Male: Okay, thank you very much; you are both now live in the room.

Heather Dryden: Good afternoon everyone. I think we can get started. The GAC would first like to thank the accountability and transparency review team members for agreeing to meet with us today. We know you're very busy and you've done a tremendous amount of work already.   In fact, when we discussed some of these recommendations in our meetings yesterday, a number of GAC colleagues wanted to emphasize that there is a real need to recognize the amount of effort, work and consideration that the team has carried out in what is really a short amount of time. So let me thank you whole-heartedly for those efforts.

What I propose for today is I will ask Brian, as the Chair of the Review Team, to give a bit of an overview of where the Review Team is at and the basics of the report, recommendations, and what's there; and based on our discussions yesterday, I will invite GAC members to comment or ask questions. I know there were a number of issues raised yesterday and so I will expect you to speak up in this session this afternoon, to raise those with the Review Team.

So without any further delay, over to you Brian.

Brian Cute: Thank you very much, Heather. And thank you all, thanks to the GAC for an invitation to interact with you in Columbia. The accountability and transparency Review Team issued proposed recommendations a month ago for public comment. The public

comment period just closed on the 3rd. I would like to thank the governments of Denmark, France and Norway in particular for the comments that you submitted to us. They were most useful.

And the purpose of today's interaction is to listen to your reactions to the proposed recommendations. I was in the session yesterday and was very pleased to hear that many of the GAC members have indeed read the recommendations and the report, and have already formulated some concrete ideas. Where we are at in our process is that we under the affirmation of commitments are obligated to provide final recommendations to the Board of Directors by December 31st of this year.

And I apologize for the shorter public period comment -- public comment period of 30 days instead of 45, but out of necessity to be able to take in your comments, make any adjustments to the final recommendations, it was really necessary that we have sufficient time in the month of December to accomplish that task. So with that, I'm going to take hopefully just a few minutes quickly to go through at a high level up on the screen the recommendations that we put on the table, and then the floor will be open for questions and interactions.

So the Review Team under the Affirmation of Commitments and Paragraph 9.1 -- sounds like we've lost our -- Warren are you still there?

Warren: I'm still here.

Brian Cute: Manal, are you still there?

Manal Ismail: Yes.

Brian Cute: Okay.   So under Paragraph 9.1 of the Affirmation of Commitments, the Review Team assembled recommendations in four categories; the first of which was, the ICANN Board of Directors, governance performance and composition. And without reading all this text, I'll just highlight a few of the recommendations that we put forward.

The first one is with regard to the Nominating Committee review, the recommendation that the collective skill set required by the ICANN Board should include such skills as public policy, finance, strategic planning, corporate governance, negotiation and dispute resolution. So a recommendation with regard to the skill sets of Directors as they come onto the Board, and recommendations regarding the nomination, nom com process.

Secondly, recognizing that the Board Governance Committee is involved in this area, that training and skills building on the Board should reinforce and review on regular basis -- with those training and skill building program should be enforced on a regular basis in concrete terms. And I'm not going to read through every recommendation, it will just be too time consuming, but let me go through to the next category.

The second category, which I know you're all very familiar with, is recommendations on the role and effectiveness of the GAC and its interaction with the Board. The recommendation is focused largely on the issues of GAC advice and the formulation of GAC advice, the recommendation is focused on the interaction between the Board and the GAC with respect to the provision of GAC advice. And also, and this comes out of comments from yesterday's GAC meeting, but looking forward to hearing them again; the suggestion that GAC advice should be founded on a consensus mechanism was one of the recommendations.

Moving forward, the third category was public input processes and the policy development process. And one of the recommendations, for example, was that the Board direct the adoption of pubic notice and comment processes that are stratified; for example, a Notice of Inquiry, where ICANN could be in an information collection mode, or a Notice of Policy Making, which is notifying the community that they are beginning a policy-making process, and prioritization which would potentially help to address the very common complaint that we heard from the Community about the sheer volume of issues, topics and policy-making documents and processes that the Community has to deal with. That's one example of the public notice and public comment processes recommendations.

Moving onto the last category which was review mechanisms for Board decisions. The Review Team recommended that the Board should implement Recommendation 2.7 of the 2009 Improving

Institutional Confidence Implementation Plan, which called on ICANN to seek input from experts about restructuring the three review mechanisms that are currently in place in the bylaws; the independent review panel, the reconsideration process and the office of the Ombudsmen. One of the overarching questions in this category of recommendations was whether or not a third party should have -- a third party appellate body should be established which might have the right to overturn board decisions. The review team did not make that recommendation, rather asked that these mechanisms, these three mechanisms be examined for the purposes of improving the accountability that they provide to the Community.

So those are broad brush strokes, I understand, I apologize for that. I just didn't want to take up too much time for us to have your feedback, and with that I would open the floor.

