
SINGAPORE – Board/GAC Recommendation Implementation Working Group
Sunday, March 23rd 2014 – 16:30 to 17:30
ICANN – Singapore, Singapore

>> Can we take our seats. We're going to be starting in a minute.

CHAIR DRYDEN: Good afternoon, everyone. Could you please take your seats, please.

EGYPT: So good afternoon, again, everyone. And thank you for being punctual. We're going to start our BGRI working group meeting. And for those who might not know what really BGRI stands for, it's the Board-GAC Recommendations Implementation Working Group, which was established to facilitate the implementation of GAC-related recommendations of ATRT1 review team. And has been recently at the recent board meeting, decided to continue to facilitate the GAC-related recommendations of ATRT2 recommendations.

So with this, I would pass the floor to Bill Graham, board member and co-chair of the BGRI working group.

BILL GRAHAM: Thank you very much, Manal. And thank you all for being here for this first meeting of our reconstituted working group. Someone must have an open -- it's this? There we go.

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So, as Manal said, this group was brought together after the first ATRT report to allow the board and the GAC to work together on the recommendations, which in that report largely referred to improvements in relations between the board and the GAC. And some very fundamental changes were made as a result of that.

Apparently, the review team version two liked that. Because in their text on pertaining to the GAC and some to the board, they, again, strongly recommended that the BGRI continue to work on those.

So, by meeting here today, we're actually accomplishing part of the recommendations, I guess, which is good news.

I've done a quick set of slides you see there. On it I've just put the draft charter, which was sent out earlier by email to you all. And then I've listed the items on the workplan that the ATRT2 has asked us to deal with on this slide and the next one.

The board just had a workshop session on the ATRT2 recommendations. And Steve Crocker, our chairman, has indicated that he wants to move very quickly in implementing the recommendation of the ATRT2. In fact, he's asked us to get them through the approval stage by the end of the June meeting in London, if at all possible. That's a fairly demanding schedule. But, as I looked through the recommendations that pertain to the GAC and the board, I think we should be able to accomplish that in most cases getting through the understanding stage and ready to implement. There are a couple that will have financial implications, I think. Two or three of them will. Those will have to be worked into the budget, so that will add another step. But I consider that to be largely implementation as well.



So I think we can proceed along.

Do you all have a copy of the draft charter in front of you or available to you if you want to review it so that we could discuss it? I'll take that as yes.

In drafting this, Manal and I communicated intersessionally and just recently, as a matter of fact. And we decided to try to keep this very, very simple.

It lays out the work that we need to do and how we would work in a quite straightforward way.

It starts as a preamble just saying, basically, what I've just said to you about why this group exists.

It outlines the objective of the BGRI, which is to facilitate the timely implementation of the recommendations of the second ATRT report that pertain to ICANN GAC through cooperation between the GAC and the board.

Then it goes through the areas of work, which is what you'll see on the slides.

And it says that the working group, one of our tasks will be to identify the kinds of support, for example, technical assistance, organizational assistance, or financial assistance that would be appropriate to facilitate implementation of these recommendations.

Finally, it talks about membership in meetings, which is quite unremarkable. The group was never disbanded, so we don't really need to re-form, our lawyers tell us. So that simplifies that.



But the GAC and the board can each select members of the BGRI from volunteers from within the GAC or the board. So group membership would be restricted to GAC members and board members.

The two groups are to appoint cochairs. Manal and I have sort of voluntarily continued as cochairs. That need not continue to be the state. But, certainly, I'm willing to continue. And the board is willing to have me continue on the board side.

And it says, finally, that this working group will work through face-to-face meetings at each one of our ICANN meetings and also through online collaboration. So I think that's fairly unremarkable.

Does anyone have any changes or additions that they would like to propose to the charter? Australia, please.

AUSTRALIA:

Thank you, Bill. And thanks to those who have put together this charter. I think it's a very good document.

My question is -- and there may be a simple answer to this. But, as I was looking through it, I was struck that recommendations 6.2 and 6.3 weren't included in the areas of work or at least not in the draft I saw. And, from the ATRT2 recommendations, they appear to be areas where it's suggested that the BGRI do take the lead. So I'm not sure if there's a simple answer. I was just wondering.

