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SINGAPORE - Joint Meeting of the ICANN Board and the GAC  
Wednesday, February 11, 2015 – 08:30 to 09:30  
ICANN – Singapore, Singapore

CHAIR SCHNEIDER: Good morning, everybody. Welcome to the GAC's room. Please take your seats. We're about to start.

Good morning. As I said, welcome to the session, the joint session of the GAC and the Board.

As you may know I will be formally the chair of the GAC from this meeting. This is the first time I'm doing this in the function of the Chair, so I hope that we'll get it right from our side.

Welcome, everybody. I may just give the floor to Steve to welcome you as well.

STEVE CROCKER: Thank you, Thomas. And you haven't screwed up yet, so you're doing fine.

On behalf of the Board, we're happy to be here. We look forward to these meetings, as usual.

We have a good -- I haven't taken a head count but I think most of the Board, if not all of it, is here. A few of us are up here where you can see us, and the rest are scattered mostly in the front row and some amidst you, and we're here to take up whatever issues you have in mind and to have, as we say, frank and direct conversation.

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So let's jump right into it.

CHAIR SCHNEIDER:

Thank you, Steve.

We have discussed yesterday evening what the GAC members would wish to talk to you or to ask you or to convey to you. We have come up with a list. It may look a little bit long. Not everything will be as controversial, as intense. Some might just be a question or an information item.

On that list that you've received, I suggest that we take the IANA stewardship transition together with ICANN accountability. As they say it now, they're quite separated because we realized, at least in the GAC, that they are, indeed, very interlinked and that work is aligned, and we should also discuss this aligned.

So I would like to give the floor to GAC members who wish to express their views or make comments or ask questions about IANA stewardship transition and ICANN accountability.

I see Brazil.

BRAZIL:

Thank you, Thomas. Good morning.

At the outset, let me take this opportunity to praise ICANN for the cross-community efforts currently being undertaken in the field of the IANA stewardship transition and ICANN's accountability.



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I'm compelled, however, to reiterate some concerns that the government of Brazil has already expressed in the context of the CWG and the CCWG. And today, let me focus on just one of these concerns that regards the issue of ICANN's jurisdiction.

In our view, the issue of jurisdiction hasn't deserved appropriate attention so far, even though we believe it should be a key aspect in the ICANN accountability exercise.

As Ira Magaziner pointed out in the opening ceremony of ICANN 52, and I quote, one of the things we set up in ICANN was that it would be self-financing, because that way it will avoid capture by governments or by commercial interests. And in our view, despite recognized efforts of spreading its operations across the globe, and the hub here in Singapore is an example of that, ICANN still remains both U.S. and business centric, which in our view, a view of a developing country, it's not constructive to the perception of an organization that should be seen as truly global and serving the public global interest.

And having said that, we suggest more specifically that when the CWG and the CCWG seek for legal advice for their work, they should explore modalities that would allow ICANN's operations and accountability measures to be as independent as possible from one single country's jurisdiction or judicial institutions, because we fear that it might defeat the purpose of new -- for which new and more robust accountability measures are to be implemented if they not strengthen a stakeholder's perceptions and mainly government's perceptions that ICANN is evolving towards a truly global organization.



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And we are fully aware that we are sailing uncharted waters here and innovative multistakeholder approaches will certainly be necessary. And for dealing with such a complex issue of jurisdictions, perhaps we should be as creative as those who invented the Internet were. We are fully aware of that. But we truly believe that we have no option since properly handling the issue of ICANN jurisdiction will strengthen not only ICANN but also the multistakeholder model in which Internet governance has developed -- has successfully developed so far.

Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil.

Other comments on the IANA stewardship transition and accountability?

China, thank you.

CHINA:

Thank you, Thomas. And as complementary to -- complemented questions as raised by Brazilian representative, and we also have a question with regard to the accountability of ICANN. And we would like to know that the overall picture or the implementation of ATRT2 and also we would like to have the information about when the ATRT3 is going to start and what's the ICANN Board's view on the work of ATRT3 and what they think ATRT3 -- which areas that ATRT3 could focus on in order to improve the accountability of ICANN.



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And we'd also like to know that -- because we understand that there's a long-term accountability work check going on, so how can the ATRT3 and this long check to be coordinated?

Thank you.

CHAIR SCHNEIDER:

Thank you, China. May we take one more comment and then get to the Board?

Yes, Argentina.

ARGENTINA:

Good morning, everyone, and thank you very much to the Board for coming to our meeting.

The concern of Argentina -- sorry. It's the air conditioning. We share the concerns expressed by Brazil, but as well, we are a little bit afraid that other process of accountability revision and all the rest is done mainly focused in the ICANN community, which is multistakeholder and it has people from all over the world.

