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MARRAKECH – GAC Tuesday Afternoon Sessions  
Tuesday, March 08, 2016 – 14:00 to 18:00 WET  
ICANN55 | Marrakech, Morocco

CHAIR SCHNEIDER: Thank you for taking your seats. We are restarting. We have to. Time is running.

We are preparing the meeting with the Board, and the rest of the afternoon will be free for our discussion on accountability.

You have received the new briefing. We have tried to inform the Board early enough, not just the night before as we have done previously, we have tried to inform the Board early enough about what we expect or invite the Board to discuss with them tomorrow morning in the hope that we will get more substantive answers from the Board than we have received many times in the past. So this is why we have a rather long list of text that we sent to the Board, so that they can prepare. We hope that they are prepared and less surprised by what we are going to bring up. But of course this is a list as it was at the time it was sent to the Board. There may be additions to the agenda or changes in priority, and so on and so forth.

But I would like to give the floor to Tom to quickly lead us through the list of issues that we are having so far. Then, of

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course, it is up to you all to see whether we still think that these issues should be raised or whether we think there are new issues that should be raised.

Okay. Thank you, Tom, for getting us into the issues.

Thank you.

TOM DALE:

Thank you, Thomas.

Good afternoon, everybody.

Some weeks ago now, the secretariat, at the request of the leadership group, asked the GAC for their views on an indicative list of topics to raise with the Board at the meeting tomorrow morning. Bear in mind, the meeting on Wednesday morning, tomorrow, between the Board and the GAC is scheduled to start at, I think, 8:45 or 8:30 and go for an hour and slightly more. So it will be -- The first item of the business for the GAC tomorrow morning is the meeting with the Board.

The indicative list of topics was circulated. There were no additional suggestions or objections from the GAC, so this was forwarded to the Board support area of ICANN, and so the Board does have these topics that you see on the screen.

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The first set of topics concerned the matters that the GAC discussed here on Saturday, which is the issue of gTLD policy for current and future rounds, and particularly with regard to gTLD safeguards.

You will recall that on Saturday, the GAC discussed the Board's response, which -- and while there are some matters of process to be raised, I think it was the sense of the discussion. It isn't clear that the GAC wishes to continue to engage the Board on the substance of many of those issues, but there are other avenues concerning, for example, a review of public interest commitments.

So I'm saying there that the GAC had some discussions. It's up to you as to whether you wish to take that up with the Board on the substantive matters.

There is also the question of the matters of process and whether the GAC wishes to raise with the Board some better ways of communicating between meetings and avoiding a prolonged series of correspondence, which is certainly what the work on safeguards has always been.

We had also suggested, in addition to the first set of topics, a number of questions for the Board to consider, and they were far more broad ranging. And they were how does the Board see the role of the GAC in the emerging debate on what is meant by the

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term "the public interest" or "the global public interest." You recall that's been the subject of some discussion before.

Another topic suggested by the GAC is what is the Board's view of the future role of the GAC now that the ICANN accountability model activity is well under way.

A third one was how does the Board see ICANN activities and GNSO PDPs being coordinated to avoid duplication and stakeholder confusion as work on policy and operational activity for future rounds commences.

How does the Board intend to better track the acceptance, or otherwise, and implementation of GAC advice? How does ICANN plan to monitor and evaluate the public -- the public-policy and/or public-interest outcomes of their decisions.

So those are the topics that you either endorsed or did not object to and which were sent to the Board. There has been no reaction from the Board to those suggestions, and of course the GAC is free to -- because this was some weeks ago, and a lot has happened in the last few weeks or, indeed, the last few days, the GAC is, of course, free to either amend those or start again if you wish, and prioritize the matters that you wish to raise with the Board tomorrow, and there may be some quite new ones.

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So that's where we got to as a matter of process in trying to prepare some weeks in advance. But, of course, with ICANN meetings, things tend to happen very close to the meeting.

So I'll leave it at that point.

Thank you, Thomas.

CHAIR SCHNEIDER:

Thank you, Tom, for this introduction. And again, thank you for your briefing papers which are extremely helpful.

So basically the floor is yours. We have all this list of issues. So I see the EU Commission would like to express herself and New Zealand.

Thank you.

EUROPEAN COMMISSION: Yes, thank you very much.

I think this is a good starting point for the discussion. I wanted to add one other point which I thought might be useful, and that was to ask the Board to explain to us in five minutes, it's not a big issue, a little bit about the new CEO selection process, and just to give an idea of how -- you know, whether there was sufficient diversity among the candidates, et cetera, to have a very brief overview. And I wonder if that would be a useful thing

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to add. And then that doesn't preclude discussion on all the other issues.

CHAIR SCHNEIDER: Thank you.

New Zealand.

NEW ZEALAND: Thank you, Chair.

We would propose to add to the agenda a discussion of timing and workload within the ICANN community. As you will be aware from our conversation with ALAC, I think we are not the only community finding the increasing workload to be a concern. I think we can use the examples of the new gTLD and WHOIS process being scheduled as an example. And I think what would be useful to discuss with the Board is that while it's not just GAC that sets the workload, we would appreciate some further planning from them, some expectations and perhaps some guidance on how the SOs and ACs can ensure work is scheduled appropriately and doesn't overtax the community.

CHAIR SCHNEIDER: I think we have full support on raising that issue because it is definitely a challenge.

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By the way, something that I think is also not on the list yet, but we should actually ask the Board for clarification. Something that I haven't told you yet is that with regard to this new meeting structure, with regard to the B meeting, there has been -- I don't know -- a two-year long process in working out that meeting structure in the community-based process, and the decision, the outcome of that was that the next meeting was going to be four days, from Monday to Thursday; not any more in Panama but somewhere else that's going to be decided very soon.

And now, last Friday there was a discussion in the SO/AC RALO chairs' meeting with ICANN staff, and so on and so forth, where everybody -- or many people said four days is not enough. We can't cope with the four days.

