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JOHANNESBURG – GAC Meeting with the ICANN Board  
Wednesday, June 28, 2017 – 09:30 to 10:15 JNB  
ICANN59 | Johannesburg, South Africa

CHAIR SCHNEIDER: Actually, there's more and more seats available here. So please, board members, come up, including Swedish members.

[ Laughter ]

Including Swedish board members and presidents and CEOs, very welcome to be on the table, at the table here with us.

So I think we have to start. Time is very short. We have put together a list of items and tried to group them in a way that the ones that are just for noting or for information or where we hope to get just a simple oral answer or a longer answer in writing, we've tried to put them first and then to have the time left for discussing some of the -- little bit more, let's say, items that need a little bit more discussion.

So actually as we have been informed, Goran may not be here from the beginning. There has been a slight reshift. But I think we can --

UNKNOWN SPEAKER: (off microphone).

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CHAIR SCHNEIDER: Yeah, I see. I said hello to you a few minutes ago.

So I think I'd like to start with the first one and give -- which is the expression of appreciation to the CEO. And I will let Cathrin actually do that. Thank you.

CATHRIN BAUER-BULST: Thank you, Thomas. Yes, thank you to the ICANN CEO and the ICANN board. This is Cathrin Bauer-Bulst for the public safety working group. I'm right over here. Good morning, everyone.

Thank you very much for the very constructive intersessional dialogue that we had on the phone recently on abuse mitigation measures. The public safety working group and the GAC as a whole have very much welcomed the efforts of ICANN, including on the various specific initiatives to provide more indicators and better reporting on measures that are taken to mitigate abuse. And we very much look forward to continuing this dialogue with you in the weeks and months to come and would appreciate an opportunity for a regular exchange at this level as it has proven very constructive and helpful. So thank you again for taking the time.

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GORAN MARBY: Thank you.

CHAIR SCHNEIDER: Nordic efficiency. Amazing.

[ Laughter ]

So that was the first item. So the next item is also fairly short one to note. This is just to say that we are already glad that we have this phone call that helps us understand each other within four, five weeks after the issuing of GAC advice. And we still struggle with the fact that we receive then the written response of the board to the GAC advice fairly late in the sense that also this time, it has come fairly shortly before this meeting. And we just urge the board -- we all know that this is not easy, but the sooner we get your responses, the more we can actually work with it. And I think it would help our cooperation. If any improvements on the process side could lead to earlier communication, we would be very, very thankful. So that's the second message to note.

MARKUS KUMMER: Thank you, Thomas. Markus Kummer speaking. I'm aware that it was a bit late when we sent our response to the board. And we will work hard on making sure this won't happen again.

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Again, the phone call, as the call we have after the communique, has proved very helpful. And obviously we need to schedule one again. There will be some holidays in the Nordic hemisphere. But if we envisage a call maybe early August and then we can finalize our response, and I hope that we will be able to deliver it four weeks ahead of the next meeting.

CHAIR SCHNEIDER:

Thank you, Markus. And your efforts, of course, appreciated.

So then we have a number of issues that are questions from our side or issues from our side where we hope to get a simple, short answer. If that may not be possible, then, of course, we are looking for something in writing that may -- if you need more time to prepare.

So one is just a question about this process, this new process that the board has asked ICANN to develop for considering processes, actually not just GAC advice but all kinds of advice so we know that you're working on a system to process that and that you're in the testing phase or at least you have been in the testing phase. And, of course, this is something that we are looking for to use.

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So just a question: Where are you with this? When do you think -  
- do you have an idea when this is going to be ready for use?  
Thank you.

MARKUS KUMMER: I think this will be an answer directed at ICANN org.

CHAIR SCHNEIDER: Yeah, we have a representative of ICANN org at this table.  
Goran? Not yet?

GORAN MARBY: I'm not being deflective or anything, but I think Markus is the  
right person to answer that one.

[ Laughter ]

Because he actually tells me what to do.

CHAIR SCHNEIDER: This is ICANN board tennis. Thank you very much.

MARKUS KUMMER: The internal process for handling it on the level of the board, I  
think, we have the process in place. And this is also very closely  
linked to the BGRI. We have the board members who are group

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members of that group, who are the caucus for preparing the board answer that is preparing the call. And then after the call, it's getting the elements together. That will be the answer.

But the administrative support the Web site and all that, that is not in the hands of the board. And I see Olof coming forward. He will for sure be able to give us a satisfactory answer on that. And I know it is a complex question.

STEVE CROCKER: We have a process. I'm forwarding it to the chair.

CHAIR SCHNEIDER: He's an engineer. That looks good. Actually, I have seen it before at some point in time.

So the message is basically just we are very impatient to be able to use this because we think that -- and we appreciate the effort of the board and org in whatever combination that they try to be more -- make all this -- processing of advice more traceable for themselves, for the GAC, for everybody. So this is a very appreciated effort. And we are just eager to be able to use that.

