ICANN
Transcription
GAC GNSO Consultation Group meeting
Tuesday 23 September 2014 at 13:00 UTC

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http://audio.icann.org/gnso/gnso-gac-20140923.mp3
On page:
http://gnso.icann.org/en/group-activities/calendar#jsep
The recordings and transcriptions of the calls are posted on the GNSO Master Calendar

Attendees:
Government Advisory Committee
Manal Ismail – co-chair – Egypt
Suzanne Radell - USA
Ana Neves, Portugal

GNSO Council
Amr Elsadr, Councillor
David Cake, Vice Chair

GNSO Liaison to the GAC:
Mason Cole

Apology:
Jonathan Robinson, Chair
Mark Carvell, UK
Avri Doria – Councillor - NCSG
Volker Greimann, Vice Chair

ICANN Staff:
Marika Konings
Julia Charvolen
Olof Nordling
Nathalie Peregrine

Coordinator: The recording has been started, please go ahead.

Nathalie Peregrine: Thank you ever so much, (Lori). Good morning, good afternoon, good evening everybody and welcome to the GAC GNSO Consultation Group call on the 23rd of September, 2014.

On the call today we have Manal Ismail, Ana Neves and Suzanne Radell. We have apologies from Avri Doria, Mark Carvell, Jonathan Robinson and Volker Greimann.

And from staff we have Marika Konings, Olof Nordling, Julia Charvolen and myself, Nathalie Peregrine. And I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you ever so much and over to you, Manal.

Manal Ismail: Thank you. So welcome, everyone, to the call. And I was going actually to start by welcoming our GNSO liaison to the GAC but I don't think we have him on the call right now so if no one has any comments from the agenda we can start by the second agenda item if you don't mind. So do we have any comments on the agenda first? Olof.

Olof Nordling: Yes, thank you. Thank you, Manal. This is Olof. And I just came to my mind that we should, at least, address at some point the ways to introduce the GNSO liaison to the GAC to the GAC both prior to the GAC meeting in Los Angeles and also when to do it during the GAC meeting. So I would suggest that we deal with that if we got time today.

Manal Ismail: Thank you, Olof. Yes, and I can see Ana already agreeing to what you have said and I also fully agree to your comments. Actually I think there was already an email shared by Heather to all GAC members and there was also suggestion by Mark that we share Mason's bio or a link to his bio with GAC members so this is available, we can do this on the GAC mailing list.

I think we can also, as soon as the GAC agenda is out, we can also share it with Mason so that he is clear what sessions are closed, GAC sessions, and what other sessions that he has to attend as the GAC liaison and what other sessions that he are most welcome - he is most welcome to attend as they are open sessions. So maybe when the agenda is out this is also something he can do.

As far as the physical meeting I think we can check this with Heather and see when would be an appropriate time during the meeting to get him introduced at the meeting. So does this cover what you were suggesting, Olof?

Olof Nordling: Yes, thank you, Manal. Indeed it does. And very good. Just to make sure we're all on the same page in all respects and I think we are. So, yes, I will proceed with that and check with Heather when - at what point we should make the announcement at the physical meeting. And, yes, go from there. Thank you.

Manal Ismail: Perfect. So we have on our to-do list now that we keep an eye on the agenda when it's out so that we can share it with Mason and coordinate with Heather on his introduction at the meeting.

Olof Nordling: Yes. Manal, Olof again. There is - well, we already have an agenda posted on the public ICANN site as well as well as on the GAC side. But there is a last minute change between sessions so there will be a more final agenda - GAC agenda circulated on the GAC list, I would believe later today.

Manal Ismail: Okay perfect. This sounds perfect. This is Manal speaking. It's good to know that the agenda will hopefully be out today, this is good to hear. And, yes, this is what I've been told that the agenda that was circulated at the GAC earlier call has been, to a certain extent, changed so that's why I was waiting for the new one which I hope will have clearly what sessions are closed sessions so that this is clear from the beginning.

So I think with this we can move to our second agenda item which is a discussion of the day to day work check. I already had a few comments on the document itself. I'm not sure if the - if other colleagues also had the time to go through the three options we have at hand whether anyone has any comments or any reactions to the comments that have been submitted online.

So I think I'll give some time, first, if there are comments on the document itself before we go into discussion on the approach itself along the lines that we were discussing on the mailing list. So let me first ask if there are comments on the document as it stands now.

