LOS ANGELES – GAC / ccNSO Joint Meeting
Tuesday, October 14, 2014 – 11:00 to 12:00 PDT
ICANN – Los Angeles, USA

We'll give the GAC chair another moment or two and get going in two or three minutes.

CHAIR DRYDEN: Good morning, everyone. Let's start our joint session with the ccNSO. Thank you to our colleagues from the ccNSO for coming to meet with us again.

I believe we have three issues on our agenda for today. And that is the framework of interpretation working group. So a status update on that effort and the report. And this is an opportunity for us to ask any questions we have about that process here in the GAC.

And we also have the IANA stewardship transition and ICANN accountability. So, if there are issues there that we want to have an exchange on, we can do so.

And then the IANA stewardship transition country code issues related to that transition. So we have plenty of opportunity to talk about the transition today in our discussion.

The ccNSO submission to the accountability process, since it happened just before our meetings here in Los Angeles, that has been circulated to the GAC. I think events have probably overtaken it a little bit. But we thought if there was to be some discussion about that process, that the

ccNSO's comments might be of interest to the GAC. So just to let you know that that has been provided to the GAC.

All right. So with that, let me introduce Byron Holland who is the chair of the ccNSO and will help take us through today's agenda items. If I can hand over to you and you can let us know how you would like to proceed with today's meeting. Thank you.

BYRON HOLLAND: Thank you, Heather.

And greetings to all of our GAC colleagues.

I think, to begin with, we would like to walk through some of the issues related to accountability. I know that for the AV staff you have the FOI presentation up. We would like to get the accountability presentation up. And then we will take on the work of the FOI towards the end of the meeting so that we have enough time to discuss some of the significant issues there.

So, first, I would just also like to recognize that it is the current GAC chair's last meeting and her birthday. Looks like we missed out on the cake, but I saw pictures on Twitter. So it looked like a good event.

And I would just like to say, of course, thank you -- a personal thank you to Heather, who I've had the pleasure of working with for quite some time. And also just recognize the very good job that she's done throughout her time as GAC chair on some very thorny issues.

So thank you, Heather, on behalf of the ccNSO and my ccNSO colleagues.

[Applause]

BYRON HOLLAND: And, with that, I'm going to turn it over to my colleague Mathieu Weill from dot FR who was also the author and chair -- chair of the group and author of our comment to ICANN on accountability. And he's going to discuss a little bit the submission that we made and where ICANN has actually come vis-a-vis some of the key comments that we made. I don't know if -- the presentation doesn't look like it's there just yet.

MATHIEU WEILL: I'll just do it without the slides. Thank you, Byron, ladies and gentlemen, GAC delegates. Thank you very much for giving me the opportunity to relate what the ccNSO council commented about the accountability track. So we are focused here on the second track of the IANA stewardship transition.

The slides are here. Excellent.

And I want to acknowledge the fact that, although I've been chairing this group, it was really a collective work involving several members of the ccNSO and the secretariat, Bart, who provided a lot of help.

On Friday, last Friday, there was a publication by ICANN about how they were taking into account those comments. And so I will both elaborate on what the ccNSO's suggested but also how it was taken into account by ICANN.

So, if we can move to the next slide. Don't know where the controller is. Excellent.

So the first thing the group insisted on was not to lose sight of the goals and what we were talking about.

We didn't want to rush into process too fast. That's a tendency we have.

And so the first -- we made a clear link -- I think, if some of you have read the proposed strategy plan for ICANN 2016-2020, there is a strategy vision statement which explicitly refers to what we think is at the core of the accountability issue, which is to enable ICANN to be trusted by all stakeholders. And, of course, within stakeholders, there are ccTLD members but also governments and also stakeholders that may not be present at our meetings.

So the process -- the issue -- the core issue is about trust, inspiring trust. And to inspire trust out of the IANA stewardship transition to process -- to elaborate the proposals has to be trusted itself. And that is why we were very cautious that the process that was set in place was not only elaborated from a couple of clever minds in an office whether in Los Angeles or elsewhere, but something we could rely on with experience. And you'll see that in our proposals later on.

And second thing is, of course, to try and define what accountability is about.