Yes, Goran.

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GORAN MARBY:

I think we're going to come back to this a little bit more during the audit conversations, is that when -- we now started a process and we're engaging with individual countries as well. We have started to reflect on the best way to support what we call a fact-based discussion within the GAC.

And if you've seen -- if you had the opportunity to look at the flowchart outside, you may understand that we need, on the basis of that, better understand the needs of individual countries within the GAC. So added to what Markus is talking about, added on to that more logistical process to make sure that we get the GAC advice in time and we get the answer out and that the mechanics work, we are also starting to engage in a more not dialogue but information sharing about what happens in other parts of ICANN.

And that I think is going to be an important process where -- because it shows that we need to work slightly different to be able to give you the information you need so you know where things are in the different processes around in ICANN. Thank you very much.

CHAIR SCHNEIDER:

Thank you, Goran. That's very much appreciated.

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I think we can move to the next item, and I would like to ask Gulten or Julia to put up a slide that is trying to show what we mean by this.

This is an issue that is something that I personally recurrently raised. And I think it's time before I leave this function to at least try and get this low-hanging fruit done.

So this is a document -- the official is actually coming from another -- but this is a document that looks like most or many of the ICANN documents in the ICANN setting look like. It just says, "Process for finalizing WS2 recommendations."

If you go down one more page, you see another document -- the next page. The official belongs to this one. So this says, "Draft: Privacy and proxy services implementation review team-GAC public safety working group disclosure framework." There's one more from the straw man proposal that was sent out last week. And this is something that we find very often that you have documents that do not indicate who wrote them, to whom they wrote them, what was the date or the year that it was written, what is the process that things belong to. And I and many other people think that if ICANN is serious about being inclusive about making it as easy as possible to non-insiders, to people from all stakeholders with limited resources to follow ICANN on a daily basis so that they don't necessarily see or know by heart what



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WS2 means or they don't realize whether this is the third or the fifth or the seventh version of a document, it would be very, very, very helpful that ICANN would introduce some minimal standards for naming documents, providing for some background information in a structured way so that people know where a document belongs to, what the status is, what the addressee is, when it has been written, and so on. And I think if we don't have to reinvent the wheel, basically the other institutions that I work for normally have a header or a footer or something that is standard. And once this is introduced, I think this issue would be done. So this is just a message to the board and ICANN org to take this on. And we think this is a very, very, very low-hanging fruit to make ICANN more accessible and more inclusive. Thank you.

Yes, Goran.

GORAN MARBY:

Thanks very much for giving me an opportunity to talk about this.

As you are well aware, we are in the board, and together with the org, working on adding a document management system with a taxonomy to the -- to ICANN, which we never had. It's a very low-hanging fruit. It only costs between 8 to \$10 million.

CHAIR SCHNEIDER: I can -- I can develop a header for you for \$1 million. It will take me about half an hour. Thank you.

[ Laughter ]

I'm not talking about the whole system. Just about the header and the footer for you. I'm happy to do that for you.

GORAN MARBY: Thank you, Thomas. We currently have about 115,000 documents in our -- what we can call the org Web site, and the process is that we are trying to go through, and will go through, those documents and actually try to make it into a taxonomy so you can find documents together, which means that you don't have to go through Google to find documents on our Web site.

Because this is a fairly big thing to do, that's -- it's not something that is -- we have -- we, together, the org and the board and the supervisors in the org, have a very good dialogue about this, but this is probably one of the biggest infrastructure investments we've done in the ICANN org ever, and so I will not shy away and say everything is simple in that one.

So I wouldn't call it a low-hanging fruit. It's a very large fruit. But it is an important work for all the reasons you said. That we

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have to provide an opportunity for people to find material in a more constructive way when things are connected to each other. There is no disagreement in that. Thank you.

CHAIR SCHNEIDER: Thank you, Goran. In an attempt to try and be constructive, in case that it may be as complicated as you say, then I would advise you to just issue an interim urge to just use a very simple header that will have an ICANN logo, a logo of the constituency, a reference to the process, a name of the author, a name of the addressee, and the date, and maybe a version. That can be done very, very quickly and then you can take all the time in the world to develop the complicated system, as I understand, behind, but I really think that this is necessary to act quickly and -- at least on an interim basis, and then see -- it's like with the IANA transition with the Empowered Community. We need to start somewhere. We can't solve all the problems ex ante. Just go for it. Thank you very much.

So that was this item, and then we have another one that I think is fairly short, which is about the GDD summit, so we can maybe go with -- back with the screen to the agenda items.

We are understanding that these summits more and more also having a -- let's say providing space for discussion about policies, and the question to you, which you don't necessarily

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have to answer right now because that may be more complex, but we would be interested how the GAC could add value to the evolving annual events of the GDD summits and how we could maybe interact or contribute to the policy discussions that are going on at the GDD summits. Thank you.