But if you look at the numbers of the participation of Latin Americans, it's very low, and especially also focused in -- focusing the attention on developing countries. There are countries that don't participate in the GAC. Some countries do participate but are not so active and cannot come to all the ICANN meetings. And also other parts of the community are not so much involved. .



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So at the moment we think this consultation should be broader to the whole community of the world so they can also express their concerns and their ideas.

Thank you very much.

CHAIR SCHNEIDER:

Thank you, Olga. I may give over to the Board to make some reaction or answer the questions that have been raised.

STEVE CROCKER:

So there's multiple things that have been raised here. Let me start with one of the more specific things. The question was about ATRT3. I don't think we've had any detailed discussion about when to start that off. We're in -- very helpful involved and focused on the implementation of the recommendations that have come out of the ATRT2 process. Various reports have been issued about the state of progress. And as I said in my opening remarks, the Board is also conducting an internal examination of exactly how far the progress is so that we can assure ourselves and on behalf of the community make sure that that effort is moving along and that we're asking the very forceful tough questions to make sure that there's no corners being cut and that the representations about progress are -- stand up to scrutiny.

Typically in our review process cycle, there's a mandated set of period of time, and we will kick off the next ATRT3 at the right time. But I think it's slightly premature, because we would need the results of the ATRT2 implementation and evaluation of that before we jump into the next phase of that.



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Chris -- Bruce, you want to speak to that?

BRUCE TONKIN:

Yeah, thanks, Steve.

The ATRT2 work had a number of recommendations. One of the key areas of recommendations was to review our current three accountability mechanisms, being the ombudsman, the reconsideration process, and the Independent Review Panel.

Now all three of those are in the mix for what the Cross-Community Working Group is doing on accountability.

The Cross-Community Working Group on accountability, though, has also divided its work into two main streams. One stream, I guess you could describe it as looking at new accountability mechanisms that would be put in place before the IANA transition, and the other is doing work on improving the existing accountability mechanism.

So I think the challenge with kicking off ATRT3 is -- it's the same people that would be doing that work, probably. You're still reviewing and implementing the outcome of ATRT2. We're looking at brand-new accountability mechanisms as part of that Cross-Community Working Group. And then you would expect ATRT3 to then come in and review the effectiveness of those changes that get made.

STEVE CROCKER:

Thank you. The other comments relate to jurisdiction and participation issues.



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On the participation, we try very hard to be as open as possible. So I'm - I have to say I'm going to push back a little bit and say so what form of consultation with the broader community would make sense beyond what we do here? Because this forum here, and all of the ways that we operate, are entirely open and inviting to everybody. And this isn't the first comment about trying to open up the process to the world at large.

I don't know how much -- how to open up any further. I mean, we are -- the doors are wide open. There's no admission charge. There's no admission criteria. If we're not reaching everybody, it's not for lack of trying, for sure.

On the jurisdiction question, we have to be somewhere. We've actually looked over the years at various issues of jurisdiction and venue. I don't want to sound very defensive about the United States, but in addition to the other attributes that the U.S. has in terms of its economy and technology and so forth, it has actually a pretty good reputation on rule of law. So it's not a bad place, and maybe it's even arguably one of the best places for that. But I would -- I would actually want to move the discussion to a slightly different point.

I would hope that there are essentially no circumstances under which the fact that we are U.S. or California based has any real relevance. The decisions, the discussions, the processes that we have should be reasonable and viewed as reasonable from anybody's perspective. They should be natural, inclusive, and the very detailed kinds of differences between one venue and another which make excellent fun raiding in novels about how lawyers operate I think should probably not be the dominant aspect of how we operate. A decision made in one part of the





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world and a decision made in another part of the world, if they are based on the same set of principles, should come out essentially the same and not hinge on some very fine point.

So -- And that is what gives the real legitimacy and credibility to our processes. I'm speaking primarily from a personal point of view. I'm not speaking in an official capacity that we've circulated and agreed upon the words that I've just said, but I think that gets at the spirit of what we're about.

So we happen to have been formed in California, and it's worked out pretty well, but I think that is not the -- it becomes a lightning rod where we can argue about it, but I don't think it's actually an essential element one way or the other.

CHAIR SCHNEIDER:

Thank you. Chris would like to say something as well.

CHRIS DISSPAIN:

Thank you, Thomas. I just wanted to be respond briefly to the questions and the comments from Brazil about jurisdiction. Simply to say this. This is a multistakeholder process, and you're part of the multistakeholder model. And whilst I'm very happy to have a conversation with you as the Board and the GAC as to what you would like to see, can I recommend that you put those comments and participate in both or whichever of those groups you think are appropriate for those comments. Because if the CWG, which is the transition group, comes up with a model that involves, for example, the creation of a new entity or something, then the question of jurisdiction



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will come into those discussions. And I think it's critically important that were that to be the case, those discussions are not taking place without the input of governments.