We found the best definition as a starting point or should be the NETmundial definition which is on your screens here, which is that -- being accountable is to provide mechanisms for independent checks and balances as well as for review and redress. And that is exactly what

we think should be at the beginning and at the core of the accountability track.

So, this being said, we went into suggestions. And that's going to be on the next slide.

So our recommendations were to rely on a quote, unquote, standard cross-community working group. There is no such thing as a purely standard. It's not documented. But there is experience about cross-community working groups. And we thought it would be much better to rely on this experience than inventing a new system with several committees. And, therefore, part of this means that the charter of this group has to be defined by the supporting organizations in the advisory committees, by the community.

The scope itself should not be restricted artificially or up front, no more only by the definition itself of accountability, because it should be the community and not ICANN as an organization to define what is relevant or not.

And we felt it would be useful in the case of accountability to provide the community with external help, including advisors, experts in certain number of fields, but also maybe a chair who would be extremely skilled at chairing meetings and making negotiations or building consensus. We think this is a skill which is absolutely necessary in this case. And it may be useful to have an (indiscernible) chairman from outside our community to steer the debates.

In terms of timing, I think you've heard about 100 times now that the timeline is extremely aggressive. So I won't repeat it. But we

acknowledged that some of the recommendation may not be implemented by -- within time frame that is consistent with the deadline of the IANA stewardship transition. But still, that did not mean that those questions should be left out of the group and that -- and the group may certainly decide to create subgroups that work on different topics with different timelines, depending on the urgency of the topic they're working on. And that is also consistent with the idea to prioritize implementation at -- when the outcome of the group is known instead of launching 10 or 12 change -- major change projects within ICANN, prioritize, taking into account what is necessary for IANA and taking into account also what has structural impact or what is more detail-oriented.

One point we've raised was the role of the board in this process. We felt it was important that the board -- that the board is always part of the working group but that it would be non-voting because it's already a working group representing the community. And we called for a greater clarity on the conditions upon which the board would rely to either accept or reject the recommendations and that these conditions should be known up front. That was actually part of our discussion with the board a little earlier this morning.

So those were our key recommendations, and my next slide will provide you with an update about what was taken on board by ICANN. If we can go to the next slide.

So ICANN response last Friday was indeed to remove the idea of three different groups interacting about accountability and create one cross community working group. So that was agreed. The only difference

with our proposals are -- is that the advisers are still to be selected by what is called the public experts group, composed of four appointed members. So that is the only difference there is between our proposal and what ICANN is now starting.

In terms of timing, there was indeed -- ICANN adjusted its -- its proposal and took into account our comment that some recommendations will not be implemented in the same time frame and ICANN is directing the work or suggesting that the work be split into two subgroups. The one subgroup for what is necessary for the IANA stewardship transition and another subgroup for what is not strictly necessary but would be useful for ICANN reforms in the future.

On the board role, there was agreement on the fact that the board would provide a liaison to the cross community working group with no voting right. We -- it's still a little bit unclear about how the -- on which criteria the board might reject the propositions but as I said this is something we're trying to clarify with the board right now.

So in summary, I think ICANN has really taken on board most of the suggestions from the community. I, of course, emphasized the ccNSO comments, but other parts of the community also provided similar comments in many ways. And this speaks well for ICANN for once. I'm not always -- in terms of the first one to praise ICANN, but I think it was -- it was a good move. It was an adjustment that took a little bit of courage because it was changing feed with the previous announcements but I think the message was received and that's encouraging. And the details that remain to be discussed do not prevent the start of the work, which is now absolutely the top priority,

really getting them into the substance on this accountability issue is now highly needed.

I think my presentation will stop here because that's really what I wanted -- what I meant to say. And, of course, I'm open to any questions.

BYRON HOLLAND: Thank you, Mathieu. So I think in summary we are fairly encouraged by the change in process and tact that ICANN has taken and the fact that they listened to the community. This is not distracting at all.

[Laughter]

MATHIEU WEILL: Second it.

BYRON HOLLAND: Appreciate you making positive changes on the fly here. Are there any questions or comments, either from GAC colleagues or ccNSO? I saw one hand there and one further back and one right here. Do you want to take it? Yes. Since I don't know all the names, I'm going to let Heather manage the queue.