Okay, Suzanne.

Suzanne Radell: Yes, thanks Manal. Suzanne Radell here for the transcript. I actually have - it's more of a question. So I guess I'm just trying to understand the document that's currently on the screen we are looking at whether we can reach agreement on these options for presentation to the GAC and the GNSO in Los Angeles. I'm just trying to be very clear so what it is we're seeking agreement on.

Manal Ismail: Thank you, Suzanne. And this is Manal speaking. It's not an agreement on the document per se because we're not sharing the document itself. We are rather going to reflect whatever we agree upon in - on a few slides in a presentation like we do every meeting.

So we're not presenting the document itself. It's more of a place where we can have our brainstorming and discussions and then conclude what to share on the slides in a presentation. So does this address your question, Suzanne?

Suzanne Radell: Thank you. Suzanne again. Yes it does because I actually think, as I sort of suggested in response to Olof's and your emails, I think we might want to

take a little bit more time before jumping to the concept of a triage committee. I think we have to spend a little more time with our own colleagues trying to understand better from them based on our assessment of the survey results how it is we can proceed on just the information flow.

And then as I've been trying to suggest but perhaps very inartfully, so my apologies, I think we also need to put some questions on the GNSO side. So my questions about timing I have the answer; Marika has clarified there can be a great deal of flexibility. That is good to know. But I don't think it gives us enough detail.

So I'll find a way to raise the question that I really actually think we have to surface if not in Los Angeles then at the next meeting. Is there a way for the GNSO to also know that there is a trigger on their side? For example, if there is an issue that has an obvious connection to the GAC, and obvious to me would mean the GAC has preexisting advice so that would be an IGO issue.

Or there is a reference to national law. And that one I would foresee whatever ICANN staff determines to do on the Whois procedure for handling conflicts with national law. At a minimum what they have proposed is that there be some implementation proposal that goes to the GNSO.

So, again, that has triggered my thinking of what is it that the GNSO needs on their side? Because this has to be a two-way street. I don't understand the focus purely on the GAC side. So that's what I'm trying to get at and apologies if this is not the right time to do it. Thank you.

Manal Ismail: Thank you, Suzanne. And, no, I mean, it's the right time to discuss everything here. So - and I would say we can just not stick to the agenda. I see the Agenda Item 2 and 3 are both related and are related to - on the mailing list so I invite anyone to make any relevant comments whether on Agenda Item 2 or 3.

Having said that, and apologies from my side from jumping into using the triage committee terminology, which might not have been the most appropriate thing to use and probably it preempts the discussion. But what I meant was more of a joint whatever committee that would make sure that the two way thing you are talking about is taken care of. It's definitely a two-way cooperation and it has to be taken into consideration from both sides.

I can see Ana's hand up so, Ana, would you like to comment?

Ana Neves: Yes, sure. Thank you. Well, I'm thinking here about the discussion we can have in GAC on these issue. So I think that this discussion has to be very, very focused. I think that we have to have like a frame to have this discussion otherwise people will be a bit out of the context because we know what we are talking about but the most of our colleagues in fact they are not so aware and I'm certain that when we'll have the liaison person there that there will be questions and there will be doubt.

So I have - I think that we have to really prepare how this discussion will take place at top level. Furthermore, I think that we should take advantage of being all together in LA and to have a face to face meeting on this group like half an hour to acknowledge or to discuss how things are going on with the liaison there at the GAC meeting and to see whether it is working or not.

And finally, to try to find immediately a theme that would trigger our joint work meaning the work between GAC and the GNSO. Thank you.

Manal Ismail: Thank you, Ana. And thank you for the very good points you raised also. So as far as the face to face meeting is concerned I can see that Marika has already posted the URL that the meeting has been confirmed and scheduled for Sunday 1830-1930, okay which is good; we have this later on our agenda.

But - and I can see, Marika, do you want...

Marika Konings: Yes, this is Marika. I'm happy to come back to that when we get to Item 4, I want to mention something about the face to face meeting but as it's a separate item I'll wait until we get there.

Manal Ismail: Okay. So let me start from where Ana has stopped which is the joint work of the GAC and the GNSO. And how - because I'm fully - I fully agree to what Suzanne has said and what Amr has also supported that this has to be done both ways from the GAC and from the GNSO.