Female: You commission, please.

William Dee: Thank you, yes. I guess we need to cut to the chase, given that we don't have much time. But let me start by saying, I'd like very much to echo the comments of the Chair, actually and reiterate with appreciation, I think all GAC members have actually for the members of the ATRT, who we know participate as volunteers, actually. And we know that you have day jobs actually, and you have other things to do. It's been very much appreciated your commitment to what proved to be and I sense an arduous and resource-intensive activity. And I think the output is -- or the

process, itself, actually, which has brought you here today, is for somebody who has been in the GAC for a while and seen other ICANN processes, I think it's been singularly impressive, actually. And I think it set a new standard, actually for these kind of review process within ICANN. So I'd very much like to congratulate the team members, and I know I speak on part of other GAC members when I say that.

As mentioned earlier, the GAC did discuss some of these issues yesterday and this morning again in the context of our meeting with the Joint Working Group of the Board. And I'd like to take the time just to give you some feedback on three of those. I know that your public comment period has already closed. I'm not entirely sure whether you consider the GAC to be public -- members of the public, but I hope you'll find these comments useful, even though it's very late in the day.

The first one, you've already mentioned actually is the issue about consensus.   That's been a little problematic for some of us, actually, for a couple of reasons. The first one is because of the way the GAC works, we adopted our own operating principles back in, I think '98, '99, when we started actually. But the way we work, we always work on consensus.   Our communiqué is a consensus document; latter sent by the Chair of the GAC to the Board our consensus document. So I was a bit surprised, I think that some of my colleagues were as well, to see this was something that came to your attention, the need of some corrective activity, because essentially we feel we work on consensus anyway.

There have been a couple cases, isolated cases, actually, where the GAC for example has said you know some GAC members are worried about this, and some about that. But that hasn't been contradictory advice, that's been complimentary advice, and it was adopted on a consensus basis.

I think there was one other isolated case where one GAC member decided that they didn't want to be associated with the advice, but they didn't offer any other advice. So again, there was no contradictory advice. So the point I'm making is we already work on consensus actually.

We do have in our operating principles the right to vote in the case where we can't reach consensus, but to my knowledge, we've never done this. And I think if I can bang a drum for the GAC, I think it's quite remarkable in more than ten years, actually, we've been meeting on such a wide range of issues and we have so many governments in the room, I think those of us who have ever been in any other intergovernmental organization will realize that we're actually quite successful at reaching consensus. So I think there may be a bit of an underlying myth there that needs to be addressed.

There are other problems associated with the idea of consensus. And that is why we've been successful so far in giving you advice, it's possible there may be issue of significant public policy interest, where there is a huge consensus amongst all the GAC members

apart from one, and we could be in a position actually where we would be held hostage effectively, maybe by you know a new GAC member, who was at the first meeting. So I think trying to move towards more formal legalistic concepts of consensus is problematic, actually. And I think those of us who have been here for a while would resist that. But again, the original point is there seems -- it seems to be based on a misunderstanding of how the GAC works nowadays, if I can say that.

The other point in the context of consensus is that sometimes in the real World, governments don't agree. So the issue is would the Board like us to give no advice, or to give advice which is so watered down as to be meaningless, or to spend about nine months actually trying to reach a consensus, or would you like us to tell us that it's an important issue, and these governments think this, and these governments think that, we're an advisory committee, we would advise you of that, and the Board would go away and take a view on how to take account of the annexed decision-making. So I'm not sure, it's really in the interest of the Board or the policy-making process actually, to push for consensus. It would almost certainly result in very, very significant delays in GAC advice being delivered, and we're here regularly, although I think it's another myth, but the GAC is a bit slow in giving advice. So I think that needs to be taken into account as well.

Another issue which came up this morning, Recommendation 14, the Board working with the GAC needs to develop and implement a process to engage the GAC earlier in the policy-development

process. Again, I think some of us feel that that's based on a misunderstanding. The GAC makes quite a significant investment in face-to-face meetings with other supporting organizations, advisory committees, many of us have participated in joint working groups, we have good contacts with people in other supporting organizations and advisory committees. So I think that the implication of what it's put now is that we're coming late to the show. And I think one really good example of that is perhaps the new Detailed D process where we're one of the first, I think constituencies to come up with quite comprehensive advice in the form of GAC principles back in March 2007. And I'd note that that hasn't made new Detailed D task any easier for ICANN, us coming in early. But I would -- I challenge that and I think some of my colleagues would challenge that as well.

An idea that emerged this morning, in fact my idea is if there is a real desire for the GAC to be involved in an earlier stage, consideration might be given to the idea that before supporting organization goes to the Board with a policy proposal, that they seek GAC advice, that they go to the GAC and have a consultation, and when they go to the Board, the Board will receive a document that says we've had this exchange with GAC, these are their concerns, this is how we think we've addressed them, these are the concerns we haven't been able to take on board. It's possible that would make the job of the Board a lot easier actually, and would also address this requirement for an even earlier a more effective participation of the GAC and policy-making process.

