in advance; but, of course, the GAC has an opportunity to update these when we finish the session, which is what I'll do.

The questions that were concerned are as follows: What does the Board intend to do about the current workload of the ICANN community, including multiple PDPs running in parallel, which in the view of many is unsustainable and counterproductive.

Secondly, what should be done in the view of the Board, to enhance geographic diversity of active participation in ICANN policy development processes?

Thirdly, can the Board clarify the situation with regard to confidentiality of GAC documents, including those on mailing lists, created for briefings, meetings, and presentations? Under what circumstances would these documents need to be disclosed to external parties? You'll recall the GAC has already had a discussion on that matter this week.

Fourthly, following up on the ICANN CEO's response to questions in Annex 1 of the Hyderbad communique concerning DNS abuse, firstly, follow-up questions for GAC and/or the public safety working group a request for contact points in ICANN for

future queries of this type? Fifthly, the Board has indicated they are working on a new process for considering and processing GAC advice. A technical system, amongst other things. The question is: Can the Board elaborate on what it is proposing in this regard?

6: The IGO's facilitated discussion feedback to the Board from GAC members and observers who were part of that process.

And, seventhly, the Red Cross and Red Crescent facilitated discussion, again, feedback to the Board from GAC members and observers involved.

8 was a brief update to the Board on the GAC/PSWG capacity-building workshops held in Nairobi in January of this year.

9 is what is the Board's evaluation up to now of how the new IANA architecture is operating.

And 10 what is the Board's view on limiting the scope of the ATRT3 review in light of continuing community feedback.

So to that I would add, again, to recap what I said earlier, 11, I guess, two-character codes at the second level and the actions of the ICANN board in responding to GAC advice, an email from Brazil that I think you have seen elaborates a number of specific points to add to that. And that's been supported by a number of members.

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And then 12, a request for an update as requested in Hyderbad on the .WEB auction situation and some complaints about the process.

So those are the 10+2 if you like, that I understand are on the table. Thank you, Thomas.

CHAIR SCHNEIDER: Thank you, Tom.

I see Brazil has -- Benedicto has his hand up.

BRAZIL: Thank you, Thomas. And thank you, Tom, for introducing this topic. There are a number of topics. Ad all of them are, of course, very important for us, for all of us or for some of us. Therefore, what I'd like to suggest would be some criteria for taking up -- selecting the topics for -- to have fruitful discussion with the GAC.

And my -- this does not mean that not all items are important. But, as the Chair has said, we should be very clear about the time limits we have for this. So one -- I think the main criteria I'd like to propose is to address and to discuss with the ICANN board those topics that depend directly on the interaction between GAC and the ICANN board. For example, there are a

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number of issues being addressed in some of those topics that relate to general things of interest for ICANN, for the process. We are all involved. But that certainly are going to be addressed by the ICANN Board either in their interactions with other communities or in general statements they'll be issuing. For example, what -- question number one, does the board intend to do but the current workload of the ICANN, including multiple PDPs (indiscernible). I think this is something we will hear what the ICANN Board thinks about this. We don't need to ask them specifically in this meeting. It's not something that is not important for us, but I think we can get that information without losing precious time in our meeting addressing them that question.

I think the same applies to number two, what should be done in the view of the board to enhance the geographic diversity of active participation. I think again, the board may have addressed this with other communities or will certainly -- will have an interest conveying its view to the community. I don't think that should also be part of our discussion.

Number three, something that deals directly to an issue of direct interest and specificity to GAC. So from the point of view of this criteria, that, in my humble suggestion, should be kept. The same applies to number four, to number five. I'm not sure about six and seven. I'd like to hear colleagues on this.

Number eight, with all due respect to the workshop that was held in Nairobi, I think there have been extensive information provided on its outcomes, its intended results. I'm not sure we would add too much in maybe giving a big explanation to the ICANN Board. This could be conveyed, and certainly the board has participated in previous representatives and they are, I think, well informed of that, and they have a very great interest in making -- in pursuing those kind of workshops. So number eight, extremely important, but I don't think it should make it to this short list.

Number nine again is a very general evaluation of how the IANA architecture is operating. I think that could certainly give us topics for discussion for many, many hours. I don't think that should be going to that short list. And the same app police to number ten.