But it's very hard to tell now the exact process that we need - I mean, it might differ from one process to another, depends on the topic, depends on the timelines, depends on how interested is the GAC and whether it is something that is crucial like Suzanne has mentioned has to do with national laws or whatever or something that the GAC would be interested to remain notified on.

So I don't see really one process that fits all. And I was wondering whether we can have this through some joint effort between both sides, whatever this might be called or are we still too early even to suggest this?

So I can see Ana's hand up and Amr's. So, Ana, is this an old hand or a new one? So, Amr, go ahead, please.

Amr Elsadr: Thanks, Manal. This is Amr. Well, in principle I would very much like to see how both processes could accommodate each other meaning that both need to be flexible in order for both the GAC and the GNSO to collectively get to where we all want to get.

The GNSO processes are quite detailed and they generally they do need to be followed. I'm not sure how flexible we could be in a sort of pilot trial to see how we could bring these two processes closer together but I would like to perhaps take this discussion to the Council and get further feedback from them on how this could be done.

If we're talking about a permanent sort of solution, and we're not there yet, we're still trying to think about how we can get this done and we're talking pilots and trials, but in terms of permanent solutions it's not difficult to change operating procedures in the GNSO. This is always happening; it never stops happening actually.

And we do have a standing committee called the Standing Committee on Improvements Implementations that gets requests from the GNSO Council to look into existing operating procedures and sort of look at them and see, okay but there's this certain scenario where it's not convenient.

A procedures needs to perhaps be tweaked a little because of this certain situation, for example, because we need to - we want to interact with the GAC on something specific. And this could be done but then that would be a permanent change to the GNSO's operating procedures.

This is something perhaps we might be able to do something like this down the line. At this point in time, though, I agree in spirit and in principle that we would like to bring these two processes together but I would - I think it would be a good idea to go back to the Council and have a discussion with them about how we can get this done. Thanks.

Manal Ismail: Thank you, Amr. Marika, would you like to comment? Go ahead.

Marika Konings: Yes, this is Marika. I just want to - yes, this is Marika. Thank you, Manal. Just wanted to put a little bit more detail around Amr's comments. I mean,, yes, we can change the GNSO Operating Procedures but I wouldn't necessarily say that it's that easy, I mean, of course it does require there's a specific committee, indeed, that looks after changes that are first debated by that group which do need full consensus on that committee before they are recommended.

Once they are recommended they actually go out for public comment. Public comments are then reviewed and go back to the committee before they make the recommendations to the GNSO Council for consideration who would also need to adopt it.

And just to note as well that the Board does have oversight as well over those GNSO operating procedures and should any changes be required to the bylaws, because as you know, certain parts of the PDP are actually contained as well in the bylaws, that would also require a Board approval.

That's of course, not to say, that it's not possible but I did want to put a little bit more detail around, you know, how that process is managed and of course that there is certain procedure that needs to be followed and a certain timeframe that's associated with that.

Manal Ismail: Thank you, Marika. Suzanne.

Suzanne Radell: Yes, thank you, Manal. Suzanne here for the transcript. That was extremely helpful, both of you, thank you, Amr and Marika, for walking us through that. And I think it may - it's a useful pause point if I could suggest because I am wondering if we need to break down perhaps in terms of phases or steps that we might need to take.

I fully agree with Ana that for our GAC colleagues in LA I think we have to really provide complete context and walk people through not just in a presentation; I actually think we have to make a presentation and then we have to engage them, you know, literally putting questions to our colleagues.

What kind of information and in what format do you need? Because this is clearly not working, the existing methodologies clearly do not work. So we need to reach agreement on the GAC side as to what we think will work.

But I also think we're going to need to develop, I'm not entirely sure we can do this in LA, we're going to need to develop some GAC ideas or proposals that then the GNSO Council can consider because right now this is just a very small group of people doing our best to brainstorm and come up with good ideas. And I'm very honored to be part of this group, so don't get me wrong.

But I think we're really a little bit in a vacuum. And I think we need to broaden this discussion. We've got to get input on our side from GAC members. We need a lot more detail and a lot more of a sense of what people think they need. And we may learn some interesting facts if we have this kind of discussion.

I just don't think we can continue on our merry way as a small group to contemplate ideas beyond a very preliminary stage of these are ideas that we can present to our colleagues. But I think both of the larger communities need to be consulted at some point as to what is possible, what can be changed.