Finally, Recommendation 16 which refers to the fact or the recommendation that the Board should encourage member countries of the GAC to participate in GAC deliberations on a timely basis at a sufficiently authoritative level; and also to increase the level of support and commitment of governments of the GAC process. This is an idea that's come up before. There's quite a lot of governments in the GAC, there's quite a lot of them that travel to meetings such as this, I think you can look around the room. It may not be evident to some people in the ICANN Community, but in fact there's a huge commitment for resources by governments to this process. And it's not that easy to justify traveling around the World three times a year to these kind of meetings to talk about (inaudible 0:16:10) really, actually. I mean we do -- we have to sell this back home. It's a huge commitment of time and resources. It's a rather unique situation we find ourselves in giving advice to a private sector organization. But I think that that's really perhaps a bit misplaced as well.

And I think the idea that we need to be a sufficiently authoritative level is something that we would question as well. I'm not sure what that's intended to imply about the people who come to the GAC, but I think I speak on behalf of my colleagues that we do have authority to speak on behalf of our governments and public authorities. So I'd welcome comments on what the intention was behind that specific comment. But I'll leave it there.

I just add the caveat that this is intended to be constructive input. Generally, I think the report is very, very impressive. I know when

we discussed it, we haven't had that much time actually here to exchange views on it, but I think it is a very impressive piece of work. It's a much -- many more things in the report, actually that I would support, but I think because of time, I can't go through them individually and tell you why, so I've had to focus on some of the things where I think it might be useful to give you some feedback and I hope you appreciate it in the spirit that is' given. Thank you very much.

Brian Cute: Thank you very much, and it is accepted in that spirit. To get to your last question about the intention of the comments or the recommendation with regard to the authority of GAC reps, but before we do that, and the floor is open for any other Review Team members to interact and ask questions as well, as everybody at the table.

I want to go to your next to last point or suggestion that perhaps the ACs or SOs could interact with the GAC in the -- in seeking advice from the GAC before initiating a policy-making process. We as a team certainly contemplated that there could be recommendations that might require an amendment to the bylaws to be implemented and that sounds like that -- if that were a recommendation that might be required, but beyond that, which is certainly something we could contemplate, something we discussed and something that I think is understood for some people in the Community is that the GAC and interacting with ACs and SOs, the structure of those interactions can sometimes create misunderstandings certainly within the Community about the

status of the interaction between an AC and the GAC or for example in cross Community deliberations the participation of individual GAC members in a cross Community deliberation has created some misunderstandings I believe as to the nature of the interaction, so could you speak a bit -- if that were something we were to take up as a recommendation, could you speak a bit to the interaction itself, how advice would be rendered, how it could be taken by an AC and SO and factored into a policy-making initiation if you will?

William Dee: Thank you. It was an idea that emerged this morning, actually, and hasn't been discussed to any extent. I certainly didn't come here with this idea. It came up during discussions and I quoted it in response to what I saw as an emerging desire, actually for us to solve a mutual problem with -- between ourselves and the rest of the Community and the Board, and that is to avoid any misunderstanding that we're coming in late with advice.

And it seemed to me that if you're on the Board, you have a choice at the moment, actually. The GAC gives advice to the Board, that's the -- that's its formal role under the bylaws. If you're on the Board actually you can have the policy-development process and have a proposal put before the Board for a decision, ask the GAC for advice and then find out the GAC aren't happy about something. Or you can try and solve the problem perhaps relative to mitigate against this problem emerging by dealing with it up stream. And it was just a suggestion.

Would it helpful for the supporting organizations for the Board, for the GAC, for the whole Community, if before a supporting organization tabled a proposal to the Board, they were able to include in that proposal a fiche if you like, an extra page you know, just saying we've discussed this with the GAC and here was the outcome, the GAC were fine with it, there were no substantive comments or objections or the GAC did have one or two issues, we've talked about them, we think we've accommodated them in this draft, or there are issues that we feel we weren't able to resolve, but we notified the Board that we had that discussion and they emerged.

So it's just an idea. I wouldn't like to speculate on the format, but it seemed a natural idea emerging from our discussions this morning that that might be one solution to save everybody time and energy, and to avoid situations where people invest a lot of time and energy and then late in the day discover that not everybody is on board with a particular part of a proposal. So it was again intended as a constructive proposal.

I do understand your comment, or I think I understand your comment that it can be misinterpreted by members in the Community as an attempt by the GAC you know to get in and control the process, a government take-over, I think that's the expression I've seen before. But I don't need -- know that it needs to be -- that needs to be a major concern if it's a proposal that's tabled you know in good faith which it would be, it's purely a

procedural thing, which could be rejected by the Board. It could be rejected by the SOs. It's an idea.

