
ABU DHABI – GAC Meeting on two-character at Second Level Domains (SLDs)

Saturday, October 28, 2017 – 14:00 to 14:30 GST

ICANN60 | Abu Dhabi, United Arab Emirates

THOMAS SCHNEIDER: And you have received a briefing prepared by Tom in your documentation for this meeting. So let me hand over the floor to Tom to quickly introduce to you where we stand with this, what has happened so far. Thank you very much to many.

UNKNOWN SPEAKER: Tom.

TOM DALE: As Thomas has said, this issue has been something of a fixture on the GAC agenda for quite a number of meetings going back some years. In fact, the intention of including it on the agenda here is to provide the GAC with an update of where things have moved to and to get some sort of sense of whether there's need for any further action on the part of the GAC and whether the GAC members have any questions that they want to seek further clarification on.

Now, I'm conscious of the number of new participants attending here,. So to be very clear, second level domains are what we're talking here, and these are two character codes that are also

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country codes and the second level domain is one to the left of the dot, if you like. To the right of to the dot is the top level.

These sorts of terms ICANN speak and [inaudible] inevitable in the GAC and every other room in this rather large conference center, but please, if there are issues on which you wish to have clarification, please ask; if you don't want to ask in the open session, please come and ask staff or myself and we'll try to help.

The brief covers two points really, and they're fairly simple. The first is to note, or to remind the GAC what you agreed to, including the GAC Johannesburg communique. It was not advised to the ICANN board, but it was described as follow up on previous advice and other issues, and on this issue it said that the GAC welcomes and appreciates the decision made by the ICANN board directing the president and CEO of ICANN to take necessary actions for satisfactory resolution of the concerns raised in previous GAC advice in Copenhagen on this issue, and secondly welcomes the announcement made by the president and CEO of ICANN of his intention to create a task force to resolve the concerns mentioned in the Copenhagen communique.

In this regard, the GAC Pproposes that the mandate and working methods of the above mentioned task force be determined in consultation with GAC leadership and GAC members and other interested parties.

Now, the usual practice these days is for the GAC and the ICANN board to meet after a reasonable period after a communique is issued so that the board members can seek clarification of what the GAC means when it provided its advice. On this occasion, a meeting was held, a call was held on the 14th of August between the board members and GAC members.

And at that meeting, the ICANN CEO, Mr. Göran Marby, said that firstly in depth discussions on specific issues had been held with some GAC members on their specific concerns about two character codes relating to their country or territory. He noted that ICANN or ICANN org, which is the term used for the ICANN organization as opposed to the community and the board, that ICANN org is looking at ways to give individual GAC members information on developments in the community which may be of particular concern to GAC members, and will provide GAC with some further details.

He stressed that the ICANN org game is to look forward rather than backward to better systems of information flows rather than backwards to the specifics of the two character codes issued, and had noted that the task force term that the GAC had used and that some ICANN members had used previously is now part of what ICANN is now doing to look at better information flows between ICANN and the GAC. That's where the matter was left.

And finally, on the specifics of particular two character country or territory codes, my understanding is that there have been no recent discussions between any government and ICANN concerning that. Not in recent months, in any event.

That's the current situation. And I'll hand back to Thomas, thank you.

THOMAS SCHNEIDER: Thank you. And as the notion of country territory names and codes on first and second level is something that is actually fairly complex and some elements may be confused. You'll find in the briefing the attachment 1, which is an extract from a briefing from our earlier session where you, again, have the different types of levels and codes and names with the respective references from the applicant guidebook and so on and so forth. So if you are not too familiar with what we are discussing, then please use this very useful information that you find in the annex.

With this, let me ask the GAC members for comments, questions. Yes, Brazil.

BRAZIL: Thank you, Thomas. This is Benedicto Fonseca for the record. Thank you, Thomas, and thanks, Tom, for introducing this topic.

In our view, the response that was in the explanation, clarifications that were provided by the ICANN board in regard to the demand and to the requests of information, clarification that were put forward by Brazil and others in previous meetings is clearly insufficient and does not address adequately the points that were raised.

As you may recall, basically we are talking about a decision that was made that implied dramatic change in regard to procedures that were followed until then, until last year. In a way that many of us seem to be non-transparent, the timing was also not very well understood or the urgency for doing so, and so on and so forth. I will not repeat the debate we have had in previous occasions in that regards.