Otherwise I don't see us being able to come up with a game plan. So it's just a suggestion. And I defer to our GNSO colleagues as to what it is they need to go to the GNSO Council. And I would imagine the Council members will want to go back to their own stakeholder groups.

So at some point I think we need to figure out when and how best to engage with the larger communities on both sides. Thank you.

Manal Ismail: Thank you, Suzanne. And I'd be open to suggestions. We don't have to present slides if we don't want to, we can present questions as you mentioned or whatever other approach that would present our progress and where we stand and where we are seeking consultation as we see appropriate so we should be flexible I guess.

Marika.

Marika Konings: Yes, this is Marika. I think specifically to Suzanne's point on, you know, document and mechanisms to communicate information, I don't know if would be helpful as well if we actually print out some of the documents that we currently do share where, you know, we see at least in response to the survey that many people seem to be unfamiliar with information we provide and how it is provided.

Because I agree, I think at this stage, you know, we're really at the point where it's not enough to just say, you know, well what we're getting is not helpful. We need to know how we can make it helpful because I think at least, you know, looking from a policy staff perspective I think we've tried our best or we believe that, for example, the one pagers, you know, do meet, you know, the criteria that I think Olof listed as, you know, very short, to the point, really focused.

But apparently that still doesn't meet, you know, the objective or the expectations of the GAC. So maybe it is really a question of having some of those documents on the table and basically saying, look, what is not, you know, what doesn't work about this? Do we really need to start from a clean slate? You know, well give us then what kind of headings do you expect to see on a document like that?

You know, what is the length of the document that you would expect to see? Do you expect paper copies during meetings or is that something you would get by email? You know, do you get things in a batch or separately? Does it need to come, you know, through the secretariat or does it need to come, you know, through the GAC chair?

And really going, indeed, into some more detail in order to be able to come up with concrete recommendations. I think, you know, at least looking from it on the GNSO side I think especially on the communication aspect I think it's, indeed, where, you know, they're probably looking for guidance, you know,

from the GAC on what will be helpful. And I think on the conversations and how that may, you know, feed in, for example, into the PDP.

I think there at least, you know, looking at the GNSO I think what works often best is having a couple of suggestions on the table to actually start conversations around.

And again, if some of those suggestions may come out of here, indeed, you know, if a joint committee could be a possible way even if that's a, you know, whether that takes a form of a triage within the GAC or if it's a joint committee between GAC and the GNSO that may give something to indeed further talk about.

And indeed, you know, maybe put some criteria or principles on paper that, you know, from both communities could be, you know, compared and the basis of that maybe this group then can continue its work after LA saying look let's compare where, you know, we agree on what the basic principles or outline would be of such a committee or group or mechanism and from there then, you know, refine that proposal and come back again to our respective groups to see if that indeed meets what, you know, they shared with us during the meeting.

Manal Ismail: Thank you, Marika. And I have to say that I share some sympathy to what Marika has just mentioned because I don't feel we have concrete suggestions to ask the GNSO to take into consideration nor concrete suggestions for the GAC to ask to take into consideration. I think we would be in a better position to make whatever comments we want to make if we get this into practice.

So maybe if we're discussing the certain topic then we feel the GNSO is growing too fast and we can ask them to slow down; if they slow down then this accommodates what we have asked for. If they don't slow down then we can object and raise the issue and see how we can tackle this.

But I think speaking theoretically is not easy to conclude. But, again, those are my views. And as I mentioned I'm totally flexible to present our progress and our questions the way the group agrees to. So, Amr, I can see your hand, go ahead please.

Amr Elsadr: Thanks, Manal. This is Amr. Yes, I'm just looking at David's comment in the chat and he said it's rare that anyone is worried the GNSO is too fast. And, he's pretty right about that. People in the GNSO generally say that the GNSO policy is painfully slow.

And for that reason I would - I would hesitate to think that, on the GNSO side, that the - a proposal to slow down the process even more than what it is - how slow it's already perceived to be I don't think that will be something that too many folks will be too happy about.

But what I would suggest, and I'm not saying that it's something we need to do in the short run but something to consider is we really need to map out these processes sort of in parallel, in tandem, and sort of compare the pace at which the different stages in the GNSO process moves forward along with the process of the GAC and how the GAC can review policy documents or sort of GNSO issue report perhaps.