If people are really worried about the GAC needing to get involved earlier in the process, then we need to change something. And as I said this morning, you can't have your cake and eat it. You can't complain that the GAC aren't involved early on in the process and then say that you don't want to involve them early on in the process. Thank you.

Brian Cute: Thank you. No, and just to clarify because it wasn't clearly stated by me. First of all, there was discussion about GAC involvement and cross Community deliberations separate and apart from your suggestion, so I think this is an area worth exploring by ICANN and by the Community. Secondly, the perception I was trying to purvey was not the Community feels that GAC is trying to nose its way in, but this Brian Cute speaking in personal capacity, that there is not a full understanding with some members of the Community about what the status of a GAC interaction means in these processes. Or when a GAC member is participating or attending a process, what does that mean as a matter of substance. That was the lack of clarity I was trying to point to and get a sense from you as to how that issue might be clarified if we were to recommend that these sorts of interaction should take place.

William Dee: Well, I don't want this to become a Bill and Brian show actually. So just to give you a personal, well not personal reaction, because there was discussion on this point, and there has been for several

years actually, and that is the view of many of us in the GAC is that we're not here in a personal capacity. Somebody's paid for us to come here to represent our public administration or government. While in the margins, you know in the coffee bars, in the bars, I mean even in working groups, I'm quite happy to discuss things, because ICANN is you know a legal entity and it makes policies that have very significant impact on stakeholders around the World, I think the GAC's role has to be done very cleanly, actually in accordance with the bylaws and when we give advice actually, it should be in accordance with the bylaws and when we interact, I think it should be in a formal way that when people talk to somebody here, they're either talking to a representative of a government who is speaking for themselves, for their own government, I mean, or there's an agreed position by the GAC, and they're able to convey that. But there isn't much room in between actually.

And there is of course, there is a lot of intelligent people here, with lots of very different backgrounds and experience that can contribute to the collective knowledge, and I have no objection to people kind of exchanging views and that, as I said in bars and coffee bars around the place, but I think that it's not fair to other stakeholders actually to have views of governments here, without hearing what is our government view, what is our public views as an organization.

I think it's a danger in misleading them actually, if you have to -- and this is -- this is a personal view; if you get involved in too

personal a basis giving your personal views all the time, because you end up changing your mind then, and that really annoys people. I think we're not like perhaps other stakeholders that we have to come here with a mandate, and we have to take a position which our colleagues would need to respect back in our own countries. So we have to be quite formalistic about them. Thank you.

Brian Cute: Thank you, Chris.

Manal Ismail: Brian?

Brian Cute: I'm sorry, Manal?

Manal Ismail: Yes. Can I just respond to Bill's comments?

Brian Cute: Yes, of course, if you could just speak up a bit, you're a little low in the room.

Manal Ismail: Okay, is this better?

Brian Cute: Yes.

Manal Ismail: Okay. I know there are some concerns regarding the Recommendations 12, 14 and 16, I guess, and I'm trying to shed some light on the merits behind the Recommendations 12 and 14 maybe, because I personally feel they were misunderstood, I mean, for example Recommendation 14 it was not meant to criticize the

late coming of the GAC in practice. On the contrary, it was -- it was concluded from the benefits that was shown when the GAC came early into the process, like within the IDN and the new gTLDs now, and this seems to be very useful, but from a pure theoretical point of view, and from what the bylaws state, the GAC is to give advice to the Board, and this comes very late within the process. But in practical experience it would be more useful to have the GAC contributing very early within the process, and that's why we were trying to say that this should be encouraged and maybe facilitated in a way or another by the ICANN for itself. So it was not meant to criticize the late coming of the GAC; on the contrary, it was to stress on how useful this has been recently. And if the wording doesn't really say so, maybe we should look into the wording itself.

As for Recommendation 12 which again mentions the consensus view, again this is -- was to take the extreme case, which again is based on -- theoretically the bylaws and not what the GAC does on its day-to-day practice. I mean as we all know what's in the Community is somehow the consensus view of the GAC members. But again, as per the bylaws, theoretically it can happen that half the GAC members for example have one view, and the other half has another view. And again I'm not speaking about just one GAC member. I mean theoretically what alerted the RT members was that the full range of the views appears to be quite multiple, and when it comes -- again this could be very informative to the Board, but if you're speaking about actions for example, half the GAC says we should urgently introduce gTLDs and the other half this

would be delayed, then this is where this recommendation comes. We cannot name the Board seeking one side and not the other or being urged to take sides and so again, this is the background behind this specific Recommendation. I'm not sure if it helps you, but again, it was not meant to criticize the current status of how the GAC works, but rather the -- the extreme theoretical case that might happen.