CHAIR DRYDEN: Thank you, Byron. And we can't have the microphones on at the same time, so just to know that -- that we'll have to watch that. Okay. All right. So you're right, I saw France, Iran, Colombia.

FRANCE: Thank you for this presentation. Mathieu, you put a question yesterday -- during the session on accountability, you put a question about the way experts are selected, and honestly the answer given by the staff was not, let's say, comprehensive. Did you eventually obtain a more comprehensive answer to your question?

MATHIEU WEILL: Thank you, David. For everyone to understanding the question I asked in the session, the open session yesterday was basically why ICANN opted for a system where the external advisers were still selected by the group of four persons and I did not feel I get a -- yeah, a comprehensive answer to my question. And I -- so I took it offline afterwards. And my understanding is that there is -- ICANN feels the need to avoid a perception that the cross community working group being internally focused for ICANN would also self-select advisers. And so their intent is to provide some form of independence and external review into the process. I think it's -- it's worth debating. My -- the suggestion I was making, and that's what we had in mind when we wrote the ccNSO submission, was that an external panel was fine to prepare the selection of advisers but it was extremely important that the working group itself would approve the selection, maybe put forward -- a short list put forward by this committee in order to make sure they're comfortable working with this kind of expertise and then work from there. So we'll see how it goes. I think some discussions were still underway on the topic.

CHAIR DRYDEN: Thank you very much. Okay. Next I have Iran, please.

IRAN: Good morning. Thank you very much for your presentation. We understood that ccNSO took the initiatives to act on behalf of the entire community and propose a course of action, how to proceed with the accountability. And I ask you later on to confirm that you had such a delegation of responsibility and authority from the entire community of the Internet that you propose a course of action how this accountability should work.

Now second, the second issue is that you selected or proposed some sort of shortcut, departing from the normal procedures. That first I emphasize that we are dealing with accountability in general which has two tracks. Track one for the transition. Track two for overall accountability. And I also request you kindly to confirm that.

Now having said that, it is proposed that we do not follow the normal procedure which is first, we have to establish the group, whatever you call them, cross community working group, which currently has another name for another small group but doesn't matter. This group should be -- should have been established by representation from various communities. Currently we have 13 communities, and then this group would discuss the organizations of the group, would draft a charter of the group, would prepare the RFP on which questions and proposals to be made, would prepare the timeline and also would prepare guideline for decision-making. All of this has been put aside, and you took the reverse action and established the group. We don't know who will be part of that group, what is the quota for each community, what is the

share of GAC that we are responsible for that, we are concerned. And then the charter, who draft the charter? Who approve the charter? And once it's approved, what about the other issue that they have mentioned, one by one that you have taken note of that? And then all of a sudden we come to the positions that the ICANN or board should have the final words to comment, to edit, to reject the recommendation, and that is something really doesn't work. It does not work that. An executive of implementing power or entity edits or comments on its own activities to which it is responsible to. So you give everything in hand of ICANN or in hand of the board to decide whether, from the conclusions of the group, hard work of the group which I hope will be, they say that no, we don't like this and we don't like that and moreover, they would have some external experts and these external experts will be selected by four people and we don't know the role of those seven or eight which is selected by these four people, whether they will be on an advisory capacity, whether they will be on the decision-making capacity. And then the involvement of the board. Yesterday we had that they would be from staff and also from the board, but now you say that only board, no staff. And this situation at this moment is not very clear. It is mixed up in the way that you put the cart before the horse.

Accountability is one of the most important elements for everybody. At this stage real accountability goes to the United States Government. If there is anything wrong, we go there and ask. And if transition will be made, we don't know to whom we have to go. You have not mentioned a creation of a mechanism of oversight of this accountability, and you come to the conclusion that board will be accountable to itself. So that

is something that we are not very clear about and we have some doubt about the workability and the objectives of these transitions.