You have a representative, at least one -- I can't remember how many -- on the ICG and I think on the CCWG. So again, those representatives are there not just to speak of their own mind but also to deliver messages on behalf of this advisory committee. And of course it's open and anyone can send emails and so on. So please, by all means talk to us but also talk to the groups themselves.

And just on Olga's point on widening the debate, I have -- I agree with Steve that it's complicated -- it's not necessarily clear how to do that. But I think it's worth reminding everything that the CCs particularly handle this particular issue, because whilst the majority much CCs belong to the ccNSO, certainly in respect to the number of names under management, there is a not insignificant minority that doesn't belong to the ccNSO, and we've put in place steps to try and get to them. But I want to stress there's only so much we can do. There's only so many steps that you can take to enroll people who are not enrolled.

So thank you very much, and I'll leave it there.

CHAIR SCHNEIDER:

Thank you, Chris. Before asking for further comments, I would like to make one comment on the accessibility. It is true that actually ICANN has set up the whole process in a absolutely remarkable open way in terms of there are no formal barriers for anyone in the world to participate. This is really amazing and quite unique.



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The problem is that in addition to formal barriers, there are soft barriers, depending on the resources that you may have to devote time to this, depending on your capability to understand the language, depending on digesting acronyms that are really not the most telling and accessible, so on and so forth.

So there may be soft factors that prevent people from participating that is not intended but that should be taken serious in order to get more participation from those who have more difficulties in following this process.

Thank you.

Any other -- Yes? Fadi, thank you.

FADI CHEHADE:

Thank you, Thomas. Just to emphasize that we have been reaching out to governments all over the world to engage them in the process. We have held big briefings for ambassadors in Geneva, in New York. We have done a lot already to go around the world and to engage people into the process. But I take the point from Olga -- from Argentina clearly, and we will double down on these efforts in the months ahead as much as we can.

It is important to say we're open and everyone can welcome. It is equally important to reach out and make it easier for people to appreciate what is on the table and to bring them in. And we're committed to that.



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STEVE CROCKER:

Let me add briefly, Fadi covered a large part of the outreach, but another element that I think is very important, this speaks directly to your point, Thomas, about soft barriers, is the creation of the ICANN Academy, which is intended to provide quite forceful -- forceful may be a funny word, but quite direct way of bringing people into the processes, introduction of the vocabulary and the culture, and so forth.

So we actually, very sensitive about this in a positive way, try to be helpful and try not to be closed not only in a formal way but even an informal way. And in addition, open to new ideas how to do even better about that.

That said, it's a big, complicated world and we're just a piece of it. We can't be 100% everywhere all the time.

CHAIR SCHNEIDER:

Thank you, Steve.

I see the U.K., and CTU, please.

UNITED KINGDOM:

Yes, thank you, Thomas, and thank you members of the Board for coming here, and Fadi as well. And I just wanted to pick up Fadi's point there about the importance for the model as well as these specific processes of global outreach. And I do commend ICANN's efforts in that regard. We do see the reports in the GAC on events that have been attended and opportunities to speak to stakeholders and so on. I think it's important also, as a kind of complementary mechanism for that, to measure how that outreach is actually producing greater involvement in



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ICANN's processes and consultations. That's what I do not see. And I think most of the us on the GAC are still very concerned that it's not producing the kind of dynamics for ICANN that need to be there in terms of real meaningful, substantial engagement with stakeholder communities in developing countries, small island developing states, and the regions where ICANN's visibility, until recently, has been very low, if at all there.

So I just make that point that we should look to ensure that the outreach is producing measurable results and that we can measure that performance, if you like, in terms of results and enhancement of ICANN's processes, including these two tracks, these critical tracks that will determine the future of this model, IANA stewardship transition and enhancing accountability.

Thanks.

CHAIR SCHNEIDER: Thank you. Fadi, would you like to answer this?

FADI CHEHADE: Yes, thank you for the comments. I would just ask us to look at the facts. We have over 500 individuals from over 40 countries involved directly in putting these proposals together in under six months. It's quite remarkable, actually.

We do have outreach all over the world right now on this issue. And, frankly, what ICANN has been able to do to bring people into the process and to explain it with graphics and translation in seven



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languages and outreach to people around the world, it's quite significant.

So I don't want us here February starting to say there is not enough involvement. There is actually quite remarkable involvement. Now, is it ever enough? No. I agree with you, we need to do more. And in that regard, frankly I look to you. What are we all doing to bring our circles of trust into the process? And I encourage us all to be engaged to involve our governments, to involve friendly governments, to go to regional governmental organizations. Work with us. Help us. And you know if you reached out to us and said please come help us in this forum or that forum, we'll be there.