Basically, what we are facing now is a situation in which we are confronted with fait accompli. I think this was already made clear in our last meeting that unfortunately there seems not to be too much room to look into the concerns that were expressed. When we compare the text that was included in our previous communique with the response that was given by the board, it seems there is some disconnect between what was asked and what has been provided as we have expressed as the GAC as a whole wish that there should be a response that would address the concern of the GAC in its entirety in regard to a policy issue,

and basically what we are seeing is some kind of actions aimed at individual countries trying to address individual concerns; that was not exactly what we asked for.

In the case of Brazil, I'm not aware of any such contacts that have been made between ICANN and Brazilian authorities. Maybe I'm wrong, maybe there have been some contacts I'm not aware of. But I'd like to be maybe illustrated on that because it's not to my knowledge. In our coordination meetings I have not been made aware of any of these.

So, this is basically to state that unfortunately this is a case in which there seems to be a lack of transparency, insufficient information and dramatic changes in regard to rules that have been followed to the detriment and to the surprise, I would say, of many of us. So I'd like just to state on the record that we regret such a situation, thank you.

THOMAS SCHNEIDER: Thank you, Brazil. Argentina.

ARGENTINA: Thank you, chair. This is Olga Cavalli from Argentina. I would like to support what our distinguished colleague from Brazil, Ambassador Benedicto Fonseca, has just expressed; we share

exactly the same concerns as the government of Brazil. I would like to remind you, or maybe you were not in the calls; there were two calls about this issue, and Rob was helping one of them. Do you remember that, Rob?

And I participated in these two calls and it was clear that several governments have this concern. Because there was a major change in the rules that we have established out together; we had previously established rules there was a list of countries that wanted to be informed about the use of this two letter codes in the second level. Some countries didn't want that, so they were not in that list, which is fair for them. And that was changed without any consultation with the GAC and with the interested countries in that list. That was changed by the end of 2016.

In these calls, Argentina proposed the creation of a group or task force, or whatever the way you want to call it, to try to understand what was happening and why these changes were made so rapidly and without consultation. There was some agreement that this would be done and [inaudible] in the meeting we had with the board in the last ICANN meeting said that this was going to be addressed by the board, but this didn't happen so far. Also there was a conference call where he told me that that was going to be in the summer, and I asked him which summer, because my

summer is not the same summer in the north. And he said that it was going to be addressed in the future.

That didn't happen, so for us that's a big concern. We don't understand why we are not being heard and taken into consideration.

We also expressed that we don't want to address this issue in a bilateral way. We want to address it for the whole GAC. Thank you very much.

THOMAS SCHNEIDER: Thank you, Argentina, Iran, and then Singapore.

IRAN: Thank you, chair. Good afternoon to everybody. First of all, we fully support the viewpoint expressed by the distinguished delegate of Brazil and Argentina. And mention that we are not aware of any negotiations which have been happened, at least with us. There was some exchange of information providing the list of the two letter characters relating to our CCT [inaudible] was released before. And that is all. And then in the session that we had with the CEO of ICANN, he said that he's looking for some methodologies, ways and means to address the question. We're

anxiously looking for that. It's about a year and we have not heard anything at all.

And we believe that we need clearly to have concrete proposals or suggestions or a method of addressing the issue from the ICANN board and the CEO, and we also support the proposal of Argentina that this is not a matter to be bilaterally between government and the ICANN. We have no problem to seeking some information to put together, but at the end we should discuss the matter for everybody in the GAC but not bilaterally because we don't know what would happen.

Maybe some bilaterally would have impact on the interest of the third party, so we need to have a proper course of action to agree with that. And we do not agree with the statement of the CEO saying that we should be forward looking; no doubt we are always forward looking, but it doesn't mean that we should not remove or resolve the problem that we have. If you have a problem in the house, you have to resolve that problem, otherwise the house will be destroyed. If a problem is physically, you have to go to the hospital and treat that, otherwise that will kill you, so I don't understand this issue of forward looking.

So we need to have a clear understanding and, chair, we are really concerned that no [inaudible] advice and no follow up advice has been considered and we are very uncomfortable whether or not

we need another follow up advice. How many follow up advice? It means then Tthere's no understanding or there's no way that they listen to us, or we are not on the same wave lengths. It is a problem of what we express, it's a problem of what they understand. So we need to really be clear on that.

And I think that in your next meeting with the board, first of all, we have to have put more time for that but not half an hour or one hour in rush, we have to really explain; we have five issues with them and all of them need to be replied and none of them has been replied. It's years and years, we are following that and we are really to be exhausted of this lack of communications, lack of real answer to us. And just saying that forward looking and not backward looking, I don't agree with that sort of, I would say attributing something that we never said that we are backward looking, but we want to resolve the problem. Thank you very much, chair.