Next week we have a meeting elsewhere among those issues. Also issue of the ICANN and Internet and all of these things will be discussed, and we don't know what answer we have to be given to that. For us the situation is not clear. We suggest that -- at least I as a member of the GAC, I suggest that we have to take normal procedures. First establish the group based on the quota from each 13 communities and then composition of that, then these people, they select chair and vice chair, these people, they draft a charter, approve the charter. Once the charter approve, put for the comments of the community. Once comments received, charter will be finalized. And then based on the charter, the whole situation goes. ICANN could -- board could participate. Board could bring any adviser that we want but in an advisory capacity only. Whenever come to the decisions, none of them they would have any power to decide. And once the final report is prepared, the final report is not expected to be edited by board. The board may add its comment, and then after that we don't know where that final report with the comment of the board goes.

It goes to the United States government, to NTIA, or goes to another entity? And what is that entity and who is that entity?

Situation is confused and totally unclear. And I thank you very much.

CHAIR DRYDEN: Thank you, Iran.

So Mathieu, you would like to provide a reply, and then we have one more speaker on this topic and then we will move to the next topic. So Mathieu, please.

MATHIEU WEILL: Thank you very much, Iran, for giving me the opportunity to clarify, and apparently I wasn't clear.

First of all regarding your question about authority, what I described here was a ccNSO Council comment to a public comment of ICANN in a regular procedure, and we had no ambition whatsoever to have any delegation of authority whatsoever from anyone else than the ccNSO Council.

Secondly, regarding the procedures. I think you have explained extremely eloquently and much better than I would have done, exactly what we're suggesting; that we respect the normal procedures regarding establishing the group first, defining the charter, going through the timeline and RFP, and establishing the decision-making guidelines. Therefore, I'm 100% behind what you said in terms of process, in terms also of the Board's role. So we are very much in line, and I want to reassure you that this was -- I was probably not clear, but this -- going through normal procedures, exactly what we recommended ICANN to do, and it was a comment that ICANN took on board, and we think it is very positive step.

Thank you.

CHAIR DRYDEN: Thank you.

Colombia, please.

COLOMBIA: Thank you, Madam Chair, and thank you, Mathieu, for your presentation.

We have two questions. One was already asked for France. The other one regards two subgroups, so we certainly support that there are two subgroups.

Also in light of what Larry Strickling mentioned yesterday, that we need to take account of accountability, which is also a very important issue to Colombia.

So we have a question regarding timeline.

So what is your idea when the group would start, when would be their first proposal of, like, some accountability recommendation? Because we have a working group on the IANA transition, and they are coming up with a proposal I think by the end of January.

So is it feasible, possible to come up with something like at that date or a little before that date?

Thank you.

MATHIEU WEILL: Thank you for this question about the timeline. As we said earlier, the timeline itself is not defined, because we haven't set up the group and

it's not the ccNSO's role, of course, to do this, also. We'll be significant contributors to those issues.

And the timeline is aggressive, and definitely the accountability track is starting later than the first track on IANA stewardship transition. And, therefore, I mean January is probably extremely difficult to achieve, but still there's -- as soon as, we get to it quickly and not lose pace by spending our energy on reinventing the wheel on processes, then I'm hopeful we can do some useful propositions quite quickly and start discussing them with the community, which is really the ultimate goal.

CHAIR DRYDEN: Thank you very much.

Okay. So we also want to spend some time in our discussion today on the Framework of Interpretation Working Group. So if I can turn back again to our ccNSO colleagues. Keith Davidson, you will be taking this? Okay. Thank you.

KEITH DAVIDSON: This is Kim Davies. I'm the chair of the Framework of Interpretation Working Group.

And firstly, can I ask, Heather, how much time we have given that we've had such a late start? We do have a presentation that includes all the recommendations of the working group that we can run through, if we have the time, or we can give you a prefer report, if that's necessary.

CHAIR DRYDEN: So I think we have until 12:15 today. We can just go a bit over time. And I think this is the main other topic that we wanted to cover today.

KEITH DAVIDSON: Excellent. Thank you.

I think firstly, I see a lot of faces in the room that I haven't seen before, so I'll try and step through carefully what this is all about.

The Framework of Interpretation is to provide some color and depth to the existing policies and guidelines relating to the delegation and redelegation of ccTLDs.

