
LOS ANGELES – GAC Preparatory Meeting with the ICANN Board
Tuesday, October 14, 2014 – 16:00 to 16:30 PDT
ICANN – Los Angeles, USA

CHAIR DRYDEN:

Okay. Let's get started with our preparatory session for the meeting with the board. We have until 5:00, I think, today. The board, I think, is running a little bit late, so anyway, we've got some time now to go over what are the issues, what are the things that we need to raise with the board.

An indicative list was circulated to the board before we arrived here, when we didn't receive inputs by the deadline that we had outlined, and then there was a bit of an exchange after that, that deadline, on the list about possible topics. And then, of course, as we have been covering a range of topics here, we may decide that we do or don't want to include something to raise with the board. An hour does go very quickly, so we do need to identify what matters most and what is most useful to raise with the board at this time. So we're not trying to create a big long list, every conceivable issue that's out there, because we could come up with a very long list, but how could we make good use of this time and focus on a handful of issues for that exchange.

You have a copy of the indicative list, and we may choose to keep all of these on, some of these on the list, or add new things. So, we have new gTLD program reviews and assessments. Based on the briefing we had from staff and clearly a great deal of concern coming from the GAC and a high degree of consistency between GAC colleagues about what is anticipated, I do think this is something that we need to include here.

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And I would ask colleagues to assist in making the point to the board in that exchange with them to explain the nature of the concerns.

There was some discussion yesterday in the community session that was the SO/AC high interest topic session and again, we heard from other parts of the community, really, that they're sharing a lot of the concerns we have about being in the current program, needing to do a variety of reviews, and the timing and nature of any future round. Anyway, so I suspect that this is something that we would need to keep on.

Regarding WHOIS, if we do make a point, I think it can be a very brief one, simply to say we need the critical path. We're not sure we're getting through. We thought we were, but if we continue to try and tackle this in a piecemeal manner, they will be losing the GAC and not keeping us up with them and feeding into the various processes that are happening on WHOIS.

With IGOs and Red Cross/Red Crescent, I know we have this small group with IGOs. It might just be a matter of me noting there that how the GAC is contributing to that. And it might be the case that the NGPC via the board has something to communicate about Red Cross/Red Crescent. There was another NGPC meeting today where there was some discussion of this, but I don't know what the outcomes were from that. That may be something that I can ask on your behalf -- for these shorter items, I'm suggesting that I just raise them, and then if you can help add further depth to those points, if needed, and that way we can be efficient. United States, you had a comment on that?

UNITED STATES: Thank you, Madam Chair. I can wait until you go through the list, if you would like. Thank you.

CHAIR DRYDEN: Okay. All right. Then the proposed bylaw changes concerning GAC advice, on this one I wonder whether we can ask the board for an update from their side on this issue. Would that be useful to us? We haven't really had a lot of discussion about this. We know there's a negative response there that needs to be addressed and that really is for the board to outline next steps. But we could ask them whether there's something they want to raise in relation to that point really rather than us advancing that. Okay. I can see some nodding there. Okay.

On the SO/AC workload, this is one that we've had under discussion for some time. Might be making some progress on after the SO/AC meeting with the CEO and executive staff on Friday afternoon. So probably worth highlighting here as well. Okay. We're going to have quite a long list, I think, no matter what we do. And ICANN accountability and governance, there is one piece of the process where the board has a role in determining how the recommendations will be treated. When we had the presentation from the ccNSO and their comments, one of the points that they had highlighted, that I know is of concern to other parts of the community as well, is regarding the basis on which the board would be able to not accept the recommendations coming out of that process. My guess is that that's an important thing to get settled for us as well so that we know how compelling those outputs would be and what is the board really contemplating in terms

of what they would need to do to consider and if, in fact, they do decide to not accept some of the recommendations coming out on that basis. So I suggest focusing on that particular question in relation to that topic.

So on the basis of this list that I've outlined, is there anything in particular missing that you think it's really critical for us to raise at this point? Okay. I see United States and Netherlands.

UNITED STATES:

Thank you, Madam Chair. I do think that there is a missing point about the GAC safeguard advice and the NGPC's response, and I think probably we really do need to take that up as they are highly likely to see text in the communique and in fairness we do try to use these meetings with them to give them a bit of a heads up. So I would add that.

While I have the mic, if I could suggest, I don't have a strong view as to the priority listing, but it does strike me that the SO/AC workload issue applies quite directly to at least two of these issues, the new gTLD program review and the announcement today that ICANN is seeking volunteers for an implementation advisory group to work on the procedure for handling WHOIS conflicts with national privacy laws. I don't know whether colleagues around the room would share my at least initial hesitation and sense that is it possible to ask if that -- the initiation of that -- the work of that advisory group could perhaps be deferred until a later time because I am very concerned we don't have the overall picture that a member of the board, Bruce Tonkin yesterday, seemed to suggest should be relatively easy for ICANN staff to produce. And then it would help us have a better handle on how to tackle the

development of GAC input to the implementation advisory group. But until we have a sense, they've just apparently held an exchange with us yesterday and gone ahead and issued the notice. So there's a bit of a disconnect. And I think it's probably worth flagging, but I'm in colleagues' hands as to whether other people share my hesitation. Are we ready to participate in this working group at this moment when, in fact, if I could get to your last item, the ICANN accountability and governance, would it not make sense and help the case for workload that these are the two highest near term priorities? And it's just very, very challenging for the GAC as GAC to try to grapple with the variety and complexity of all of these issues that are coming out of ICANN at the same time. Thank you.

