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SINGAPORE – GAC Plenary 10  
Sunday, March 23<sup>rd</sup> 2014 – 17:30 to 18:00  
ICANN – Singapore, Singapore

CHAIR DRYDEN:

Okay. So let's begin with our last session today. We have an update from the working group on working methods led by Spain, and a couple of items or documents for discussion. And so at this point, I'll hand over to Gema to update us and take us through what we are to discuss today.

Please, go ahead.

SPAIN:

Thank you. In terms of update, after an intense period of work between the summer and the Buenos Aires meeting, the working group has decreased its activity notably, or in a remarkable way.

We haven't been very active. There was (indiscernible) some kind of wait to see if we had the implementation plan drafted by ACIG. And then we knew that the contract negotiations with ACIG hadn't finished yet, so we got kind of stuck in that moment. So that's the reason why they were -- hasn't yielded much progress or deliverables so far. Nonetheless, in the run-up to this Singapore meeting, I decided to give a little push to two of the remaining controversial issues: the publicity of meetings, whether meetings should be held in private or in public; and the second one, how the GAC makes its decisions. How we improve the

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rule of consensus, which is the one in force now, or whether we can try other alternative possibilities or methods.

The work on those two issues is delicate, and we have only have time to put forward a new version of the document of the publicity of meetings before this Singapore meeting.

The intention was not to have an extended discussion here at Singapore, but, rather, to give members more time to study and digest this new version and receive comments so that the document can be discussed online through the mailing list, either mailing list of the working group or through the whole GAC mailing list, as you prefer. But if you all have your comments ready here, you are much welcome to share them with us.

And then the second paper, the paper on the decision-making processes, it's on the process of being redrafted. My aim is to share a new version of it after this Singapore meeting. So with the same goal that we can discuss it online and hopefully have some improvement agreed on our decision-making processes before the London meeting.

And there was another issue that was brought up in the Buenos Aires meeting which deserved more discussion, which is the number and the role of the vice chairs. I must admit that I have not had time to look into this issue, but I also invite GAC members to share the views with the working group, especially taking into account that they are up this year. We shall be electing new vice chairs. So it seems like a timely opportunity to reflect on the role, the enhanced role, vice chairs are playing already. I think it's a very valuable one. But there's always



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room for improvement, and maybe this is our opportunity to discuss on this.

Now that Heather has announced that we have full opportunity to have the ACIG contract signed in this meeting, or before this meeting ends, I could very much thank ACIG and other chair to start working as a urgent priority on this implementation plan for the issues that deserve it. For instance, working on GAC work plan and calendar for the year; how the functions, the role of the secretariat can be broken down; trying to set up a schedule, timeline for preparing agendas, for distributing draft minutes; how we can improve the GAC Web site in order to include more information about our deliberation and our activities so that it's another way of communicating with the rest of the ICANN community and welcoming new GAC members.

And there are another other range of issues that we can tackle together, in the meantime. And the objective could be with this implementation plan to be drafted as soon as possible and be discussed in the meantime from here to London. So that high-level officials that attend that meeting in London just ratified -- it's not the role of our senior officials to get into detail of these working methods, but it could be good to present them with an accomplished work, something that could happen, adopted by the whole GAC. And I could be very grateful, appreciative, if for once we can really work online or with conference call, whatever needed to have this work completed by the London meeting. And there we have the terms of reference. I guess you want to present that?

I don't know if someone wants to add something or -- you lead.



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CHAIR DRYDEN:

Thank you very much for the update, Spain. That's really helpful to us to know where you're at. And I think the good news is that the areas that you've been looking at for improving our working methods, I think there's really a lot of agreement. And I think we all see, you know, together what needs to be done, and that will let us move very quickly on those items. So I'm very encouraged by your presentation of the things that we do need to implement based on your efforts in the working group.

Okay. So we have some draft terms of reference which were drafted by Tom for the Working Group on Working Methods. So they're quite short and projected on the screen. So hopefully you can read those. But are there any suggestions here to the text? And what I am seeking is GAC agreement on the terms of reference, and then we can quickly move on from this matter.