The working group was established with a cross-community component to it inasmuch as it had GAC, At-Large, and other groups represented within the working group, not just the ccNSO working group.

And the original intention of the work of this group was to provide a framework that the ccNSO and the GAC would agree to, and then collectively the ccNSO and the GAC would present the framework to the ICANN Board. The advantage to the ccNSO of using that track would be that because the GAC are providing that to the ICANN Board, it would become binding advice on ICANN. We don't have that prerogative within the ccNSO, so it would help us avoid a policy development process. And since this wasn't to develop policy, it was purely to elaborate on existing policy and guidelines, we thought this was a good methodology, and we had been working towards that.

Unfortunately, the lead GAC voice was Frank March from New Zealand, which wasn't unfortunate. That was most useful, because as a fellow

New Zealander we could talk about the issues. But unfortunately, Frank's departure from the GAC has left a bit of a gap. So we do request that the GAC maybe could choose a lead to assist now, accelerating the framework and hopefully to the point that we can have GAC approval, also.

It is important, and it's probably quite important, that we address the issues raised in the Framework of Interpretation in the short term. These issues will come up as part of the IANA transition from the ccTLD community, so it would be very useful if we could achieve some joint resolution on this earlier, rather than at the last minute in the transition. So if we could have a principle of looking or time being of the essence, that could be quite useful to us.

And then I think, very importantly as well, the issues around this framework, the questions you may well ask as you look at the resolutions and the suggested use of terminology and so on, is does this framework accurately interpret the existing policies and guidelines, and will the framework make decisions on delegations and redelegations more consistent and predictable and adding color and depth and the consistent use of terminology? And also, does it avoid the creation of new policy? Because any new policy was out of scope for this working group.

And so -- And I think they're very important aspects to your questioning of this. It's not a question of whether you agree or disagree with the policy itself. It's just whether or not the interpretation is an accurate representation of existing policy.

If there are issues relating to the actual policies, then perhaps that's a future piece of work that we jointly or separately embark on to actually create better policy. But this is not about the creation of policy. It's whether or not this adds value. And of course our desire is that we see the ICANN Board and the IANA staff making more predictable and more consistent decisions because they have a better framework to work from.

So given that as a rather brief introduction, I'll hand over Bernie Turcotte who has been contracted by ICANN to support the working group, and he'll walk us through the presentation. So over to you, Bernie.

BERNIE TURCOTTE: Thank you, Keith. Morning, everyone.

Next slide, please.

All right. We'll be going through the current status of the FOI Working Group, the next steps, some highlights from our interpretations, the recommendations that are in the report, and we have a list of the GAC members that were a part of the FOI Working Group.

Next slide, please.

Oops, the other next slide.

Our current status is that we have published a report on consent, we have published a report on significantly interested parties, we have published a report on revocation, and we have a draft final report.

The FOI Working Group considers its interpretation work completed for now.

Next slide, please.

As part of the final report highlights, when we were working with this, it became abundantly clear that it was important to frame what IANA can actually do with a ccTLD that has a significant impact. And as you go through the documents, there are only really three things. It can delegate a ccTLD, it can transfer a ccTLD, or it can revoke a ccTLD. There is nothing else.

Next slide, please.

We have given -- and I'll spare you today a detailed presentation. What we have done is we have gone through and created definitions for all those terms, and that's in the paper, and we encourage you to consult that. Part of the reasons for that are that from the previous working group that led to the creation of the FOI Working Group, one of the conclusions that came out of the DRD working group was that over -- when analyzing IANA reports for the last ten years, it became clear that there was a trend of IANA changing the vocabulary surrounding those actions it request take for ccTLDs.

One example of that is, if you will, the sponsoring organization. It used to be the manager, and then all of a sudden, out of nowhere, there were no longer ccTLD managers. There were supporting organizations, which is odd because we still have -- or at that point, we still had several ccTLDs who were not organizations. They were individuals. It was a

reality. But no one was advised of this. No one could comment on it. It just appeared, and that was it.