And I said it's never enough. No matter how many days you give them, it's never enough because they always have so -- but the others were asking to change that meeting structure that was agreed during the process of two years. My point on my personal behalf said why don't we give it a try. We have been working for two years to agree on that. If now we change everything back to, I don't know, five days, six days, seven days, whatever, of course we can fill this time, we have so much to do, but maybe the idea was also that this helps us become more innovative, more efficient, change our working methods. But I said of course we don't oppose to it being -- I wouldn't oppose to

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it being expanded to five days. I couldn't say it for the GAC. And we would, of course, have enough things for this to be filled but we would be ready to go with these four days and see how that works before we take a decision to kill the proposal without having even tried.

That was the message that I gave. And people took notes. Some supported my suggestions. It's still not clear, at least not to me, how long that meeting will be in June, which is slightly problematic for us to start preparing on Thursday, and there's not that much time in between.

One thing that may come up is that we may remain formally with four days but there will be unofficial, whatever you call it, the Sunday before would be a day that would be at the disposal if the constituencies wish to use it, I took note. But we would need clarification, because I think ICANN needs clarification for booking the venues. They need to know whether there are rooms available on Sunday or not. Just for your attention. And I am inclined to ask the Board tomorrow morning that they should tell us ideally before Thursday what is the framework within which we will be able to plan because we need to be able to start planning on Thursday.

So just for your information, I will bring this up, unless you object. And I would say that if you are fine, that we would be



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ready to go with the four days, but if people want to extend, we have enough things to work on, we would then decide on Thursday what to do if we had an additional day.

Is this -- is this okay? Did I raise it? And you may also, of course, then comment. But I think we should get some indication from the Board what the plan is.

Okay. Thank you very much.

We'll add this to the agenda.

Thank you.

And the other thing is this issue about the community exchange, half a day, that we all meet and discuss issues with everybody, I would need to know whether I should raise that with the Board as well whether with you, because that was also one of the things we discussed, instead of having bilaterals with everybody, that we would try to get everybody together and discuss one issue, what Sebastien said this morning. Should I bring this up as well, that we are the only ones who did this?

I see many people nodding. Some people frowning (laughing).

You need to tell me what I should do. In our planning, the plan is whatever presented we have in our planning. So far, the day is open for the engagement with the community. So we have it in

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our plan. But, if we're the only ones, we cannot engage with the other communities if they meet in silos.

So, at least, I will raise the question of whether this is something that the Board would want to pursue. Because that was a proposal that didn't come from us. It came from the working group, and we adopted it.

Okay. Thank you.

All right.

Brazil.

**BRAZIL:** I'd like to raise another point that relates to question 2c. I don't know whether it is the appropriate time now, but I'd like to make some comments in that regard.

**CHAIR SCHNEIDER:** Yes, please go ahead.

**BRAZIL:** Thank you. We considered okay to discuss with the Board how the Board sees the role of the GAC in emerging debate in several areas of the community and what is meant in the public interest. I think we can seek the views of the Board. But I think, basically,

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the GAC would need to discuss internally what is the meaning and the purpose of participating on debates, on the meaning of an expression that is of particular interest for governments. My government considered it's not up to the overall community to determine and to assess what is the public interest.

So I think we should, as a GAC, have maybe some views on this. Because I think it is -- we do not see legitimacy within ICANN to define what is the public interest. That, basically, this is our approach to this.

So the community's discussing this. It's okay. They can discuss. But we don't think we, as GAC, should be committed and engaging in such a debate. Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil. And I would tend to say you're right. Maybe the question is not ideally formulated. But the problem is that there was some discussions on public interest in particular yesterday when we had our high-level governmental meeting. We informed those of the ICANN staff, people responsible for this, that we deeply regret that we could not participate because that was overlapping with our high-level governmental meeting but that we would be highly interested in participating in that debate.

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And I think you can very well make that point that probably many or all governments think that we have at least a very important role, if not one of the most important roles, in that debate. So I think you may very well make that point when we raise the issue.

One thing is to ask the Board how they see it. The other thing is to tell the Board how you see it. So that's absolutely fair to have that going in both directions, I think. Other -- yes, United States.

UNITED STATES:

Thank you, Chair. Just to return to the issue that you had flagged about the mid-year meeting and the fact that it's a new meeting structure. And you, very helpfully, mentioned the SO/AC chair meeting that I believe these are now regular events. You have conference calls. And you do meet face-to-face at the outset, this week. I believe it was Friday evening.

May I ask you: Has that group, perhaps, either themselves or a subset, thought about comparing notes and doing some joint planning for the June meeting? So that would be one question.

The second is: It's my understanding our secretariat -- let me just step back a little bit. Our ACIG secretariat did organize a conference call for Ana Neves and myself -- I believe Tracy

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Hackshaw, who had been the third GAC representative on the meeting strategy working group, was not available.

And it was within ICANN staff or a meetings planning staffer to kind of help her understand better what we might be looking for. It was a very, very useful call. So I will also defer to Ana -- I don't know where she is in the room -- afterwards. But we learned some interesting things, I think, that there is going to be one physical space, area, for the entire community to meet as they saw fit. And then the rest of the three days rather sounded like silos. We put in a bid -- I think consistent with our overture to the GNSO, we put in a bid at that time with the meetings planning staff to say we would like to think that there would be more exchanges between the GAC and other parts of the community beyond the way we currently structure them. So beyond the one hour.