So I think this is what I'd like to propose. And of course the issue we each have raised in previous discussions, in our previous interaction with the GNSO regarding the two-letter country code, I think this emerged as one area, a very concrete concern for many GAC members. I think that should be certainly inserted into that list. And make sure that we have enough time to hear from the board. Because here, I think, as I have circulated in the list, I think it's a kind of maybe topic issue but one that has to do with the whole framework we want to operate. It addresses

issues like what is the role of the GAC in the development of policies? What is the expected -- what is the institutional moment for us to fit into the process, what is the transparency we are expecting from the board decision.

So I think there are a number of issues here that are very big, important for us as GAC that should be addressed under this -- this talk.

I apologize for that long intervention, but I'd like to suggest to colleagues and of course to wait for discussion on how to proceed.

Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. And I think it was very useful that you went through all the recommendations or all the proposed items and gave your view on what -- what should be discussed when. So that was useful.

Just maybe before -- Six and seven, I think this is not something we will -- we will have to go into great detail. What I would suggest with these, that we just briefly thank the board for having initiated or asked Bruce Tonkin to facilitate, and leave it, and that we had a positive begin of this facilitation and leave it at that. So that will take one minute, and that's it. So -- But I

would agree with you, there is no big substantive exchange that is necessary at that time.

Having said that, I see there are some others who have their hands up. I saw Switzerland, Argentina, and Iran.

So Switzerland. Thank you.

SWITZERLAND: Thank you, and good afternoon.

I think that Brazil made very important points on how to prioritize issues for discussion is the board. Maybe some of the issues can be taken up in written form, I don't know, with an email to the board with some kind of letter, and especially those which are more of an informational nature where we either inform the board or we request information.

And just in relation with that, I have just circulated a possible written request to the board on information about the status of a report that was decided by the board that the CEO would develop on the community priority evaluations. And this is from last September. We haven't had any information about that. But I don't think that it's necessary to -- to get this in the discussion with the board, but we can request the information in written form because it relates to issues that we highlighted in our communiques from Buenos Aires and Singapore last year.

So just to make that point. Thank you.

CHAIR SCHNEIDER: Thank you.

Argentina.

ARGENTINA: Thank you, Chair. To support what our distinguished colleague from Brazil have expressed, and also inclusion of the issue of the two-letter codes at the second level. And also if we can include a question to the board about this .WEB issue, because we have read news informing that the antitrust division of the United States Department of Justice has opened an investigation on this issue, and we think it's important to know news about it.

Thank you.

CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Thank you, Chair.

I support the categorizations by Brazil. I support part of the (indiscernible) proposal that some of the questions just may be raised and leave the answer to be provided in the day after. And in particular, also questions raised by Argentina. I don't think that board could at this meeting provide information about the (indiscernible), but could provide that in a written way.

However, in our view, just ours, question three, five, eleven, twelve, and plus six and seven grouped together as you mentioned in one unit would be the first category of questions to be considered and replied at this meeting, and the remaining part, some of them raised, asking reply in future, subsequently in a written manner, and then some others kept in the short list or in the shopping list for future.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

Pakistan.

PAKISTAN: Thank you, Thomas.

I think GAC has already advised to ICANN in the last two to three communique and the same questions, the same items, like new

gTLDs, geographics, geos. And we have written, already communicated these issues to ICANN Board.

Recently in the ICANN 58 we already discussed these items more in detail.

I think first of all, we ask the ICANN Board to give their response against our last, previous formal advice. And after their feedback, then we ask them question-and-answer. And the last, we may proceed further to conclude some possible solutions.

Thank you.

CHAIR SCHNEIDER: Thank you, Pakistan.

Further views?

Russia.

RUSSIAN FEDERATION: I'll be short. We fully support approach of Brazil. We agree that better to have a shorter list, but with more time for discussion, really important question three, four, five, and of course two-letters code.

CHAIR SCHNEIDER: Thank you. Noted.

Any objection to what is seeming to emerge now?

Yes, European Commission.

EUROPEAN COMMISSION: Thank you. Not an objection, but I'm just trying to look for my notes now because I wrote it all down somewhere useful. I should have done it electronically.

No, I agree absolutely on a slightly shorter list which I think makes a lot of sense because we'll never be able to get through all of those.