GORAN MARBY:

I can give you a half answer, and I think Akram is here somewhere who is actually in charge of that. Reflecting upon that it's policy discussions that happens there, it is an event for GDD, which means that, yes, there could be policies discussed, as in any other event when people actually meet, but it's not about policies, per se. That happens at the ICANN according to the processes that are here. And that's I think an important distinction to be made. These are not made for making policies.

With that, I will leave to Akram to say the rest.

AKRAM ATALLAH:

Yeah. Just to add what Goran said, the GDD summit is the equivalent of the intersessional that other SOs and ACs do, and that's the contracted parties' intersessional, so it's for them to get together, work on their agendas and what they want to do in the future, so I hope that clarifies it. Thanks.

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GORAN MARBY: And the last thing is that it's actually not -- we facilitate the meeting. We don't arrange and we don't set the agendas for the meeting. Thank you.

CHAIR SCHNEIDER: Thank you. So if anybody has any question or comment on this from the -- yes, Argentina. Please be brief. Thank you.

ARGENTINA: Of course. Thank you, Chair, and thank you to the board for being with us.

In the last two GDD meetings, I came to know that there were discussions about the use of geographic names, sTLDs, and other relevant issues for the GAC. This is why we thought that maybe some governmental perspective would add value to the discussion. Thank you.

GORAN MARBY: I don't disagree about the importance of information sharing between different parts of the community where you're an important one as well, and as I said before and I'm going to say again -- and I said it a couple of times also in the discussion we had when we talked about the two letters at the time -- I think we can avoid a lot of problems if we can figure out a way of

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engaging between the different parts of the constituencies with the processes we have without breaking them.

And it -- for me, it's about -- I mean, I don't participate and my organization doesn't participate in the policymaking process, but we have -- after the transition, after -- when we sort of entered this new phase, we have to work on that information flow. And that goes from -- both ways. Only to be able to provide information what happens in this constituency over to other parts of the community as well and vice versa. I don't have an immediate answer as to how that's going to do, but we have internally discussions about it and I've said before that I plan to come back. In between all the -- in between the -- all ICANN meetings, I have conference calls with all different parts of the constituencies. 21. And I hope Thomas shares with you on a regular basis what I share with him on those calls, because that is -- that's where I have a dialogue with all the constituency leaders. And my plan is that during the next round of calls, starting to bring up some of the suggestions how we can do that.

It is important to recognize that we are trying to make sure that we get information back and forth. We don't participate, we don't try to change anything on any discussions, but I think you feel, as other parts feel, that trying to establish a mechanism for better information flow, depending on the needs, on the different parts of the community, we can probably make it a

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little bit easier to understand. For instance, where are we in the process? What has already been decided? What are the discussions that's coming down the road? What kind of -- how do those discussions in different parts of the community actually affect what you're interested in? And so on. And I think in the discussion about the GDD summit, that's actually -- what you're saying to me is that you'd like to have more information what happens in other parts of the community but you would also like to share individual countries' views on what happens in other parts.

I don't -- I forgot my magic wand, so I don't really know how to do it right now, but we'll try to work with you for doing that. Thank you.

LOUSEWIES VAN DER LAAN: Hi. This is Lousewies Van der Laan. Maybe just part of my experience having come from the outside of the community. I think what happened yesterday at the gTLD session was extremely good. Individual governments got up and shared -- and Thomas, of course, was there as well -- and shared their concerns with the wider community that was there, and that is, I think, the most effective way to make sure that that dialogue that Goran was referring to happens. Because by the time it

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comes to the board, the board doesn't have any magic powers when it comes to policy.

One of the other ways -- and I -- also then doing this from the Dutch experience is that within a national context, that's a very easy way to have your mini-multistakeholder dialogue. You know, talk to the people there who may be attending other parts of the community, and that's a great way to make sure some kind of consensus at least is building either at national or at regional level that can then be disseminated again.

I think the key thing, what I've learned, having spent the time now at ICANN, is that the best way it works is if we know each other, we understand each other. We don't have to agree. That's the key thing. But the more we spend time outside our silos, I think that's the way we can make sure that policies are respectful and inclusive.

CHAIR SCHNEIDER:

Thank you, Lousewies. And of course I also personally appreciate the efforts that the board and also Goran personally are taking to improve dialogue and to make sure that we understand each other, which is not always easy, so this is much appreciated and we all know that there's still a lot of efforts to still improve that, but we are moving in the right direction. I think it is fair to say that.



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If there are no more comments on particular item, I'd like to move to the next one, which I would like to give to Cathrin again from the public safety working group. It's about data privacy regulation and RDS. Thank you, Cathrin.

CATHRIN BAUER-BULST: Yes. Thank you, Thomas. This is Cathrin again over here.

