

ICANN
POLICY FORUM

77

WASHINGTON, D.C.

12-15 June 2023



ICANN77 GAC Capacity Development Workshop on Domain Name System (DNS) Abuse

Block 1 - Introduction, and preliminary Public Comment Discussion



Sunday 11 June 2023
10:45-12:15 local time

1.0 Welcome and Tour de Table - Nicolas Caballero, GAC Chair

1.1 Workshop Introduction - Capacity Development Workshop Planning Group

- An African Perspective on DNS Abuse / Mobile Phishing - Blaise Azitemina Fundji, Democratic Republic of Congo

1.2 Public Comment Process from a GAC Perspective

Manal Ismail, former GAC Chair and long-standing member,
Benedetta Rossi, ICANN GAC Support

1.0 Welcome and Tour de Table

Nicolas Caballero, GAC Chair

1.1 Workshop Introduction and Webinars Recap

GAC Capacity Development Workshop Planning Group

- An African Perspective on DNS Abuse/ Mobile phishing, Blaise Azitemina Fundji, GAC Member

1.2 Public Comment Process from a GAC Perspective

- Manal Ismail, former GAC Chair and long-standing member
- Benedetta Rossi, ICANN GAC Support

1. What is a Public Comment?

What is a public comment and Who can submit a public comment and Why is it important to the GAC to engage?

- a. What is public comment? And Who can submit a public comment?
- b. SOs vs ACs and the special status of GAC
- c. How does Public Comment work?
- d. How to make a Public Comment Submission?
- e. What are the Benefits of Public Comment?

a. What is and Who can submit a Public Comment?

- A proceeding by which ICANN seeks input on its work and policies
- A unique and important characteristic of ICANN's multistakeholder
- Contributes to ICANN's transparency, accountability and inclusion
- An opportunity for ICANN community, Internet stakeholders, and the general public to provide input on ICANN'S work and policies
- Normally open for a minimum of 40 days unless mentioned otherwise in ICANN Bylaws or community operational procedures

b. SOs/ACs

- 3 Supporting Organizations that develop and recommend policies
 - Address Supporting Organization (ASO),
 - Country Code Names Supporting Organization (ccNSO)
 - Generic Names Supporting Organization (GNSO)
- 4 Advisory Committees that advise ICANN on a particular issue or policy area
 - Governmental Advisory Committee (GAC)
 - At-Large Advisory Committee (At-Large)
 - Security and Stability Advisory Committee (SSAC)
 - Root Server System Advisory Committee (RSSAC)
- GAC special status among ICANN's Advisory Committees
 - GAC advice, if not followed, it triggers ICANN Bylaws for a consultation process to find a mutually agreed way forward

c. How does Public Comment work?

- Outlines specific issues or questions for feedback
- May seek feedback on a variety of topics, including:
 - ICANN org or community governance documents
 - Policy recommendations
 - Recommendations from Organizational and Specific Reviews
 - Implementation plans for Consensus Policy recommendations
 - Cross-community working group recommendations.
 - ICANN base agreements with registry operators and registrars
- Submissions are public and archived
- Staff summarizes submissions identifying common themes in a summary report
- Relevant group then reviews submissions and summary report, addresses the input, and proposes next steps

d. How to make a Public Comment Submission?

- [Helpful guide](#) describing the steps to:
 - Create an account
 - View Public Comment Proceedings
 - Create a Public Comment Submission
 - View all submissions for a Specific Proceeding
 - Manage your Public Comment Submission
- Subscription to the Public Comment announcements system alerting you when:
 - A new upcoming Public Comment proceeding is published
 - An upcoming proceeding is opened
 - The close date of an open proceeding is extended
 - An open proceeding is closed
 - The report is published for a closed proceeding

e. What are the Benefits of Public Comment?