BILL GRAHAM:

Thank you for raising that, Peter. That's a very good point. As we went through the recommendations yesterday, I realized that I'd done that in



error. There are -- and you'll see on the slides as we move forward, recommendation 6.1, 6.2, 6.3, and 6.9 appeared to me at the time to be work that the GAC can do entirely on its own. I did not see a linkage particularly to the board in any of those. So I had left them out of the charter thinking that it would be up to the GAC to take a look at those issues themselves. I put them back in on the slides. And I'd like to leave open the question of the charter until the end of this meeting. Some of the -- if you wish to keep those in the charter for this working group, I don't believe the board side would object at all. So it's just a matter of practicality whether you wish to deal with those alone or whether you want to deal with them in this working group. Is that fair, Manal?

EGYPT: Yes, thank you, Bill.

Iran, please.

IRAN: Thank you very much for the meeting and for the arrangement. Before we decide whether you will take it out or not this first group, as they are there, they are there.

So we have to really address them, because we -- at least I am not very comfortable with some of them.

The first one says that GAC makes deliberations more transparent and better understood to the ICANN community. The deliberations would be discussions and the written part of the GAC. Which one is to be more transparent? Discussion could not be transparent because people



talk. Transparency means openness. I think the meeting is open, excepting one particular earlier for the time being. So, from the discussions, it is transparent.

From the text of the communique or any other things, what do you mean that we are not -- which area we are not transparent? Could some example given either publicly or to the people who are raising the question, because it is very important.

And then to be better understood by ICANN. Is there an area that we have provided an advice and the advice is not understood by the ICANN community? You perhaps imagine that. If you're talking of communique, communique is a document which we negotiate. Once we negotiate, there must be some sort of arrangement that makes everybody either equally happy or equally unhappy in order to join the consensus. So this does not mean that everything in the communique is 100% crystal clear. It is results of the negotiations and consensus. Any changes to any of the words may break that consensus. So which area we are not understood by ICANN community? If some example should be given to that, that would be very, very appreciable.

Then coming to number two: GAC adapt open meeting. We started having open meeting except one area that we're still working on that. And that is preparation of the draft of the communique. we still believe there are delicate and sensitive issues. Perhaps for the time being we decided to leave it as it is, but the remaining part is that.

Publishing rationale at the time of advice. Usually any advice has the rationale before because there is introduction of that or the preamble and background and, after the background saying that GAC, therefore,



advise that. So the rationale is there. Have you find any area where there is no rationale? And I don't think that we have failed -- I'm not speaking on behalf of the chair of the GAC and the management of the GAC. But, as far as I am attending three years, I have not seen any decision without any rationale.

Notification and requesting GAC advice, I don't understand what does it means. And then bylaw changes I also do not understand what do you mean by that. Thank you.

EGYPT:

Thank you, Iran, for the question. I think we're jumping into substance very quickly. But, again, I believe, for the sake of drafting an agenda, this has been put like in a title. But the recommendation itself, it's very elaborate. And it has 6.1A till H with further information that might guide us through what's really requested and what's meant by the recommendation. So I think, as we go into the -- every recommendation, the draft of every recommendation, we can then try to understand what's requested and try to come up with the deliverable that that's -- that would address this point. So I hope this addresses your question. Because the recommendations are there. I mean, we're not discussing the recommendation itself. We're trying to see how we are going to implement this recommendation. So I hope we can get through this -- through your contribution to the working group, hopefully. We have Netherlands next, and then Italy and then Spain.



NETHERLANDS:

Thank you, Manal. Just coming back to the three points which were, let's say, off the list and Bill Graham explained, I think we were -- I think Bill is right. I think these are recommendations which were made and to be taken up by you. But in a certain, let's say, moment, this is something for the GAC to be -- we have taken this on board about transparency, about openness, et cetera. I think it's really up to us to make -- to implement this and to have some -- we have working groups working on the working methods and also upcoming one. I think it's really up to us and not for the BGRI to have also the board members there to be part of implementing this. I think we should give a good feedback about how we took this up as a GAC. I think I -- that's the reason that I agree with Bill about this. Thank you.

EGYPT:

Okay. Thank you. We have Italy next.

ITALY:

Okay, thank you, Chair. About transparency quite quickly.

