

TO: GNSO Council

FROM: Jeffrey J. Neuman, GNSO Liaison to GAC



RE: 2021 GNSO Liaison to GAC Report

DATE: October 19, 2022

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I. Background

The GNSO Liaison to the GAC (the Liaison) role was established in 2014 to improve communications between the GNSO and the GAC, and to encourage early engagement by the GAC in policy development processes and other GNSO activities. Over the past several years, including the past two for which I was the Liaison, I believe communication between the GAC and the GNSO has improved dramatically through both: (a) increased participation in GNSO PDPs, ePDPs, and other GNSO-related activities and (b) the evolving nature of the role of the Liaison. Starting with the SubPro PDP, and the positive experiences with collaborating with the GNSO, GAC members have been invited to participate in every PDP and ePDP over the past few years. In addition, GAC members have actively participated in each of the ePDPs dealing with Registration Data, IDNs, IGO Curative Rights and soon in the GGP on Applicant Support.

II. The GNSO Liaison to the GAC:

As discussed in the 2021 Liaison Report, the role of the Liaison has evolved, several improvements to improve communication between the GNSO and the GAC have been made. This includes:

- a. The Liaison and the GAC Point of Contact (PoC) now meet on a monthly basis to go over:  
(i) recent GNSO developments, (ii) recent GAC developments, (iii) updates about the current PDPs, (iv) potential future PDPs or other GNSO activities, and (v) planning for subsequent GNSO/GAC bilateral meetings.
- b. Agendas for GNSO/GAC bilateral meetings (which occur during ICANN meetings) are developed by the Liaison and the GAC PoC and recommended to both GNSO Council Leadership and ultimately to the GNSO Council so that both the GAC and GNSO Council are prepared for the bilaterals at (or sometimes before) ICANN meetings.
- c. In the past year, we have also continued the practice of gathering GAC “talking points” prior to the bilaterals so that the Council can be prepared to discuss the GAC’s view on particular subjects. These are forwarded to the Council List generally a week or so before the scheduled bilateral.
- d. Shortly after ICANN meetings, the Liaison is tasked with coordinating the GNSO response to the GAC Communique. For the past few meetings, however, the GAC Communique has not contained any GAC Consensus Advice or follow up to GAC Consensus Advice. The Council has historically been reluctant to respond to Communiques that do not content either of these elements. That said, one of my goals as the Liaison has been to get responses to other sections of the Communique that may pertain to the GNSO. This will be discussed

further below.

- e. The Liaison also regularly participates in all GAC meetings held at ICANN involving GNSO-related issues. Participation has also evolved over the past year to include not just observing these meetings, but the Liaison is also given the opportunity to request the floor at any time to address any questions posed by GAC members or to make any comments to clarify GNSO positions (where such positions exist). In addition, the Liaison regularly provides comments through the zoom chat feature when requesting the floor does not seem appropriate.

III. Follow up on 2021 Recommendations:

1. Recommendation to Improve GAC Communique Responses: (2021 Recommendations 1 & 4)

We have not made any substantial progress on this recommendation which was to both improve the substance of the Communique responses and to address additional areas of the Communique that did not necessarily constitute GAC Advice or follow up to GAC Advice. The 2021-2022 GNSO Council was reluctant to change the status quo of only responding to these items and then to merely point to any previous resolutions, approved final reports, or other formal actions taken by the GNSO Council. This has been the case even where questions are posed by the GAC to the GNSO or actions are requested. I continue believe that we should be addressing substance as opposed to relying on the formalities of what the Council has previously done or not done.

And if the question is one of the formats as to how we response, then lets tackle that issue. If we want to have “formal” or “template” responses that are limited to GAC Advice or follow up to GAC Advice, then we can do that. But we can also write letters, have discussions with the GAC, or even with the Board. Some board members have informally approached me to tell me that having responses to GAC Communique topics related to GNSO Activities would be well received to help the Board prepare for their intersessional meetings with the GAC. My understanding is that at these intersessional meetings, those discussions are not limited to just discussing GAC Advice.

Thus far members of the 2022-2023 GNSO Council seem open to trying to be more responsive and finding ways to collaborate. I believe, therefore, that we may be able to institute this recommendation in the coming year.

2. Interactivity of GAC-GNSO Meetings. (2021 Recommendation 2)

In 2021, I recommended that the GAC-GNSO Council meetings be more interactive. Though the GAC has assigned topic leads for each Bi-lateral meeting agenda item (who may or may not be in the GAC leadership team), the GNSO Council prior to 2021 relied almost exclusively on the GNSO Chair and Vice Chairs to essentially do all the talking. This put an unfair burden on GNSO Council leadership to get up to speed on every agenda item.

I believe progress has indeed been made with respect to this recommendation. Bilateral meetings over the past year have had topic leads from the GNSO assigned to discuss issues with the GAC especially with respect to the GNSO small teams on the WHOIS Disclosure System and DNS Abuse. Though there were some updates given by GNSO Council leadership, the burden on

those leaders has been substantially lightened and this practice should continue.

3. Focus on Areas of Agreement. (Recommendation 3).

Too often in bilateral meetings we focus on where the GAC and GNSO differ. We rarely, if ever, focus on areas where there may be agreement. And if there are areas of agreement, we should be willing to state as much “on the record” and to the ICANN Board. This is still an area we need to work on.

4. Recommendation on GNSO Being Included on Factual elements of GAC Policy Reports on GNSO Activities.

In 2021, I recommended that the GNSO should provide its own policy reports / talking points to the GAC prior to ICANN Meetings. ICANN staff is responsible for the GAC briefing materials regarding GNSO Activities. There have been some improvements in the past year or so where at least now GNSO Policy Staff reviews the briefings prior to being distributed to the GAC, but the Council has no involvement. This issue was raised with the 2021-2022 GNSO Council but that Council did not believe that this was a priority.

Briefings contain accurate information now regarding the facts, actions, resolutions on all GNSO Topics, but they still lack context. Often such context of those resolutions and actions are just as important to understand as the resolutions and actions themselves. I continue to believe that it is important that we see all information forwarded to the GAC, but understand that this may not be a Council priority.

IV. New Developments and Recommendations

1. The GNSO Liaison to the GAC Role has now been given a term of two (2) years with a maximum of two (2) consecutive terms. I believe this is a very positive development and hopefully means that there will be other members of the community that step forward in two years’ time. I would like to recommend the following:
  - a. The GNSO Council Liaison position description should be updated to formalize some of the additional activities that I have been engaging in on a regular basis as well as the improvements that have been made. I believe this should be approved prior to the solicitation of volunteers for the GNSO Liaison to the GAC position in 2024.
  - b. I would like to see the new liaison appointed ideally at the second ICANN meeting in June 2024 (Policy Forum). This would allow the current Liaison to be able to transition activities to the new Liaison so that when she or he officially takes office, they will be prepared.
2. Although it has been discussed that the GNSO Liaison to the GAC would be invited to intersessional meetings of the GAC, this has not yet happened. Admittedly I am not sure how often these intersessional meetings occurred in 2021-2022. It may just be that there have not been any.

Thank you for the opportunity to serve this past year as the GNSO Liaison to the GAC, and I look forward to another exciting year in the role.