Indonesia, please.

INDONESIA:

Thank you, Chair. Perhaps what I suggest is not really wording by wording, but the idea of the GAC itself.

First of all, I would like to propose that we have to strengthen our GAC, and because of that, we need stronger secretariat. Well -- so I hope the ACIG, contract or whatever was mentioned before, can be finalized as soon as possible, because that will help to -- that will help us to have a stronger GAC.

Then it seems to me that we have a lot of things that GAC should give their decisions. So not only dot spa and dot halal and so on, but many



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other things. So in this case, we need a more decisive GAC, a more GAC which is ready for various situations, because it may happen that we have also emergency situation where GAC has to make some sort of decision or input to the work of director of ICANN, for example.

So in this case, the secretariat activities of the GAC should be stronger. It has to have direct contact with all GAC members. It was mentioned previously that the mailing list has to be -- what we call it? Has to be complete. You know, things like that.

And it comes to it can be implemented in many ways. If we need, say, it was mentioned previously, how would member of the GAC create reacts or response to a particular request of the GNSO or other organizations? In this case, even setting (indiscernible) is important because GAC members is not only from -- not only one person from one country. I need to, say, sit together with my colleagues from Indonesia, for example, to discuss something, okay, this is important for them. We don't want to come here at 7:00 in the morning and put our backs side by side, you know. Of course, it is more difficult to discuss if I sit here and my friend sit a few meters and back. It's kind of things very simple, very operational, but it needs to be arranged so that the GAC decision can be better, and so on.

So Madam Chair, I would like to propose that the next ICANN 50 meeting in London can be used as a trial ground to have a more and stronger GAC for decision-making, for giving input to the other supporting organizations and to other unit working for working group, working team or something like that.

Thank you very much.



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CHAIR DRYDEN: Thank you, Indonesia.

Are there any other comments on the terms of reference or can we consider these to be agreed? And then we can discuss working methods more generally.

Okay. So Spain, Gema, would you like to comment? And then we have Iran.

SPAIN: Yeah, it's a doubt. On our continuing basis, I expect the working group to have homework to do for a long time because although some of the improvements are very easy to implement and don't impact on GAC operating principles, some of them might have an impact on GAC operating principles. And after we, hopefully, agree on them, the second phase of the working group should be to draft amendments to GAC operating principles.

But after that, I can see what is the mission of the GAC working methods? So that's why I don't understand this on a continuing basis.

Everything can be improved always, but you always have to have a goal, an end. And, well, it's just a question of this.

CHAIR DRYDEN: Thank you.

So Tom is commenting to me that it was the concept of continuous improvement that he was wanting to capture in that text. If we're going



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to revise, I think specific proposals to revise the text would be helpful to us if that doesn't address the question fully that you're raising.

Okay. So we have Iran, then Australia. Sorry, European Commission after.

Iran.

IRAN:

Thank you. Madam Chairman, I have two suggestions. The first one is in the first line, please replace "will" with "should." So simple one.

In the fourth line, I don't understand "accountability." How the working study and recommend accountability of GAC? To whom?

We are representative of government. We are accountable to our government. That's all. There is no collective accountability of GAC to any entity.

So I don't think that the word "accountability" is fit well over there. Efficiency, effectiveness, timely, transparency, all of them is okay. But the "accountability," I think we need not that word and should be taken out.

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

European Commission, please.

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EUROPEAN COMMISSION: First of all, I would like to thank Gema particularly for her strong leadership and hard work on this matter because this is something which I think for all Europeans, and I dare to say all Europeans, is in our heart, and I'm most very happy that other important nations like Indonesia is outlining this aspect.

Then I would also, actually, very much support what Gema says in terms of taking out on continual basis, and the issue here that we have to have milestones. I mean, I understand it's not going to be a revolution, it's going to be an evolution, and I want that also completely on that line, too. But I would like to see, as was mentioned also by Indonesia, that we have milestones. London is one of those which are particularly, I think, appropriate for having such a milestone, where we could have the senior officials or ministers that could be at that meeting will take stock and, maybe as Gema said, may even propose certain changes to the operation of principles, which we have seen during the last years have flaws and inconsistencies between different parts of the principles.