And I don't feel really I'm in a position to speak to Recommendation 16. I'm not sure (inaudible 0:29:56) from the RT members is around that, maybe other members can speak to it.

Brian Cute: Thank you, Manal. Chris.

Christian Singer: Thank you, Brian. Just a couple of overarching points which might be helpful. I think it's important to note that Section B in this document, I think of all of the Sections is the one that must be read together -- as one all of the Recommendations hang off of each other. And it's important to read that which is why that sometimes dissecting it down to sort of like small use of words is not necessarily -- is not necessarily helpful.

The only other thing I wanted to say was -- well, two things. One is I understand completely Bill's point about consensus and I agree with it, but I think it's -- 12 really needs to be read in conjunction with 11 which talks about the importance of clarity about what is advice, as opposed to what is not. Because there are significant consequences that flow from formal GAC advice. And if you go

to the main body of the report where there is -- there is comment as well as recommendation, there is comment that speaks to that, we don't believe it's a fair position for the GAC to take that everything they say should be treated as advice. What we think is that GAC should -- the GAC should be clear what should be treated as advice, because the bylaws kick in in that case. Equally, the Board should be very clear in its requests for advice. So I think that's -- so, and the consensus point sits to a degree underneath that.

The only other point I wanted to make was really an acknowledgement I think and Manal has really said it's not about being late. I mean the GAC has over the last three or four years demonstrated a huge ability to move forward in a -- and I know you don't like the word unofficial, Bill, but you know what I mean -- unofficial capacity you know being on the fast track working group being currently having representatives on delegation, the delegation working group. Where what from the CC side as an example, what we can do is we can say, look we know that having these people involved does not mean that at the end of the day, the GAC is going to agree with us. We know that at the end of the day the GAC may come up with advice that disagrees with us, but it's incredibly helpful as you go through the process to test the ground and say look do you -- you're not bound by this, but what do you think? And I accept your point about working personally and so on. But I would encourage you that it has worked very well I think but certainly from the CC point of view and the GAC point of view.

Brian Cute: Thank you, Chris. Other reactions or comments?

Julia Kahan-Czarny: Hi, I'm Julia Kahan from Denmark. And I would also like to echo my colleagues and commend your immense work with this report and in general, we support the Recommendations which we find are good in making processes transparent and formal, which is very important and I'm not going to read the whole thing again.

But I have a question because for us, we have the Recommendations here and maybe they will be modified, and so what is the process from here, because implementation is the key when you have this piece of paper and very thorough report that you've made. So what -- have you given any thoughts to the follow-up and the process from now on, also in relation to the AOC? Thank you.

Brian Cute: Thank you very much for a very important question, implementation. You've probably noted in the draft proposed Recommendations that we had some bracketed insert dates in some of the text. We recognize in that way that it's going to be important for us to put some dates on these Recommendations if they are to be adopted by the Board, so that there can be a measurement of implementation.

There's going to be a follow on accountability and transparency review team as called for under the Affirmation of Commitment, so that team is going to have to have some form of measurement of performance, but as with any -- in the case of setting any dates,

there needs to be consideration as to how long that process might take, what are the variables involved in having, so if we were to, for example, have a change to a comment and reply comment cycle, from what is presently done, certainly that's going to involve AC and SO participation, feedback from those organizations as to how long that might take, so there's going to have to be some engaging and working with ICANN and the Board and staff. That's something we have to do, before we issue the final Recommendations with dates inserted.

Under the Affirmation, the Board by June of next year must adopt and implement the Recommendations or at least consider which ones they're going to adopt and implement. And any other aspects of implementation that you think would be helpful to have in the final Recommendations, we're open to suggestion.

Brian Cute: Yes, Larry.

Larry: I just wanted to add that in the case of Working Group 2 and the Recommendation specific to the GAC, we did identify in the report that we thought the appropriate vehicle for taking up these issues is the Joint GAC Board Working Group. And so we would expect, I think that -- and it sounded from the discussion this morning, that these are already pretty well in play as part of that discussion. So we weren't intending to create yet another vehicle by which some of these issues would be taken up. We thought that the process that's in place already would be a good place to take up the specific

ones from Working Group 2; I guess that's numbers 12 to 16 thereabouts.

Brian Cute: Thank you. Sweden?

Maria Hall: Thank you very much, Brian.   And also, once again my compliments to this very good report, and also to the amount of -- the huge amount of work that we understand has been done, even though there have been a short time line, and I'm sorry to say that Sweden didn't have time to contribute to this certain consultation, but I did actually answer the questionnaire, the Berklin questionnaire and I'm very happy to see that all the things as far as I remember actually were taken into account. So that's very -- I'm very happy to see that.