And sort of break down where and - where the GAC would want to intervene and perhaps is able or unable and then sort of see how we can tweak two processes there maybe sort of - I'm thinking light weight tweaks, not something that is - that will affect either one of the processes too much but maybe make certain allowances to, I mean, (unintelligible) a PDP that has significant public policy implications and the GAC is very interested in it.

And, okay, they can't provide input by this deadline, okay, the GNSO process is moving forward but we are still waiting for this GAC input before a certain step is taken. I'm just thinking at this point what we really need to do is sort of map out the two processes alongside each other and see which points there

need to be a crossover interaction between the two. I think we will need help from both sides of the (unintelligible), thanks.

Manal Ismail: Okay thank you, Amr. David, please, go ahead.

David Cake: Hello. Hello.

Manal Ismail: Hi.

David Cake: Can you hear me?

Manal Ismail: Yes.

David Cake: Oh, yes...

Manal Ismail: Yes we can.

David Cake: So the - I think - I mean, it wasn't entirely sort of frivolous saying it's not often the GNSO process is accused of being fast; it is quite long. I think what often happens is that the GAC, I mean, what we're really trying to do here is get the GAC involved and giving us some, I mean, perhaps not formal advice but certainly, you know, important - certainly policy advice quite early in the process.

And I think it often seems the GNSO is fast to the GAC because the GAC sort of gets involved once the GNSO has come up with its - with - it's starting to hone in on recommendations.

Usually the GNSO process in its early stages is really quite slow like generally you'll spend a long time discussing scope and - discussing scope and working out how you're going to package up the specific parts of the problem and other sort of slow housekeeping orbiting around the problem and taking its measurements before you start trying to solve it.

So I think if we can work out effective ways of getting the GAC involved early on that would be - would largely deal with that sort of issue. I think the problem of the GAC, you know, the policy process seeming to be a bit fast and needing to be slowed down would probably not sort of occur.

And any sort of opportunities to get where the GAC did need to give us feedback are usually taken care of in that latter process where part of the process there are extensive, you know, there are comment - public comment periods and so on. And of course any advice from the GAC in that phase would be taken very seriously it just would be less helpful than advice that given really quite early we can identify the public policy.

So I do - I don't - it is one of these things where I think if we manage to - manage the day to day well then there won't be a lot of adjustment of the process needed, it's just a case of managing particularly that early part of the process.

But I do understand that that is a nontrivial issue because we can't convince - we can't just expect the GAC to have read every sort of issue report that the GNSO produces. I mean, certainly most GNSO councilors would not read every issue report the GNSO produces either so it's important to identify.

And while we can rely on our constituency members who may be in working groups the GAC does not - to identify important issues for us the GAC does not have that. So we may need to work - we need to work out a way to cut through that information overload for the GAC and identify potential public policy issues early and that's, I guess, where we're still - further work to be done. Thank you.

Manal Ismail: Thank you, David. And maybe actually first was a mere example of anything that GAC could comment on, I mean, at least there are simultaneous PDPs

running at the same time, sometimes big documents that the GAC cannot really get through all of them on time.

So, I mean, whatever we experience - whatever challenges the GAC experiences would be shared with the GNSO and then we could then investigate how those things could then investigate how those things could be sorted out.

So this was my initial thinking. But anyway Suzanne, thank you, you've been waiting patiently. Go ahead, please.

Suzanne Radell: Thank you, Manal. And thank you, David. Suzanne here for the transcript. I fully agree with both of you. And, David, I'm so glad you kind of ended your intervention by talking about volume of work. I think that is a huge problem. And, Manal, you did mention that as well. So, again, to go back to Marika's sort of plea for assistance we know that you stand ready to make whatever changes people think need to be made to the briefing material.

Part of it is is to have an understanding on both sides, actually. And so I wonder what the GNSO needs on its side for it to identify right at the outset of an issues report that there is a public policy aspect or there are many public policy aspects. And you would know right from the outset yourselves that you would like to get GAC input. Because we're not there yet.

The GNSO has undertaken any number of PDPs where there are clear public policy aspects. And the assumption is the GAC cares about it they'll use the public comment period. And we know that hasn't worked. So I'm not suggesting the GAC should somehow not take advantage of the public comment period, it's just there is a deluge of documentation.