So please, let us all finish what we started with the fullest engagement from ICANN and from every one of us to make this a success. We've all started had journey together and we will finish it together and make sure as many people as possible are along the journey with us.

But I ask for your help as well in making sure that we reach to everyone.

And if you meet with a government or with someone who says we are not aware of the process, we don't know what's going on, drop us a line. You'll either find me or Tarek or one of our many people on the next flight heading there to do everything we can.

Thank you.

CHAIR SCHNEIDER:

Thank you, Fadi. I have CTU and Argentina, and then I think we should move on to the next item.



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Thank you.

CTU: Thank you, Chairman. Nigel Cassimire from the Caribbean Telecommunications Union.

There's certainly been in the transition, the stewardship transition, discussion a lot of focus, understandably so, on the ICANN functions.

What is less clear, certainly to me, has been the actual functions of stewardship that the U.S. government undertook. You know, what are the actual functions that constitute this stewardship? Is it just technical functions or was it beyond technical functions into other things?

And I don't know if the Board, members of the Board, might be able to comment on that such that one can ensure that the -- these functions of the U.S. government was actually performing appropriately (indiscernible) for in the transition proposals.

Thank you.

CHAIR SCHNEIDER: Thank you. Actually, I was mixing up Argentina with Peru. Argentina is sitting next to me, so please, Milagros. Go ahead.

PERU: I would like to speak in Spanish, please.

Peru speaking. I would like to make a comment regarding Brazil's comment, especially regarding the jurisdiction issues. I agree with

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Brazil, and I do understand the reflections, the considerations made by the board members regarding this topic.

However, I would like to know what the board members think regarding the possibility of further democratization of the legal framework within ICANN, of ICANN's legal framework but incorporating notions, principles, or references that are more concretely related to international law.

Thank you.

STEVE CROCKER: I'll ask Fadi to speak to this.

FADI CHEHADE: My colleague, Gonzalo, board member, will follow me.

First of all, international law is enshrined currently in our bylaws. Our bylaws refer to us doing our work in the context of international law.

I do think your suggestion, Peru, is good. But as my colleague Chris said, I think that should come out from the work of the working groups. So I encourage you to please, with Brazil, participate in these working groups and add your voices there. I think the Board is -- is very respectful of what the community will come back to us with. And we want to make sure that all practical steps are done to ensure that ICANN is comfortably and legitimately serving the world through the laws that apply everywhere.





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So we have no issue with this, and we just encourage you to work through the system to bring these things to our attention.

I also would like to note that from a practical standpoint, as the CEO, I have done everything I can to make sure that the way we are engaging with the global community is more distributed than centralized in the U.S. So you've heard my chairman mention earlier this week that we are actively working so that our hubs around the world are able to contract with -- with the parties that we work with in these jurisdictions. We're starting to be able to actually have payment sent into different jurisdictions so people can pay. So from a practical standpoint, we're also loosening that we only take you as dollars in Los Angeles. So there's quite a bit of that already happening on a global level, so we give the parties that work with ICANN the ability to work with us and function with us in other parts of the world. I'll leave it at that and ask my colleague Gonzalo, who is from Latin America, to give some comments on this issue.

Please.

GONZALO NAVARRO:

Thank you, Fadi. And thank you very much to the GAC for receiving us today.

Since the question was raised in Spanish, I think that it's fair that I can provide an answer in Spanish. I will try to do it.

Thank you, Peru for your question and for your comment.



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I believe that Peru's comment is, indeed, relevant because it clearly distinguishes between two things. On the one hand, the jurisdiction where the process, where the IANA transition process is currently based, and, on the other hand, the legislation that is technically applicable to this process, because it is U.S. legislation. So these are -- This is legislation enshrined within the jurisdiction of California. Indeed, everything is enshrined in the jurisdiction of California right now.

Now, we have to take into account the future application of international law and international principles. In that regard, Fadi's comment is, indeed, relevant. This is a developing process, and the input from all the members of the community, including the GAC and the GAC member countries, are, indeed, very important.

Surely the principles of international law will become or will have an increasingly important role within our community. We have examples of similar processes that started with internal consultation processes within the ICANN community and ended up being internationally applicable principles.

Let's take the UDRP, for example. Initially it was mainly based on local jurisdiction principles, and at present, this is an international standard, internationally applicable, in order to solve or resolve disputes regarding intellectual property intellectual property or trademarks in the realm of domain names.

So I believe that Peru's comment and Brazil's comment are, indeed, relevant. And as we said, we hope this process will engage more parties and will evolve towards the application of international law.



