BUENOS AIRES – GAC Plenary 11 (ATRT2)
Wednesday, November 20, 2013 – 09:00 to 11:00
ICANN – Buenos Aires, Argentina

CHAIR DRYDEN: Okay. Good morning, everyone. Let's begin our session.

Okay. That's much better. Thank you.

All right.

Iran, do you have an update for us?

IRAN: Yes, yes.

Good morning, Madam Chair. Good morning colleagues. I would like to tell you what we did yesterday in the evening. We were meeting until 8:15. Everybody showed a great spirit of collaboration. We almost concluded our work. We still have some more work to do. We are going to have a meeting at 12:30 on the 24th floor, just like we did yesterday, and I hope we can be in a position to present something to you that may reflect consensus among the parties.

We still have some more work to do, but it's just very little. So we have almost good news.

Thank you.

CHAIR DRYDEN:	I encourage you to continue, of course, and to have your meeting at the lunchtime period. And we look forward to an update and an output from that working group for this afternoon's effort to finalize the communique. And of course thank you as well for your continued efforts to move that discussion along.
	One other announcement.
	U.K., you would like to announce?
UNITED KINGDOM:	Yes, thank you, Heather, and good morning, everybody.
	Just a reminder for colleagues from commonwealth states that we have a short meeting at 12:00, for a half an hour, to hear about preparations for the Commonwealth DNS Forum at the time of the London ICANN meeting in June next year, and also we'll have a quick update from Tracy on the Commonwealth Cybercrime Initiative. Both initiatives are supported by ICANN, and it would be a good opportunity to catch up on both those initiatives.
	So 12:00 in here, after the GAC business has concluded.
	Thank you.
CHAIR DRYDEN:	Thank you very much, U.K.
	Australia, you had a comment?

AUSTRALIA:	Thank you, Chair. And following the comments from our colleague from Iran, I just reflect the positive sentiment. I'm just wondering if it's possible to circulate the text in advance of our lunch meeting. I wonder if we may be able to resolve it via email before lunch and all have a lunch break.
CHAIR DRYDEN:	Iran.
IRAN:	Yes, certainly. We are processing that during the coffee break. We will try to do that, yeah. With the help of secretariat.
	Thank you.
CHAIR DRYDEN:	Thank you. Okay. That does sound good.
	For the GAC, we will, after the coffee break, move into some GAC discussions, and we will try to leave some time to discuss some of the newer issues that have been proposed yesterday in our preparatory session for the meeting with the Board. So I will be looking at the schedule to see whether we can find some time in there this morning to go over those issues and have some initial discussion. So just to be aware of how we're proceeding with our day.

And an updated compilation of the entities for the communique that we have so far will also be circulated this morning, if it's not already. So please keep an eye out for that and this will get us that much further ahead before we come to our communique finalization session this afternoon.

Okay.

All right. So without any further delay, let's begin our session with the Accountability and Transparency Review Team, version 2.

And to my left is Brian Cute who is chairing this review team. And I see we have many, if not all of the review team members here with us to have an exchange this morning.

For the review team, we did have a GAC discussion a bit earlier and focused on a few different issues. And, in particular, the GAC-related recommendations was the main focus of our exchange.

So I think that will, in all likelihood, be, again, the focus of this exchange here with you today.

So thank you very much for coming to meet with us, and to continue your efforts as you move to finalize the review team report.

So would you like to say anything, Brian, before we get under way?

BRIAN CUTE:	Thank you all very much for your time this morning. We're looking forward to hearing your inputs on our draft report. Just as a matter of process, a draft report is out for public comment. The public comment period closes tomorrow. A reply comment period will begin that closes on December 13th.
	We, of course, encourage written comments to the extent that you wish to offer them. We'll be issuing the final report to the board by December 31st. So your inputs at this point are very important to finalize the report.
	Looking forward to hearing from you.
	Great. Thank you.
	So some of the issues that we talked about were the recommendation to the Board to have a Code of Conduct, and precisely what was the reasoning behind that proposal. And I think a few colleagues here will want to talk about that as well.
	Some of the recommendation from the review team version 1, there's recognition that some of those, even though they're essentially complete as far as the first review team is concerned, there are things where a bit more work would likely be beneficial in supporting the GAC in its work. And things that we talked about in that session and, as well, briefly with the Board yesterday include the GAC advice register where there could be

improvements, even though of course it's implemented. And we can consider that item concluded on from the first review team.

And early engagement in the policy development process continues to be a considerable amount of focus for the GAC. And, in particular, through the Board/GAC Recommendation Implementation Working Group and via exchanges that we had, including at our meetings this week with the GNSO. This continues to be on our agenda and part of our discussions on this.