Generally, it's an example of the multistakeholder model in action:

- It reflects diverse viewpoints and expertise => strengthen and refine proposals
- It is transparent and accountable => reinforce the legitimacy of the outcomes

For the GAC:

- Historically GAC provided input at the time when Policy recommendations are submitted to the Board for approval
- At this late stage in ICANN Policy Development Process, GAC concerns were difficult to address
- ICANN's first and second Accountability and Transparency Review Teams encouraged GAC Early Engagement to ICANN's PDP
- It is an opportunity for governments to make their voices heard, individually or collectively, in a timely manner

2. Tracking of Public Comment Opportunities for the GAC

- To improve work planning efforts, GAC Support Staff, in close collaboration with GAC Leadership, developed a [dedicated space on the GAC website](#) to track public comments, as of 2019.
- The page includes:
 - Open Public Comment Proceedings; and
 - Public comments submitted by the GAC.
- One-stop place for information about public comment opportunities for the GAC including:
 - Assessment of GAC interest in filing public comments;
 - Tracking GAC decisions regarding filing vs not filing comments;
 - Identifying drafting responsibilities and deadlines
 - Link to public comments filed by the GAC.

2. Tracking of Public Comment Opportunities for the GAC

Process:

- GAC Leadership meetings:
 - GAC leadership provides preliminary guidance on open public comment opportunities.
 - GAC Support shares public comment report to GAC members via email
- Public comment report includes:
 - Open public comment opportunities
 - Leadership guidance on possible opportunities for GAC collective input.
- Public comment draft:
 - Shared for review and input by GAC membership with specific deadline for review;
 - Input collected and comment updated;
 - Comment filed by GAC Support Staff on behalf of the GAC.
- Once comment is filed:
 - Posted on GAC public comment page.
 - Final comment and link circulated to GAC Membership.

2. Tracking of Public Comment Opportunities for the GAC

- Since 2019, the GAC has filed a total of 33 public comments.
- Average of 7 comments per year.
- Based on categories in the GAC's Action/Decision radar:
 - Highest number of comments filed on ICANN Governance topics (15), e.g:
 - ICANN's Operating & Financial Plan/Budget,
 - Effectiveness/Evolving of the Multistakeholder Model,
 - ICANN's Strategic Plans
 - Followed by comments pertaining to:
 - Subsequent Round of New gTLDs (6)
 - WHOIS and Data Protection matters (6)
 - Current TLD Policy (4)
 - DNS Abuse (2)

3. Former GAC Chair Experience of GAC Public Comment Drafting and Lessons Learned

1. Identification of topic leads/penholders
2. Drafting
3. GAC review and Input
4. Finalization and submission
5. Visibility of a submitted Public Comment

1. Identification of topic leads/penholders

- Support staff share open proceedings with GAC leadership highlighting any precedences in handling similar cases
- GAC leadership provides initial guidance regarding open proceedings
- Probe GAC interest in submitting collective GAC input in light of leadership guidance
- Call for volunteers among interested GAC members to serve as penholders, unless we already have leads for the topic

2. Drafting

An initial draft is shared with the GAC for review and input, as proposed by:

- Topic Leads - volunteer GAC member leading on ongoing topics of interest to the GAC
- Penholders - one-time volunteer GAC member mostly on a topics without a lead
- GAC Support Staff as directed by the GAC Chair
- Interested GAC members are always encouraged to share views and contribute to the drafting of proposed GAC input in coordination with Topic Leads, Penholders, or assigned Support Staff

3. GAC review and Input

- Topic leads / Penholders normally compile points of interest and/or concern to the GAC
- This constitutes a first draft for the GAC to review
- Initial draft shared with GAC, allowing time for review and feedback (timeline normally worked backwards from the submission deadline)
- Throughout the process, GAC support staff provides necessary support, assist with references, and provides prior GAC input for information and consistency

4. Finalization and submission

- GAC members provide comments / input if any
- Received input is discussed normally on the mailing list but may be also discussed on a dedicated call
- Topic leads/Penholders with the help of GAC support staff compile and reflect agreed points in an updated final version
- This final version is then shared with the GAC for information and submitted to the relevant Public Comment Proceeding by the deadline

5. Visibility of a submitted Public Comment

- Submitted GAC input is posted publicly online and archived
- For transparency, all submissions are made public, including the name and contact information of the submitter
- Collective GAC input has its significance, coming from 181 Governments and 38 Intergovernmental Organizations

4. Experience Sharing of a Public Comment Proceeding - Walkthrough and Lessons Learned

- Laureen Kapin, PSWG Co-Chair, Federal Trade Commission, US
- Nigel Hickson, United Kingdom