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I believe that what we are doing today, even within the IANA transition, at the end of the day is related to international law or is within that framework.

Thank you.

CHAIR SCHNEIDER:

... the time unless somebody wants to comment, I would suggest that we move on to another very interesting issue, which is the new gTLD safeguards.

As you may remember, there has been some difference in interpretation on whether the implementation of the safeguards have been satisfactory or not. The GAC has repeatedly requested to implement these safeguards in a way that meets the envisaged risks that the GAC has identified. We have had a call on January 14th between the GAC and new -- NGPC, and some GAC members felt they would just like to have a quick discussion on the way forward with regard to implementing these safeguards.

So, please, the floor is yours.

European Commission.

EUROPEAN COMMISSION:

Yes, thank you very much.

First of all, thank you very much, the Board, for coming to join us. I know that all the GAC members appreciate very much this opportunity to have a face-to-face discussion with you outside the cocktails and bars.



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But as Thomas said, the GAC advice on ensuring safeguards, particularly for validation, verification in the area of highly regulated industries and sectors, is something that is of particular interest to us, and I would expect also of particular interest to ICANN and its board. Not just its board but also its executive and its secretariat. And this is for a number of reasons. The GAC, as you know, has particular concerns and interests in public-policy issues. It wants to ensure that public safety and consumer protection of its citizens are ensured.

Everyone, everyone in this room, and everyone outside the room as well, has a particular interest as well in making sure that the Internet in its expansion and extension to all the citizens of the world can be a place where the safety, security, and health, let's say, of users and citizens is assured.

Now, obviously no one expects ICANN single-handedly to ensure that. But our argument is that in these very highly regulated sectors where we see particular potential for misunderstanding, where public interest is a particular concern, where you have already in your Articles of Incorporation, in your bylaws, a requirement, an obligation to help and insure that the implications of international law, public interest, public service are ensured. This is an area where the board could take a particularly active role in providing additional suggestions, help and support for strings in highly regulated sectors.

So that is the appeal that has been made by the GAC, and we're particularly interested to know why the Board has felt this is not something that should be further developed, should be encouraged, and should be rolled out.



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Thank you.

CHAIR SCHNEIDER:

Thank you, European Commission.

Any other comment from GAC or -- otherwise, I would give the floor to the Board.

CHERINE CHALABY:

Thank you very much. We take the concern you expressed very seriously. In fact, two days ago we gathered a meeting between representatives from the GAC, representative from the ALAC who have also similar concerns, representative from the business constituency, they also have concerns, and the registries and the registrars to try and bring this issue to the fore and bring it to a conclusion. So rest assured we're working on it. We had a fruitful meeting that actually started at 9:00 at night and some of us continued until 2:00 in the morning, and we're going to have another meeting in about three weeks' time or four weeks' time to proceed.

We have some ideas about how forward and we will put these ideas on the table for the representatives of the GAC, and Thomas was there, at our next meeting, and hopefully we will make progress on this issue. Thank you.

CHAIR SCHNEIDER:

Thank you. If there are no further wishes for speaking on this topic, I would like to move on to the next one, which is the new gTLD program reviews and assessment.



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We remember that in Los Angeles, we have received a draft work plan for analysis and assessment of the first round and potential ideas for time plan, and so on, in deployment of the second round. We should not spend too much time on this but some questions by round. Is there an update of this work plan? What is the ideas of the Board? And another aspect, among others, that has come up is that the GAC is receiving from different sides a number of concerns, letters, that deal with the community, the procedures around community top-level domains, about the priority evaluations and the way they're done, about the fairly low number of actually succeeding community applications and of other processes that are used, but it's not really clear what the effect is, what the relation is. So there are some questions around. Basically, the question is how will this be included in the review and assessment for the second round?

Thank you.

FADI CHEHADE: If it's okay, Thomas, one of our executives will answer this question.

CHRISTINE WILLETT: Good morning. Christine Willett.

So the question was how will the results of particularly community priority evaluations and that process, how will that be reviewed in the upcoming reviews and the work towards the next program.

There was an updated work plan published three weeks before the ICANN meeting by Karen Lentz. She's leading the program review



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activity. There are currently four separate reviews planned for the program. A program implementation review, which is being performed by staff, and which will be published in the second quarter of calendar 2015.

These reviews undertake all aspects of program operation and implementation, including community priority evaluation. This report will be published for public comment and recommendations both by staff and the community will be considered as we look to plan and design the next round.

Additional reviews. There's a security/stability review which is launching this year. There is a consumer choice and metrics review, and there is an economic study which will be launched later this year.

So those are the current reviews planned, and specifically community priority evaluation, and those results will specifically be part of the program implementation review.