THOMAS SCHNEIDER: Thank you, Iran. I have Singapore, Portugal, Russia, and France. So Singapore, please.

SINGAPORE: Thank you very much, chair, and good afternoon. Charles Chew for the record. Chair, Singapore's position has already been

articulated in previous meetings, hence I will not repeat it. I think for really the purposes of closure, for lack of a better word, we would like to understand really the reason why the notification system that previously had been put in place had been done away with. We thought it actually worked rather well. In the spirit of moving forward, we also want to understand a little bit more about the task force and actually where it was going. So really, very much to articulate the points set and spoken by Argentina. Thank you, chair.

THOMAS SCHNEIDER: Thank you, Singapore. Portugal?

PORTUGAL: Thank you, and I'm going to speak in Portuguese. This GAC meeting is very important for us, for Portugal as a country. Because lately we have been discussing this topic and we are preparing at work at the level of the ministry. And our prime minister has also sent some instructions for us that have been taken into account and considered inappropriate. I mean, the way these issues were [inaudible] were considered inappropriate, so I'm not going to say anything new because it is in line with what has been discussed by my colleagues.

There's no update on this topic. The meeting that was mentioned August 15th, the CEO of ICANN was quite vague. I tried and read documents afterwards but I found nothing concrete. So I think ICANN had held bilateral conversations regarding the two character codes but there were some misunderstandings.

So I was thinking that perhaps certain countries had been chosen as special countries so that there should be bilateral conversations between these countries within GAC and the ICANN's CEO. Perhaps there were some special countries, I don't know why, but certainly there was no formal exchange within the GAC. So I have no more information. I thought that we would be receiving some information by August or September, but that was not the case.

So I'm not saying anything new, I'm saying we have to discuss, we have to talk all together. And I want that the position of Portugal be put on record.

THOMAS SCHNEIDER: There may have been some misunderstanding about the proposed we had. Because from what I remember it was agreed that ICANN would engage with the countries concerned or the countries concerned would engage ICANN, and I think that may

be part of where the problem lies that everybody was waiting for the other party to engage with the other party.

So I'll ask Rob to tell us maybe what he knows, whether he knows something or anybody else from ICANN whether they know how this is seen in the ICANN organization. But let me proceed with Russia and France, and then I think we'll have to conclude and see what is the way forward. Thank you. So Russia, please.

RUSSIA:

Thank you. Just to avoid the repetition of what was said, Russia also articulated our position regarding this point already, and just to be short, we would like to support the position of Brazil, and Argentina, and Iran right now. We think it's very important and we discussed it last time that it should not be bilateral consultation, it should be the consultation with the group or the countries which are concerned and they should be the common approach to this issue.

And we think we need to understand it clearly and proceed how it was agreed before. And orderly I just would like to be clarified what countries were in the loop of consultation? Because we were not. That's for sure. So we think ICANN should proceed in the way it was discussed before, thank you.

THOMAS SCHNEIDER: Thank you. France.

FRANCE: Thank you Thomas. I would just like to support what Brazil, Argentina, and other countries just expressed. What happened regarding the two letter country code at the second level, we showed a lack of transparency, a lack of communication and a lack of due process. As it was said before by other countries, we had notification mechanisms in place that really were trying and they were removed unilaterally without any heads up, showing a lack of respect for governments. So I would like to reiterate the position that was previously expressed by the French government and disappointment regarding the process that was used by the ICANN organization for that matter.

Unfortunately, the task force that was proposed by the ICANN CEO didn't really deliver anything. And now what we need I think it's what you said, Thomas; what we need is a clear statement by the ICANN organization on where we are and what are the steps forward. But what the GAC needs now is really clarity about this issue. Thank you.

THOMAS SCHNEIDER: Thank you. Again, I think we would have to go back and see who initiated the idea of a task force and who was supposed to create

it. I'm not sure whether there's an agreement on this. But I don't know, maybe -- Rob, do you have any additional information from ICANN org side to how this is viewed or not? Thank you.

ROBERT HOGGARTH: I do not. In my GAC support role, I don't have any information. I think Olga did point out that I facilitated the August 14th board call, which was the communique clarification call. We produced written notes from that call which we shared with the GAC, so I think that's the record on that. It was shared with me just a couple of moments ago that I should share with the group that 25 governments have reached out to ICANN for bilateral conversations; apparently, there have been that many requests. Thank you.