And in the context of the DNS abuse issue, we wondered if that also should be brought into the context of the two-letter code because those are both cases of GAC advice which were not followed to the extent that we would have liked. And so maybe there's a way of putting those two issues closer together.

And aside from that, we agree with the others.

We have some suggestions for what could be eliminated as well, if you come to that at some point.

CHAIR SCHNEIDER: Go on with what I think can be eliminated because we've heard from others. But if -- Yeah.

EUROPEAN COMMISSION: So we would suggest that what is number nine and ten now could be eliminated, not because they're not important but we think it's perhaps not the time or opportunity. This could be done either by letters. And the same for the first three cases.

The reason we suggest the third one be eliminated is not because it's not important -- we think it's very, very important -- but we think this is a discussion that should take place first in the GAC, as it has taken place, and then it needs some legal assessment. The board's view on what is useful, important, et cetera, we think is not, perhaps, very useful in an oral context. It's something that should be better done by writing and in another context. That's all.

It's not to say any of those things are not useful or important, about you perhaps not at an oral discussion.

Thanks.

CHAIR SCHNEIDER: Thank you.

Well, for your information, with regard to three, we have already started to engage with ICANN, not necessarily with the board because it's basically an ICANN issue, to try and identify

solutions or things that would be helpful in that regard. But maybe it could also just be limited to informing that there is an issue that we need to look into together with ICANN and see whether we can find different solutions for this.

Brazil again.

BRAZIL: Thank you, Thomas.

And I asked for the floor to concur with Megan and not with you. I think this is a very important issue for us all to be -- to have clarity on how those documents are managed and restored, and so I think it's a very important topic. But I fully agree. I'm not sure that by addressing the board and requesting from the board some of the way those questions are articulated, that might be the best approach.

I suggest and concur with you. I think maybe the issue should be raised and indicating that we are seeking clarity on this, in case they wish to provide some information. But just for -- not to try to elaborate too much, I agree that that might not be the case with the board to raise at this particular moment.

Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. That's noted.

So we'll rather put it as an information item about something that is -- that is keeping us busy and concerned, but that we are engaging with ICANN to look into this more closely.

Iran.

IRAN: Thank you. I support Brazil. And I have some difficulty to mix or put together DNS abuse and the two letters. I suggest that we address them separately, and they are two separate issues, although they might have some connection. But we don't want to address them at the same time. Two letter is a specific issue. 12 country have expressed their concerns and must be addressed separately.

Thank you.

CHAIR SCHNEIDER: Thank you.

If I get Megan from the European Commission right, it was not to mix the substance, but maybe we can have them in a sequence as two separate points because the procedural issue is the same. That's probably -- But of course in substance they have got nothing to do with each other.

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But we will re-order things according to this discussion and then try to have a meaningful order of things. But of course these are two -- two separate issues.

Did I see other hands up that haven't spoken?

If not, that means that we have now more or less a shared view of what we should discuss and where we should maybe give a quick information on.

What we will do is rework this, and should we send it to the board tonight? That's the plan, I think. Today, send it to the board as an updated list so that they know what will be coming from our side. And, yeah. I think.

ARGENTINA: May I ask?

CHAIR SCHNEIDER: Yes, Argentina. Olga.

ARGENTINA: Just to clarify, you will redraft and with the additional issues that may be included or not, work stream prepare a written, as suggested by Switzerland? Or I didn't understand. Sorry, I had to take a call a minute ago.

CHAIR SCHNEIDER: I mean, we have to -- we have to. We are expected to send an updated list, proposed list. This is still -- depending on what happens between tonight and tomorrow morning, we can always modify it, but that's like a best effort to give the board some allusion to what they should be prepared for that is coming up. Of course if a GAC member wants to raise something with the board, you don't have to ask for permission in that sense. You can always raise an issue as an individual GAC member. That is something that has happened in the past and is -- I don't think that we'll have to prevent this from happening. But this is like the agenda that the GAC has discussed and feels prepared to -- and feels make sense to discuss. And we'll send this to the board.

With regard to -- if I get the Swiss question right, the outstanding question is are there issues that we now took off that we want to send to the board in a written form asking them for clarification, reply, so on and so forth, that is something that I see people nodding. So we'll take that on electronically and we'll propose questions or a list of questions or issues that we will send to the board. And that won't then be -- just to be clear, that won't then be a letter with advice. That will just be a letter in the form of communication seeking for information as a general idea, of course.