First of all, we have to -- if we read the report, before the list of recommendations, the review panel listened to a lot of people from external world also. And then they had a number of comments concerning transparency of the GAC and relation of the GAC with the board.

So this is a recommendation that is coming from external opinions. And let's say.

But then I think we may solve this in a systematic way by doing quite simple things. One thing is what I always suggested, that, when the GAC deliver a communique, since the GAC is working for consensus, in many occasions, the language of the communique is rather vague, let's say. And then the real problem is how to implement this communique and then these vague sentences.

So I recommended in previous meetings that the board quite soon, instead of leaving the staff to elaborate and so on, make an interpretation of the GAC communique and giving the problems connected to the implementation of the sentences. This is something that has to be made quite soon after the communication of the communique.

Then second point, concerning the public meetings, yesterday I had the occasion to suggest that the GAC public agenda is public agenda and is all open. But there are a few occasions when the GAC needs something that is internal matters that are not communicated to the full community. And one internal matter is discussing about the working methods of the GAC because it is something that has to be done in order to improve the behavior and the results. And then the discussion about the communique is better. That is something that, after all the meetings has done, as an internal matter so that any other meeting of the GAC is public and open.

EGYPT:

So thank you, Italy.

We have Spain next.



SPAIN:

Thank you, Manal. Thank you for the opportunity for sharing with the BGRI working group some of my thoughts regarding the proposed charter.

I tend to agree with Bill Graham in that the points that has been identified in the GAC charter are the ones where the BGRI working group helped with were most welcome in the GAC in trying to tackle all the ATRT2 recommendations.

The other ones, as my colleague from Netherlands has pointed out and Italy, too, pertain more to GAC internal matters. And I think the GAC that should be left to decide how it wants to implement it. The small problem with it is that the current text of the ATRT2 recommendations recommend in all the points that the board should work with the GAC through the BGRI to implement the recommendations.

I don't know if it's -- that supposes any problem in restricting their scope of the collaboration between BGRI and the GAC. And, if that's -- creates any problem, I could request the board members here to amend lightly the text of the recommendations or easier to go back to the previous version, previous earlier from, the final version which is 31st of December, where the GAC recommendation read as "the board should request that GAC" do this or that. That would be more adequate, I think. So thank you.

EGYPT:

Thank you, Spain. And I just have a small follow-up. And then we can open again for questions.



I was not part of ATRT2 review team, so I cannot speak on their behalf. But, out of my experience with ATRT1, there was great sensitivity on how to write the language that relates specifically to GAC recommendations. And we went through "the board should request the GAC." And then we felt that this might be too sensitive for the GAC that "the board requests the GAC." And it was "the GAC should do." And then we said this might be again too sensitive that ATRT the review team requests the GAC. And then the compromise that we came up with at that time was that finding a joint, which was then the joint GAC-board working group, which was the JWG by then. And it was, I think, cochaired by Heather and Ray. So -- and I think they were trying, again, to follow the same sentiments. And I stand to be corrected, of course, because, again, as I said, I was not part of ATRT2. So Bill --

BILL GRAHAM:

Thank you, Manal.

I think that is very likely what happened. I was also not on the review team. But it occurs to me that one way we can deal with this without spending very much time drafting would simply to be as the implementation is done on these recommendations by the GAC, though you could tell us about that at a BGRI meeting. And then BGRI could report that progress as the BGRI. And that would be one way of solving the problem without crossing any lines, I think.

EGYPT:

So I think that the thing is that we get the recommendations to our best implemented. We can do this. I believe there would be flexibility



whether we do this through the GAC only, through the BGRI. Again, if it is implemented and -- I mean, again, reported back as done, then it's -- whether the GAC do it alone as an internal matter or through the BGRI working group, I don't think it's going to be a big deal. So Spain, please.

SPAIN:

I'm happy to hear that it's not going to be a problem. I think the solution proposed by Bill Graham is a compromise solution that's feasible for the GAC point of view, I think. And, regarding the sensitivity of language, on the contrary -- and I am speaking personally -- I think mandating the BGRI to work with the GAC to implement recommendations that affect or pertain to the GAC is more intrusive. I feel a scoresheet in implementing the recommendations. But I guess that's a sensitivity. Language sometimes can be a little bit misleading. We don't all have the same sensitivity.

EGYPT:

Okay. Thank you.

We have Iran next.