We -- I think we've seen in the meetings in the last couple of days that there are serious concerns about the implementation of the general data protection regulation -- it's coming into effect next May -- and the fact that the RDS PDP will not deliver a new system before then, which is, I think, apparent.

So in fact, when we -- when we drafted this agenda, we were wondering whether ICANN as the board and the org are planning separate processes to look at whether there is some way to facilitate compliance alongside these processes without setting new policy, of course, but to look at the existing contracts and see to which degree measures can be taken to ensure compliance with the GDPR and other privacy laws.

And since we have learned at the GDPR session yesterday that there are plans to launch a separate process to look precisely at these issues, and Becky was kind enough to outline the plans yesterday at the GDPR session, so we just wanted to

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communicate on behalf of the GAC that we're very supportive of these initiatives and would like to contribute from the perspective of the GAC to make sure that also the public policy interests are being included in this process.

CHAIR SCHNEIDER: Goran?

GORAN MARBY: Thank you very much, and thank you for your help and support, and thank you also for the participation in the session we had yesterday.

Also, when we talked about the public interest groups, I asked the question: Have you analyzed the new data protection law in the context of public interest? Because that's sort of interesting. Because we would like to hear your views on if that changes anything, what you're trying to do. You don't have to answer now, but it's important, because it could be changing some of the things that you've been focused on in that group, and as governments, I think it's important that you took a look.

Otherwise, it could be seen as you don't think that the data protection new regulation in Europe has any effect on the way we do things, which we can or cannot -- it can or cannot have -- sorry, it could -- it could have or could not have. And any input

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in that direction would be very interesting for us as well. You don't have to answer now, but we can have that as a discussion going forward.

CHAIR SCHNEIDER: Thank you. Becky?

BECKY BURR: So thank you. And thank you, Cathrin, for participating.

I think that the discussion we had yesterday was extremely well received by the community collectively.

The -- you know, in order to address the compliance issues that may be presented by the GDPR, ICANN org has set up several processes, and one of them was the process of sort of creating the sort of purpose by user and data element statement compilation that we talked about yesterday, and we do very much hope that the GAC and the public safety working group will participate, will contribute user stories in that.

I think -- I think that the org has reached out to Thomas to talk about how we can involve you in this, but it's anticipated to be very open, very transparent, and we really are in an information-gathering mode.

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So this is a -- the GAC and the public safety working group are critical stakeholders in this.

CHAIR SCHNEIDER: Thank you, Becky.

For the sake of time, I'd like to give the floor to Switzerland to take -- quickly present the issue which is also on the floor, a lengthy discussion about IGO protection and some outstanding issues related to the board's scorecard responding to the Copenhagen communique. Thank you.

SWITZERLAND: Thank you, Chair, and thank you for being here, board members.

This is just a short question.

In the communique from Copenhagen, we urged -- we advised the board to urge the working group for the ongoing PDP on IGO/INGO access to security rights protection to take into account the GAC's comments on the initial report, and the response in the scorecard is that "The board notes that the GNSO PDP working group is considering the comments on its initial report which were submitted by the GAC and others."

I think there's a -- kind of a difference, because we asked -- we requested -- we advised the board to urge that PDP working

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group to take the GAC comments into account, and this is asking for a proactive action from the board, and so the board answers that you note that something is happening.

So perhaps it would be good to have some clarification on that. Thank you.

CHAIR SCHNEIDER: Thank you. So I think the idea is to really send an active signal from the board to that PDP to duly take the GAC advice -- or the input into account. Thank you. Maarten?

MAARTEN BOTTERMAN: Yeah. Happy to take that one.

Basically what we see is like with the Red Cross, that we do actively facilitate the discussion, and in that, we see that this -- the issues raised by the GAC are taken seriously.

So we very much are aware of the issues. We continue to support the dialogue there. It's not up to us to lead it but it's -- in the PDP working group, it's noted, and we are determined to continue to facilitate this discussion.

CHAIR SCHNEIDER: Thank you, Maarten.

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Iran, very briefly.

IRAN: Very briefly. "Noted by government" means that, "Thank you, no further action." This is "Noted."

CHAIR SCHNEIDER: Thank you. That was clear. Okay. So we have now about around 15 minutes left, and we reserved that for an issue that, of course, it's not the first time that we are discussing this and exchanging this with the board. It is the two-character country codes at second level issue.

We've had some exchanges already before, so we -- the GAC, as you know, still is -- many people in the GAC are still struggling with this issue, so what we would like to focus on mainly, in the last 15 minutes, is to discuss and understand possible realistic next steps following these two calls between the GAC and ICANN org.

I'll not take more time. I see that Ambassador Benedicto Fonseca from Brazil has hand up. Thank you.

BRAZIL: Thank you, Thomas, and I'd like to thank the board for this opportunity for interaction in the face-to-face meeting.