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Yes, Iran.

IRAN: Chair, would you informally talk to the board that have a proper time management for reply. Not spending 20 minutes on first question, then we arrive to the last question, we have 20 seconds. This is not correct. We should have the proper time management, allocating time for each of these questions, more or less, not exactly identical.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran. I will do my best, but I think that also goes for us. If we have 57 delegations taking the floor on one issue, of course that takes more time. And if that is the first issue, then that leaves us with less.

So -- But this is very well noted, and I will inform the board. But I think we also here have to be true to ourselves and see what we can do better in this regard.

Thank you.

Brazil.

BRAZIL: Yeah, I was a bit reluctant to touch on this issue, but since Kavouss initiated, I -- the problem when we are dealing with so many agenda items is that for some parties, some issue is so important that maybe there is a tendency to try to exhaust the issue, as Kavouss has said.

And so my -- my request to you, Chair, and in consultation with colleagues, would be to try to arrange to listen on all of it that reflects the priority the GAC is attaching to those issues. It's not a secret from our point of view, the two-letter codes should come first, but I would defer to your consultation with colleagues just to make sure the order reflects the order of priority. Colleagues have touched those issues. I will not try to propose a list, but take into account the time management. And of course this will also, in the course of meeting, be taken care of by you and the GAC jointly. But maybe even in the order, it could be reflected the priority we are attaching to those issues.

And again, all those issues, even those that didn't make the list are important ones. It's just a matter of making sure we have enough time for -- for actual discussion.

Thank you.

CHAIR SCHNEIDER: Thank you. And it was actually my proposal to put the two-character code issue first, but then I would maybe say we should not spend more than a certain amount of time on this. Or if we do, then I would remind us that we do, and we should maybe not go on about this for too long. But I think given the importance that this and the attention that this has got, and also to reflect the discussion that we've had with the GNSO, I have no problem at all in putting this first.

And we have now something like five or six items. That is fairly reasonable, I think. So we should somehow be able to make it in these 90 minutes.

Tom wants to add a suggestion, so let's listen to his suggestion. Thank you.

TOM DALE: It's a matter of administration rather than policy, Thomas. But as you're aware, there is now a practice for the GAC and the board to have a call some three, four weeks, perhaps, after a communique is issued to clarify matters in relation to the communique, and all GAC members of course are welcome to participate, and many of you have participated in that call.

It's just that as a matter of process, as support staff and secretariat trying to get that call organized, it might be helpful if

a GAC member or two were to, at the very end of the process, ask the board to commit to a specific time frame for doing that, and just basically get their diaries and your diaries organized. I know it seems a basic administrative matter, but to be frank with you, the ICANN Board operations people are very busy and it has sometimes been proved, to my mind, bafflingly difficult to set a definite time and to, therefore, give you as GAC members advance notice.

So if somebody were to raise that at the end, to say that the call is -- it would be helpful if the board were able to commit to a specific time for that call, then we could all go away with our diaries suitably synchronized for three or four weeks or whatever people agree.

As I say, it seems like a minor administrative matter but it seems to have taken an inordinate amount of time previously. So it's a request for your help.

Thank you, Thomas.

CHAIR SCHNEIDER: Thank you. And I know what you mean, so I have my full understanding for making that point.

The question is when you say a specific time, should we try and, let's say, agree on a week? Because basically they more or less

formally have committed that within five week this should be held. At least the BGRI representatives have responded very clearly that they take this very serious. So we can try to identify a week that make sense and then maybe drill it down to a day and maybe even an hour, and we'll see how that works. But I think your point is taken that the later that this is done, the more difficult it gets.

U.K.

UNITED KINGDOM: Thanks very much.

Just -- I just want to clarify that the BGRI proposal was that, for the GAC side, it would be the GAC leadership participating in the clarifying call. Isn't that right? Rather than the whole of the -- of the GAC, but with prior notification to questions, which all the GAC members would be informed of. And then we have some sort of flexibility. We had this discussion whenever it was, a day or two ago. Because I think, Tom, you were signaling that all the GAC would be involved in that clarifying call, and then all the board. But that's not the case, is it?