IRAN:

Thank you, Madam Chairman. I hope that I was properly understood. We are representing government. That should be understood as such. The text and the tone of the language should correspond how you react and treat the representative of governments. There are tons of ways that particular issue could be raised -- in a comfortable manner, in a



direct commanding manner, in a critical manner, in a criticism way, and so on and so forth.

So we have to be conscious of that, and colleagues need to consider that.

The accountability and review teams task and works was not to criticize the government. Thank you.

EGYPT:

So thank you. And maybe we can come up with some concrete language to guide the third ATRT review team. So -- because I was part of ATRT1. And I'm part of the GAC. And we struggled with the language. So I do take the points, but maybe we should be proactive and suggest some concrete language for the next review. So Singapore, please?

SINGAPORE:

Thank you, Chair. We just want to comment on the recommendation 6.1-6.3. We have studied the ATRT2 recommendation. The language is rather flexible. And I think, in view of the tight time frame we are working on, we will support that these three recommendations may be best addressed by GAC internally. And, you know, there's no need to do -- to take up the working group's a lot of time. And we will certainly now support these three recommendations. GAC can address internally and see how we can improve the transparency, the working methods, and openness of meetings. So thank you, Chair.

EGYPT: Thank you, Singapore. Norway next.

NORWAY: Yes, thank you. Just a short comment. To my colleague from Iran, I just have to say that I remember that -- I think I was one of the countries who said specifically to the ATRT2 review team to be quite direct and blunt when we asked how we can work better in the GAC towards the community, just so that's said. So I don't find it problematic that we get concrete advice. It's how we handle them afterwards, which is maybe an internal matter, but we asked for clear advice.

EGYPT: Thank you, Norway.

Switzerland, please.

SWITZERLAND: Thank you.

I think the idea is to improve the GAC where it's possible and necessary. Through what channel exactly we do this is the not the main concern or the main issue. And I think like we normally try not to tell ICANN how to do things but, rather, remain on the idea and principle level. It's -- We don't have a problem when concrete ideas are proposed to us, but I think we should take it as a given that we are flexible as the GAC to decide ourselves how we best implement these. But I don't think we should make a big story about. This we should just try and do our work, and there are some things where probably only the GAC itself knows how it works and will do things internally. There might be other things



where the BGRI or another structure is maybe useful because there's experience from outside that feeds into the work.

So I think we can just assume that we have flexibility in addressing these issues in a way that we best see fit to get positive results.

Thank you.

EGYPT:

Thank you, Switzerland.

So do we have any further reactions to this?

Yes, Canada, please.

CANADA:

Thank you. I just wanted to express our support for renewing the mandate of the BGRI to facilitate the timely implementation of the ATRT2 team's recommendations pertaining to the GAC. And also wanted to note that we support the refreshed BGRI charter and the scope of work identified within it for the continued collaboration of the GAC and the Board.

Thank you.

EGYPT:

Thank you, Canada.

So any further requests for the floor?



So I think that the point is taken that some of the recommendations are GAC internal matters and that some of them, the GAC may want to work on them as internal matters. And we would appreciate the Board flexibility in how we go with implementing the recommendations, whether through the BGRI Working Group or as a GAC internal matter. I think this point was clear. And I hope it's okay.

BILL GRAHAM:

Thank you, Manal. And thank you to all those who spoke on this matter.

Of course from the Board side, we recognize that implementing some of these recommendations may require resources from ICANN, and we stand ready to consider requests for resources of that sort. It would be logical to bring those through the BGRI on the way to the Finance Committee and to the Board. So we could certainly play a helpful role in any of the recommendations where that is the case.

And we, of course, will follow with interest GAC's work to implement these important recommendations.

I just say as I look at them, I noted that the GAC's continuing program of self-improvement has led you to a point that it appears to me some of these have almost been implemented already. I wouldn't want to be the final judge of that, but I was just pleased to see a good alignment between many of the recommendations and work that I know is ongoing in the GAC itself.

EGYPT:

So thank you, Bill. And as you mentioned, I mean, the GAC continues to work, and we don't just wait from one review to the other. So some of those things, as Bill rightly mentioned, might have already been achieved.