If we do that -- and I would like to think that there is interest in other parts of the community, we would need to identify some issues to do that. And I think we can probably find some volunteers as, you know, an experimental basis we could try this. Another idea that we planted -- I'll be quite candid with you -- is that we sort of planted the idea that on the Monday there was some talk about outreach with the local community. And we said that that would be interesting for the GAC, but that we thought capacity building might be of a higher interest for the

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GAC. And that is something we could structure ourselves with ICANN staff support, of course. Then there was also a reference to the fact that the Board was, basically, at the community's disposal. So that, I took, also as a positive sign. If there are issues we have between the GAC and the Board, perhaps we structure it in a less formal way where we can actually talk through maybe some outstanding issues. So I think we have a lot of options. And maybe that's the challenge. We have a surfeit of opportunity here, and we need to learn how to structure it.

One final thing we did talk about was, if we did capacity building, to get more ICANN support for the GAC to have more informal time. As we sit in this room and these rooms progressively and our numbers grow, it's very hard for us to engage with ourselves and that there might be a nice opportunity to have ICANN help by hosting a lunch. And we can sort of get to know each other better. And I have spoken to several GNSO councillors who seem to like the idea as well that we might be able to have an informal exchange, say, at the end of a half day with the GNSO that perhaps might be less formal than a meeting structure. So I do think we have a lot of options; and that is, in fact, the challenge that we have. Thank you.

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CHAIR SCHNEIDER: Thank you very much. Actually, I have not been able to follow the working group in detail. But I remember the briefings that we've been given by Nick Tomasso and Ana Neves and so on and so forth. What was shown to us by Nick Tomasso on Friday was the schedules that, apparently, have been handed over to the meetings team of every SO and AC and of the Board. And the result of that was there was almost 0% coordination, despite the fact that they are supposed to -- and despite the fact in that every SO and AC chairs meeting we discuss this and we say we have to coordinate, that doesn't seem to have somehow penetrated to where it should have. And we may actually ask -- if you could ask, if it hasn't been shared with the GAC, that that presentation about the B meeting that was shared with the SO/AC, RALO chairs, SG RALO chairs on Friday by Nick Tomasso, that he could send this to us -- this could be sent to us before Thursday morning, ideally before the meeting with the Board tomorrow that we see. Because, as you say, the ALAC has day one is community outreach where one idea is that they go to universities and whatever, what have you, in that city where they meet people. They have some silo work on the next days and somewhere they have a slot where they plan to interact with the rest of the community.

We have our silos on Monday, Wednesday -- from what I've seen on that slide, the GAC has silos on Monday, Wednesday, and

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Thursday and has a whole day of interaction with the community on Tuesday. The GNSO has said that it would be very important for them to work on their PDP. So they have lots of PDP working group sessions which do not at all match with the holes -- so I won't continue. But the rest is the same.

So this is the situation. And that's why I said, if you want to have an interaction, maybe we should agree on the time. Because, otherwise, it won't work. And whether you call it town hall or whatever, what the form it is, somewhere thinking that an alternative is that you have one day or one-half day or some people in the ALAC think they could work in silos until 3:00 every day, and we would have four times the different types of exchange -- one more formal, one more social with the whole community. There are many options, but somebody needs to coordinate these options so that they actually work out. And this is, I think, what we should ask -- plea the Board to do that they take the lead. And, if it doesn't work by itself, that the SO and ACs coordinate, that they force them -- or help them coordinate. Because it's not -- we're not there yet.

And I hope that clarifies the situation that we're in, which is definitely not what it should stay with. So we need to do something about it. And we need to do our share.

I hope that answers your question. Yes, Olof.



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OLOF NORDLING: Of course I'll retrieve that and send it around as quickly as possible. Thank you.

CHAIR SCHNEIDER: Thank you.

Other -- I have Iran on my list. Yes, thank you. You don't need the floor any more. African Union.

AFRICAN UNION: I'm wondering whether, especially in reference with 2a, how the Board intends to better track acceptance of GAC advice and referring to the letter from Steve Crocker regarding the privacy proxy and our engagement to the GNSO regarding the final report, whether it will be worthwhile to bring this up as an example or as a question. You know, I'm asking you, Chair and colleagues, whether it will be worthwhile to bring it up. Thank you.

CHAIR SCHNEIDER: Thank you. Just to make sure that everybody understands, this is about the PDP that -- we received a letter from the Board that there is a PDP on this. And I know that there's a paper from the working group, PSWG working group that was formulated. Did

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the GAC -- help me. Because there's so many things. Did we send it to the Board as the GAC -- piece of GAC advice, or did we not?

AFRICAN UNION: We sent it to the GAC. It was endorsed by the GAC as GAC comments. We sent it to the GNSO on the initial report. Not all the issues were taken into consideration, but now we have a letter from the Board asking us to provide advice. So we have not provided advice on the privacy proxy to the Board yet.

CHAIR SCHNEIDER: Thank you. So just that I understand what you're aiming at. So we haven't -- we have sent information and views to the GNSO directly, but not to the Board? Now we received an information to the Board that invites us to comment on this. And what is your question?

AFRICAN UNION: Whether it will be worth -- because there was an issue regarding the fact that we had presented comments on the paper on behalf of the GAC to the initial report to the GNSO. None of the recommendations were -- they were taken into consideration but not included on the final report.

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Now, the Board has asked the GAC for advice. And what we were suggesting is we would provide the same advice that we had provided initially to the initial report. So shall we -- can we bring that up in response to the -- this request or -- yeah.

CHAIR SCHNEIDER:

Thank you. Well, I mean, this is actually something that has happened before. You have recommendations that come out of the PDP from the GNSO that go to the Board. And we have advice.

Whether or not this has been shared with the GNSO, we are always free to -- we are invited to now send advice to the Board. If we are convinced that the advice that we give directly to the GNSO that has not or not fully been followed, if we agree to send the same advice to the Board, of course we can do it. We don't have to ask. They invite us to give advice to them.

So it's up to us to decide what the advice is. If we decide that's something that we'll have on the table, hopefully, tomorrow when we discuss the working groups. If you think that we still want to convey these messages in addition to the GNSO to the Board in the hope that the Board will take more up of what we expect, then -- but -- I think that's fine.