So I would very much like to see that.

Now, linguistic issues, that's not my strongest point. As somebody said before, English is my second or possibly my third language. But I would definitely very much stress this issue.

Then I note what Iran said, and I am tempted to go against that type of reasoning because I think we are very much accountable. We are accountable to -- as an advisory committee, to the Board. I think that is -- and also, of course, to the end users of Internet. That this functions to the people that wants us to see to it that GAC functions in the multistakeholder system.



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So I -- I'm not going to go home and cry if accountability disappears, but I think there are enough arguments, actually, to keep accountability in there, reminding ourselves what we are. We are a governmental advisory group to, particularly, the Board.

Thank you.

CHAIR DRYDEN:

Thank you, European Commission.

So it sounds like you're quite comfortable with changing "will" to "should." So that seems to be settled.

Okay. So we have Australia and then Denmark, I believe, and United States.

AUSTRALIA:

Thank you, Chair. And thanks to Gema for, again, leading on this long process of improving the GAC's working methods.

First thing to say, as I mentioned on the GAC list, I actually think this terms of reference or charter is good. In terms of the continuing basis, I actually think it's -- my view is that that's actually a good thing that it's a process of continual improvement.

We've seen so far we've had two ATRT reviews. Both have recommended improvements to the GAC's working methods. I don't see any reason to think that that process will end at any stage. Any organization or group can improve. But I do take the point of colleagues that, you know, the need for milestones and concrete

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recommendations that -- I don't read it this way, but if there is a sense that, you know, on a continuing basis means that it will be vague and open-ended, then there may be ways to amend the text to address that. And I think we can potentially keep both. I think having a continual process that keeps going is useful, and the idea of concrete goals and milestones is also useful.

So if colleagues can come up -- I mean, could make concrete recommendations and recommend implementation milestones or something to that effect to get at both things could be useful.

So I think it's fine, but I understand the point, and I think we can potentially keep both.

CHAIR DRYDEN:

Okay. I think this is a good proposal from Australia and may help us address the concerns that we are hearing in order to finalize the text.

So we have Denmark and then United States.

DENMARK:

Thank you very much. Firstly, I would like to echo the European Commission has said and also thank Gema very much for her very hard work in the past many months on these important documents and also to remind people that in Buenos Aires we actually decided on a paper with some recommendation that we should implement and that I think we should show that we agree on this and at least for further meeting in London, yeah, the high-level GAC meeting that I think it would be very appropriate to show that we made progress. Thank you very much.



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CHAIR DRYDEN: Thank you. So I have the United States and then Australia, please.

UNITED STATES OF AMERICA: Thank you, Madam Chair. And let me join other colleagues in thanking Gema, of course, for all her work in keeping us focus at the working group level on all of these really sort of extremely constructive suggestions.

Having been involved in other working groups before, too, I'm finding myself, just so this is a teeny note of caution, finding myself a little bit unclear as to what the working group has agreed and what the GAC has agreed.

So my experience in the past of working groups is we present proposals to the GAC and then we get feedback from the full GAC membership. So I'm just a little bit vague as to where we are on some of these proposals. And not just the issue of consensus and whether to be public or not.

So I do think it would be helpful. And, if I'm the only one in the room who is confused, well, then, my apologies. But I think it would be helpful to have a much more clear articulation of what has been presented and already agreed by the GAC. So, respect to my colleague from Denmark, I don't know what paper has been approved, quite candidly, to refer back to the previous intervention. I honestly could not tell you whether the GAC -- I don't recall our discussion in Buenos Aires being very lengthy. I think it was a PowerPoint by Spain that was helpful. It certainly told us where we thought we were. But I don't



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recall that kind of an exchange where, as a working group member, I had confidence that the GAC as the GAC had said great, these however, many things, this is all done.