So I think we have two exercises to do in that respect. We have to go through the recommendations and see which we preview as GAC internal matters and which are not, and then maybe get a step further into what exactly the recommendation mean. As Iran rightly mentioned, we have to interpret the language and see what this really implies.

So I think if we don't have any further requests for the floor, we can conclude.

BILL GRAHAM:

Well, I think we should devote a few minutes to discussing how we should get started on doing some of the -- doing the recommendations that are in the charter for the two of us. I'm just noticing that we have work to do on notification and requesting GAC advice.

The issue of bylaw changes continues from the work we were doing on the ATRT1. You had identified some bylaw changes you were going to recommend to the Board. And you asked us not to actually make those changes immediately but, rather, wait for a larger package of bylaw changes, which we were happy to honor. So that one remains there.

Next slide, please.



Then recommendation 6.7 requests the highest level of support for further senior officials' meetings. I believe one of these is being considered, if not actually is already scheduled, for the next meeting in London. So presumably there are discussions ongoing now about the support you would want to see from the Board. That is something that will become relatively urgent, I would imagine, if you're going to have a meeting in London.

And then the final -- no, not the final. The final in number 6 that we would work on jointly is an interesting one, and I think will take some work. It is the one where it was recommended that there be deeper engagement between the government and the ICANN staff in their work to expand staff -- expand engagement with governments, and that those activities are coordinated and mutually reinforcing.

So given that we'll want -- there will be a fair bit of implementation on that, I think we'd do well probably intersessionally to consider an active exchange of notes on what needs to be done there.

And then the final one, recommendation 10.2, of course is very closely related to the meeting that preceded this one, which is earlier GAC engagement in the ICANN policy development process. So I know you are working closely with the GNSO on that now. I heard from both the GNSO and GAC chair that they felt the meeting today was quite satisfactory. So I'm encouraged by that. But I do think the majority of the recommendations in number 6, we really should start an exchange of notes on those and see what we can get accomplished by the London meeting, if that suits.



EGYPT:

So thank you, Bill. And, yes, regarding recommendation 10.2, we had a very constructive meeting and we made good progress intersessionally. And we also have an informal gathering for the consultation group for the GAC/GNSO consultation group this evening, 6:00 to 7:30. And of course GAC members -- I'm sorry. I mean board members of the BGRI Working Group are most welcome if they would like to join. 6:00 to 7:30 today at Butterworth room. It's an informal gathering. And we have discussed the charter, and we're also past the charter phase and we are working on two tracks, and we can report this later.

Regarding 6.9, I think we had a discussion this morning, and there are already a working group under establishment. I think Lebanon will be leading on this, and I stand to be corrected by the chair or....

So I think this is going to have a dedicated sort of working group, more like the GAC/GNSO consultation group, if I may.

So this is just to report on things that has some action. Otherwise, yeah, we have to find a way forward.

Thank you.

Any further? Iran, please, and then U.S.

IRAN:

Thank you, Madam. In our view, recommendation 10.2 is a very important recommendation. I am not suggesting to attach any priority, as such, but it should have one of the highest priority because that is very, very important that engagement of GAC with the ICANN policy.



What I wish to request you, or other colleagues, that whether such engagement of GAC with the ICANN policy is limited to the GAC and GNSO or it has wider scope?

Thank you.

EGYPT: So U.S., please.

UNITED STATES OF AMERICA: Thank you very much, Manal. And thank you, Bill, and all of our colleagues on the Board who have elected to continue to do the work with us on the BGRI. I'm very, very grateful. And I do think it's extremely helpful, especially when we look at some of these key points. I think there's no question that working as partners will help advance the work a little bit faster.

I'm going to go out on a little bit of a ledge on this one, so my chair can certainly tell me that I'm overstepping my bounds but I was quite taken with Bill Graham's explicit recognition that you are here to help facilitate additional support, if need be. And it is March. The June high-level meeting is not too far off. And it does strike me, while thanks to the strong efforts of our chair, that we do currently have a certain amount of travel funding support for developing countries' members, we may need to increase that support for purposes of a high-level meeting. Because typically, you might want to double it or at least, you know, expand the pool to ensure that we can bring very senior people as well as the regular GAC representatives so that they can be, you know, staff.



I just want to flag that. And again, I don't know that I am overstepping bounds, but I thought I would take you up on your invitation to put that on your agenda to consider just simply increasing that number.