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I just don't see a point in discussing it with the Board. We can just do it. Because they asked us to give advice, and we can give advice.

I hope that -- but you may bring it up that we plan -- that we are looking at this, and we'll see -- we plan to look at giving advice to them. This is also no problem with this.

U.K.

UNITED KINGDOM:

Sorry. Thank you, Chair.

Just on that point, can we possibly bring up with the Board what their options are as they review this final report? So what the options are for the Board in considering the next steps that they might take with it?

CHAIR SCHNEIDER:

I mean, of course, we can, yes. I would say. Because it is a relevant question. And we have a view that's been adopted by the GAC. So, yes, I would say so. So feel free to bring that in as an example.

Other comments? Questions?

So I don't see any more. European Commission.

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EUROPEAN COMMISSION: Yes. I apologize for coming back in again. I just wanted to clarify again, because I can't see it on the screen now -- but I wanted to clarify that the issue that we were discussing this morning about the GNSO PDP and developing new proposals or new versions or new proposals for another -- a new new gTLD round is what is interpreted in points 5 and 3 about?

Because I think that's an important issue that we should raise with the Board in terms of making sure that our contribution to the Board and the advice to the Board is taken into consideration before any such procedure goes through. But I think it's covered by 3 and 5. But I just wanted to clarify. Oops. What happened to 5? Maybe it's 6. It's a bit difficult to see.

CHAIR SCHNEIDER: There's no 6. It's a b.

EUROPEAN COMMISSION: A b then. Because I have a different version here. 3 then, little 3.

CHAIR SCHNEIDER: Maybe it's worth spending a few minutes discussing the safeguard and future round parts. Because I think we need to have a little bit of a clear idea what we're going to bring up. I

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think there's one element about the reviews of the first round. The question is we may express some comments or have questions about this proposal that the ALAC put in front of us or by the PICs review team. This is something we may ask the Board about what they think and so on and so forth. And maybe other elements of the review, the review that is being done by the GNSO, the review that the ICANN staff is doing, the review that is part of the CCT review and whether we think something is missing or priorities should be set here or there.

And then we may also bring up -- and the safeguard is something that as well should be part of this somehow.

We haven't received an answer to the Board to the letter that I sent in January or whenever it was. So this is definitely something that I would ask you to express your views and share it with the Board or ask questions of the Board.

And then the other thing is the future rounds. There's one thing, for instance, that we clearly stated -- and everybody agreed, actually, not just the GAC -- that there should be a serious assessment before the second round is started. And it's up to you to actually repeat, if you still think that is an important thing. And I had the feeling this morning in the discussion with the ALAC that everybody agrees that we should not rush or the GNSO ICANN should not rush into a second round before the

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analysis of the first round is actually done. And we have an agreement on this analysis.

So that would be a message that you may convey to the Board that that is still valid for the GAC. And then, if you have additional -- and that we also assumed that those public policy issues that we raised and we were insisting on in the first round, that, in nature, maybe not with the same mechanisms, but in the general nature, we would assume that they would be applied as well to the new -- to a second round. These are elements that you may bring up during that discussion.

But I think that's -- if we can leave it at that. Otherwise, if you have -- still have further questions. But this is definitely -- it's a moment to express some expectations from the GAC to the Board about the assessment of the first round and about these -- the preparation of the second round. It would be good if you express your views.

We don't have to coordinate. You may also express expressions of you as an individual GAC member. This is not a formal thing. So I invite you to speak up, because this is important.

Okay? Thank you. Yes, Iran.

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IRAN: Yes. You said that we would ask the Board whether any serious assessment has been done. A good question. If the answer is yes, where we can find that assessment. And then we have to analyze ourself with this assessment, replies or response to our asks. Thank you. This is the question in two parts. Thank you.

CHAIR SCHNEIDER: The assessment is not done yet fully because, for instance, the CCT review team has just started. So the answer is there are some elements that are there. I think we should give them our opinion and not ask them whether they think the assessment is done. And it's better if we convey our views of what we think where the assessment stands. But that's, of course, up to you. Okay. Thank you.

If there are no more questions, then I think we should actually move onto the agenda item -- I don't list all the numbers that we have. But it's another number here. Number 16.

Slot 16, which, of course, is the work on accountability. And we had an initial discussion about a way forward this morning.

And I slow down my speaking to give time to the text for the text to appear and take my notes back.

Thank you. From the last item. Okay.



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So we agreed to recap -- so try to see that we're on the same page, we agreed this morning that we would proceed in two steps.

The first step is, without going in the actual text, try to agree on elements, building blocks that we agreed that should be part of that letter that we would like to send to the CCWG, ideally tonight.

But that we will use this text to help us identify elements and agree on the elements.

We'll not go into the drafting, into the wording of these texts. But we used the wording so far as it's necessary to come to a shared understanding of what these elements are. That is something like the first reading in the sense that we try to identify and agree on these building blocks. That will take us some time.

Then I will suggest that we make a break where we will try to, in addition to drinking coffee and talking to each other, to work -- rework the text -- based on the building blocks that we identified, tried to rework the text so that the proposal will correspond to the building blocks that we identified. There may be some things that may disappear. The order may be reshuffled. There may be new elements.

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And then that may take us an hour to rework the text, print it out, give it to you, give you some time to read it.

And then we would resume and go through -- start going through the wording. That's the ideal case. If we get an agreement on the building blocks first, then we work on a text that we will go through. And then these are the two steps of the process.

And then hopefully, I don't know how many readings we'll need to go through the text before we can agree to it, but that's the plan.

I hope this is clear and shared.

So with that, maybe -- I just start reading a paragraph, and then you tell me whether this captures not the wording but the idea behind it, that you understand it, whether you share it, whether you think this idea should be reflected in the report or not, without going into the drafting of the wording. But let's try to capture the idea and to discuss and see whether we agree that the idea is the right one or the idea should be modified and whether you want to retain it.