CHAIR DRYDEN:

Thank you very much, United States. On the topic of safeguards, I think we did agree earlier that we would raise this with the board so it seemed -- yeah, I neglected, it wasn't in our indicative list, so thank you for reminding us about that. And that's an issue where there are a number of sub-issues within it, about the specific aspects of implementation, so I will look to colleagues to help flesh out and give the board a flavor of the nature of the lingering concerns that are there around implementation. So I will call on you to contribute to that.

Okay. So next I have the Netherlands and Brazil.

NETHERLANDS:

Yes, thank you, Heather. I would like to raise and also on behalf of some European countries some concerns about community application

of .GAY in the sense that it was very recently been in the news and we got also contacted by a -- by organizations. And I think the fact that this is a community application for which we are very much, let's say, in favor as GAC but it's -- it raises some major concerns about the consistency and predictability of the judgments of the panels which judge the kind of community support and some other criteria for a community to be recognized as a community application. I think we would like to raise a couple of serious concerns on this. Thank you.

CHAIR DRYDEN:

Thank you, Netherlands. Since this isn't something that we've really discussed in the GAC, although we have talked about community applications, it's something that keeps coming up, in fact, what I might suggest then is that I ask you to raise these concerns in your individual capacity as the Netherlands and that way we can be as clear as possible about where we have an emerging GAC view or a GAC view on something versus some of those topics that we might look at in the future. Okay. So then I have Brazil, please.

BRAZIL:

Thank you, Chair. I do not have any additional item to suggest. Actually I think we already have a very extensive list in the light of -- in light of the limited amount of time we have. Therefore, my suggestion is that we should try maybe to focus initially on the most important issues from the point of view of GAC. My suggestion is that we could start by ICANN accountability and governance, which I think is, to my delegation, the single most important of those issues here. Although we had some discussion yesterday, there was no concrete -- not a consensus, not a

final decision on how to frame our statement in that regard. But I think it would be useful for the GAC board to have a flavor of the discussion we had. So I would suggest that these items should be moved out front and in the least as it appears and how maybe we'll not even have time to touch on this which is from my delegation and from a number of delegations, I think, the single most important issue at hand. Thank you.

CHAIR DRYDEN:

Thank you, Brazil. I think your proposal to try and prioritize this list a bit is a good one, otherwise we will not cover all the issues. So we have ICANN accountability and governance. A couple of colleagues have said that's a priority among these issues, and that WHOIS as well, at least in terms of our work going forward, so then it -- it makes sense that we might prioritize that for our exchange for the board. And I think new gTLDs, the program issues, as well as the safeguard advice is -- is probably the other one where there's a bit more time needed. It's a bit more of an involved discussion in all likelihood. So I'll keep those three in mind, and if colleagues have alternative views, let me know.

So again, we're trying to identify anything key that's missing that we really feel a need to raise here in addition to the points already made. All right. So then I have Spain, Australia, and Belgium. Spain, please.

SPAIN:

Thank you. The list is quite heavy loaded already, but if time allows, I would like to address a question to the Board related to a piece of news that we received in Europe about a suggestion made to law

enforcement authorities to create a working group that could feed their input into GAC processes.

I would like to get ratification from the Board that this idea has come out from them and more information about what they intend to achieve with these and how this could be addressed and how geographic representation is going to be ensured in this working group if it is ever constituted.

CHAIR DRYDEN:

Thank you, Spain. Okay. So we have a question there to the Board about a possible proposal to law enforcement and how they engage here at ICANN.

Australia, you're next, please.

AUSTRALIA:

Thank you, Chair.

And thank you to Spain. That's a really interesting one. If that's come from the Board, it does raise some really interesting questions about the way the GAC and governments interact within ICANN, so that would be an interesting question.

I also hesitate to add another one, but I had spoken to a couple of colleagues before raising this, but basically I understand that the secretariat contract, the long-term contract with ACIG, has been finalized, signed by one party and gone through the Board Finance Committee, but still not signed.

I'm wondering if it's okay to ask where that's at, because it's been some months, like a really long time. And it would be quite nice to have that finalized as we've all worked so hard on it.

CHAIR DRYDEN: Thank you, Australia.

So we have a question to ask them about putting ICANN's signature on the contract for -- the long-term contract for ACIG's support.

Belgium, you're next, please.

BELGIUM: Thank you, Madam Chair.

My government asked me to take the floor again to go back to .SPA.

I hope that we are heading into the right direction. I would simply like to give my reaction to the NGPC letter to ask for more information about the responses provided by the review panel, and, at the same time, to raise a point and to ask about what are the next steps, considering the community nature of this type of analysis. I will try to be as brief as possible.

CHAIR DRYDEN: All right. So I think we have a good list here, and, as I say, at various points I will invite colleagues to assist in communicating to the Board about some of our views and efforts, and we will go from there.

I don't see any further requests to speak. So otherwise I have a good list here.

I can see a hand in the back. China, is that -- Please, China.

CHINA:

I'm going to speak in Chinese.

Later, we would like to raise a question, first about IG, Internet governance. We would like to ask the Board and Fadi Chehade in terms of the Internet governance how far ICANN go and what kind of steps will it take.

In addition, we have noticed that ICANN and IGF will have some cooperative events. What kind of steps will they take and what are the other considerations in this regard? Thank you.

CHAIR DRYDEN:

Thank you, China. Okay.

So further questions on the topic of Internet governance? Okay.

So I think we are ready. We now have 30 minutes before the Board arrives, so we have another break for us. It has been a long day, so maybe a break is a good thing.

And just a reminder that after our exchange with the Board, there will be a social event with the Board so that we can have a soft drink, something like that, refreshments, and have an informal exchange with our colleagues. So I hope many of you will join with the Board after the formal part of our exchange is concluded.

Okay. 30 minutes, 5:00, and we will be ready.

Thank you.

[Coffee break]

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