And let's see. So I think those are, I think, some of the key points to get us started, and then I'll turn over to colleagues to raise some more points with you.

Okay. So now I'm now looking around the table. Who would like to get us started from the GAC side? Asking a question, making a comment.

Norway. Thank you.

NORWAY: Yes, thank you, Chair. Well, I think it's also other GAC members that want to comment, but I just wanted, as you indicated, we discussed a little bit on the Code of Conduct recommendation.

From our perspective, then of course it would be -- we already operate according to a kind of Code of Conduct internally. In our country itself, of course, we at least feel that it is difficult for

ICANN to define how governments should coordinate positions in the GAC because that is subject to a lot of internal procedures, national legal competencies between different entities in your country, et cetera. So I think that is quite difficult, I think, for ICANN to kind of -- well, if you are thinking of enforcing. But, of course, I think it's a matter of how you actually address this and how it is formulated, I think it's very important.

Just another issue that is mentioned in that recommendation is that the recent expectation or comment on that, the GAC advice should be according to national and international law. I think in that context, I think it's important to remember that the GAC advice is policy advice. It is not legal advice to the ICANN Board.

If you would -- If ICANN Board expects to get that all advice is based on all legal grounds or legal advice, then I think you will never get any advice from the GAC.

Also, we are providing advice also in the areas of lack of international law. That is, of course, the whole thing set up with a multistakeholder environment and the not-regulated Internet.

So there is a lot of areas that are not regulated. And, therefore, we provide policy advice.

And of course we always try to then make sure that, from our perspective, at least, that the advice we provide does not contradict any national law, because then, of course, we would

normally be able to try to get an overview of what our national regulation says about the different aspects of what we provide policy on.

So that's just a comment.

So of course I would like some views from the review team on those aspects.

Thank you.

CHAIR DRYDEN: Thank you very much, Norway.

Is there a response from the review team on this point? Otherwise, I have a growing speaking order.

Okay. All right. So next I have Australia, European Commission, Italy, and Iran.

AUSTRALIA: Thank you, Chair. And welcome to the review team. It's great to meet again. Obviously, we support the important work of this review team looking at ICANN's accountability and transparency. And it's very useful, I think, to see that the review team is focusing on GAC transparency. It's interesting feedback for the -- and very useful feedback for the GAC to have an external perspective on how we're perceived in the community. And we're very mindful

that there are some comments in there about being transparent and to ensure that our work is better understood.

And the GAC, at our last meeting I think we encouraged this kind of feedback. We were very keen to hear this.

I think in terms of reporting things from the GAC side, one of the other comments I see that's in the draft report is talking about ICANN ensuring that we have necessary resources to be able to do some of this stuff. So I'm very happy -- you may have noticed that we have additional people at our secretariat support table behind. So the GAC has some additional resources, and one of the things that we're looking at is how best to make use of those.

So the GAC has actually established a small working group to look at our working methods. In fact, it's not that small. It's a very heavily subscribed working group because we all take it so seriously. But we've got a working group looking at our working methods, and I'm very happy to report that a number of things which are canvassed in the ATRT draft report are things that the working group has been looking at. So you may have also noticed that almost all of our meetings here in Buenos Aires are open.

I think we've got drafting our communique and I think preparing for the meeting with the Board is the only meetings that we have closed this time. Everything else has been open for the community.

So we're certainly mindful of this. We're already working in this space. It's very, very good to have input from the ATRT in this space.

As colleagues have said, some of the recommendations I think we'll need a bit of time to reflect on. I think they essentially come to finding the right balance, in terms of having the right balance between open and closed meetings, some of the other things about how we structure our meetings and so on so that we are engaging in the community more than in the room talking with governments. Obviously there are some issues that we need to discuss amongst the GAC in plenary if we are to come to consensus on public-policy advice, but increasingly, they're open for other people to listen as we do that. So some of these things we're looking at finding the right balance.

So I hope that's sort of helpful feedback. It's really very useful to have the draft report, and look forward to more ongoing discussions in this area.

CHAIR DRYDEN: Thank you, Australia.

Next I have European Commission. Please.

EUROPEAN COMMISSION: Thank you, Heather.   I can be very extremely short because I concur completely with Norway and what Norway said about it.

I think we are, when we're talking about Code of Conduct, we are into sovereignty of countries. And I think that is difficult for us to swallow, although I do share that there is a need for improvements of the working methods here. And that's why we've set up this working group, that Australia rightfully did inform you about.

I think that is very important. Don't take me wrong, I think it's good that we have an introduction on how GAC functions, because we believe the GAC definitely can become much more accountable towards the Board. That I think is clear from our side.