So the first part reads "the GAC acknowledges the work published by the CCWG and takes note of the supplemental final

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proposal including the minority statement endorsed by certain governments."

So I think the idea is that we have an acknowledgment and some kind of qualification, whether it's taking note or welcomes or whatever, but we note that this report has been written, we have read it. That's the meaning. And we also are aware of the minority statement. And then the question is to what level do you want to appreciate -- note this more positively or more neutrally or more negatively. But that's the idea of the first paragraph.

So I hope this way of working works. So I would like to ask you for comments on the idea of this.

I have France and Iran so far.

Thank you, France.

And Argentina.

FRANCE:

Thank you very much. With respect to the minority statement, I think that it is quite weird including this in the text because you know that this statement has already been included in the CCWG report. So perhaps there may be some confusion in that respect, because when you mention "minority," you are making

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reference to the CCWG at the same time. More than 20 countries supported this statement, and no country made any formal objection. So if this statement is included in GAC's communique, perhaps it might be understood as a statement of the majority.

So I would try not to include this wording.

CHAIR SCHNEIDER:

Thank you very much. I understand your point of view. You are saying that the minority belongs to the CCWG but not to a minority of the GAC.

My question is do you think these elements -- do you think that we have to take explicit note that we have to make an explicit reference to the minority statement by the governments at CCWG?

Iran, you have the chair.

IRAN:

Thank you, Mr. Chairman. Perhaps we have to acknowledge the work done by the GAC (indiscernible) based on what we have heard in the last few days. I just put something on the mailing list as the elements. And it will be good to look at that and if these elements or building block is those and if something to be

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added, we add, before going to the text. Because what we heard here now, we are drafting the text.

So let's go to that one. And I send it to mailing list, send it to you, send it to Tom. And this is there, it should be shown. That might be helpful.

So talking what are these elements, and so on and so forth.

So I suggest that at least because you have discussed it and interpret something, it might be good that you consider this issue because we work out by some members.

Thank you.

CHAIR SCHNEIDER:

Thank you. I'm not sure whether I fully understood because your voice was not very loud.

Let me try to recap and see whether I got it.

So your point is you would like to have an element that says something like the GAC has been working very is hard in the past weeks and months about this?

IRAN:

If you open the file that I sent to you and to some and to all GAC mailing list, you have the elements. It says main elements to be

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covered in the GAC reply to CCWG. It is a mailing list of everybody, and it should be put on the screen and I send it to you, and these elements are there. You discuss them. You need to add elements more than this, you add. If you need to delete that, delete that. That would help before going to editing the text.

Thank you.

CHAIR SCHNEIDER: Thank you. So your proposal is to instead of using the text, use your main elements which are --

IRAN: Step one, Chairman, is the elements. Step two, the text. So first go to the elements.

CHAIR SCHNEIDER: I'm fine to do that. Let's give it a try and --

IRAN: Yes. It's the mailing list of everybody and Tom and yours.

Thank you.

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CHAIR SCHNEIDER:            So the first element is -- He has a screen protector. I can't see from the side. Now he can't see.

[ Laughter ]

So your main --

TOM DALE:                    It's going up on screen in a minute.

CHAIR SCHNEIDER:            All right. It will be up on screen in a minute. So the first element is acknowledgment of work accomplished. Do you think we should have a form of acknowledgment of the work accomplished? Accomplished by whom? By the CCWG and the co-chairs, and blah, blah, blah, and so on.

I see no objection.

Yes, okay. Argentina.

ARGENTINA:                    Thank you, Chair. I would like to support what our colleague from France has said. We don't agree that the reference to a minority report should be in our text because that's a reference to the Cross-Community Working Group way of addressing a minority report. And also, the word "certain" doesn't apply

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because there are several countries supporting it. And that is about the text.

And I would support what our distinguished colleague from Iran has suggested. Go to the main elements and then jump into a text.

Thank you.

CHAIR SCHNEIDER:

Thank you. I think we've already accepted that.

So now this is the basis. Thank you, Kavouss. So this is now separated. We have an element 1 that is an acknowledgment of the work accomplished, and the minority statement is another element that is separate.

So let's try and stay with element 1. Any comments on somehow acknowledging the work that has been accomplished?

Yes, Brazil.

BRAZIL:

Mr. Chair, I think we might get into some confusion this process, because I suggest we could take on board some views before go into drafting mode. Since we are doing that, I would start by saying I think we should start by reaffirming some basic understandings of the GAC in regard to the process itself.



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It is not called for in this -- I think they are all expecting the GAC to indicate whether it accepts or not. But I think it is important from a political perspective to reaffirm that we support the multistakeholder, bottom-up approach for the management of Internet critical resources, and that we reiterate the GAC's interest to fully participate in the post-transition phase (indiscernible) fulfilling its roles and responsibilities in regard to public policies.

I think that could be some general, overall opening statement. Again, it is not called for, but I think that could demystify some concerns on the part of other stakeholders in regard to the stance the GAC is taking to that.

In regard to the language that is being proposed, we have no difficulty to acknowledge the work accomplished. We think this is a bit immaterial. If we do it or not, it's okay. we can recognize, acknowledge, and thank the co-chairs. Anything is okay. I think the important is thing is what follows. And I would prefer to work on the basis of the text we had before on the screen. I think we are now starting to mix texts. So I would prefer if maybe we could have back the text that initiated our discussion, because -- unless we also have a text we could also send to you and ask it to be on screen. But maybe we can work on that basis, and on that text we can add or delete or try to inject other ideas. I would suggest these as a method of work.

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In regard to the text that was proposed by you, Mr. Chair, when initiated this meeting as our basic documents, I would say we would agree to take note of the report, and I understand the reasons why France and Argentina propose to delete reference to the minority statement, but in our case we think that would give some emphasis on the particular position that some countries hold in that regard. We would prefer to retain it if possible.