And often what occurred with these changes of vocabulary was, one, there was no definition brought along with it or published. It was just a new word used for something. And when those new words appeared, there were also new ways of interpreting them. They weren't just simply replacement words. They were also new functionalities sometimes. And that created essentially a lot of uncertainty in the CC community. We would just see these words appear, and all of a sudden, this was it. There was no comment possible. There was no forewarning, often. It was just, oh, we're calling it this now.

One of those elements was significantly interested parties. That changed several times over the years. How does the community comment on a transfer or a delegation?

If we look at RFC 1591, it's very clear, there are significantly interested parties. This is another one of those terms. It migrated to local Internet community. Was there any consultation or publication or a definition of those things? No. It just occurred. All of a sudden we had LICs instead of SIPs.

So all of these things created uncertainty in the CC community. And one of the points that we felt was important was actually creating a lexicon of official terms to be used when dealing with delegations, transfers, or revocations, and the terms underlying those things -- i.e., managers, not supporting organizations; significantly interested parties, not local Internet community -- and defining what those things mean so that

there's no misunderstanding and everyone can refer to the same thing, whether it be the GAC, the CCs, the Board or IANA.

As part of this package to sort of settle the vocabulary and its meaning, one of the conclusions that we came up with is that, really, we're uncertain where the word "redelegation" came from. And as such, we're saying let's go back to basics. There is no such thing as a redelegation. There's a transfer. That's what you've got. And there's no possibility for an unconsented redelegation. I mean, if you want to do something, it's a revocation followed by a delegation.

And hopefully this will help put a very clear frame around what can be done, how it should be referred to, and what are the expectations.

Next slide, please.

Hello?

Thank you.

One of the key concerns of highly variable interpretation over the years, and I do stress the point "over the years," this is a view of work by IANA for more than a decade. So we want to make it very clear it's not just about what is happening this year or last year. This is a view at trying to address issues that we've looked at when actually dissecting 12 years' worth of redelegations and delegations and various issues around those things.

One of the key points was, well, what does it mean to consent to a transfer?

And I can assure you, if you want to see variation, I will invite you to consult the DRD final report on what consent -- on the consent section, because it's highly variable is probably an understatement.

So the FOI working group felt it was very important to put a very clear and solid frame around the concept of consent.

And this is what we've ended up with. The FOI working group further interprets section 3.6 of RFC1591 regarding agreement to the transfer as requiring that the communication from the IANA operator requesting a party's consent should clearly state what the party is being asked to agree and (b) what steps the IANA operator will or may take into response to the party's (i) affirmative consent,(ii) affirmative refusal to consent or failure to respond to the communication requesting consent.

So let's get this on a really basic, clear understanding ground. If you're seeking consent, what are the base lines that we're looking at?

Next slide, please.

The IANA operator itself must be perfectly neutral and should not attempt to compel, threaten, or persuade the party to approve a request.

If you're the party that's judging if the information has been provided and is correct, it does not seem adequate that that party should take an active role in pushing the decision one way or another.

One of the other points that we have made in this is that all the processes and procedures that IANA will develop regarding such an implementation should be published so that the community, everyone,

especially ccTLDs, should understand exactly how it's dealing with those, how it's expecting to communicate with ccTLDs, how it's expecting ccTLDs will communicate with it regarding the requirements for consent. I mean, we have gone the full gamut on this as we analyze the various transactions that have gone on over the decade.

And that, you know, in some cases, IANA has considered in its past a failure to respond as a consent.

And that is what we're trying to avoid.

Next slide, please.

SIP. So, again, we're trying to get back to basics. Input from the community, significantly interested parties. To be considered a significantly interested party, any party other than the manager or the government or territorial authority for the country or territory associated with the ccTLDs must demonstrate that it has a direct, material, and legitimate interest in the operation of the ccTLD. I mean, when you are delegating a ccTLD, significantly interested parties have a right to comment if the choice is the right manager. This is a very serious input into the process for IANA deciding to grant a manager. And it's obvious in our minds that government is there. There's not even a question. That sort of formalizes that.

There are other parties which may have input to give in this also.

But the reality is we have to be able to provide a test to IANA to see the level of the interest of those parties. I mean, is it two people in a basement that are unhappy because you're thinking about delegation?

Or is it a real part of the community that has input to provide that should be considered?