Thank you.

CHAIR DRYDEN: Thank you for those comments.

Next I have Italy.

ITALY: Okay. Thank you, Chair.

So we all agree, at least from the comments we received, that this code of Conduct is not an appropriate term to be used. And in the

GAC, we use other expressions like operational principles or like what methods or things like that just to make an example.

But what is important is that the definition, then, what is this Code of Conduct. So -- And you mentioned conflict of interest. This is not a problem for people that are nominated by ministries, and so it's something that should be more carefully said, let's say. Because normally, the GAC members are nominated, as I said, by ministers or by high-level officials.

Then transparency and accountability is a general statement but is available for all the constituencies inside ICANN, certainly. And the following is very interesting because it is adequate domestic results commitment.

This is a point that is crucial for us. And when talking about that, I also encourage the CEO and president, Fadi, that as he goes and he meets a lot of governments ministers and so on, to try to push the importance of having adequate manpower dedicated and give value to the GAC membership and to this role. Because this is something, but it is curious that it is put into an interpretation of the Code of Conduct, if you like. In any case, it is something that we have to promote as much as possible because the work of the GAC is very dense, especially in this period of time.

So this is just a comment that is deriving also from this paragraph. And then there are important considerations concerning the transparency and the wish that the GAC not only produce the

communique and advice but also give explanation of how we reach this. This is not an easy task because the GAC, to find consensus, often has to reduce the -- and to find a definition that is approved by consensus. And then if we have to then define all the explanations and so on, it becomes more difficult.

But with an increased support of the secretariat, both extended secretariat and also by ICANN support, I think that we could improve, let's say.

CHAIR DRYDEN: Thank you for those comments.   Next I have Iran, then Netherlands and U.K.

IRAN: Thank you, Madam Chairman.

First of all, I fully agree with the comments made by our distinguished colleague from Norway. I would further emphasize that I have some doubt that we should talk about accountability of the GAC, because GAC is Governmental Advisory Committee. It is composed of member or representatives of governments.

We are accountable to our government, nothing more and nobody else. So I don't think we should be accountable to anything else. This is the accountability. While we associate a lot of importance for the work of the group because there are two

important key words on that -- transparency and accountability. Very good, and we really appreciate the good work that has been done by the team and we wish them to continue with their good efforts. Nevertheless, I think the accountability of the GAC members are only accountable to their own government. There is no such collective accountability and there is no entity that we are accountable to that entity apart from our national government. It would be very difficult to get into that issue.

Second, as I mentioned yesterday on other occasions, I believe that we should not get into the Code of Conduct of the GAC members. I think this is a representative of government. They are responsible to their government when they are sent here. And any Code of Conduct is a result of the practices as held by the internal or by the national governments, so we don't need any Code of Conduct. And I don't think that any outside entity is entitled to give any view on how we should act as a Code of Conduct. I think Code of Conduct of the board member yes, because they are individual. Code of Conduct of any other individual in ICANN, yes. But Code of Conduct of the member of the government, I think we should left it to the government concerned to do about that.

So this is a very important issue.

Then consistency with national law, international law, I again fully agree with my distinguished colleague in Norway that this

consistency with national law, it means for every advice we give in this meeting, so we need to have a legal entity with us, a legal consultant with us from our government, and for every word we talk about here we say whether it's consistent or not consistent. I don't think we should go to that degree of detail in the discussions.

And consistent with international law, that is a very, very difficult subject. The relation between national law, international law, all 27 of the law of treaty of Geneva convention law of treaty and article 46 clearly defined what is the national law, what is the international law, what is the consistency. I don't think that it is up to GAC or ATRT to get into the very, very difficult issue of this consistency and so on and so forth.

Oh, we believe that, yes, the team should continue, but they have to modify the term they use and they have to, in our view, remove it from the text that the accountability and the Code of Conduct of the GAC members. Accountability in general, yes; but accountability of the member, they are accountable to their government and to their country and to no one else. This is a very, very important issue that should be taken into account.

My last question to the team is that are there any record of the recommendations that they have provided and has not been taken after explanatory note or after further explanation with the board member whether still there has been area that the

recommendation has not been taken into account. If that is the case, how many and why.

Thank you.

CHAIR DRYDEN: Thank you very much, Iran. I'm going to keep moving through the speaking order.

But if any review team members do want to weigh in, let me know, and we'll put you in to ask a clarifying question or respond in some way. Okay?

So don't hesitate to signal. Yeah. Okay.

All right. So then I have Netherlands, U.K., and Egypt.

Netherlands.

NETHERLANDS: Thank you.