And it isn't just coming from the GNSO. Right? We're all struggling with new announcements, new initiatives, new documents up for public comment every

day of the week, plus right now of course we're juggling two very, very high priority work tracks, IANA transition and ICANN accountability.

So on top of that you have all of these other ongoing initiatives. That I think is our problem. And if we could put our heads together to try to jointly identify some criteria how could we do - is it possible to do a priority ranking? I confess I don't know, it might not be.

But if not then is it possible it isolate and identify which of the current PDPs processes, you know, that are early enough still, what kinds of public policy issues do they raise? So let me give you an example, privacy proxy services. I think if we were to ask the GAC every had in the GAC would go up to say this is an important priority.

Almost no GAC members, I think only one, has sort of attempted to follow this work. It's extremely intensive. So we have a disconnect right there because clearly you know - GNSO people know GAC cares about privacy and proxy services from a variety of angles, consumer protection, privacy protection, law enforcement, you name it.

And yet we can't participate. We're struggling - I bet half of us, most of us, don't even know where that particular PDP is. So it's that kind of thing - I think we have to - if we're going to get to first step then it is both sides. We have got to find some different mechanisms on both sides to collaborate in identifying whether there's a public policy aspect, if there is how do we want to engage.

So I think if we could both parties, GAC GNSO, concentrate on that and seek feedback from our colleagues maybe that's a good focus. It's just a suggestion but I think we're all struggling with the same dilemma, the same challenges. Thank you.

Manal Ismail: Thank you, Suzanne. So if I'm understanding you right, you're saying that maybe some PDPs are really crucial and pending GAC input and this should be proactively taken care of from the GNSO side?

Suzanne Radell: I'm wondering if we can now - I'm sorry to interrupt. This is Suzanne again without putting my hand up so my apologies. I guess this is my question to our GNSO members: Is this something that they can take back to the GNSO Council? Because right now that doesn't occur. Okay, there's no obvious - at least to my knowledge, now if I'm wrong please correct me, Marika, David, Amr.

So for example when the GNSO decided to do the IGO INGO PDP, there was no formal outreach to the GAC notwithstanding the fact that there was complete awareness that the GAC had issued advice.

There is yet another PDP that has just been initiated. There will be others. It's not just the expert working group; God help us when that starts, that's going to be huge. There is this Whois conflict to national privacy laws and that may hit the GNSO earlier than the Expert Working Group, we don't know. So it's that kind of thing.

Is there a way? And if so do we need to, you know, maybe it doesn't exist. Do we need to help each other create that on the GNSO side while on the GAC side we have got to get better feedback from our colleagues to, you know, understand what kind of material do they need and what format? Because the GAC has to stand ready; it has to be prepared.

But it's a two-way thing so the GNSO - it would be good to know if it's possible, and if so how do we make this happen, how does the Council take up the issue of explicitly flagging or acknowledging that there is a public policy element to what they're doing? Because I don't think we have that at the moment.

And so that's, in part, what we can use to flag with our GAC colleagues. Like, oh, heads up, wake up, we're going to have to pay attention to this. You see, that's the piece that doesn't seem to be occurring. So that's all I was going at. Thank you.

Manal Ismail: Thank you, Suzanne. So I can see Marika's hand and David, this is an old hand or a new one, I'm not sure, and then Amr. So, Marika...

David Cake: I was actually about to put my hand up again so it is an old hand.

Marika Konings: Thanks, Manal.

((Crosstalk))

Marika Konings: Thanks, Manal. Yes, so this is Marika. So, Suzanne, I think I understand the point that you're making but I think the concern or at least, you know, coming from a staff perspective is that, you know, the challenge is, you know, how are we supposed to recognize, indeed, in certain cases it may be obvious but what about those cases where it's not obvious and that later in the process, you know, the GNSO would then get blamed for not telling the GAC that they're public policy considerations.

I think what we've been doing, and that's, for example, on the privacy proxy, you know, we send the, you know, we send the call for volunteers, you know, the notices of the public comment. We send the one pagers where we, you know, very briefly outline what the issue is about.

And I think the assumption is, or the idea is that on the basis of that the GAC would be able to make an assessment of, you know, which are the priority issues from a public policy perspective as I think partly consider that really, you know, your area of expertise.