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In regard to that issue -- and of course this, we have addressed it extensively at the last meeting in Copenhagen, and after that, we had two calls. We thank the board for organizing the two calls, taking into account the different time zones.

It is not clear exactly what will be the next steps.

One idea that was floated was to establish a task force, getting together the GAC members, interested members, the ICANN board, the secretariat, and other interested parties from other groups.

We think that would be an appropriate, maybe, way out to provide some further interaction. But one thing -- and we need to have a clear response on the part of the board in regard to that suggestion.

But I'd like to take this issue just to indicate that it highlights the -- I think a deeper problem we are facing in the operation of ICANN.

It highlights the difficulty of governments to input significantly in the process of developing policies.

We have heard from the board, in many instances, that once a policy is developed, the board has very little flexibility or room to adjust or to take on board other suggestions because that policy reflects, in a way, the will of the community.

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Now, the governments, as government as a whole, we have, on the one side, one I would say problem that relates to the way governments operate because it's very difficult for us to engage in the process of development of policies significantly, due to the other duties we are -- we have to undertake and so on and so forth. Hence, the processes itself for developing the policies are not, let's say, friendly to the participation of GAC, are not designed to allow for the participation of GAC in the policy development. So we have that dual difficulty.

So if the policy is developed without significant input of the GAC and the GAC cannot influence or provide an input that will be significantly considered at the end of the process, we have a problem. And we have a problem here.

I think this particular issue illustrates what has happened. A decision was taken on the board on the basis of a policy that was developed without taking into account the significant GAC input. That led to a fait accompli that has consequences which are maybe irreversible.

So we are in a situation that something was done and we as government, I -- of course we -- it's very important to say there is not a monolithic opinion of the GAC in regard to the substance, but I think there is a concern on the procedural aspects.



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So again, I think we have a very specific issue. We would like to have a very clear indication on the board on the way forward, as we see it. But I think this also prompts us to have that kind of reflection on a systemic -- a systemic level. I think it's very important.

One aspect that -- I'm sorry for this long intervention -- that we have also been -- that is also contained in this discussion, sometimes we are told that there is no international law, no international obligation that -- out there so the board can rely on some international agreed text.

So the board has to follow policy developed by part of the community. So we think if it's only the GAC position just to take on board and to insert what is already there international, there is no need for us to meet here and to have an interaction with other stakeholders.

I think the beauty and the intent of the multistakeholder model is to lead the discussion that will take into account the input of all the stakeholders. I think we don't see our role here just to reflect what has been done in other areas. We are here to develop new things. So if there is no clear opportunity or the process is not designed for it, I think this is a problem and this has been illustrated in this particular case. Thank you. And apologies for the long speech.

CHAIR SCHNEIDER: Thank you, Brazil.

I will add some remarks on the general issue at the end. But I'd like to give -- because this is very relevant to what we've heard. I would like to give the floor quickly to Iran first and then take another one and then allow the board to reply on the two-character code issue.

Thank you, Iran.

IRAN: Thank you, Thomas. Thank you very much, board, sharing your time with us on this very important issue. We appreciate the steps which has been taken. To greater extent is positive, but there are some details to work out. We have looked into the two resolution. And in one of the resolution, Resolution 2, there are three actions given to the CEO. For the first two is more or less administrative. We have no problem with that. The third one says that the report back to the CEO, to the board, if there is support for a different approach. So I have this in two different ways. One, different approach very good. We would look forward to different approach. And, second, if there is support, support from whom? The GAC has expressed its concerns, 45 countries. And then there is a need to have a different approach.

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But I don't know what support you are looking for, who are looking to have support. Support from that? And so on and so forth. They give no support because they are happy with the current situation that this is no comments, nothing, no consultation, and that's all. So we look to have a better reply to that, looking for a different approach but not whether there is support or different.

And then different approach, yes, I don't know the modality of that, how the CEO will engage with the GAC members to find out various ways and means and options to have different approaches and then find an approach among that.

However, I would like to suggest that at least until the time that this different approach is found on an interim basis, we go back to the situation before December 2016. That means to have 60 days' time limit for the government to answer. If they don't answer, that means agreement. That is the minimum, minimum. And it has been changed without any reason, and we are not aware. And in that support, we would like to have a summary of the minutes of the board with respect to the December '16 or what day of December that resolution has been passed to change the old model to the new one and also the comment and all the minutes of the board when the two resolution has been adopted. We would like to have that in a

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formal manner in order to enable us to engage with the discussion.

But the interim solution, we wish to request that we go back to the previous process, 60 days' time limit and allowing governments to comment. If they don't comment, means agreement. That's the minimum, minimum. Thank you.

CHAIR SCHNEIDER: Thank you. I'll take one last comment, the gentleman in the back. Are you from Burundi? Is this right?

RWANDA: From Rwanda. My name is (saying name) from Rwanda.