The comments we would have in that regard is that instead of saying "certain countries," we would prefer to say "some" or even the number much countries. But I would plea that it is quite important to note that inside the governments, because I think that minority opinions refers to differences of views among governments, and I think it's important that it should be highlighted up front.

Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil.

First of all, with regard to on which text we work, as the Romans used to say, all ways lead to Rome. Some may be more direct, others less direct. Not even that is sure, depending on how the wind blows. But we don't have a third screen. And I see the

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merit of this because this is basically already trying to move one step ahead, taking out the elements without -- and prohibiting us to go too much into the text. But since we started with the other text, I have no strong feelings. We can also switch between the two.

What we have now is we have the two elements. One is the acknowledgment of the works accomplished and with the qualification that we will have to negotiate. I think that's more or less accepted.

The other one is the question of what do we do with the minority statement. I think some would actually like some reference, but I understand that we would need to make sure that it is very clear that this is a minority statement in the CCWG, and we don't make qualification about minority or majority or quantification of views in the GAC. So that would need to be carefully drafted if we want to make a reference that is clear that this is not taken as necessary a minority in the GAC, a minority of governments. It was a minority statement of governments in the CCWG.

So the question is would you like to have this reference or not? Something we need to decide at some point in time. And then I think your point is very valid that come from Ambassador Fonseca from Brazil. We may think of starting with giving a positive signal that we can all agree to, which is we reaffirm, and

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you have said this several times and I think we can just take over, start with the formulation that you have used throughout this meeting.

If we all agree that we would like to start with reaffirming that we reaffirm the bottom-up multistakeholder approach, that this is the right thing to do for Internet governance, there may be also some language from the WSIS+10, and so on. So if you want to start with this, I think that may actually set a good start to the whole thing. But that would be an additional building block that would need to come first, if I understand Brazil, the Brazilian proposal correctly.

Maybe let's try and react to that proposal because that would be the first step in the first element.

What are your views? Should we reaffirm our commitment to the multistakeholder approach and start with that as an idea?

U.K.

UNITED KINGDOM:

Yes. I'd be very happy for this communication to be prefaced in such a way. I think it's fine.

Thank you.

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CHAIR SCHNEIDER: Iran and Spain.

IRAN: Thank you, chairman. It is helpful. We have no problem as a preamble or the starting, but that is (indiscernible). But a short sentence but not a page. One paragraph or two paragraph. No problem, at the beginning. Nobody disagree. It's not harmful at all. It's helping, the basis. But it has nothing to do with this text. It's good as a preamble, as a starting, and I have no problem with that.

Thank you.

CHAIR SCHNEIDER: Thank you.

Spain.

SPAIN: Thank you. I support the introduction of reference to our support to the multistakeholder model and, as well, to the IANA transition process to come to an end.

Thank you.

CHAIR SCHNEIDER: Thank you. So let's try to go one by one.

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I see no objection to starting with a reference that we support and reaffirm, blah, blah, the multistakeholder bottom-up multistakeholder model for Internet governance. So that would then be one. Probably the first, but let's note it down as one of the elements that we have in this text. Because in the end there will be one operational paragraph about what to do physically with the report. All the rest, if (indiscernible) transform (indiscernible). All the rest will be PPs and we will have one OP that will say to what extent we agree to the submission of the report. So all the rest is a preamble.

Is there any opposition to having -- Yes, Sweden.

SWEDEN:

Not an opposition but a qualification before we firmly establish that that should be one of the elements.

This is not -- the way we see it, it is not for what we're going to communicate to the CCWG. It's acceptable the way it's framed now, but we don't want it to be used to whitewash more critical text coming in later.

So I don't want it to be a consensus position that that should be an element, but leave it as a preliminary.

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CHAIR SCHNEIDER: I mean, let's be honest, we can still delete text in the end when we see something is not necessary. But we need to somehow try and move on, so can we agree that we will formulate -- we'll ask somebody to formulate one or two lines on stating this. We can always, if you think -- when we see the whole thing, we may readjust.

Yes, Brazil, please.

BRAZIL: Just if we are starting with some text, we have developed text and just for clarification, what we said is we wholeheartedly support the multistakeholder bottom-up approach for the management of Internet critical resources.

That's what we said. Because Internet governance I think refers to many areas, including cybersecurity, cyber defense, fight against crime. So I think we should be very specific here. Multistakeholder bottom-up for the management of Internet critical resources, and reiterate the interest in fully participating in the post-transition phase with a view to fulfilling GAC's roles and responsibilities in regard to public policies.

So I can forward this to the chair.

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CHAIR SCHNEIDER: Please send it to, but I think the idea is to have a very short reference that we reaffirm the bottom-up multistakeholder approach as a model for Internet governance. More or less leave it at that, and not -- because if we add too many things, then we'll end up drafting another text about the multistakeholder model, which is maybe not the idea.

European Commission.

EUROPEAN COMMISSION: Yes, thank you very much.

Just a proposal or question, really, rather, not to extend the text too long. I agree entirely with you. But perhaps there is already some GAC-approved text somewhere -- there must be, and our trusty secretariat I'm sure could find it -- saying that the GAC supports the transition, has always called for the transition. It has called for ICANN accountability improvements in the context of this multistakeholder -- now, I don't want to make it too long, but if there's some existing text that can be transferred as a preamble, that might solve the problem. We don't have to reinvent the wheel in this case.

CHAIR SCHNEIDER: Thank you. But now you're bringing in -- actually, Spain has brought in additional element. One element is reaffirm support



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for the multistakeholder model -- bottom-up model of Internet governance. That is one element. Support or nonsupport of the transition as an idea, concept or whatever, is a second element. We may agree to have that, we may combine it, we may have two separate phrases.