I completely agree that a lot of this stuff has been discussed and seems ripe for implementation. I think there are other elements that do need to be revisited by, again, the broader GAC community. So, for example, things like the responsibilities or roles of vice chairs. I think it goes beyond just a matter of discussing whether we need to consider all regions being represented, which certainly had come up in Buenos Aires. But I think, in one of the documents sent to the working group, there was a sense of, at least my impression was, a series of assignments that we, the working group, are proposing for vice chairs to take on. I don't recall us having a discussion on that. And I think it's an important subject that merits some further discussion.

Another point that I think is missing to date in some of the documentation is the concept of creating working groups on specific issues to help the chair and the vice chairs advance work in the GAC. Quite candidly, I think while we are all welcoming the additional support, I'm very concerned that GAC expectations as to what the secretariat can produce for the GAC is -- looks alarming. I'm looking at Tom Dale's face. It's growing to be a very, very long list. And I do think we need to be really, really careful as to what our expectations are. So, again, very supportive of all of this work. I do suggest that we need some clarity as to what has been agreed by the working group and what has been agreed by the GAC, what is still pending in the working group to present to the full GAC. So I would express, along those lines -- I appreciate colleagues' sentiments and it's very helpful for us to know



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this to take back to capital. I have some hesitation as to whether ministers and senior level officials would be devoting time to internal GAC working method issues. I find that a little bit just puzzling. I don't know how you construct an agenda for senior officials along those lines. So I'm -- for one, am going to put down a note of caution that I'm not entirely sure we would be prepared at this moment to endorse that. I'm looking forward to our host colleague joining us. And perhaps, when we get into discussions on the high-level meeting agenda, we can focus on that. But I will confess to some hesitation there, because I'm not exactly sure what it is we are proposing that they would address. Thank you.

CHAIR DRYDEN: Yes. Did you want to respond on that point before I continue through the speaking order?

[Speaker off microphone.]

CHAIR DRYDEN: Okay.

Well, I see a request from Australia, the European Commission, and Mali and Iran.

So go ahead, please. Australia.

AUSTRALIA: Thank you, Chair.



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So I have -- I guess I have a proposal, a concrete proposal. I'm getting a sense from both this discussion and from e-mails which have been circulated on the GAC list that -- I don't know if it's regardless of whether the issue is discussed by the -- in the high-level meeting or otherwise, but that we should have some of this wrapped up and formalized by London. And I think that's a really useful goal.

So I don't -- I don't really want to address the question of whether that's through the senior officials or not. But I think that's a great goal. So let's aim for that.

And, if we're not going to get here today, then let's agree on the concrete step to get there.

So from what I -- what I'm proposing is that we circulate the things -- when we talked about Buenos Aires, I agree, it was a little bit open. But I think we all agreed that there was -- some things were pretty easy to implement; some things required coordination with the other parts of the community; and some things were pretty tricky. I think we can send around a package of things that we think we can all agree by London. And, potentially, that can be a little stretch list and people can say no. But let's send around a list concrete things, you know, with little tick boxes beside if need -- however, we can agree on it and circulate that to the GAC and say here's the package of things we think may be achievable by London. And let's just get some comments in and get it done. I think that would be really useful. To the extent, there's any confusion, that should remove it.

And, hopefully, you know, some of it will just be uncertainty or confusion. Like it may be that some of the things where we haven't yet



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resolved it, it may be relatively simple once we lay them out there separately for people to comment on. So this is my proposal.

CHAIR DRYDEN:

Okay, Australia. I think that's a good proposal. And you're right to remind us of having London as a goal for those things that are already clearly ready to implement and agreed. So that gives us the clarity that we need, I believe, on this. Okay. So I have European Commission, Mali and then Iran. And then I think we need to move to conclude for the day. And, of course, Spain, any time you wish to join in, please feel free as the lead on this topic.

So European Commission, please.