CHAIR SCHNEIDER: Thank you. Well, I think we had some range of views on this.

What I would say is, for sure, that this is an open call, so nobody should be prevented from participating. The question is then who should be able to speak. I assume that I would speak on behalf of the GAC. As I said before, I personally have no problem in others add to additional flavor if that helps to the board -- for the board to understand an issue as long as it's clearly stated that this is an individual adding a further information but it's not to be taken for the GAC consensus view because that's basically what is written -- what we will have written in the communique.

That would be my proposal. We haven't had the time to take -- haven't had the time to take a firm decision on who is allowed to speak or not, but I would basically, yeah, not be too strict and let us see how this goes. It went quite well in the first two calls. But -- so that's my take.

I see Australia. Did you want to add something on this? And then I have (indiscernible).

AUSTRALIA: Thanks, Chair. Just very briefly. I wanted to ask, wasn't it the point that perhaps people who had a particular interest in drafting the text on the communique could speak to that issue? So the call would be open to everybody?

CHAIR SCHNEIDER: Again, open to anybody is -- I think that's not -- not contested in the sense that can listen in. The question is who should be able to speak and under what disclaimer.

Iran, and then EBU.

IRAN: Thank you, Chair. We have discussed that. People having particular interest, yes, they participate in drafting, but once we have consensus on that, that is only the chair of the GAC who decides to speak. We don't want to inject new ideas and break the consensus. But people could attend listening to the discussions, but I don't accept that -- people sometimes override and maybe contradict what the Chair is saying, because the Chair carefully read the document and know how to present that, how to defend that, how to explain that.

So all of a sudden somebody come and giving the views before consensus and mislead the board, that doesn't help. So I don't agree with that suggestion that those who participate in the draft try to coming in and push whatever was not agreed before consensus.

So consensus, and that is your authority.

Thank you.

CHAIR SCHNEIDER: Thank you. But do you force me to speak alone all the time on that call? I would like to share this burden with you, actually.

But I think we take note. And as a general rule, whenever somebody needs to speak on behalf of the GAC, it's me. But I personally would allow individual contributions just because sometimes I may not have, given to my very limited English, I may not have the right wording for something. So I would not monopolize things, but always with the clear understanding that others that add talk in their individual capacity.

Manal, Egypt.

EGYPT: Thank you, Thomas. And just to highlight that we had a discussion on all this but we never concluded because the session was really very tight. And we committed to continue this discussion and to conclude on the three issues because we're almost done.

So I help we -- we still have time before the call to fine-tune things, even over email if we need, because I'm just flagging that none of the three issues we were discussing were really concluded.

Thank you.

CHAIR SCHNEIDER: Thank you. By the way, maybe since I'm also -- you know that the board has, in addition, to the Adobe chat, the board has some Skype chats and other things where they exchange things that the outside world does not see.

It is -- As long as -- what I said before. As long as it's clear what is the consensus view and what are additional or interpretations by individual GAC members, it's actually helpful for the board if this is clearly disclaimed, to get more input, not just from me. And also, I may get -- I'm not the Pope, and even the Pope is -- despite what the christian church says, he may make mistakes. So I may actually interpret something wrong and then I have no problem with somebody reminding me that maybe something was meant differently. So just to make that very clear.

But I think we'll find a way and it will -- it will work without catastrophe whatever way we do it.

I think -- and, as you say, Manal, we have some time still until the four, five weeks after the meeting until we have that call.

We would have a little bit of a break until 5:00, if there are no more -- sorry, yes. EBU, sorry. You're sitting behind this great

web cam between you and me. So I tend to forget you. Thank you.

EUROPEAN BROADCASTING UNION: Your remark about the Pope, I will leave to a colleague from the Vatican. I don't know if he's in the room. But, as a Roman, I'm touched by what you say.

CHAIR SCHNEIDER: I'm a Roman Catholic, by the way. I'm allowed to criticize my boss. Thank you.

EUROPEAN BROADCASTING UNION: But just to remark on what the Swiss colleague said before about asking to the Board where they are with their study, that they said that was already expected to be ready by this session and is postponed. So probably better to stress that the -- this is something that is expected by many. Thank you.

CHAIR SCHNEIDER: Thank you. So, if there's no more requests from the floor, then let's have a coffee break.

[Coffee break]

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