CHAIR SCHNEIDER:

Thank you very much. Are there any other questions or comments from the GAC on this one?

That does not seem to be the case.

The next issue is the two-character labels at the second level.

We have -- The GAC has sent a letter to the Board informing the Board that the mechanism that has been set up has turned out to be difficult for GAC members -- in particular, the ones with less resources -- to follow and has become problematic in the sense that these member



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states have felt that they are not really in a position to actually exercise their right and give consent or oppose to the release of these codes. And this is why the GAC has then decided to send the letter to the Board to inform about this.

And we discussed this issue -- For your information, we discussed this issue together or in conjunction with the release of the country names at this -- at this meeting. And the situation in both cases is such that some countries are willing to release these names; others are willing to release the codes and other names in particular situations, and others would like to not release them but actually have the opportunity to consent or oppose.

And we have made some deliberations on how to develop a system that also, from our side, makes it easier for applicants to find out which countries are in what position, and we're discussing setting up lists that would provide clear information about each country, what the position of that respective country is.

Are there any comments from the -- from GAC members on this issue?

Or would the Board want to comment on this?

Thank you.

CHERINE CHALABY:

Thank you, Thomas. And we do understand the issue here.

It's important to remind everyone that in the provision itself, the agreements where the operator must reach an agreement from the





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relevant country is still there, and if not, there are processes for the way this is going to happen.

We understand the concern. It's on the agenda of the Board this afternoon, and we will discuss it. And we want to bring this to a closure as quickly as possible in an effective manner because there's also the other side of the equation, which the registries, they need a predictable process.

So we will work as quick as possible and as fast as possible to bridge that gap and hopefully make it happen in a manner which is acceptable to every party. Thank you.

CHAIR SCHNEIDER:

Thank you very much for this information. The next item is the IRP and the delay in delegation -- Sorry; Spain. Would you like to say something on this? Thank you.

SPAIN:

Just a very quick remark. We will very likely issue some comments on the communique regarding this issue. I've heard that the NGPC are meeting this afternoon, so couldn't you wait until we have issued the communique?

Thank you.

CHAIR SCHNEIDER:

Yes. Indonesia.

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INDONESIA:

Thank you, Tom. Regarding the character domain names for the top-level domain and second-level domain, Indonesia is, and I believe other (indiscernible) countries, as I mentioned yesterday shortly, is preparing - - is having in-country regulations for their -- both ccTLD and gTLD. Once those TLD have been assigned to a country or business or company in that countries, then it will be regulated with its in-country regulations.

So I think this has to be taken into account, when ICANN would like to go to the second-level domain or to regulate the top-level domain already given to a particular ccTLD operators or gTLD operators in particular countries.

And in the -- I believe in -- in the country Indonesia, and like others, already prepare some sort of multistakeholder organizations to look after those kind of TLD in their country.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, Indonesia.

If there's no more comment, as time is running -- I think we may take over a few minutes since we started a little past half past 8:00, if you agree.

So I will move over to Africa and give that matter to the African Union Commission.

AFRICAN UNION COMMISSION: Thank you very much, Chair, and good morning.



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In March 2014 at this same venue during the ICANN meeting, the African Union Commission supported and sponsored .AFRICA geographic top-level domain, signed its Registry Agreement with ICANN, specifically ZACR. It's almost a year now and the delegation of .AFRICA TLD is yet to happen. This delay is wholly due to an ongoing independent review process initiated in October 2013 by DCA.

We acknowledge and really fully respect the IRP, which is an important accountability process regulated by ICANN bylaws, particularly Article 4, Section 3 of the bylaws which state, amongst others, that the IRP should strive to issue its written declaration no more than six months after the filing of the request for the independent review.

It is now nearly 12 months since the IRP was initiated and there are still no signs of any reasonable conclusion to this process. To make matters worse and to complicate it even further, the panel has elected to set this matter down for an impartial hearing including the opportunity to call and cross-examine witnesses. While this is an important accountability process we actually think the IRP itself in its current form is not functional and it isn't benefiting any of the parties, including ICANN itself.

So simply having an accountability process like the IRP does not really mean that ICANN is accountability. It is incumbent upon ICANN to ensure that the mechanisms and processes that it has put in place functions in such a way that accountability is enhanced and that the rights and interests of all the affected parties are protected. And in this case, all the affected parties, the African Union, DCA, and ZACR.

Thank you.



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CHAIR SCHNEIDER: Thank you. Does anybody want to respond to this?

FADI CHEHADE: Simply to say that we equally are very concerned that .AFRICA is not out there yet serving the people of Africa. We're very worried about that. And I think all the parties involved in this would like to see this resolved in -- in the most expedient way. As I'm sure you know, we had a very unusual situation with this IRP that one of the panelists actually passed away during the process. And so it wasn't due to -- I mean, it was just -- they passed away, and as a result, there have been delays to reappoint a new panelist, and so on.