Next slide, please.

Okay. Yes, sir. I'm going to go through these because I'm getting pushed here.

Just to give you an idea on some of the clarifications we're bringing, administrative contact. For those of you that are familiar with ccTLDs, there must be an admin contact. There must be a technical contact. The FOI interprets a requirement that there must be an administrative and technical contact for each domain including for ccTLDs, administrative contact residing in the country to mean, as a general rule, the manager must confirm and the IANA operator must be able to validate that the administrative contact resides in the country or territory associated with the ccTLDs.

So, clarification, there are a few subparagraphs on there to recognize the fact that there were some ccTLDs that were delegated before RFC1591 had that requirement. So there's a grandfather -- we're proposing a grandfather clause for that. And there's also a note that there are some places which have ccTLDs which have no human inhabitants. And that would be difficult to have a resident in those cases. So let's try to be reasonable about this. If there are only penguins on a piece of rock that has a ccTLD, it might be difficult to have a resident. That's the humorous part of the presentation.

Next slide, please.

Trustee: There's been a lot of discussions in our community about the requirement of 1591 that requires a ccTLD manager to be a trustee. So we've given it some thoughts. And what it actually says is that the manager serves as a trustee for the delegated domain with a duty to serve the nation in the case of a country code and the global Internet community to require the manager to -- next slide, please -- provide mechanisms for registrants and significantly interested parties to provide input regarding registration policies to the manager, preserve the security and stability of the ccTLD, and to work with the IANA operator to preserve the stability and security of the global DNS and Internet. Next slide.

We've done this for equitable also.

Next slide.

And the recommendations are, basically, that the IANA operator should adopt and implement the interpretations of RFC1591 provided by the framework of interpretation working group.

Again, these are not new policies. This is just our understanding of what is there. And we're writing them down so that we start avoiding the issue of the continually moving interpretation that we have seen over the last decade.

Next slide, please.

The FOI working group is also recommending that the ccNSO council should consider a methodology to collaborate with IANA to develop content and other tools to educate and inform stakeholders about IANA's processes and procedures that are consistent with the FOI

working group interpretations. Next slide, please. I'm getting there folks.

One of the key things really is the IANA operator should continue to publish a public report on each ccTLD delegation transfer and revocation it completes. These reports should be published in a timely fashion, clearly identify the parties involved, describe its decision-making process, and the facts relevant to its decision, including information that addresses all relevant aspects of the framework of interpretation recommendations. This may seem obvious to people. Okay?

Having gone through IANA reports, some of them are great. Some of them are less so.

I mean, we have lived through periods where IANA reports for redelegations -- that's what we used to call them -- came out 12-18 months after the fact. You know, there were periods like that. There were periods where there is a lot of text, but there's absolutely no information.

Next slide.

GAC members.

Next slide. Those are the links. Thank you very much for your attention. Sorry for taking too long.

[Applause]

KEITH DAVIDSON: Thank you, Bernie. I can report that, at this morning's ccNSO members meeting, there was unanimous support for the final draft report. So now, subject to GAC final input, we're hopeful that we can move forward and our next steps might be addressed while we're here so that we can work towards the next ICANN meeting and, hopefully, some final approval or entertainment of GAC's input. Thank you, Heather.

CHAIR DRYDEN: Thank you very much for that presentation. Taking us through really what are the key components of the report that you've been working on in this working group. For the GAC, this is a significant piece of work. And there's a lot to consider on our side. We've had opportunities throughout the process to feed in. And we have done that to the extent that we have been able to do so. And we have had some challenges with all of our time and energy really being focused on the gTLD program.

But, as you heard from our colleagues, we now have a draft final report to consider. And so this is really where we need to direct our attention is to looking at this report and its contents and addressing any issues that we may see there with the aim of being able to agree to a final, final report. So it's in draft form.

And, as Keith alluded to, there may be a need for us to continue the exchange after today's meeting and to communicate with our colleagues to have further clarity and so on and so forth about what is in the report.