We would like to associate ourselves with those GAC members who expressed their concern on the result of the two-country code characters at the second level. In the last Copenhagen meeting, the GAC read to ICANN board to engage with concerned governments by the next ICANN meeting to resolve the concern and immediately explore measures to find a successful resolution on the matter to meet the concern of these countries before being aggravated.

We are concerned by the ICANN board responses to this advice because they do not really solve the issue (indiscernible) with

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the immediate decision before being aggravated as advised by the GAC meeting in Copenhagen.

The fight about the issue is that through the contact between ICANN and the registries does not solve our principal concern. We would like to request the ICANN board the following as the next step, to take immediate resolution to hold on the resolution. Second, to form an ad hoc group that we come up with a final proposal to resolve the issue. Thank you, Mr. Chair.

CHAIR SCHNEIDER: Thank you. Let's give an opportunity to ICANN board and CEO to respond to these requests. Thank you.

GORAN MARBY: I would ask Akram to help me with the first part of the answer, please.

AKRAM ATALLAH: Thank you, Goran. And thank you for the GAC representatives for your discussion on the two-character codes.

It is important to go back to the process that ICANN follows. The policy development phase took place in 2007. That dictated that basically what the -- what to do with the two-character codes when the new gTLD program would launch. And as we

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mentioned earlier, in the early stages of the new gTLD program, the contract was posted for public comment multiple times and eventually adopted in 2012 as the program was launched.

In the contract, there are two options for the contracted parties to actually register the two-character code in the second level. The first option is by GAC consent. The second option is by implementing mitigation measures.

So in the contract, they have the right to actually register the two-character codes either way, and we took our time to develop a set of mitigation measures that they have to implement in order for them to release the two-character codes.

So the first choice is still available for registries to go and get consent from the GAC to release the two-character code. But, also, they have a choice of actually implementing the mitigation measures and releasing the two-character code on the second level.

So we did -- we did not cancel the first approach. Both approaches are valid as per the contract language. So I just wanted to make sure this is clear.

And I think that it's very important -- I was very happy to see the GAC participating in yesterday's session. This is where the decisions are going to be made on what the policy will be in

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future releases of top-level domains. So it's very important for the GAC to continue to participate in these discussions on geo delegation, both at the top level as well as on the second level, and help shape the policy so that when it is in the contract and it's accepted, it is to the satisfaction of everybody in the community.

So I'll give it back to Goran here. Thank you.

GORAN MARBY:

Thank you. I will please speak up on both our friends from Iran and Brazil and point to the problem that was directed, and that is really that after this decision we are entering a new phase. We also have to look about how we work together and also how we work with the office of the GAC so we can provide individual countries with a context of understanding what a decision is going to mean for that country earlier on in the process.

And I think if you look back on this and other ones, which has created frustrations within the GAC, that is something that we have to work out because as Akram has pointed out, this has been a discussion for a long time. And I'm very respectful of the GAC's members' ability to understand the consequences, which is the same thing as for many other parts of the constituencies.

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So, therefore, again, I think a part of this going forward, I would be very happy to work together with GAC countries. It seems like the most popular order right now is the task force. Sorry, I think I was the one who introduced that. But to have a group to work with the chair and a couple of countries from different parts to see if we can figure out a way for that information flow to work better so we can avoid being too late.

And, again, this is facilitation from my side. It's not participating in any process or taking part of any decision-making process within any part of the community. I hope that we can work going forward doing better. And if I can do anything -- if my organization has done anything that we could improve, I will promise you to do that. Thank you very much.

CHAIR SCHNEIDER:

Thank you very much.

I have four people so please be brief. Let's start with South Africa, then Argentina, Iran, and Brazil. Please be brief.

SOUTH AFRICA:

Thank you very much, honorable chairperson.

I would like to associate with the comments made by Rwanda and Iran on this particular issue. I would also like to aid



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something, and I'm hoping that the board can try to accommodate this in their program, which we appreciate very much in terms of the underserved areas.

For us, that program is -- should not just be merely just -- should not be just for capacity-building and, you know, other issues that are just educational but should also encompass some of the discussions that are currently being held at this level.

And I think one of the most important ones is that of the two-character country codes, the awareness level, the engagement when it comes to that, I think, would be quite useful in terms -- especially seeing that the program is aimed at again -- I'll repeat because I think this term I'm constantly using is "inclusivity and participation." And I think it would sort out the problem of not going back to some of the issues because, yes, you have a track record in terms of having discussed these things as you referred to the fact that some of the processes started in 2007. But for countries to catch up and actually be part of those processes, some of these programs that you currently initiated are quite good. And I think that also when it comes to that probably, especially with the underserved, to ensure that that program gets through, issues of capacitating those programs even in terms of resources which relate to languages, ensuring that the people that you assign to those are able to engage fruitfully with

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the underserved regions, it would be quite useful. Thank you very much, Chair.