I take it for the time being you're fine to see a short text on reaffirming support of the bottom-up multistakeholder model. That's point one.

So point two or element two is do you want to have reference to an acknowledgment or a qualified support of the transition as an idea or as a process? That would be element 2, that would come before the accountability work.

Yes, Iran.

IRAN:

Thank you, chairman. We don't need anything about the transition. It is already in the ICG and we have already said that.

We are talking of CCWG Accountability. That has nothing to do with that. It's a part of the thing, so why we mix-up the whole things? I don't think that (indiscernible).

I think the European proposal was good, that we just talk about the process, and I don't know whether we should be specifically

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talking about multistakeholder. We should be in line with what we discussed in New York. In New York there are two elements, not only multistakeholder process. There's the complement of that, multilateral. So I don't think we should get into these sort of the very, very sensitive things. Why we need this issue? This is not the CCWG. They didn't ask us (indiscernible). You have 12 recommendations. We should reply to the recommendations. That's all. I don't think we need to go to that (indiscernible).

Now, the more we say security, stability, resiliency, all of these things, it is very, very critical issues. I don't think that we should go that one.

Look at the other, who has provided this information? We should be more simple, more precise, and more concise.

CHAIR SCHNEIDER:

Thank you.

Well, in the end -- as I said, in the end we need one paragraph that sums up and says yes or no to the submission of the report, and so on. The question is what is the -- what are the messages that you would like to convey that help explain maybe what we mean with the last part? And we don't need any of this in the end, but some think it may be helpful. So I'm in your hands. We

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can decide to delete that or we can decide to ask for a formulation and give it a chance once we have it in writing.

Hungary and The Netherlands and Spain.

HUNGARY:

I do agree we have to have some preamble. In the preamble we should just refer to the criteria set out by NTIA and saying that we -- we concur or we agree that the process itself took into account all the criteria, and we agree to that.

CHAIR SCHNEIDER:

So this is another element. We won't get anywhere if we continue like this.

So your proposal is to make reference to the criteria, but then we would need to say something about the transition, because the criteria are conditions for the transition; right?

I have the Netherlands, Spain, France and Denmark.

Netherlands.

NETHERLANDS:

Thank you, Chair. I concur with Brazil that the preamble, preface, with support of multistakeholder approach to management of Internet critical resources is good, but along the

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lines of Sweden, it should be in balance with the text. I think this could be put in brackets and refined after we have seen the final text.

Thank you.

CHAIR SCHNEIDER: Thank you.

Spain.

SPAIN: I agree that we can have one line or two to express our support of the multistakeholder model and at the same time to the transition of the stewardship functions related to IANA. And to put them in brackets and decide in the end, as Sweden has suggested, if we need these lines or not. But for the moment, I think it's a good message that the governments can send because this is the final stage of the process and could be like to wrap up everything and to frame it into the whole process.

Thank you.

CHAIR SCHNEIDER: Thank you. There seems some traction that goes in the direction of a bracket version.

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France.

FRANCE: Thank you, Mr. Chair. We agree with Brazil. It would be good to reaffirm our support to the multistakeholder model and transition of the IANA functions from the U.S. government, and I think it is important to say this.

CHAIR SCHNEIDER: Denmark.

DENMARK: Thank you, Mr. Chairman.

We are a little afraid that we are getting lost in many, many details which we are not asked for.

We discussed previously that we should have a clear statement, so we will be worried to list too many things. Of course we will be ready to sit here all night, but if -- we can go along and mention the multistakeholder, that we reaffirm it, but in a bracket. We will be afraid or we will not see this as a statement, and then we will have later on "but," and have negative text. So it will not be a balancing statement.

We will look at the text as a whole at the last. That will be our remark.

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Thank you.

CHAIR SCHNEIDER:

Thank you, Denmark. That's noted. But there may be not only positive text. So we may be looking for more positive text to get the balance right, in you know what I mean.

But can we agree, those that would like to have this included make an as short as you can formulation proposal in the direction of not more than two lines or something like that, and we don't continue the discussion whether we want to have this or not. We will discuss it in the end once we have a text and we see how easily that text will fly. If it will take us two hours of discussing that text, we'll probably drop it. And if we can easily accept it, we can have it.

Is that okay on these two elements?

Okay. And if you find existing text that is short, of course the better. Then we don't have to reinvent the wheel once more.

Thank you. Now having had this, let's go back to the elements that we have here on the screen from Kavouss.

So we had -- I think we have an agreement that we'll somehow acknowledge the work accomplished thanking co-chairs and the working group and so on.

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It's less clear to me what we should do about the minority statement, whether that should be mentioned or referred to and, if so, how. Would you agree? My proposal would be that we try to refer to that statement but in a way that it's clear that this is a statement that was a minority of members of the CCWG, but not necessarily -- to give no quantification of whether it's the minority or majority of governments. Would you want to have such a reference with this or rather not, or would you have a different kind of reference? Denmark and then Iran.

DENMARK:

I understood from France that they want to have it deleted. And we're not looking for having a statement on that. I think we are in a multistakeholder environment. And, if we should recognize minority statement, we should recognize all of the minority statement in the report. So that would be our point of departure.

CHAIR SCHNEIDER:

Thank you, Denmark. Iran.

IRAN:

Chairman, just put it in a square bracket. We may need it or not need it. Go to the next step is more important. I do think either acknowledgment or taking note or nothing at all, it depends on

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how we go forward. So just keep it in bracket to see we come back to that.

CHAIR SCHNEIDER: Thank you. Understood.

U.K. and then Brazil.

UNITED KINGDOM: Yes, thank you. I am with Denmark on this. I don't really see -- what is the purpose of referring to the minority statement at this point? I'm not -- I don't understand the intention. I mean, given that this was a multistakeholder process, there are many governments who didn't have the vehicle of a minority statement to say -- or majority statement. So it's a bit unclear, really, what we're trying to do here. Thank you.

