
ABU DHABI – GAC's participation in PDPs and CCWGs
Saturday, October 28, 2017 – 17:45 to 18:30 GST
ICANN60 | Abu Dhabi, United Arab Emirates

TOM DALE: Thank you, Thomas. Again, for the benefit of the newcomers to the GAC meeting, this is another attempt to deal with a long running issue within the GAC and to discussion new discussion on the issue.

The issue itself is the GAC participation, again, quite separate from its formal advisory role to the Board, but GAC participation in early stages of policy and procedural work that goes on across the ICANN community. The two formal mechanisms that GAC members participate in, to some extent, are policy development processes which have a particular status under the bylaws and are conducted by supporting organizations, the GNSO and ccNSO and cross-community working groups which are not provided for anywhere, but they have grown up anyway as a mechanism within the community, and there are some understandings about how they operate—And the GAC is a member of quite a number of cross-community working group as well.

The briefing document that was circulated some time ago, gives you a list of currently recorded GAC members, observers, participants, volunteers—whatever—in all of the known PDPs

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

and CCWGs. What is being put to you is, can the members who have participated, and some have not, some have volunteered, but for various reasons not been able to contribute to those discussions, but whatever—can the members who are participating share some insights with the GAC about the good points and bad points of that? How the GAC as an organization can benefit itself and how it can contribute to those processes in a way that meets public policy concerns of the governments here. And to, again, consider ways to improve both the volume and the quantity of the GAC's team involvement in these groups.

As you see from the attachment to the brief, they are quite significant. There are a lot of policy activities going on at different levels across the community. And, yes, there have been other concerns about who can stop all of this, and apparently the answer is nobody, but nonetheless, they are occurring and different governments, and different GAC members have attempted to engage with them and there will be some discussions this week through CCWG and PDP processes, however, the brief is noting that there are some differences between PDPs and CCWGs. The bottom line, literally, is that GAC members have continued to express concerns that yes, the opportunities are there for them to participate. Yes, there are formal nominations that the GAC makes to CCWGs, however, the bottom line is that GAC members are increasingly saying they

simply do not have the time or resources. We've have had that discussion several times, across several meetings, and the situation has not significantly changed. I guess what's being asked here is, does the GAC think that's a concern, or not? Does the GAC wish to revert to a position it had some time ago, of effectively concentrating on its advisory role to the board and not giving a priority to early engagement in other work or CCWG work? Or, does it wish to try to improve that engagement through whatever means are possible. I think the best feedback on that probably comes from those working in the group—and you all know who you are and you're on the list anyway, in the brief. So that's the purpose of this session. It is, as I say, a recurring theme. It is not going away because the workload across the community is not going away. The public policy component of that work is also not going away as the secretariat has tried to advise you in regular updates from those meetings and calls, between sessions, that you were unable to attend.

Thank you. Thomas.

CHAIR THOMAS SCHNEIDER: Thank you. I think it's not necessary to say without the Secretariat we will have one less in a number of these processes, unfortunately. So your views, ideas, comments, questions, miracles? The floor is yours. Argentina.

ARGENTINA:

Thank you, Chair. This is [Inaudible 00:05:01] from Argentina. Thank you, Tom, for preparing the document. I'm surprised I'm on so many groups—I just realized by looking at the list. I had one idea. Some of us are on several groups which is challenging because of the time it takes to prepare and take the call. It's our role, so it's okay, but I think it would be good for new members to get engaged. I think going directly to the call and if you are new, it can be challenging. It happened to me and I had read a lot about ICANN and the GAC, and my first meeting was really confusing. It was years ago—It happened in 2006, and I was totally confused.

Perhaps some of us that are more accustomed to participate and more informed about different issues, we could work with newcomers interested in participating, and somehow mentoring them and participate together, so they are also not so alone and more guidance from some of us. We need more people to get engaged. There are many, many processes going on, in parallel, and some of us would like to do that, but it's not possible to get engaged in so many things. Honestly, I have done that with some friends from the region, totally informally. Sometimes they are interested in one thing and I talk to them on Skype or send some emails to give them some guidance. So, perhaps we could have a

list of volunteers for being kind of mentors for participation of newcomers. We need more active participants of GAC in these groups, which is very important. Thank you.

GHISLAIN DE SALINS: Thank you, Argentina. UK?

UK: Yes, thank you very much, Tom, for preparing this document. I think it's quite timely. Now we are much more conscious of this opportunity, with regard to the PDPs to engage. A couple of initial comments from me is that, it's important to follow through on that commitment if you sign up to a PDP. So, you must be mindful in terms of what it means in terms of setting aside time on a regular basis to attend conference calls and so on, and keep up with the documents. I mean, the PDP on rights protection mechanisms—which I joined—it's a long-term thing. It's stretching right into 2018 with the UDRP, so what I would find helpful, actually, is to have a bit of a forward look, so you can plan your engagement.