Yes, while I will not repeat what some colleagues said. I think as the Netherlands, we support most of the recommendations. And I wanted just to tackle one issue, that we had a good discussion also in the GAC about our own working methods, our way of approaching policy issues and getting to consensus and getting to an outcome.

And I think -- I think also as Peter mentioned, we have not stood still while you were working on your recommendations, we have also worked very hard with the working group on working methods. Of course, we had already the ATRT1 recommendations. I think there was some discussion about overlap and maybe the complexity of it. But I think there should not be any impediment of, let's say, going on while we have different recommendations coming from different constituencies, because in the end, I think it reinforces the -- our process and reinforces the way we should work, if -- from different -- your committee, working groups, working method group, we have, if we say, the same, it reinforces which direction we should go in.

So -- yes, and I think in line with what Peter said, I think we already are coming to -- we already achieved something. We have now secretariat full running; we have also in the working group on working methods made progress in kind of the matrix approach of all the things we want to achieve in the next months. So I'm really positive now that we can make a difference also integrating also your recommendations.

Thank you.

CHAIR DRYDEN: Thank you very much, Netherlands.

So Brian, please.

BRIAN CUTE: Yeah, just to note at this point that this feedback is very useful. We're hearing the point on code of conduct and understanding the point. Your input is going to allow us to modify, where need be, the report so that the appropriate language and appropriate recommendations are in place. With that, Larry, I think you had a few points you wanted to make.

LARRY STRICKLING: Sure. I just want to give a little bit of the background on the -- that particular recommendation.

Again, a lot of what is in this draft report did come from the community. And I appreciate the comment from Australia that the idea of getting feedback from other parts of the ICANN community should be helpful to the GAC.

The code of conduct, I think, had been raised by one or two commenters. And we talked about it briefly in Durban. And at that time, one or two members of the GAC individually indicated some support for the notion. So -- but that's fine. If as a group you have some concern about it, and maybe it's the name that is creating the issue. But keep in mind that the recommendation is only a suggestion that the board might make to the GAC. Nobody is going to impose a code of conduct on the GAC. The question was, does it make sense for the GAC to sit down and take up some of these questions. And whether you call it a code of conduct or

call it working methods, I think that would be entirely up to you to decide.

The list of possible inclusions in the -- in such a document, again, is no more than a list of suggestions as gleaned from some of the comments that we received.

But the GAC would control what would go into this document, if such a document would be created.

I think what it comes down to, does the GAC think it's important that -- to set down how you all intend to work with each other and how you intend to engage with the rest of the community. I think we all understand that the multistakeholder process, to succeed, requires the different groups to find ways to work together.

I think the report and the discussion in the report indicates that other parts of the community don't understand the GAC very well. They don't understand how you reach decisions. They don't understand the basis for decisions. And I think what we've tried to do is at least provide some visibility to all of you that this is how the community perceives you so that you can respond accordingly.

But, again, it'll be -- this will only happen if the GAC decides to get together and do this. So the question about international law or local law, that -- those were just suggestions people had made.

And it's entirely up to you to decide how you want to react or respond to that.

So, again, nothing's going to be imposed on anybody. So the issue of sovereignty really isn't on the table here. It's more a question of how do you want to work together.

I think everyone has seen in the last two years the question of how do we engage the developing world more in these important questions of the Internet. And I think the GAC provides a laboratory in which to address some of those questions.

I've sat in enough GAC meetings to see that the commentary, the discussions are all coming from a fairly small subset of the members of this group. What can you do among yourselves as responsible members to each other member of the GAC to ensure that you are hearing from and getting the positions and the views of countries in the developing part of the world? I think that's an important question for you to take up and could be viewed in terms of how do you go about developing these working methods or how -- whatever you want to call it.

So it was in that spirit in which this recommendation was drafted. But, again, it will only come to fruition if you, as members of the GAC, decide you want to do something about it.

CHAIR DRYDEN: Many thanks for that.

So I have U.K., Egypt.

So U.K., please.

UNITED KINGDOM: Yes. Thank you, Heather.

And, first of all, appreciate very much the clarity and succinctness of the draft report. It's very helpful, indeed, very clear. And appreciate, obviously, a lot of hard work that's gone into it, taking into account our views and those of other stakeholders. It's very important.

And we welcome the thrust of all of the recommendations with regard to increasing the transparency of the GAC's activities and the support and resource commitment issues, broadly support what the -- you know, the key issues and challenges that are facing us to ensure that we do fulfill our role to the maximum and are fully accountable to the community, that they understand what we're doing, how we do it, and so on, and have the opportunities to engage with us. That's very critical.