So again, this is not a comment on the IRP process. If we do have concerns with the IRP process, again, the CCWG is a great place to discuss these and to bring reform to that process, and we would welcome that, the community to do this. But again, we share your commitment to .AFRICA. We hope the new panelist is quickly put in place and that the process moves forward as quickly as possible.

CHAIR SCHNEIDER: Thank you, Fadi. Namibia would like to add a comment to this question. Thank you.

NAMIBIA: Thank you, Mr. Chair. Thank you for the Board to -- for their presence here.



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I wanted to comment before Fadi because I just wanted to highlight further that the -- the declared intention of ICANN to have a renewed focus on Africa in terms of, you know, the run up towards the planned meeting that was canceled is also suffering because of this.

You must remember that .AFRICA is a very important event or project for Africa. And we trying to build momentum in Africa in terms of ICANN, its involvement, and so on. And the delay in getting .AFRICA delegated causes a bit of animosity, unfortunately.

But with the ICANN Board, GAC, and the rest of the community's assistance and support, we are hopeful and know that we will overcome this in the shortest possible time.

Thank you.

CHAIR SCHNEIDER: Thank you, Namibia.

African Union Commission.

AFRICAN UNION COMMISSION: Thank you, chair. I thought it would be actually useful if the ICANN Board can assure the African community and the GAC that this IRP process can be time bound.

CHAIR SCHNEIDER: Thank you.

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Another item that was put forward by GAC members was the question related to Internet security challenges and the role of preventive measures by registries, registrars, or other parties to protect domain names and the DNS from attack.

I would like to give the floor to the delegate from Morocco, please.

MOROCCO:

I will speak in French.

The current elements and the radical changes that we have observed in the world are related to different levels of our society. We are affirming the urgency expressed different for including ICANN. The urgency anticipates to prepare and implement common policies regarding protection, cooperation so as to cope with the threats to cybersecurity. Cybersecurity nowadays is a geopolitical problem and covers the whole world. We shifted from the Internet of things to the threats. And I thoroughly congratulate the chair of the Board, because this topic was discussed in the opening ceremony.

I have a question. How is ICANN getting ready to ensure a greater security, stability, and resiliency of the DNS system?

STEVE CROCKER:

Thank you very much for your question and for your kind comments.

We -- The security, stability, and resiliency of the DNS system is, of course, right at the absolute core of ICANN's interest and it gets attention in multiple ways. With pleasure, let me point, among other things, to the Security and Stability Advisory Committee whose mission



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is exactly to be concerned with security and stability and resiliency, and DNS is the -- one of the most important and active portions of their concern.

There is a number of different elements that go into the -- into making sure the DNS works properly. One element is that the information that is served is accurate and not tampered with along the way, and that's related to the long effort to bring strong -- cryptographically strong signatures into the process. This is what's known as DNSSEC.

I will note that ten years ago, ICANN began a series of workshops has continued until now focused on how to advance the development of DNSSEC and the use of it. And in short order I have to be with that group to celebrate the tenth anniversary. That's only one aspect of improving the security, stability, and resiliency of DNS.

Another is that the servers that operate around the world have the capacity and the redundancy to survive both accidental and malicious outages that might occur.

Yet another element is making sure that the information that is published is accurate from the beginning. This has to do with the way each of the registries and the registrars process their information and, hence, whether they themselves, whether the registries and the registrars are, in fact, protected from penetration or accidental outages.

So here are multiple different aspects of -- that go into protection of the Domain Name System. And ICANN is, in fact, either actively working on its own or, more commonly, working in conjunction with others to facilitate each and every one of these.

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It is not a single solution fits all. It is multiple aspects. And there's a lot of information available and a lot of different people working on this. And I'm more than happy to provide pointers to any of it that you wish.

CHAIR SCHNEIDER:

Thank you very much.

Then as the last item, there was just a feeling that it would be interesting to have a very quick update on the participation of ICANN and the CEO in the recent World Economic Forum meeting in Davos, particularly in regard to the NETmundial Initiative and the next step that will come up about ways to engage and participate.

Thank you.

FADI CHEHADE:

Thank you, Chair.

It was very cold in Davos.

[ Laughter ]

Very cold. I don't know what the Swiss government does there, Thomas, but if you turned off the heater, it was minus 12 Celsius during the day.