I have joined calls and they are very technical, about design marks and so on. There's a lot of expert discussion about that, but I know absolutely nothing about it, so it's way over my head. But, there will be times when that particular PDP will get really stuck

in key issues of intellectual property rights. So that would help me, I think, from my experience in that case, to have a good sense of what's coming up. Secondly, if there's more than one GAC representative participating in the PDP, it's good for those representatives to coordinate. I think this applies equally to the CCWG, because in that way you can share the load of it and you can plan for participation. If everybody is not able to attend one call, that may be unfortunate, whereas, if you have some prior coordination—very simple, just a check around of the members of the CCWG group, or the PDW working group—are you going to be able to do that call? Then that's maybe a bit helpful, in terms of experience.

My third point, when these groups meet face-to-face doing ICANN meetings, we are completely cut out—because we're here, in this room. I mean, today there was a session on RPNs by the GNSO—but I'm here. That's a problem. I hope that's helpful at this stage. Thank you.

CHAIR THOMAS SCHNEIDER: Thank you. This is nothing new. We had this discussion over many ways, and it's one thing to have your name listed in a number of processes and working groups. We had processes where we have 30 people listing their name saying they will participate, and the fact is that many times we end up with one or two that are

actually present and one that is actually reporting. It's not just about participating, it's also about reporting, about informing. And it's a still unresolved issue that will increase with the increased number of cross-community processes—and just talking about the GNOs work track five, which is a hybrid between GNSO PDP with some elements of CCWG—so the tendency is that more engagement from us is required. The fact is, we have less resources, we have less people actively participating and actively reporting, so something needs to be done. Thank you.

Next, I have Iran and then Switzerland and then U.S.

IRAN:

I fully agree with Argentina that we need to increase the level of participation. People mentioned that Government, they have different problems—problems of resources, problems of experience, problem of time, and many other problems. However, this lack of participation should not result to any undermining or underestimating the value of our advice. There are two different paths for ICANN. One is GAC-advised and the other is PDP recommendation. GAC advised should not be subjected or subordinated by the PDP. We should do our best to participate, to contribute—so far, so good. But if not, you should not be penalized because you have not participated. We have difficulty at the stage of approval or adoption—or whatever you

call them. Because you have not been there. I think this should be quite clear for the people at the GNSO. Yes, there is a problem. There are so many and sometimes the timing is very painful for some countries, 2 o'clock in the morning is very painful to participate and so on and so forth. And sometimes expertise is very highly complex issues. I have encouraged countries, I have encouraged my colleagues to participate, but today it seems impossible, resources does not allow, time does not allow, expertise does not allow, and many other things. We should have a vast knowledge of everything, otherwise you will be just a simple reader and sometimes we say something that would not be adequately addressing the issue, so we should be quite careful on that. We agree we should increase the participation, but we should also see the problems and difficulties. You, Chairman, said one time that one cannot put his whole life on this PDP. You said that when we were previously speaking. There is that. Thank you.

CHAIR THOMAS SCHNEIDER: Thank you. Switzerland.

SWITZERLAND: I would like to be brief but if I start to think about all of the implications, I could be talking for a long while. Just to try to be

synthetic, nonetheless, I think we have put this in the context of three big discussions we are having in parallel.

The one about prioritizing the work within the ICANN community. Second, the one on lowering barriers for participation. Third, more specific, is the long history of work, together with GNSO, to look into participation in their PDPs. And related to that, the recommendations that the GAC GNSO working group made some meetings ago. So that is the general context. We could talk for hours on that. But to sum up a little bit, I think it makes sense to engage early in the PDPs, but we need to prioritize our work. It's necessary that the leadership team takes responsibility in coordinating our engagement in such PDPs. I think there's a lot of using GAC-designated members. We should not only use that for CCWGs, but also for PDPs. I see that in the CCWG accountability, the designated members, to a very large extent, take responsibility to take part in the meetings and they report back to the Plenary. Also, they serve as a proxy for the rest of the community of the other constituents because they see, okay, GAC voices move themselves in this spectrum, from A to E, so they have an idea of what is the GAC position.

So I think the guidelines we have for participation in CCWG could serve as a blueprint, in a way, for our participation in PDPs. And going back to a very specific point, I think it would be very good if

we used this meeting to designate GAC members for the work track five GeoNames, as top-level domains, because that is one of those work streams where really public policy issues will be at stake, and where a clear image of what GAC positions are should become made in the proceedings of that working group. Thank you.

CHAIR THOMAS SCHNEIDER: Thank you, Switzerland. One comments about the number of processes that you mentioned. It's also something that – Yesterday there was a gathering with the SO and AC Chairs and the ICANN CEO and a few people from the board, and I told them how many procedures we've been developing in the GAC, to improve our coordination, communication—starting from things like the quick-look mechanism and the BGRI and the joint group on XYZ, the AT&T 1 and 2 recommendations— all the work that we did. And my point was, if we have nobody who is actually using the GAC liaison function—if we have no people, no resources to actually use these mechanisms—this is all for nothing. So, in the end, we need resources on our side that say, and as Switzerland has pointed out, that can be Chairs or Vice Chairs, and we used to call these people GAC leads on particular topics. And if we designate it one way or another to volunteer to take on

responsibility to build these bridges, follow up, participate in processes, and these structures and procedures make sense.