EUROPEAN COMMISSION:

Thank you. I think Peter helped me a lot to explain to Suzanne what I was thinking about. And you read my mind. Very much so. I think maybe I also -- I am transposing a little bit how we work within the European Union. Normally, what happens, of course, is that a working group puts forward something to a high-level group whether it is -- normally, in the European Union, it's the council of ministers which actually endorse something. It's just simply a tick off. It shouldn't be any discussions. But the endorsement on that level would at least, from our perspective, would have been appropriate. But I fully appreciate that. Peter read my mind on that. So it's fine. And I was also mentioned by my legal advice here that we are not accountable to the board. So I'll take back that. But what I wanted to say is, basically, we are -- we have to do a good job. And we have to be more professional



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in what we're doing. And I think, if I may say so, we're at least accountable to the functioning of the multistakeholder approach to Internet governance. So that, I think, is very important that we actually are strong and working well in this group. Thank you.

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Can I allow Gema to say one thing?

SPAIN:

Thank you, Madam Chair. I just wanted to mention and make reference to the wording of the Buenos Aires communique in which it says, as regards that working methods that a range of immediate measures have been identified and are being progressively implemented. Other matters will be progressed in coordination with related initiatives including the ATRT2 process. So it strikes me as weird that, if the United States government did want to continue discussing certain issues, it could have noted it in the Buenos Aires communique. Thank you.

CHAIR DRYDEN:

Thank you for that. I think it's a matter of getting the clarity that we need. And the Australian proposal will allow us to do that. And, frankly, Tom is saying yes. He's in a position to do precisely what is being asked. So let's address that point in that manner.

And next we have Mali, please.

MALI:

Merci, Madame President.





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Thank you, Madam Chair. I would like to thank the Spanish colleague for the quality of the work she has done. I have a small concern. In order to measure the effectiveness and the accountability of the GAC members, we should provide them with the documents in their working language. And this has not been taken into account. So, if you really want to properly assess the quality of our work, please beware that the documents have to be delivered in their languages.

CHAIR DRYDEN:

Thank you. And next we have Iran.

IRAN:

Thank you, Madam Chairman. Working for many years, Madam Chairman, "accountable" is an adjective. It means subject to the obligation to report. We are not subject to obligation to report to the ICANN. We are subject to advice but not to report. Accountable means also to explain. We don't explain to the ICANN. We advise the ICANN. Also means to be responsible and answerable. We are not responsible and answerable. We provide advice. Answer and support. For that reason, strongly, madam, I suggest that we delete the word "accountable."

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

New Zealand, please.

NEW ZEALAND:

Thank you, Heather. I just comment on the last intervention from the EC. Two points: One is that I recall in Buenos Aires that we agreed -- there was a wide measure of agreement but no formal sign-up to a number of points that have been put forward in the working methods documents. They were welcomed, I recall, by New Zealand. But there was also caution expressed that some areas were extremely contentious and would need considerable further thought. So there were two groups of things which we discussed. We didn't actually agree to any of them. I had hoped that by now we would have, in fact, signed up to a number of them. Some of them I recall required that we actually had a secretariat contracted to carry out some of the work. And, as we know, that hasn't yet happened. But there were some areas that were extremely contentious. And I very much doubt that those will be resolvable outside of a face-to-face meeting and certainly not intersessionally leading up to London.

I just want to make one other point: The GAC is not accountable to some higher power. In particular, the higher level meeting is a GAC meeting of higher level officials, not a higher level of the GAC. I think this should be clear and quite well understood. We are not accountable to that. We are simply accountable to our ministers and capitals. We're not, as a collective GAC, accountable to some higher level of GAC. Thank you.

CHAIR DRYDEN:

Okay. So I see no further requests. So, if I can turn back to Gema, please.

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SPAIN:

Thank you, Heather. It was good to hear everyone before responding, because that way I can respond on all of the remarks.

The comment by the U.S. government forces me to be a little bit on the defensive. But, sorry, I have to do it.

You referred to papers not being put forward. And I don't think that's true. Before the meeting of Buenos Aires, I wrapped up the different papers in a single document and distributed it. Australia also pointed out to separate work items and distribute separate work papers. That's exactly what I did. I divided the work into threads and started with -- I don't remember with what I started with, but I divided subjects and set a timeline to discuss each of them. And then I wrap up and write a recapitulation paper for Buenos Aires. So you have the papers.