And I also want to say like some of my colleagues also, this Recommendation 11 to 16 concerning the GAC -- the role of the GAC is very, very important I think. And especially of course the first one, the need to clarify what constitutes GAC advice, and we had some discussions also today and also yesterday.

And of course I want to echo what Bill from your Commission is saying is it's very, very important that this takes -- this is taken into account and this question needs to be clarified, because we are governments traveling three times a year pretty much from all these different countries to come to this meetings, and of course we come here because we are members of the GAC, we are on the advisory committee and it would be a little bit embarrassing for me

to come to my minister and say like I'm traveling this much every year and now we're discussing whether the contributions I have and my colleagues have are they really advice, I mean this is a little bit embarrassing I think. So that needs to be clarified.

Anyway, I also want to say that I'm happy to see that the report is pointing out not only the fact that ICANN, which is very, very good have more information on their website, so you can actually participate remotely and can see all the reports and drafts and everything, and also consultation, which is very, very good, but I mean in order to have accountable and transparent process, I mean you also need to be able to see and track actually whether your contribution, and this is not only the GAC, it's also the other -- the other stakeholders of course, the way you contribute, whether it's taken account or not. And if it is not, why and so on. And that is the very thing -- very important discussion or the things to clarify in the accountability, transparency thing. So thank you very much.

Brian Cute: Thank you and if I may before I come to Italy, tracking the intake of public comment and how it is factored into your decision-making is a key component. I will say that for the Review Team, we have already seen for ourselves criticism that we have not done a sufficient job on this very point. And I will note two things. We did in our report specifically quote certain comments, but we didn't quote all of them.

And the other thing I'll note is that it's always useful to be put in a position of having to manage that process, because it is not an easy

process to manage well. So we are going to do our best in the final report to address that specific concern and remain open criticism of whether we're hitting the mark or not. But I think that only underscores the importance of this issues and the importance of these Recommendations being taken up. Thank you. Italy?

Stefano Trumpy: Thank you, Stefano Trumpy from Italy. First of all, I thank for this proposal that reflects the situation of the 11 you know, sovereign interaction between the GAC and the Board. And if you are reading the independent review of (inaudible 0:40:10), the story of the GAC interaction with the Board there is much more -- we get a negative impression, simply because they are reporting historical criticism, historical defects in this interaction. But now this is actually pointing at the present situation and it's okay.

Let me mention two sentences that are very important. You say in point 16 the Board shouldn't ever to increase the level of support and commitments of the governments to the GAC. We feel this is very important. On our initiative but also on the Board's initiatives, because actually as was mentioned that the work of the GAC is very complex, we have to deal about a number of issues and we are not specialized as the supporting organizations in single problems, we have to deal about every problem.

And you recommend here that the GAC delivery should be on a timely basis. And we feel this is a very important asset. And also you say in point 13 that GAC meets only three times per year face to fact, and we need to establish another mechanism for preparing

and reaching an agreement on consensus opinion -- opinions in a more timely manner. So the problem of here is the problem that the Community should not perceive that the presence of the GAC is delaying the decision-making mechanism of ICANN. This is a very important point.

But perhaps in order to improve the understanding, someone mentioned it before, when the GAC Board should ask advice to the GAC at the proper time, and we agree on that. But perhaps we need to have a post advice phase, where the Board has to react as soon as possible to interpret and to understand what the advisor should imply in implementation of the advice, and in decision-making mechanism. And this is a point that sometimes is missing, and the risk is that in the end, the Board believes that the advice was satisfied, and because it may be the stuff is assuring this, but in the end the GAC may be not content, not comfortable about this decision. So after the advice, I mean there is a need of a phase of interpretation of the advice as soon as possible.

Brian Cute: Thank you very much. Norway.

Ornulf Storm: Thank you. It's Ornulf Storm from Norway. I also wanted to say that we -- the Norwegian government greatly appreciates your work and the amount of time you actually spent on this, so thank you very much.

I just wanted to highlight a couple of things. I don't want to repeat what excellent words my colleagues have already said on the GAC

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advice issues, other than I think it is urgent, like I just want to highlight the urgency of having better communications between the GAC and the ICANN Board and how the GAC advice has been treated. So that can probably also be highlighted even more in the Recommendations.

On the other hand, also I want to highlight the -- appreciate the Recommendations on how the public input has -- will be sort of handled. That's -- that all the comments from the public input will be sort of handled properly and of course also including what comes from the SOs and ACs. So that are very much appreciated.

And also as we've indicated in our input, so sort of improvements for the Board election procedures and so on like we've highlighted the possible lack of sort of classic democracy, representation, representativeness and so on; so that is of course something that can be looked at, but that is also something possibly can be looked at with the internal review cycles that we also are very much in favor of having these regular review -- internal review which will be I think a good vehicle for ensuring that the ICANN will as such -- will have a regular review on looking if the procedures and everything is in place and can be approved. So thank you.