And we will respond to the draft by the deadline, which I think is 13th of December, if that's right.

On some of the detail, we need to have a careful think. The handling of teleconferences is an issue that I've always been very concerned about. The point Larry just made about increasing the

level of engagement in teleconferencing from the GAC membership, I think, is a challenge. And there are proposals here which we will take a look at.

With regard to the code of conduct or whatever way we describe it, that element of the recommendations, my instinct is that, as a community of stakeholders here in the GAC, we do have opportunities to share best practice and exchange views about how we prepare for meetings and the kind of processes at the national level that we undertake in covering quite a wide range in -- of issues. Some states have advisory groups. The U.K. has a multistakeholder advisory group. Some have mechanisms for consulting across administrations, across different ministerial portfolios. That, really, for me was a real challenge with preparation of advice on new gTLDs when we were engaging in the drafting of the applicant guidebook that necessitated consulting financial regulators, health ministries, and charity commissioners and so on. So there are mechanisms that some governments have that we can then explain to colleagues here and then develop some sort of body of best practice.

And I remember talking about these kinds of issues in the induction capacity-building sessions that we have. I remember explaining once, you know, how I, as the U.K. member of the committee, undertook the preparations, managing the workload, and kind of consultative mechanisms that I deploy in order to gear

up for the meeting, if you like, and then to consult with colleagues here as well.

So there are ways of developing the kind of conceptual rationale for the code without sort of describing it as a code or risking any sense of us as members having to say, "Oh, ICANN told us that we should do it this way." We won't go down that road, I'm sure. But we do need to find ways where we, as a committee, can share practice and generally bring everybody up to the same level of preparation and degree of engagement.

And that applies also, I think, to resourcing of activities. Because all of us, I'm sure, are under the tight constraints of government budgets and resource levels in general. How much staffing resource we have back in capital for a lot of this activity for us has been a problem in the U.K. I'm sure many other colleagues have experienced the same thing. We've endured austerity cutbacks and so on. So how do we share that? We can share thoughts and views in our consultations across the committee about that to ensure that we can fulfill our role to the maximum.

So I think those are my views at this stage. Very much welcome, as I say, the main -- the rationale behind these proposals in the draft report. And we will reply in more detail soon.

Thank you.

CHAIR DRYDEN:	Thank you, U.K.
	So I have Egypt, and then France.
EGYPT:	Thank you, Chair. And thank you for the ATRT2 team for joining us.

I believe ATRT1 was focusing more on the relation between the GAC and the board, and it's only normal that ATRT2 would be focusing on relation between the GAC and other stakeholders and the wider community. And there has been very helpful and eye-opener recommendations which would be very helpful for us.

I have three comments. I don't want to sound redundant, but I share the concerns raised by Norway and supported by other colleagues regarding the code of conduct. In fact, I did not really understand what exactly is meant by the code of conduct and what's the merit behind this recommendation. We have operating principles, we have working methods, and I was not really sure what does this mean. And, frankly, clarity is important when we move to implementation. So we should really understand what's meant by the recommendation.

The second thing, which I think Larry already covered, is that the board should not be imposing anything on the GAC. In fact, we work things jointly. We create joint working groups. And we implement things jointly. So this has been already addressed by

Larry. But I think the language does not say this. I mean, if I'm looking at the right version, the -- some of the recommendations say the board should request the GAC to do so-and-so. So I'm not sure this is the way things are being done.

And, finally, regarding the implementation of ATRT1 GAC-related recommendations, I think it would be helpful -- and as the GAC chair raised earlier, and I just want to further clarify that it would be helpful to differentiate recommendations that has been fully implemented, for example, like defining what the GAC advice is, from other recommendations that should be ongoing, like the GAC outreach. This is an ongoing process. It's very hard to come at some point in time and say, "This is completed, and we're going to stop it."

And a third category, which is incomplete -- and this is clearly the GAC early engagement. So it would be helpful to have those three different categories.

And thank you again.

CHAIR DRYDEN: Go ahead, Larry.

LARRY STRICKLING: Thank you, Manal, for those comments. When you get to the language about the code, it does say "The board should suggest to

the GAC." But you're right, in some of the others, it's worded that "The board should request the GAC." That doesn't make it mandatory. It still puts it to the GAC. But let me ask the group. We struggled with this. And Heather was part of that struggle.

The Affirmation of Commitments is structured in a way that the team is really reporting to the board. It doesn't contemplate the ATRT directly recommending to subordinate parts of -- or the piece parts of ICANN, such as the GAC. So that puts us in this difficult situation of structuring a recommendation that's written to the board, but it's really suggesting that some other part of ICANN do something.