Thank you.

EGYPT: Heather, and then, I'm sorry, I have overlooked responding to Iran's question. So I will do that afterwards.

Heather, please.

CHAIR DRYDEN: Thank you. So, actually, I am grateful to the United States for raising this. I don't think we have a representative from our U.K. host here who may well have raised this themselves but I think we can take you up on your offer to relay requests related to support to the Finance Committee via your participation and joint effort with us in this working group to make that request.

I would be very concerned if we were unable to bring our regular representatives to that meeting, in addition to encouraging, you know, senior level participants that are not regularly attending our meetings and so I think that's a very good suggestion from the United States, and I would fully support that request being put forward.

BILL GRAHAM: Thank you, Heather, for that. And thank you, United States.



May I just suggest it might be useful to provide some advice to that effect in the communicate as a way of conveying this request?

Thanks.

EGYPT:

So thank you. And before proceeding further, I would like -- I'm very sorry, Iran, I overlooked your question. And you were asking whether the GAC early engagement is concerned only with the GNSO or other SOs and ACs as well.

So I believe it's most welcome for the GAC to early engage with all. I think there was a specific concrete issue in early engagement with the GNSO. Things were going smoothly with the ccNSO. That's why maybe there is no concrete recommendation for, for example, ccNSO. But again, I believe these are all issues that are also being tackled through our internal Working Methods Working Group, how we are dealing with things.

But, I mean, regarding the ATRT recommendation, it's the GNSO PDP. GAC early engagement in GNSO PDP.

Thank you.

Chris, please.

CHRIS DISSPAIN:

Thank you, Manal.

Yes, it is very specific about being the GNSO. And I think, in part, there is already a well-established mechanism that the CCs and the G's -- and

the GAC use to run sort of working groups together. That's been running for some considerable time in various different guises, and we're actually pretty good at it.

It is with the GNSO that the problems had arisen, and I suspect that that is why the ATRT have focused on that specifically, because there probably isn't a need to create mechanisms in respect to the CCs, given our history. So that's my take on it.

Thanks.

EGYPT:

Thank you, Chris.

Ray, please.

RAY PLZAK:

I would like to take the opportunity to speak to what happens with regards to the ASO.

The bulk of the work that's done on the ASO is done on a regional level through the regional registries. And in each of those regional registries, there is a regional participation by various -- the governments that are in that region.

And so the GAC itself is only engaged for early engagement when a global policy is being brought forward up to the Board. And the track record of that from previous times is that it's been very early on and it's been a lot of detailed work and briefings that have gone into place. The

last time it was really necessary revolved around the IPv6 policy for the IANA.

So the track record inside the other SOs is pretty well established. And so I would invite you to take a look at what happens inside the RIPE NCC region because that's where your ISPs would be participating, would be in the RIPE meetings.

And so it's well worth your while to do so.

EGYPT:

So any further reactions?

So I have to note that we already have a mailing list, the BGRI mailing list, where we have the board members of the working group and we also used to have the full GAC membership on this list. So if you don't receive the BGRI Working Group emails, please contact the secretariat to be added because we have new GAC members every day. I'm not sure if the mailing list is very up-to-date.

Heather, please.

CHAIR DRYDEN:

Thank you. I can sense you're wanting to bring things to a conclusion, so my question really is to you and to Bill. Do you have what you need from the GAC in order to renew the charter for the BGRI?

Yes. Okay. Nodding. Good. Okay. Thank you.



EGYPT: If no further reactions, then we can conclude.

I thank again the BGRI Working Group board members for joining us at this meeting, and I look forward to proceeding efficiently in implementing the recommendations. And I think we'll be circulating something soon on the BGRI Working Group mailing list.

BILL GRAHAM: Great. Thank you very much, Manal. And thank you all for your very useful comments, and I look forward to working with you all. I'm sure I speak for other members of the BGRI in that respect as well.

It was great pleasure working on this group the last time, and I hope we can get these recommendations all accomplished in a very timely manner.

Thank you for the opportunity.

EGYPT: So thank you. And we are back on time again.

CHAIR DRYDEN: Thank you.

All right. So we have one last session today for the GAC. So we just take a couple of minutes for people to adjust their seating, and then we can proceed with our final session today.

[END OF TRANSCRIPTION]