Brian Cute: Thank you very much. I have Norway -- pardon me, UK, Portugal and Malta in that order. UK please?

Mark Carvell: Yes, thanks very much. Mark Carvell from the UK, Department for Business, Innovations and Skills. I also would like to echo the

comments of appreciation for this -- the work of the Review Team. It's produced a very thorough, comprehensive draft report which we have -- we are still looking at actually in some detail. Like Sweden, we contributed to the Review Team's work with a very detailed response to the questionnaire and we're pleased that some of the points that we made in that response have been picked up in the draft report.

We do want to put on record our views -- our reactions to the report. We were trying -- we've missed the deadline of course, but we will endeavor to do that very shortly so that we have something on the record from the UK.

We will focus in particular on the aspect of the report with regard to the GAC and we've already had quite a bit of discussion on Recommendation 16, actually I wasn't able to be here for the discussions here in Cartagenia until shortly before lunchtime today, but I have taken note from what I understand was discussed, and much of that concurs with thoughts that we've got in the UK. And we particularly welcome this -- I think that there is a general agreement that following on from the European Commission's discussion at this session about engaging and policy making. I think we all are agreed on that and that's very successfully captured in the report and it's incumbent on us all in the Community working with the Board and staff, the other SOs and ACs for us to develop the mechanisms to enhance the development of policy initiatives at the earliest stage with inputs from governments, so that's important to enable us to do that. It's going to be resource

intensive for us, but it's undoubtedly important, and we certainly made that point in our response to the questionnaire about early engagement and avoiding the risk of desperately trying to catch up with work that's quite advanced in other parts of the Community and then inadvertently us coping some of the blame if things get held up. So that is a problem we all need to fix, and as I say the report captures that sense of general commitment that we should -- we should address that issue.

Also, within that Recommendation 16, the emphasis on engaging a lot more governments, in particular governments from developing countries is something I've commented on in the past. We are at the turning point of ICANN in terms of its global visibility, its outreach and its successful engagement with stakeholders the World over. So the report is very welcome in emphasizing that objective for us all. And we all have ways and means of contributing to that process of outreach to developing countries.

We've touched on this point about the level of seniority of GAC representation. So we in the -- I mean we in the UK have always said that this is not down to individuals turning up at meetings here. We do prepare for these meetings, and that involves consultation across administrations to senior level, to ministers, I have to undergo scrutiny for our Parliament on ICANN related issues. So it's not -- I'm worried that there is this sense that the level of authority of GAC interventions here is not sufficiently high and I'm still not convinced what would be gained by having some separate higher level track of engagement with governments

that -- that part of Recommendation 16 seems to be trying to aim for.

I think that's potentially misguided and if we can work to build on the very wide representation of membership that we've got now, and enhance that to engage those governments that for one reason or another are not participating in this multi-stakeholder process, I think we can achieve a greater goal of truly global public policy dialogue relating to the development of the main named system. So that's the approach we would see greater value in enhancing rather than trying to sort of create a superstructure of higher level government involvement in this, when really relies on the experts -- the policy experts that do make this commitment to come to meetings three times a year, at a time when our resources are all being cut back.

We're fighting hard to ensure that we -- we continue to engage in this -- this model of modest accorded dialogue involving the public policy experts from governments. But it's at a tough time for governments and at a time of public sector cutbacks and so on. You know to sort of try and reach out to even higher level of government interaction at this particular time is particularly challenging. I would just make -- try and underline that point.

On implementation, we in the UK are particular anxious about what can be taken forward now from this raft of Recommendations and has done so as quickly and as speedily as possible. Those Recommendations that do not require any elaborate process of

fixing bylaws or legal issues to be explored, things that can be taken forward quickly and speedily should not be held up by being caught within a package of Recommendations, some of which will take time to sort out and establish throughout the right legal underpinning if you like.

So we, on implementation, we want to impress on the meeting here that we shouldn't sort of just sort of identify a milestone six months ahead when okay, let's see what can be done. We should now ensure with the cooperation of the Board and the hard work of the staff and so on and colleagues and other SOs and ACs that we should ensure that what can be done now within the earliest opportunity is implemented and that is then fully recorded and captured and understood by all rather than sort of letting things drift while other more difficult issues are resolved and take more time.

So some sort of prioritization and differentiation or specification approach is what we would strongly recommend. It would look good for ICANN to be seen to be acting quickly where it can -- where you know the circumstances or the parameters of the Recommendation allow it, that it does so quickly, responsibly in a fully transparent way, and not as I say run the risk of letting things drift and things getting bogged down or even sort of mislaid or distracted in some way.

So we really want to make this point that there is a lot of focus on the outcome of this review, the review has done a lot of very

valuable work, let's ensure that the next step is one that matches expectations and what can be done quickly is done as quickly as possible. Thanks.