So -- but we're open to suggestions. I mean, we don't want to get into a situation where the GAC feels it can't do something because the board asked it to because of this construct of the AoC. And if the GAC is more comfortable having the ATRT request it directly to avoid that problem, I think we're open to, again, trying to figure out a formulation that works for people. The question is, if it's a good idea and you all want to do it, we don't want to get hung up on the notion that it came through the technical channel of the board having passed -- transmitted it to you from us as a reason not to do it.

So any help you all can suggest on that would be appreciated.

CHAIR DRYDEN:	Egypt, please.

EGYPT: Just very quickly, to be constructive and suggest something, I think the board should work with the GAC on making whatever thing is possible.

I think this -- if it serves the purpose from the ATRT2 side and addresses sensitivities from the GAC side, I think then -- thank you.

CHAIR DRYDEN: Thank you very much for that.

Okay. So next, I have France. Then Spain, Norway, and Hungary.

FRANCE: Thank you, Chair. I will mostly speak French.

I share the colleagues' position.

I want to refer to Larry's intervention, which has shocked me.

I am sorry, but the English booth is not getting the audio.

Some countries and regions in the world were probably not included and should have had the right to be included. I do not have a solution for this. But it is evident to me that we should find methods. We have to think in order to find solutions so that

every country and every region feel that they are engaged in the GAC and that they are in a position to voice their opinions and build the future of Internet as we wish. I repeat, I do not have the solution. I just say that this method is quite shocking to me at this point in time. I've said it frequently during the meeting that it caught my attention several times to request from -- for a vice chair to be allocated to the Latin American region. I think that this goes in line with this request. Perhaps it is an expression of the same insatisfaction.

I believe this should be considered globally. However, I think it is time already that we work on this so that the notion of a universal Internet is not seriously impacted.

Thank you very much, Madam Chair.

CHAIR DRYDEN: Next we have Spain, please.

SPAIN: Thank you, Heather, thank you, colleagues, from the review team for joining us today.

In Spain, as leaders of the GAC working group on GAC working methods, we welcome suggestions of improvements made by your review team.

We are working hard in this working group to actually increase our transparency and to be better understood by the rest of the community. Nevertheless, it raises profound concerns that implementation for code of conduct or whatever it's called would actually have achieved the goal.

We know it's really up to us in the GAC to strive to improve our (indiscernible). And we will continue within our working group trying to find ways to accomplish that.

Thank you.

CHAIR DRYDEN: Thank you, Spain.

Next, Norway, please.

NORWAY: Yes. Thank you again, Chair, for giving me the floor.

Just -- I just wanted to also just comment again on what Norway commented publicly in May on -- before the starting of the ATRT2.

So just to underline that we are extremely thankful for the ATRT members for the work you are doing, because we do believe that it's really extremely important to do professional reviews and effective implementation of recommendations for the legitimacy of ICANN. So underline that we really appreciate the work.

Just one comment to the response from Larry Strickling on the -- to reach out to developing countries.

I think there is work, of course, under way on that. And I would not, of course, speak for the developing countries. I can speak based on some experience that we do have on conducting our business in the GAC. And I think that for all countries who participate in the GAC, it is important that you have an overview of the issues as soon as possible and that you have had time to discuss internally and to coordinate positions. That is sort of a requisite for -- prerequisite for to be able to voice your opinions and positions in the GAC. So I think that's, of course, clear for everyone.

But -- so I think what we are doing to enable that to happen, that is one of the reasons Norway is actually wanting to fund the secretariat for the GAC, because now that we have the secretariat up and running, I think that is what -- a crucial role for the secretariat to be able to provide and try to structure documents -- the document flow that comes out of ICANN in a proper way so that countries can be informed on issues and in time for the meetings to be able to have a position. I think that is one crucial element for countries to be able to conduct and be active in the GAC.

So I think that is one really, really crucial thing that we need to remember.

One other thing, I think, also what ICANN has done in the past to also -- to help on this is to provide a translation of documents to the different languages. I think that's also important for different countries to have the documents in their own language. But, again, it is important to have the documents structured according to issues as they want to be able to find their way in the jungle of documents.

So I'm really looking forward to -- that the secretariat will work and help GAC to be able to do their business. And, of course, also I want to also thank Spain for leading on these working methods. I think also the GAC can do very much internally also how we work and help ourselves to conduct our business in a better way. So I think that's also a parallel very important work that we have to continue working on to get our business better than we have done in the past.

So thank you.

CHAIR DRYDEN: Thank you very much, Norway.

I think it's becoming very clear that it is critical, in fact, to have really strong representation from all the regions able to work within the GAC and certainly participating and actively contributing to the work of the working methods working group.