CHAIR SCHNEIDER: Thank you. I see Goran. Would you like to respond?

GORAN MARBY: First of all, thank you very much for the acknowledgment of the work that we are doing together in the underserved regions.

I had the pleasure of participating personally here at at least one event during the spring, and that was -- it was an eye opener for me. And I agree with you to the extent that we should always look over and see how we can improve that. Your comments are welcome because then we can improve how we're doing it.

Just a reflection on that, it may be good for you to know, other members of the GAC, that one of the things that we often discuss, which we are now working more and more, is to education of local police forces about the DNS industry, how it works, and what we are doing within our mission there. That is something that has an increasing demand in many -- in many countries.

We also noted working with the underserved regions is one of our priorities. Yesterday or two days ago -- ICANN's meetings

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blurs my dates -- we also announced that we are also doing a slightly new internal structure for our offices and may not be the biggest change in the world. But what we're trying to do there is that we from now on will build a more regional-based strategy because we recognize going forward that different parts of the world is actually different and the demands, for instance, from South America is different from the demands from Africa or northern Europe.

So one of the things that we're doing now -- and we will do that during the autumn -- is to come back with a more organized plan, for instance, for what we now define as the African part of the world.

This is not something that we are just going to write. This is something we're going to do together with stakeholders and other ones. And I also hope that countries within that region could participate in the end before we actually set that right.

It will always be in ICANN's mission, in our remit. We will not and don't go out of that. But we will try to engage on a more -- what we usually call demand-driven engagement forum. So thank you very much for the recognition of the work we're trying to do in the underserved regions. And I'm very open for suggestions how we can improve that going forward. Thank you very much.

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CHAIR SCHNEIDER: Thank you, Goran.

I still have Iran, Argentina, Brazil on the list. Do you think you get something said in 30 seconds each? Okay. Iran.

IRAN: Thank you, Chair. If it is 30 Swiss seconds, no. But if 30 other country's second, yes, we can do that. Distinguished ambassador mentioned the problem of the developing countries and some of the GAC members, that they could not participate in the PDP. That is quite clear. And, also, we should recognize that we have made an advice in 2009. And I request you, if you can briefly mention what was our advice and whether that advice was followed or not.

I take this opportunity to sincerely thank Akram for the very valuable information he exchanged with me, or with us, with Iran. 17 emails have been received, a lot of information. We have 171 registrations for the two-letter codes. I don't think that any of those has taken the first approach, contacting us. They got direct to the second one, more easier. And then mitigation. What mitigation? On the expense of whom? How it is applied? It is difficult.

I don't think this all is sufficient. This should be complementary. Having the first one. If there is problem, go to the second one,

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mitigation. This is what we do elsewhere. I don't think that this option was not good.

But, once again, we have difficulty participating in the PDP even now. 3:00 in the morning European time is the PDP sometime, 3:00 in the morning. Thank you very much for those people who get up at 3:00 in the morning and participating in a PDP. Thank you.

CHAIR SCHNEIDER: Thank you.

Argentina.

ARGENTINA: Thank you, Chair. And thank you for the comments. I participated in the two calls about the two-letter codes. And my feeling was that there was a lack of understanding of the situation from both parties. So this is why this idea of having a group and trying to digest all this information and perhaps communicate it better came up.

Argentina also shares the concerns expressed by Brazil, Iran, Rwanda, and other colleagues. Thank you.

CHAIR SCHNEIDER: Thank you. Brazil.

BRAZIL:

Thank you, Thomas.

I will use my 30 seconds to thank Akram. I think we have heard many times that explanation, so I don't think it's a lack of understanding of what took place. We know there were different alternatives that could be relied upon, that the board by making a decision led to an alternative that was not there before. And I think the issue is that was done in a way that is not seen as transparent and inclusive enough.

I don't think it's acceptable, on the other hand, to require the GAC to participate in the policy development as a condition to influence the process. First of all, because the rules we have are not designed for that. The GAC is not called to participate in the policy development process.

We thank the two co-chairs of the geo name that provided us the opportunity for early participation. But as it was highlighted by the U.S., this is not the typical thing to happen.

And what is provided for is for the GAC to give advice. So if the GAC provides advice and there is no relevance and no influence, I think we have a flaw.

In another part of the discussion, some of us have indicated that there is even a deficiency in the way that the multistakeholder

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model is being applied to ICANN. I think it is something that deserves very serious consideration.

So basically what I would say is that what is required from the board is to go out of its zone of comfort. It would be very comfortable to say, "I have received the policy development so I have it just automatically apply." I think it's required from the board to make sure that any decision takes into account the inputs of all the stakeholders. Otherwise, there is no meaningful work in a multistakeholder fashion if the inputs are not to be taken into account according to the rules that are designed. The rules of the GAC are to participate in the advice. This did not take place.