Heather Dryden: Thank you UK. We have on the list remaining Portugal, Malta and Japan. We are already ten minutes past our allotted time, so please keep your remarks focused and so that we can wrap this up and move onto our next agenda item. And I'm sure our colleagues on the Review Team have other meetings and such to go to. So let's not delay them unduly. Okay. Portugal, please.

Luis Magalhaes: Luis Magalhaes representing Portugal. Well, actually my contribution is going to be very practical and regarding two issues that were here raised, but I would like to be straight to the point. One of them is related to the consensus issue, the other is related to the -- to what constitutes and how should be handled GAC advice.

So regarding the consensus, the sentence that states there at paragraph 12 for that at the moment sounds like normative, so at the same time the GAC should agree that only consensus view is its members constitutes an opinion to trigger -- that triggers the Board's obligation. I suggest small changes in wording that render it -- the acknowledgement that consensus gives weight to the effect of triggering the Board's reaction, which is very simple, it's to take out the only and it's to change just a part of the words, so if it reads like: "the GAC should agree that the consensus view of its members constitutes a strong opinion to trigger the Board's obligation," so this is I think would resolve part of the problems we

are finding with this wording and we should let GAC (inaudible 0:57:07) decide how to convey and advise when there is a problem, as we have seen that's very unusual.

Now, regarding the other point which is the GAC advice, as a matter of fact what I think we are missing here is a very clear way of tabling GAC advice and tabling the follow-up by the Board. So if we had a permanent log for that, that is made public, immediately after each contribution, either after a meeting of ICANN or after a letter is received. So if this accounting is done, immediately one could check up if the advice is understood way truth and stated the right way or if something is being missed, and also it will be followed, we expect by the action taken by the Board on that with its justification. I think just a very practical thing like that would do an enormous advance for the relationship between the two bodies. Thank you.

Brian Cute: Thank you Portugal for those very concrete suggestions. And I apologize for missing you in the queue earlier. Thank you. Malta.

Joseph Tabone: Yes, thank you very much. And I echo the sentiments of my predecessors about the quality of the report and how comprehensive it is. And I think the point that I was raising has largely been covered by my UK colleague, and that has to do with the third part of the -- or the finer centers of Recommendation 16 about the implication of a two tier interaction with governments. The very concerns that I have in this is that this may serve to detract from the very effective interactions between the present

GAC and the Board. And I think those interactions are in somewhat of a pillar state at the moment. I think that's been the subject of much of our discussion, there's a great deal of improvement and introducing in another level of the interactions may unless one is clear about the delineation between the GAC as we know it, and another level may further serve to impair the interactions, I think between GAC and the Board. Thank you very much.

Brian Cute: Thank you, Malta. Japan?

Junichi Nakazawa: Thank you. My name is Nakazawa from Japanese Ministry for Communications. Firstly, I appreciate all the work of your team for this review process. And we have -- I have just for comments. Some of the GAC members already commented, we are also believe that the very important is how to implement the Recommendations and it is necessary to clarify the schedule for the discussion for implementation. Also, I've seen Recommendation 12, for example, which proposes the development of (inaudible 1:00:21) to improve the interaction between the Board and the GAC. Some Recommendations may require additional resources in ICANN. So we should keep in mind the schedule and the resources needed, sometimes including the secretary of support in order to smoother implement the Recommendation. Thank you.

Brian Cute: Thank you Japan. We have Sri Lanka and then we'll have to end.

Sri Lanka: Thank you. I'll be less than a minute. Once again, I want to convey my government's appreciation for the extremely productive process that has resulted in all these Recommendations, and we value this significantly, and we apologize for not being able to make comments within that short period; just a quick suggestion in the context of Recommendation 16.

Where there is a suggestion to pay particular attention to the need to provide multilingual access to ICANN records which I think is a very laudable recommendation. I think given the fact that I can understand so much good work in the context of IDNs, that sentence can be stand alone, separate recommendation rather than being hidden within the paragraph 16. Thank you.

Brian Cute: Thank you very much. Okay, on behalf of the Review Team, thank you all very much. Thanks to the GAC for your time, your interactions. I hope this session has been recorded, so we can at least see the transcript, because there have been some very concrete specific suggestions with regard to the language that we will take into account, before we move to our final Recommendations. So again, on behalf of the Team, thank you for your time. Thank you for your input. And we look forward to delivering the final Recommendations at the end of December.

Heather Dryden: And thank you on behalf of the GAC for meeting with us today and for all your efforts. We really do recognize the degree of effort involved in generating a report like this. So we thank you for that.

For the GAC what I suggest we do is we actually have our coffee break now, and let's make it 20 minutes and then (inaudible 1:02:49) at 20 minutes, and then when we come back, then we will continue –

[End of Transcript]