THOMAS SCHNEIDER: Iran, and then Indonesia and Portugal.

IRAN: Thank you, and ladies first; Argentina before me. And ABCD, alphabetic, and lady before me, thank you. My name is also alphabetic, but lady first. Thank you.

THOMAS SCHNEIDER: I'll do as you wish. Olga.

ARGENTINA: This is Olga Cavalli from Argentina. I would like to clarify the idea behind the task force. It was proposed by Argentina in two calls that we had about the two letter codes. It was supported by other GAC members; the idea was to form a group of countries interested in this issue and ICANN tried to find a way out that would be good for both the organization and the countries that had concerns.

That didn't happen and in the call -- and distinguished chair, I disagree with you. There was a clear message from the ICANN CEO that he would address this to the GAC members that were concerned. They said that we can check the recordings of the call and it was a response to my question, when that was going to be happening, and he said in the summer and, "Soon you will have news from us." We never had that. Thank you.

THOMAS SCHNEIDER: Thank you. Iran.

IRAN: To support what Argentina said, in my understanding, the task force in French is “groupe d'action”; there has been no group at all. Thank you.

THOMAS SCHNEIDER: Indonesia.

INDONESIA: Thanks, Thomas. I would like to -- I don't want to reiterate what my colleagues have mentioned before, but I just want to put some more stress, some more points that as the GAC member, we have to report to the government of course just like you. But secondly also to the group of governments this type of character [indiscernible] has been put in the letter from the Asian representative to -- I'm not sure, directly to GAC or to the ICANN board. But I think a few months ago it has been given to the GAC and read in the GAC meetings.

Now, what does it mean? It means that in the next Asian [indiscernible] minister meeting this has to be reported. Today I believe Indonesia, Singapore, Malaysia, I met them. I don't know if Bangkok has decided or not, but in the next Asian [inaudible] minister and [inaudible] of their meeting, we have to report this. And I don't want to get complains from our Asian minister group

to tell, "Wat the hell you and the GAC members are sitting and discussing?" We have to report to them also. Thank you.

THOMAS SCHNEIDER: Thank you. I think it would be good since we will have the meeting with the board later this week, to table this, to convey these views to the ICANN board and also the CEO who's part of the board. And for instance, what you just said would be something useful for them to know that you will have to report in a particular occasion, and then hopefully there's a way of better understanding and who said what and who promised what to whom for the coming period. I have Portugal, Brazil and Egypt, and then I'll close this one and go to the next one. Thank you. So Portugal, please.

PORTUGAL: Thank you. Well, just for the record, because I was reading what I said in Portuguese. What I said is that I have strong instructions from my minister for this meeting, but not from my minister's cabinet. I was kidding. I just said that the only thing that it was missing was instructions from my prime minister's office. So for the ones that read and didn't listen, or I don't know, well, it was not correctly interpreted, what I said.

So, instructions by my minister, not from my prime minister.
Thank you.

THOMAS SCHNEIDER: Obrigado. Brazil.

BRAZIL: Thank you, Thomas. And I will not repeat what has been said, and I support. But just to -- if we should maybe try to look ahead. We have been discussing with the board and saying a few things, they are saying different things and in a way I agree with you that there may be some misunderstandings in our conversation. That's one of the reason I think I would certainly support the proposal that was made by Olga Cavalli now and also in previous occasions that a task force should be established.

We think there's a reason, there's very important substance to be tackled by this task force. First of all, the language and the calls we made in our previous advice in regard to the issues that are there, I think the task force should look into those issues. Should look for example at what are the mitigation measures that are envisioned, what are the particular issues in which there has been confusion or can lead to confusion.

I think there are some important issues to address in regard to what is taking place now as a result of this decision that was made last year. But I would also say it's important for this task force to look at the future. What will take place in subsequent rounds, in subsequent rounds of delegation of gTLDs. We are faced with a fait accompli; unfortunately, there's not much to be done now, but I don't think it would be fair to expect also from us to think that this fait accompli will last forever, it will not be revisited.

We are talking about a very important policy change that was introduced largely in -- and it emerges from what colleagues have said in a way that many of us think was not transpired, did not take into account positions that were very much agreed upon and that were working well. So I think the task force should also look to the future, what should happen, what rules should apply. Not consider that this decision that was made at a very late hour in that very -- and transparent way should last forever.

So I think, again, this is to support the idea maybe to have a concrete proposal we can take to the board to proceed in that way, because I think otherwise we will keep doing this. We say a few things, they say other things, and we don't come to an agreement on how we move forward. Thank you.