We think that it is unfortunate that the board made the decision that changed the regime method that was being used, one that GAC members were very comfortable and very aware, in a way that was no direct consultation, no -- and I think this is the -- the crux of the issue we are discussing here, something we want to avoid in the future. So for -- in spite of all the explanations we have heard, we take on board the idea that this task force will examine how we can address this in the future because I understand that in regard to the existing gTLDs, there is nothing else to be done because most contracts have been signed on the basis of that clause that was allowed by the GAC -- the board

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decision, so we would be looking for the future, basically, so we are looking forward to that.

But in regard to the decision that was made in December, we -- I regret to say we think it was a mistake and something that runs against the multistakeholder model. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil.

Goran.

GORAN MARBY: I have no disagreement in the sort of -- but in the -- I still think that --

First of all, I would like to thank individual GAC countries, and something that the representative from Brazil told me has actually helped me in this thought process, and that is that we -- during this meeting and before this meeting, as our dear friend Kavouss mentioned, we have spent a lot of time with individual countries where we have explained, talked, and given context to especially the two-letter discussion.

And I think that that's been -- I think that's been fruitful and we hope -- we are happy to continue that, and I would like to thank all the countries we've been speaking to over the last three or



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four weeks, and also to our member from Iran, because I -- you're pointing out to something that I'm now talking about for the third time, and that is that we have to work on working with the needs of individual countries for the respect of your needs and contexts as well for information sharing, so we don't end up with you feeling disqualified from the process because of lack of information or you don't have the ability to know what's happening in other parts of the community when it comes to, for instance, policy work.

I think that this has been a good exercise for both sides, even if I don't see that I'm on another side because my work is to facilitate you, and I'm really -- I think that we, from this point, can have something to continue to work on together. Thank you very much.

CHAIR SCHNEIDER:

Thank you. Before letting you go, actually let me just make one remark and then we take a 10-minute coffee break.

Info for the GAC.

What Ambassador Fonseca from Brazil has raised I think is a fundamental issue that is becoming more and more clear to more and more members of the GAC. We have a structural problem in ICANN in the sense that according to the bylaws and

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according to the procedures as they are set out, we are expected to give advice to the board on public policy issues, not just on international law but also on public policy issues, that may be new public policy issues, but then when we do that, we are told that, "Well, actually, you're too late, you should have come in earlier."

The problem is, the way these processes are set up, the access threshold is too high, the resource use for us to meaningfully and inclusively participate is not yet where it should be, we have no structures, no processes, and no resources.

So this is just something that we'll be more focused on this in the next few months and probably come up with a more concrete proposal.

If you are serious about allowing and welcoming and having early engagement of the GAC in PDPs so that they have the legitimacy of being inclusive, then we need to work towards an ICANN Version 3.0 that needs some reform maybe on a bylaws basis but definitely on a process basis. This is something that we're just more and more getting aware of. Brazil has mentioned it. Others have alluded to this too. So this is -- this is something that we need to start working on, because otherwise, the gap between papers and reality is getting too wide and that

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would cause a problem, I think, for the functioning of this institution.

Steve, would you want to react? Thank you.

STEVE CROCKER:

Thank you, Thomas.

I think we share your concern and I have quite a bit of empathy for it. And I think as you alluded to, there's multiple aspects to this.

One aspect you mentioned is resources, and a different one is the way the processes are structured.

My feeling is that the resources, we can have a sensible discussion about and work out, and that that's probably secondary to what the real problem is, which is engaging in the process.

So let's focus on what would make that the right thing.

In principle, the ideal is that everybody who is interested in a process -- in a policy gets involved from the beginning and then it's only a question of the details, but of course the details are everything. So let's focus on that.

And then on the resources, I'm sure that a sensible arrangement can be worked out.

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But I have a feeling that it's a combination of expectations and what the habits are in terms of modes of engagement and that with a little bit of attention and good will, we can work that out.

I don't know that it needs a full ICANN 3.0. I shudder when I hear that, given the enormous amount of work and energy that we went into in -- we actually did --

I have to say this is ICANN 3.0. ICANN 2.0 was back in 2002-2003, and it would be hard not to give the same status to the enormous amount of work that we're doing.

So you're really talking about ICANN 4.0. Oh, my goodness.

CHAIR SCHNEIDER: I take that point about 4.0.

STEVE CROCKER: Yeah.

CHAIR SCHNEIDER: When I say a reform, I don't mean we need to have lengthy, formalistic, bureaucratic processes but things can be sometimes done in a more pragmatic way than they are done in ICANN, but, yeah, we'll continue that discussion at some other point in time, but we note that you understand -- or we think you understand what our challenge is and that you're willing to work with us to

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find better solutions. Thank you very much. Thank you. That was a really good and frank and useful discussion. We're looking forward to follow-up.

Coffee break. Thank you.

So 10 minutes coffee break and then we'll be back here.

[ Break ]