And, second, regarding the secretariat task, in support of the chair of the vice chairs, well, I think that's the role of the secretariat in any organization to support the chair and the vice chairs and at-large the members of the group. That's why we need a secretariat support -- additional secretariat support.

And I think that there are a number of issues which are very easy. And I understood that the GAC took that on board in the Buenos Aires meeting. Although there were not formal agreement on each of the items, as New Zealand says. There was a presentation of all the work that has been done, all the proposals in each of the work threads. And, as no one expressed disagreement with the easy part of it, we took it as approved. And that is why the Buenos Aires communique not only



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expresses that there has been progress on some of the issues, which are not contentious, but charges the secretariat with drafting an implementing plan on those. So it could make sense to commission the secretariat to draft an implementation on the use of things if they weren't agreed on Buenos Aires. It's true there are -- there were some issues that were left aside because they turned out to be more contentious. One is the publicity of meetings. The second is decision-making process. The third is the role of the vice chairs. This part of the paper you can consider that it was not approved. So, although it's part of the recapitulation paper, it has to be taken out the same as with publicity and with decision-making process to be further discussed.

And, regarding high-level meetings, I don't expect my bosses to come there to discuss working methods. That's why I said that at the beginning. But I think, if we don't make progress, this can be an issue for them in the high-level meeting. And they may want to raise their voice with regards to the working methods not being sufficiently improved.

And regarding Mali comment on receiving papers on their working language, I made an effort to translate into Spanish all the documents that we will -- we were being -- we were distributing, so that at the least we have flavor of multilingualism in the GAC.

But I couldn't do so with French or Chinese or Russian or Portuguese. But I did my best. I cannot translate everything, because I cannot speak so many languages. But I take that point that we could try to make an effort in having working documents in more languages available.

Thank you.



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CHAIR DRYDEN:

Thank you, Spain. I see more requests. I think we do need to wrap up fairly soon.

To your last point, translation of documents is always available to us and has been for sometime. So ICANN will just produce that at our request. And they're quite rapid in turning around documents. So I think this touches upon a really important point as we begin to move issues appropriately into working groups. Things are going to need to slow down a bit because of the importance of engaging a broad recommendation from within the GAC. And either that is why the translation of documents or having interpretation available on teleconferences is so valuable to us; because we're right at that moment where we really, really need to be getting that engagement. So we're not able to move as quickly as in some cases we have been required to in the past couple of years. There have been real demands on this committee. And, in some cases, we've had to go a bit too fast. But I think we're now at a point where we have incoming support, where we can slow down a little bit. We can afford it, because we need to be engaging people fully. And the working group on working methods is no exception to this. So let's keep this in mind as we move forward.

And the results of a working group, well, they need to be the result of full engagement. Otherwise, they don't have the value that we are really seeking in carrying out our work.

So there are a couple of things that are clear to me that we can revise the terms of reference and circulate those, based on the inputs that we have today. There is a checklist that we are seeking now to have for



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London identifying what we can implement by London and then the longer term effort to look at other issues within the working group and identify what the linkages are to other areas of work so that there is clarity around that. And I'm very sensitive as well to some of the procedural points that have been brought up. Again, we've had to move quickly, too quickly in some cases, in order to meet the demands of some of the discussions and decisions taken elsewhere in the organization. But we need now to -- and we can be more careful about process. And it is absolutely clear to me that the result of a working group comes to the GAC. And this is the regular GAC. That it's the people in this room are the ones that take decisions about outputs from the GAC. And this is, I think, a very clear and straightforward procedural point for us. And I expect us to observe it.

So we are over time. And I think we can probably conclude at this point. We have an invitation from our lead on the working methods work to look at the publicity of documents and another document that you mentioned, I think. Yes? The consensus issue. That was it. Where you're looking for comments as well following the meeting, so also keep that in mind. Okay?

So with that, thank you, everyone. And thanks again to Spain for taking this on. I think it is going to be a very useful area of work to us. And we will see you tomorrow in the public forum meetings.

Thank you.

**[END OF TRANSCRIPTION]**