If we don't have resources for this, this is one of the messages that I will convey to you later in this, then I don't think we should continue to spend time in developing new mechanisms where nobody would fill-in these mechanisms to actually make them alive. This is one of my key learnings from the last three years from ICANN or GAC. In the end, there's no way around people working. And the other two things is priority and lowering the barriers, making things more easily understandable and giving people the amount of time for people to come in. this is something we have discussed with all the other SOs and ACs and, in particular, with ALAC. As the leadership team, we agreed this is a common, high-priority issue of concern and we are considering to develop maybe a comment statement or something, to signal this to the community that this is for us a big challenge. There will be more about this when we talk ALAC. But just to signal to you that no matter what procedures we come up with, we need people to actually do the work. And we need communication from ICANN from the other AC/SOs that are easily understandable, accessible as possible, and everything else is just turning in circles. So, I'll stop with this and give the floor to the U.S. Thank you.

US: Thank you. I pretty much agree with everything that has been said during this particular session, but I wanted to diverge, a little bit, with respect to also the cross-community sessions that are now taking hold with ICANN. I think they provide an invaluable opportunity for the community to get together and talk about issues, whether they are PDPs or just issues of interest. But I think, unfortunately, since they have been utilized, they also come with a certain amount of angst—or causing angst. I don't think that's the intention. I think the intention is good, but I think it would be helpful, perhaps if the GAC, along with others, could potentially recommend that the process for establishing these cross-community sessions— how they are organized, what the expectations are—could perhaps remove the angst that sometimes results from these sessions because, again, I think they are a great opportunity for us to be engaged in some of these topical discussions. Thanks.

CHAIR THOMAS SCHNEIDER: Thank you, U.S., I think that's a fair point to make. Although cross-community sessions – I think also that we should make the distinction – cross-community sessions are there to discuss an issue whereas cross-community working groups are there to take decisions or develop procedures. For those who are new here,

one is essentially a space to discuss cross-community, and cross-community working group normally has a charter and a task to fulfill with procedures. But the point that the U.S. makes is a good one, and it's basically recognized that we've had some issues with some of the cross-community sessions for this meeting where, because the rules are not clear, there were different expectations and certain misunderstandings.

On the other hand, the risk is that – and that's another side to what I said before – another experience I'm making in ICANN is that, no matter what the rules are, if things are not left in the spirit that you actually want to understand, you can continue to refine rules for ages and they will never be fruitful, in the sense. For instance, the issue of trying to define what GAC advice is. I don't know how many years, probably since the very beginning of the creation of ICANN and the first definition of GAC advice, we still keep discussing or we just have hopefully stopped discussing what GAC advice is and how it should come across with the last [Inaudible 00:22:34] so are patient enough to endure this exercise for years. And I would really like to thank her for that—Is, unless we have a common sense in ICANN that whatever governments say, if it's declared as advice, this is something they should take serious. We can define whether it's in the form of a letter, or I don't know what—sprayed on the wall, we can discuss this forever.

We can define what GAC advice is forever unless we acknowledge that something like this exists, has a value to it, and people would want to use common-sense and a constructive attitude. Then they we will realize what is behind it, and if not, they should ask a question. So, this is another learning. It's very easy to over-engineer or under-engineer processes to – Actually, things will work if there's a constructive spirit, normally. And if not, then there's nothing you can do. You will just get lost—not in translation—but in process. Thank you. We are basically coming to the end, but, Mark, of course, we always have a few minutes or seconds for you.

MARK:

Thank you very much for your indulgence. Just on the table of participation, I mean, one useful thing to do is, if a GAC representative is no longer able to participate for whatever reason, or there's a change of personnel and decision flows from that, there's some notification to the Secretariat about that. So, we don't get the misunderstanding of who is doing what. Thank you.

CHAIR THOMAS SCHNEIDER: Thank you. And actually, that happened. We had, for instance, in the case of the CCWG on accountability, where one member left the GAC and then notified, and I think to try to sum up—the essence is, we have some rules that have been quite useful that

we established for the CCWG on the transition and the accountability, in terms of expectations on GAC members that participate, representing—or at least coming from the GAC in a structure—has been mentioned by several. And these rules may be used to develop—if people think there's a need to develop—also some guiding documents for participation in PDPs and in other structures. So I think that is useful, knowing as I said, in the end, no matter what the rules are, you need to want to follow the rules. You need to understand the rules, you need some flexibility in interpreting the rules in order to keep things efficient and functioning, and you need people to work.

So, unless there's more comments or questions, I will take it that we would – The next leadership team will look into this, discuss and come up with proposals for additional guidance, wherever necessary, in the future. I don't think there's an urgency. It will mainly also depend on a concrete case of work track five. Once we have a clearer picture of how this is going to work out, given the importance to many of us, I think it may be useful to also see to what extent rules of representation or participation and expectations on GAC members—and that one will need to be defined. So, I'll leave it at that, for the time being. Given that this is the end of today's session, I would wish you a nice Saturday evening here in Abu Dhabi. And as I said, continue to discuss the

GAC empowerment procedures and try to understand the details of it. You will have lots of fun, I'm sure. See you tomorrow!

[END OF TRANSCRIPTION]