Okay. Hungary, please.

HUNGARY: Thank you, Madam Chair. First of all, I would like to thank the ATRT2 for the recommendations, which we think are extremely useful, even though we had some kind of concerns about some of the recommendations. And I don't really want to go back to the code of conduct and accountability, which have been already mentioned. Probably code of conduct, we might think about different, as working methods or whatever.

As for the activity participation of members of the GAC, well, it's not specific to the GAC that some members of the group are more active and some are less. Well, you may have trillions of reasons for that. One of them can be the language barriers, and the other one can be some kind of psychological thing. But, basically, probably we have to think about how to overcome this difficulty.

Now, you have mentioned in your oral contribution that the perception of the GAC is very important. And I think one of the factors which may improve the situation that we have already made, practically all our meetings are open. Even the closed meetings are open. You might have noticed that the preparation for the board/GAC meeting was a closed meeting. And we had a lot of people, observers, who were attending the meeting. So I think the only one we have had as closed meeting is the drafting exercise. And so, eventually, for me, the question is whether we should have more marketing of our activities to make it more

public. That is the question. Because probably we can't be more open than we are.

CHAIR DRYDEN: Many thanks for those comments, Hungary.

Sweden, please.

SWEDEN: Thank you, Chair. And good morning.

On that note, I just wanted to share with the ATRT team that after the -- after the IGF, we had a discussion whether -- whether we should have a GAC open forum at the next IGF to somewhat present ourselves and explain our work and interact with questions and answers. And I was very enthused by the fact that there were several responses on the GAC list supporting this. And the responses were also from countries that don't often show themselves on the GAC list discussions. We haven't yet discussed this in the GAC, the forums for doing it. But perhaps we'll have the opportunity to do that, a few months ahead to the next IGF.

Thank you.

CHAIR DRYDEN: Thank you, Sweden.

I wonder whether there's also benefit in having an open forum for the ICANN community. We've heard from our colleagues on the -- the review team that there has been feedback from the community generating the recommendations, and one of the recommendations is for what they're calling a GAC 101 kind of approach to explain ourselves to the community. And I think anything we can do to improve the understanding about the GAC and its members is to our benefit.

Okay. I don't see any more requests to speak. Are there any issues that we haven't covered? Or -- Iran, please.

IRAN: Thank you, Madam Chairman.

Just to remind ourselves that it might happen that on the very particular circumstance and particular situations, GAC may decide to have a closed session on a -- very, very limited occasions and so on. This should not be interpreted that we are not open. It may be beneficial to have that one in order to be more clear before we confuse the outside world. So I don't think that that should be interpreted. We are in favor of full openness of the GAC. However, it might happen that on particular instance, particular issue, we may need to have closed session. And that would appear in our working method in a way that under -- sorry, unless specifically decided to have closed session. Otherwise, we always will be open. So we need just to bear in mind that, and that that

will appear in the future working method, we have not approved, but, nevertheless, this is something we should not exclude that situation.

Thank you.

CHAIR DRYDEN: Thank you, Iran.

So I have requests from U.K. and Singapore, and we haven't really covered the policy development process and some of the things that the GAC has been doing. So if we have any comments on that, or perhaps, Egypt, if you could update us a little bit on some of the efforts with the GNSO and via the Board/GAC Implementation Working Group, I think colleagues on the working team would welcome that.

Next, I have U.K.

UNITED KINGDOM: Thank you, Heather.

Just to come back briefly to say, on openness of meetings, I'm very much in sympathy with what our colleague from Iran has said. The default should be open meetings, no question about that. But there may be very exceptional instances where it is actually helpful to have a closed dialogue that allows free exchanges of views without setting hares running, but also

doesn't -- avoid any risk of inhibiting the contribution of views on a sensitive topic. But this is, you know, in am a very exceptional situation. And the key thing is to ensure that after that instance of where necessarily we've had to have a closed exchange, we then communicate the result of that and explain the options that were considered and the rationale for the final decision.

So very much in sympathy with that.

And the other -- just going back to the point about 101 -- 101s, and the prospective open forums, I was one of those who said we should have a GAC open forum at the IGF. I thought that was a great idea to communicate the role of governments in ICANN, to explain sort of our priorities and the key current issues and so on, and how we engage within the ICANN community. With regard to holding a forum at ICANN meetings, I think that is a good idea. We should perhaps think about that. I've always been a bit embarrassed in the past when we've gone to the wire in -- in constructing and writing and agreeing the consensus of our communique, and then we disappear, you know, we're off on our flights back to -- back home. And without really being around to sort of explain the rationale in a -- some kind of dialogue for our advice. So I think there's a germ of an idea worth exploring there, whether, in fact, we conclude a GAC meeting with a bit of an open dialogue to say, "Look, you've seen our communique, and do you have any questions? And here's a bit more about the rationale

and the process we followed to lead to the advice in the communique."