We do have an opportunity here, perhaps for a few minutes, if there are initial points that colleagues would like to make or questions about the report, how it was formulated, what are some of the key issues that are contained within it? Then let's take a few minutes to do that now. But, keep in mind that the action that we are to take now is to look at the report, to look at all its parts, and to consider whether we would have comments or whether we would be able to agree to the draft final report that we now have in front of us.

So at this point, are there any -- ah, Norway, please.

NORWAY: Yes. Thank you, Heather.

I would also like to thank the ccNSO and the working group for this considerable amount of work, which is very important to us as governments, as on overseeing our ccTLDs.

I will be fairly short, but we have, from my side and from Norway's side, we are willing to participate and establish a work item or maybe a working group to look into these final draft reports and seek to have GAC comments statements on these reports by the next meeting in Marrakech.

So I just want to underline that these are very important issues for us as government to see and to investigate and to check that the interpretation in these reports are in consistency with our understanding of the RFC1591 and the GAC principles of ccTLDs from 2005.

So I think that's important for us to actually check that and to see if it's according to also what we have meant before.

And also in this effect also very much national legislation, et cetera.

So -- and also, as said in the start of this presentation also, this feeds this important into the IANA transition process as well. So this is also valid and it relates to that process as well. I think it's really important that we try to put aside some energy and time to actually investigate and make some comments on this in due time. Thank you.

CHAIR DRYDEN: Thank you very much for that offer, Norway, to lead an effort in the GAC. Very well taken. And I'm also glad that you mentioned the GAC's principles. Because, of course, when it comes to interpreting existing documents or frameworks for the GAC, those principles continue to be the central document that we are focused on from a government perspective.

United States, you're next, please.

UNITED STATES: Thank you, Madam Chair, and let me echo Norway's expression of appreciation to all of you from the ccNSO and for your hard work on this and all of these other issues that you briefed us on today.

I completely concur with Norway's proposed way forward and happy to volunteer to work collaboratively with other colleagues so that we can be prepared in Marrakech for that more detailed exchange on looking at both the principles and the ccNSO FoI working group report.

Since I have a second, I did want to use this opportunity to flag -- we have reviewed the last chapter, the revocation chapter, and at least our reading seems to suggest that there's one element that diverges from the generally accepted premise that the IANA functions manager simply implements policy developed by the relevant interested stakeholders, which in this case we would see as both the ccNSO and the GAC. The text appears to us to grant a degree of subjective decision-making to the IANA functions manager in determining whether an incumbent ccTLD operator that resists or objects to a redelegation request should be subject to the redelegation on the basis of, quote, substantial misbehavior. So this apparently seems to be suggesting that it is the IANA staff that would actually determine whether there has been, quote, substantial misbehavior or not. So anyway, that is our interpretation. I'm just flagging it today. I will certainly take it up with colleagues in the GAC so that as we proceed to prepare ahead for Marrakech. Thank you.

CHAIR DRYDEN: Thank you, United States. I think it's very useful for us to flag, just that there is an interest there, there is an issue for us to explore further. Keith, did you want to provide a quick reply before we move on?

KEITH DAVIDSON: A very quick response. The issue that you raise is of course covered in RFC 1591. The policy statements in 1591 say that the IANA will make the judgment call for a substantial misbehavior, which it then outlines. So this is an interpretation of an existing policy. If you don't like the policy, that's something else that we have to look at. But is the

interpretation of the policy an accurate interpretation of the existing policy is the question.

CHAIR DRYDEN: Okay. Thank you. All right. So I think this is a good place for us to conclude. Thank you very much to both the presenters, Mathieu for walking us through the ccNSO's contribution to the accountability stream of work at ICANN, one that the GAC is very interested in, of course, so that's very much appreciated and to Keith and to Bernie as well for I hope reinvigorating the GAC's interest in these issues and helping us now to identify what we need to do next to really go through this report and provide any comments with a view to hopefully coming to agreement with you on a final final instead of the draft final that we have currently received from the working group and the ccNSO. So with that, many thanks to all our colleagues from the ccNSO for coming again to meet with us and discuss issues of mutual interest. And let's hope this continues and that we are able to make progress on both these topics, accountability and on the Framework of Interpretation effort. So thank you.

[Applause]

[END OF TRANSCRIPT]