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GAC Meeting with the ICANN Board

Wednesday, 27 October 2021
Session 10

ICANN | GAC
Governmental Advisory Committee



Agenda:

- Discussion of Board Chair Question to the GAC - ICANN Work with Governments on Geopolitical Issues
- Discussion of Finalized GAC Topics/Questions
 - DNS Abuse Mitigation - Consideration of Certain Recommendations of the Second Security, Stability, and Resiliency Review Team (SSR2)
 - Consideration of Subsequent Rounds of New gTLDs

“[Please] provide input/comments on how ICANN could efficiently identify and work more closely with Governments globally, as well as educate, train and interact when it comes to geopolitical issues relating to ICANN’s mission.”



Messages in Reaction to Board Chair Question

1. ICANN should continue to constantly engage openly and constructively with the GAC and all its members and observers. [CH]
2. ICANN should maintain a constructive relationship with the GAC, showing that the GAC deliberations and output are duly considered; this will encourage governments to take part in the GAC and further ICANN community discussions.[EC]
3. Some GAC Members note that some current interaction formats with the Board can be somewhat formal. These exchanges are not very conducive to substantive and interactive dialogue. Instead, they can draw the GAC and Board into protracted discussions which, arguably, are not always helpful (e.g. on the CCT-recommendations). [CH]
4. Perhaps the need for more informal and substantive dialogue is an avenue to further explore, especially when physical meetings are again possible. [CH]
5. ICANN forms part of a wider Internet Governance landscape. Consequently, ICANN has an interest in investing time and resources into a well-functioning Internet Governance ecosystem, inter alia, into the IGF, and to maintain constructive relations with players like WIPO, ITU, etc. [CH] Does ICANN org envision prioritizing its resources in any particular part of the ecosystem, for example at the ITU Plenipotentiary in October 2022 or in the preparations at ITU CWG WSIS and at the UN CSTD for the UNGA discussions on the WSIS mandate in 2025? [UK]

Messages in Reaction to Board Chair Question

6. Recently, states have been actively introducing national regulations on issues related to the Internet, and such regulation (for example, GDPR) also affect the activities of ICANN. ICANN should establish working procedures and tools for cooperation between ICANN org and Government(s) to review, evaluate and implement relevant requirements of national regulations. Would ICANN org envision a strategy going forward for interaction with governments on national level regarding specific laws or regulations? [RF]
7. By (continuing to) playing a constructive role in such fora, ICANN will be better placed to understand international and regional debates, the interests and needs at stake, and contribute its fair share to potential approaches to address relevant “geopolitical” issues consistent with its Mission and Bylaws.[CH]
8. ICANN should further support the active participation of all governments in the GAC, through dedicated trainings and support actions. [EC]
9. ICANN should maintain and encourage multilingual interactions in ICANN meetings [EC]



A. DNS Abuse Mitigation/Board Action on SSR2 Recommendations

1. SSR2 Recommendation 9.4
2. SSR2 Recommendation 4.2, 7.4, 9.3, and Recommendation Groups 12, 13, 14, and 15
3. SSR2 Recommendation 9.1

B. Subsequent Rounds of New gTLDs (2 Questions)



GAC - Board Meeting Preparations - GAC Topics/Questions

1. SSR2 Recommendation 9.4

Background

SSR2 recommendation 9.4 states *"ICANN org should task the compliance function with publishing regular reports that enumerate tools they are missing that would help them support ICANN org as a whole to effectively use contractual levers to address security threats in the DNS, including measures that would require changes to the contracts."*

In rejecting this recommendation, the Board stated: *"the Board cannot approve the part of the recommendation that contemplates "measures that would require changes to the contracts" as such changes cannot be undertaken by either the Board or ICANN org unilaterally. As such, the Board rejects this recommendation given that it is not consistent with the role and authority of ICANN org's Contractual Compliance team."*

Question

Is it the position of the Board that ICANN's Compliance Team cannot be asked to simply inform the community what tools they are missing from contracts to better address security threats, which - if negotiated for in future contracts - might otherwise benefit ICANN in its mission to ensure the security and stability of the DNS?

- a. **If so, can the Board please elaborate why ICANN negotiation strategy cannot be so informed?**
- b. **If not, might the Board consider clarifying its response to SSR2 9.4 to note that it does not object to ICANN Compliance making the requested reports in order better inform ICANN's future contract negotiations?**

GAC - Board Meeting Preparations - GAC Topics/Questions

2. SSR2 Recommendation 4.2, 7.4, 9.3, and Recommendation Groups 12, 13, 14, and 15

Background

For several recommendations (as listed above), the Board either:

- Requires cost-benefit analysis, preventing the Board from taking informed decisions at this point
- Directs ICANN Org to "*seek clarity from the SSR2 Implementation Shepherds*" and/or to "*evaluate*" parts or whole recommendations for action in a "*coordinated way, including through ICANN org's program dedicated to DNS security threats mitigation.*"
- Notes that the outcome of the engagement with the SSR2 Implementation Shepherds will inform the Board's decision on next steps, which may include wider community consultation

Questions

Noting the need expressed by the Board for further analysis and consultation, and to the extent that GAC members may wish to follow or contribute to specific security and/or DNS Abuse topics addressed in the report,

- a. What are the processes and means through which the Board will facilitate to enable these actions?
- b. Might the Board clarify how the GAC and the ICANN will be informed of ongoing work and developments regarding these recommendations?
- c. Might the Board clarify what opportunities will be available for the GAC to contribute to these discussions which relate to important public safety issues?
- d. Could the Board share a timeline for the engagement with the SSR2 Shepherds and eventual wider consultation of the ICANN community?

GAC - Board Meeting Preparations - GAC Topics/Questions

3. SSR2 Recommendation 9.1

Background

There seems to be discrepancy in the perception in some of the issues raised in the SSR2 report. In relation to compliance with DNS abuse contractual terms and enforcement of those (recommendation 9.1), the Board appears to consider in its reaction to the SSR2 that the recommendation is fully enforced, while the SSR2 recommendation suggests that this is not the case.

Question

How does the Board intend to reconcile these contradictory outcomes?



GAC - Board Meeting Preparations - GAC Topics/Questions

B. Subsequent Rounds of New gTLDs:

1. **Question** - Do Board Members have any further information about the ODP they have just launched they would like to share? (see <https://www.icann.org/en/announcements/details/icann-board-resolves-on-odp-for-the-subsequent-procedures-final-report-outputs-14-9-2021-en>)
2. **Question** - Do Board Members have any feedback regarding the GAC collectively agreed comments on the GNSO SubPro PDP Final Outputs that the committee delivered in June? (see <https://gac.icann.org/contentMigrated/gac-response-to-icann-board-on-new-gtld-subsequent-procedures-policy-development-process-outputs> and [https://gac.icann.org/reports/public/GAC Comment \(FINAL\) - Subpro Final Outputs for ICANN Board Consideration.pdf?language_id=1](https://gac.icann.org/reports/public/GAC%20Comment%20(FINAL)%20-%20Subpro%20Final%20Outputs%20for%20ICANN%20Board%20Consideration.pdf?language_id=1))