First of all, let me be clear that ICANN's involvement in the World Economic Forum and in NETmundial are not in any way related to our core activities. This is ICANN's commitment to participate in the global effort to ensure the multistakeholder model, the openness of the Internet remain on top of the agenda. But neither the World Economic





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Forum nor NETmundial in any way, shape or form have to do with the core mission of ICANN to secure and render stable the DNS mission we have and the numbering -- the coordination or the numbering and other communities.

Now, having said that, having established that this is an extracurricular public benefit activity that we do, let me also clarify a second point. The visit with the World Economic Forum in Davos, and many of their other meetings, have nothing to do with NETmundial. We need to separate these two things.

The World Economic Forum on its own has launched a set of activities called the initiative on the future of the Internet which has many global leaders, presidents of state, CEOs of companies involved now with a large group of trustees moving forward a certain agenda at the World Economic Forum. That is their initiative. It is independent of NETmundial, and it is independent of ICANN. We just happen to be, as many others, including ISOC and others, participating and supporting to make sure that these efforts, hopefully, remain supportive of the multistakeholder model and of the openness of the Internet.

Now, this brings me to the third point which is NETmundial itself as an independent initiative. This is an initiative that is, again, an open, inclusive initiative that was launched by the folks in Brazil who had graciously helped us with the NETmundial meeting last April as well as ICANN and the World Economic Forum is helping with some funds and support. But, really, this is an open platform. It is a platform that, again, is trying to bring the multistakeholder approach as a potential solution to other areas of Internet governance. Again, not ICANN. Not



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the technical work we do, but other areas. Many of us know that there are many other issues that require direct addressing, whether it's cybersecurity issues, issues of economic and trade that have not been addressed that need a set of new solutions.

Now, I will finish by clarifying something that many of us care about, and that's the Internet Governance Forum. There is a sense sometimes that the NETmundial platform replaces the Internet Governance Forum or competes with it. Let me be superbly clear that these are completely complementary activities. They have absolutely no overlap.

The IGF is a forum for meetings and for people to get together. NETmundial will not do any more meetings like Sao Paulo. It is not a meeting forum. It is a place, a place where people will come after having discussed things, I hope, at the IGF, and maybe agree to coalesce and start building policy models, solutions, other things that people can voluntarily consume. NETmundial is not a binding body in any way. It is simply a platform, a place to work.

We support the IGF. ICANN supports the IGF. We believe that the continued mandate of the IGF, which hopefully will be granted by the U.N. G.A. this year is extremely important to ICANN and to the world.

Now, finally, I want to say that from my standpoint, from the standpoint of ICANN, the ICANN Board, ICANN management, the absolute focus we have right now is on ensuring that ICANN has the confidence of the world as we go through this transition. So whilst, again, there's NETmundial and there's all these other things, these are extracurricular activities that we will continue supporting but they do not occupy even a few percentages of our attention. All of our attention right now is to



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strengthen ICANN operations, strengthen ICANN deliverables to the community, ensure we reach to the world as we go through this transition and make sure that we have your confidence. Make sure that we have your confidence and the confidence of the world that we will do our job and continue to do our job with excellence.

Thank you.

CHAIR SCHNEIDER:

Thank you, Fadi.

In return, it might be interesting for the Board and others to know that the GAC has been invited to participate in the cross-constituency -- Cross-Community Working Group on the Internet governance, and there was an agreement in the GAC that the broader Internet governance picture is of fundamental importance for all stakeholders, whether they're in ICANN or outside, to understand the complexity and diversity of the issues. And the GAC is -- already has been participating on the basis of individual members in the work in this group so far and we'll look at the charter with a view to participating in this, because many GAC members are, at the same time, representatives in other institutions, like ITU and other -- U.N. and other institutions. And we felt it's an obligation of the GAC to increase mutual understanding on a broader range of Internet governance issues. So we take this very seriously.

Thank you.

Looking at the time and the list of our items, I think it is time to conclude.



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I just would like to say something when concluding that often the GAC has been reproached of not communicating, of not being clear, of coming in too late. And things may sound a little -- things have come up during this meeting that may have been critical questions, but don't perceive this as a negative thing but perceive this as an engagement of the GAC that we will try in the future to communicate more, communicate better, communicate more clearly, more directly. And in particular, communicate more early when issues come up and not at the late stage when it's much more difficult for everybody to react to our concerns or our ideas. So I would conclude with this commitment that we are looking forward to working with you in the future.

Thank you.

STEVE CROCKER:

On behalf of the Board, thank you all. Thank you all.

[ Applause ]



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CHAIR SCHNEIDER:

Just for your information, in principle we had a half an hour session going on now, but since it looks like people are trying to take a break, I think we should be flexible and take the break now to let you discuss, but then we will resume at 10:00 and start with a review on operating principles and not have a break after that.

So we have a break now until 10:00.

Thank you very much.

[ Coffee break ]