THOMAS SCHNEIDER: Thank you, Brazil. Egypt.

EGYPT: Thank you, chair, and thanks to the colleagues who spoke to this before me. Yeah, I see their points. I have dugged out the communique of Copenhagen where the GAC advised the board to engage one of many bullets. But one of them says, "Engage with concerned governments by the next ICANN meeting to resolve those concerns."

And I think after this communiqué, some governments expressed interest to engage on this, but then we had the calls that all got referred to and to where preference was given to collective discussions. And it was put also on the agenda of the GAC board exchange after the communique on 14th of August, and I think this is where the summer discussion took place and where we were promised some feedback.

So I think it normally fits in the discussion with the board and we already have it on our agenda and we should follow up on this because yeah, I think it's started as engaging with individual concerned governments but we ended up with a preference of having a collective discussion and forming some sort of a task force or a working group. Thank you.

THOMAS SCHNEIDER: Thank you, Manal, for this information and thank you for informing us that it is actually already on the list of proposed items for the meeting with the board. Iran, very briefly, and then I'll wrap up. Thank you.

IRAN: Yes, very briefly; what Manal said is right with respect to the Copenhagen communiqué, but many things have happened after that. However, that concern was not wrong to get what are the concerns as the first step, and then go to second step and resolve the problem. So nothing wrong with that when somebody says, "I have concerns." ICANN will be engaged with that, and so what are the concerns? The concerns of the country may be different; then put them together and create a work, and then start on that and try to address the issue.

So that was not the wrong idea. But if subsequent action was to look at that and not accept the fait accompli, not accept the change of the procedure in the middle of the process that the distinguished delegate of Brazil mentioned. So I think we have to be very clear. And by the way, our counterpart is not CEO; our counterpart is ICANN board, and they need to reply. If they want to assign that work to the CEO, that is the internal procedure, but not ours. Our counterpart is ICANN board. Thank you.

THOMAS SCHNEIDER: Thank you, Iran. By the way, I think that has been said by ICANN, that they have realized that let's say the communication in this has not been ideal to GAC and GAC members, and they've apologized for that also in some of these calls that were held earlier this year. And there's another thing, another conclusion that the ICANN board and ICANN org has drawn out of this experience, is that they are thinking of -- or they are or will ask the GAC about what can be done to improve the communication, further improve the communication between governments and ICANN in order to avoid such kinds of misunderstandings and failures of communication.

And basically, there's one element that has already been presented to me and I think I shared it with the leadership team that we had -- already for the past years we had a monthly call with parts of the ICANN leadership but not the CEO, and the new idea is that we would continue with these calls but expand them with the new leadership team that will be formed after this meeting with monthly calls, with the presence of the ICANN CEO who is also member of the board as we know in order to try and improve the communication and avoid misunderstandings like this.

And there will be a call for additional proposals from the GAC to what can be done from the ICANN sites to enhance support, enhance communication. There are some ideas that have been discussed in the ICANN board recently and more concrete. Yeah, information will come about this in the coming period.

So with this, I think we have to end this. So as we've been informed by Manal, this is tabled for the meeting with the board. So bring it up. Make your voices heard. And then we hope that that will have helped as a first step to clarify some misunderstandings.

Fabian, please come up because we will now move to item number 3, which is similar, same think but different. No, it's not exactly the same; it's similar, but it's a different issue, it's not the two character country territory codes. It's the country and territory names at the second level. Which is also something that -- a process that has been started to release those names in consultation with the GAC and with different sensitivities of GAC members on their country or territory names.

Let me give the floor to Fabio who will give you an update of where we are with this. Thank you.

FABIEN BETREMIEUX: Thank you, Mr. Chair. Before I start, may I request we take a short technical pause for our tech team to ensure that there's a separation between those two sessions. It takes 30 seconds, if you don't mind.

THOMAS SCHNEIDER: 29, 28, 27. I thought I'd make the introduction long enough in order to allow for that break, but if that was too short, of course.

FABIEN BETREMIEUX: But I believe the introduction is on record as well.

THOMAS SCHNEIDER: Yeah, but we can just continue to chat while they -- because they record every session. Every item is recorded separately so that you don't have to scroll through a day long recording. So there's a technical 30 seconds time that they need to stop one recording and start the next. So we are trying to fill these 30 seconds. I think we managed to do this now, so we can now start with the next session which is the session number 3 on country and territory names as second level. Fabien.

FABIEN BETREMIEUX: Thank you...

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