Thank you.

CHAIR DRYDEN: Thank you for those comments, U.K.

I have Singapore next, please.

SINGAPORE: Thank you, Chair.

I just want to comment on the GAC 101 and reaching out to governments of those non-GSE members, and then say thanks to the ATRT2 for -- I think that this group, Global Engagement group, and certainly the GAC, the secretariat can closely work with the Global Engagement team. I think Fadi has talked a lot with a lot of emphasis on this global stakeholder engagement group. And I'm sure that while tapping on the resources of this group, GAC, with the secretariat, can reach out to more members, especially those developing countries who are not represented by GAC members.

I think it's very difficult to expect the developing countries to send government representatives to attend every GAC meeting. One way is to reach out to the regional meetings of those GAC members, either at the governmental level or at the TLD levels, instead of expecting them to attend all the three ICANN meetings

which are scheduled all over the world. And perhaps we can work with the Global Engagement team to reach out to the regional -- region and reach out to those developing members and explain to them GAC 101 and the practices of the GAC and how we formulate -- how we develop policy. I think that would be very helpful.

Thank you.

CHAIR DRYDEN: Thank you for those comments, Singapore. And I note that the next ICANN meetings are going to be in Singapore, and I think that's a great opportunity to do some outreach to your region of the world. And so I look forward to further thinking on that.

So I have Egypt, and then the United States.

EGYPT: Thank you, Chair. And since you have already mentioned PDP, so it's only fair that we update ATRT2 on our meeting a couple of days ago with the GNSO. We had a useful brainstorm on issues that would arise from two specific things: Engaging GAC early in the PDP, and having a reverse liaison from the GNSO attending the GAC meetings. We had an initial brainstorm on the issues. We agreed to have -- to create a small working group that would hold the pen to do two specific things: First, (indiscernible) a full list of issues has been compiled.   And then propose some

solutions that should be circulated to the GAC and the GNSO for feedback, and then hopefully have some significant steps to report at the Singapore meeting.

Thank you.

CHAIR DRYDEN: Thank you, Egypt.

Okay, United States.

UNITED STATES: Thank you, Madam Chair, and thank you to all of our colleagues for the previous comments. Extremely helpful.

Wanted to pick up on the most recent speaker's comments, from Singapore. Extremely constructive suggestion. And I think if there's a direct link between (open mic obscuring audio) Meeting Strategy Working Group, and that together with the working group is, in fact, looking at how to perhaps include more (open mic obscuring audio) three meetings a year, as well as additional meetings to be held in each region.

And I think that's a very useful suggestion, that we as GAC members who are on the (open mic obscuring audio) expanded working group, you've given us a really useful idea to feed back into that process. So I think we need to be mindful (open mic

obscuring audio) that, again, we don't want to work in silos. We need to start stitching all of these good initiatives together.

So thank you for that, June SEI. I wanted to comment for the ATRT2 members who may not have been able to join us. We had a very good exchange with the GNSO during this meeting where they came back (open mic obscuring audio) we had made some proposals to them, and they have now come back with, I think, a fairly, at least I considered it a fairly thoughtful response, with some questions for us to respond to and to get the work going forward. So (open mic obscuring audio) need to actually flesh out. And we will be working under Manal's leadership with the Joint Working Group. So I did want to reassure you that that was in play.

CHAIR DRYDEN: Thank you, United States.

Alan, please.

ALAN GREENBERG: Thank you. I just wanted to point out on the PDP that we tried really hard to make a recommendation that was as nonprescriptive as possible. That is saying what we need is opportunities for the GAC to provide early input into the process to get feedback to comment on the possible solutions, but we didn't specify anything about whether.

Or some other side channel be used. And it's exceedingly encouraging to hear that we're already finding ways to implement that before we even make the recommendation.

Thank you.

CHAIR DRYDEN: Okay. Thank you.

So can we -- can we close this session? I think we've exhausted a number of topics here today and had a very good exchange with the review team. So many thanks to our colleagues for coming to meet with us. And we look forward to exchanging further. A reminder to the GAC that the public comment period is open until December 13th. And so please do submit comments in your own right to that report. And the aim is to finalize by the end of the year, December 31st; correct?

Okay. All right. Great.

All right. Thank you very much.

For the GAC, we have 30 minutes for coffee break.

[BREAK]