I think as you said, you know, some of the criteria, you know, in cases where there has been previous GAC advice or where indeed, you know, it specifically talks about national laws, you know, those may be really obvious ones. And I think in those cases, you know, we have reached out. And again maybe not in an effective way and there may be other ways where we should be doing that.

But I think part of the concern would need to be addressed is the fact indeed who at the end of the day the ownership for saying this is public policy or not. And at least I think, you know, from a staff perspective, you know, we've been very uncomfortable in, you know, putting very - in big headlines, you know, public policy issue. Because I - personally I don't consider myself an expert in making that assessment as that's really the remit of the GAC.

And, again, I think, you know, it does go to the point that we need to come up with a way that, you know, both groups can have open communication and are in a position to, you know, work together effectively at an early stage because I think as Amr already pointed out as well in the chat we really need to find a way of having that conversation at an early point in time.

And one of the things we, you know, discussed in relation to the - a kind of quick look mechanism that I think we've put on the table will be this kind of opportunity where once a preliminary issue report is published for public comment, you know, a notice basically goes to the GAC saying, look, this issue report has been published for public comment, you know, this is the main topic that's being considered. Do you believe that this has public policy considerations that, you know, will require your attention?

If so, you know, we pull out the red flag. If you think it may have public policy considerations but you don't exactly know what those may be but possibly, you know, you put up the orange flag. And if you think at this stage no real public policy considerations although, you know, that doesn't of course take

your right away to come back at a later point in time to put - to provide input, you know, give the green flag.

And that is something that could then specifically be flagged in the issue report and then also considered as part of the scoping and next steps of the PDP. You know, for example in those cases where the GAC has raised its red flag, well, that should give a clear signal to the GNSO that they should take into, you know, due consideration if and when the GAC may be able to provide input because, you know, you have indicated that you believe that this has specific public policy implications.

So I think that should send a kind of signal to the GNSO that there is a need to ensure that, you know, input in one way or the other is facilitated either by giving you more time or indeed, you know, inviting you to, you know, come and see how drafting of the charter is done, if there are any concerns there.

But again, I think that may be a way of which, you know, on both sides we can maybe better read each other's signals and work more collaboratively on, you know, having that early engagement indication where, you know, further feedback and input will be needed and expected.

Manal Ismail: Thank you, Marika. And thank you, David, for waiting patiently. Go ahead, please. You have the floor.

David Cake: I think this is a - this idea that we need to be sort of fairly early on work out which - in the process work out which PDPs have public policy implications and which do not and, you know, we can, you know, assume that there are probably relatively few public policy implications for, you know, say inter registrar transfer policy, which is something we've done.

And - but it - I worry that it's a very broad sort of binary solution. It either isn't and that it can be quite a bit more fine grained. That there are some issues that seem to have - that may have some public policy implications, some of

the ones to do with - or maybe considered to have some public policy implications by some nations but not others, ones to do with some internationalization, for example, might fall into that category.

There are times when I'm sure - where obviously the GNSO, for example, was well aware that the, you know, IGO and Red Cross and so on session of PDPs have public policy implications. But clearly the way in which we've handled that has not been great. And I think there's a bit to learn from both organizations.

But really what often - the question is what to do when we have public policy implications. Some of them get, I mean, for example of does this comply with national laws can be a terrifically complicated question, one on which we may, you know, it can take some time to even work out.

One of the things that I really feel as far as the - and also - and just because if a GAC member is involved in the working group and has an influence on its outcome does that mean GAC concerns are addressed? Well it may or it may not.

And there is no, I mean, there is increasingly no simple answer to this. But one of the questions that I really feel is a source of frustration, I know the GAC often find - that finds - you know, we've discussed many times the GAC finds direct participation in working groups a challenge in the structure but increasingly also just, as Suzanne said, the GAC is extremely busy.

And we are often busy enough in working groups that working out - going beyond the working group - the issues that we are dealing with directly to also canvas the, you know, well government generally rather than the GAC appropriately, can be easily overlooked.

The question - we still have a lot to think about -- about how we deal with the fact that a working group does have public policy implications and what we do about it when it does.

And one of the things that I have been sort of tossing around, which, I mean, it's not really my place to sort of say because it's really about GAC working methods but sometimes the - what we would love the GAC to do is to put us in contact with expert governmental advice and rather than via the GAC processes to simply say look, here is a person from say our - here is a person from our data protection agency. Talk to them, they will know detailed answers to the questions you want to know. That would be - that sort of thing.

And similarly for a lot of other areas where there's some quite specific questions that would be incredibly helpful I think to the GNSO if the GAC can sort of help connect us to people within - to broader resources within government as well as simply how can work with the existing GAC processes.

So that's just sort of suggestion for, you know, that's sort of a wish list idea from perspective - from the GNSO that I just sort of wanted to throw out there so thank you.

Manal Ismail: Thank you, David. And like Suzanne said in the chat room, the participation of one GAC member to the GNSO doesn't really mean the GNSO is getting the whole GAC perspective so...

David Cake: Yes, absolutely.

((Crosstalk))

David Cake: How do we answer the question that we have got the perspective is a good - is the one we might need to think about.

Manal Ismail: Okay, exactly. So I have to note that we have also Mason Cole on the call a while ago but we were really into discussion so I did not want to interrupt that. So welcome, Mason. And we really count on you in helping this joint effort of the GAC and the GNSO.

So I think this is a very useful and very constructive discussion which I hate to interrupt because we're almost running out of time. So I would urge these to please continue this discussion over email. And Suzanne, if you're still there I would really appreciate if you can share with us some of the questions that we may use at Los Angeles. This will be very helpful and much appreciated.

So we have our last agenda item very quickly, the first component of it is the presentation or whatever material we plan to share with our constituencies in Los Angeles. And I have to note that we only one call remaining and that is on October the 7th. So I hope between now and the next call, which is more of two weeks, that we can settle on the material we would like to share there.

Initially we had some approach of the normal slides that we share. Suzanne suggested a few questions that would trigger the discussion in a different way and engage the constituencies with us on board and also envision. Again, I would like to take this online and we can discuss and finish this over email also with participation from Jonathan of course.

Finally, our face to face meeting has been confirmed on Sunday - on the Sunday there starting 1830-1930 followed by drinks. And I note that Marika had something on this to say at the beginning of the call and has been patiently also waiting for this agenda item to be discussed so, Marika, please go ahead.

Marika Konings: Thanks. Yes, thanks, Manal. So just to note that - so this is Marika. So indeed to note that, you know, the meeting is on the schedule. It is a public session so hopefully you'll use the opportunity as well of the joint meeting between

the GAC and the GNSO to encourage those that are interested to come and take part in those conversations.

Maybe there could be another platform where, you know, some may feel uncomfortable or, you know, not willing to make certain comments in the full session, it may be an opportunity to invite those that do want to talk about, you know, some of the concrete ideas or suggestions or we're specifically looking for input to actually come to that meeting on Sunday evening from 6:30 to 7:30.

I just confirmed with Glen as well that the meeting will be recorded and transcribed so and also remote participation will be available for those that may not be able to attend in person.

Manal Ismail: Perfect. Perfect, thank you, Marika. And may I ask whether a room has been assigned for this and whether it's a normal meeting room or a small one? Just to get the sense of how many people could attend this open meeting?

Marika Konings: Yes, this is Marika. The meeting is scheduled in Constellation. And I see that is the usual GNSO working session room so that will have a setup with a U-shape which, you know, should accommodate - well I think the Council is usually - at least 30-40 people and then usually there are as well seats in the back of the room. So normally we should have enough space to accommodate those interested to attend.

Manal Ismail: Perfect, thank you. I was just checking whether it's a normal meeting room or something smaller that we use normally for our informal gathering as well. Thank you.

So before concluding, David, do you have your hand up or is an old hand.

So finally so welcome, again, Mason, to the group. And I hope you'll get into our discussion on the mailing list too. And as I mentioned we'll try to work on

a few slides. And I will also try to coordinate with Suzanne that she tries to put down the questions she was talking about. I'll do this over email because I'm not sure whether she was still on the call or not when I asked her to do.

I think we will also need to work on a short agenda for our face to face meeting that we can also be sharing in the coming couple of weeks. So thank you again all. Thank you for the constructive discussion. And I really hope we continue this discussion through that - by next call. We are adopting whatever materials are going to be presenting - we are going to present in LA.

So if there are no further requests for the floor, I can see none so I think we can adjourn the meeting. Can we please stop the recording? And thank you all.

                              END