CHAIR SCHNEIDER: Thank you. I think the idea was to give some visibility to the concerns in that statement.

But it's up to you. Brazil.

BRAZIL: Thank you, Mr. Chair. I think what you said exactly how we view it. That would give some emphasis on the existence of a



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particular concerns on the part of governments. Because this minority statement is the minority in the context of CCWG. But it is a minority that can express the opinions of governments, not of other CCWG participants.

And it was a minority opinion there and it is here also minority opinion unless, by the end of the meeting, it will become a majority. But I think for the moment it's a minority.

We have been gaining some more support for that on the part of some governments. We'd like to thank them.

So maybe even it will become a majority by the end of the meeting. But for the moment it's a minority also within the GAC. So we don't see a problem in mentioning it, because it indicates a particular concern. On the other part, since we're working now with the elements that were provided by Mr. Kavouss -- and, by the way, I fully agree with Mr. Kavouss. I think that was a very wise suggestion to ask to put some or even all the whole text in brackets. And then we'll revisit everything.

But one thing that we lost here -- and I think it's of paramount importance -- is to take note of the final supplemental report. Because it doesn't appear there. I think this is -- if we acknowledge -- or not acknowledge, but in regard to the -- it was in the text we were working at the beginning of the meeting.

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And we changed to this. So one of the important elements that are missing there is to take note of the final reports. Thank you.

CHAIR SCHNEIDER:

Thank you. Actually, you're right. It may be important to highlight not just the work accomplished but actually specifically make a reference to the report which is not now there. But that was probably the assumption that this was part of the work acknowledged. But maybe we have to single it out.

So, of course, we can formulate something about the CCWG governmental minority statement in brackets and decide later whether we want to keep it or not depending on the formulation.

But we now need to be mindful that we should try and come to some discussions that guide the drafting. Because, otherwise, we will have all the building blocks in brackets, which is probably not what we do. We should try to go for more clarity. But I have France -- yeah. Thank you.

FRANCE:

France speaking. Mr. Chair, perhaps our position was not clearly understood. We believe that it is useful and important to recall what it was said in this statement. But, to be clear, we need to change the formulation and say that this is a statement from

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GAC members. Because here we are in the GAC or not in the CCWG. And I believe that it is important to indicate what is the view of governments that issued this statement. Thank you.

UNKNOWN SPEAKER: Thank you, Chair. Since we're blocking out the structure to our comments, I just wanted to speak to the purpose of this section.

I have no problem acknowledging that not everybody is supportive of all the elements of the proposal. But we seem to be restating many things that the community is already aware of. There was a CCWG minority statement, but there were also many individual GAC comments submitted throughout the entire process.

So perhaps we just want to recognize the diversity of opinions that were expressed through the process. It seems like we're restating all the things that we've been doing over the last two years.

And, perhaps, as a target, SSAC managed to use 64 words. And ALAC managed to use 81 words. So we might want to think about the advice you were given from the co-chairs to be precise, concise, and very clear in what we're trying to say. Thank you.

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CHAIR SCHNEIDER: Thank you. U.K.

UNITED KINGDOM: Thanks. In element 4, if we stay with this selection of elements, you're going to go into detail about -- or reference at least the fact that there wasn't support for recommendation 11. Isn't that the right place?

I mean, my earlier intervention is about why put it so high up in a minority statement? And the intention of putting it so high up. I mean, what about just staying with element 4? Thank you.

CHAIR SCHNEIDER: Thank you.

Well, if you have the paper in front of you, it's all in the same height. It's not higher up. Of course, you're right. Actually, if it's about giving visibility to the concerns expressed in the minority statement, element 4 is actually naming the concerns expressed in the minority statement. So we may not need the reference to the fact that there has been a minority statement, if I get your point right. But we haven't come to element 4.

But there are two ways, basically. We may either leave it on the level of referring to that through the minority statements, or we may spell it out in element 4. We may not do 2 and 4. We may

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do either 2 or 4. So -- but, since we cannot discuss everything at the same time, we need to start somewhere. But it's a good point that you're making.

Iran.

IRAN:

Thank you, Chairman. You're right. That is why I proposed to put 2 in square brackets. Because we could put it in the 4, when we refer to recommendation 11. The whole issue of minority is recommendation 11 plus carve-out. Nothing else. So perhaps put it in square bracket. When we come to point 4 or element 4, recommendation 11, we could address the issue of a statement in one way or the other. That's why I proposed put 2 in square brackets, Chairman, not to forget it and go to the 3. Thank you.

CHAIR SCHNEIDER:

Thank you, Iran, I think that makes sense. And I hope we can accept it. Let's leave the mentioning of the minority statement in brackets for the time being and see, after we discussed element 4, whether we -- that has an effect on that.

Okay. Thank you. Can we move to element 3? This is now very condensed here. I think we need to have some expression of the role of the GAC.

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In the text that was sent to you, I think there's one element that reflects the main role of the GAC and as an advisory body to the ICANN board, something that has been always the case.

And the second -- there's a paragraph on this. And the second paragraph would refer to the GAC participating in this new structure that is now being put in place. I think these are the two elements that he has have in terms of GAC role as he summarized it. So I think I don't have to ask a question that -- or maybe -- no, I have to ask the question. Let me ask the question: Should we say something about the role of the GAC? Or let's put it -- any opposition to saying something about the role of the GAC? The next question is what should we say? But I don't see any opposition. Sometimes you need to start from zero to be sure.

Yes, Kavouss, please.

IRAN:

Thank you, Chairman. I think it is necessary to talk about the role of the GAC. It has been discussed throughout the whole thing. And we have been in our previous communique that we need or we would like to continue our role as an advisory committee to the ICANN process. And that will not be changed, as we're told several times. And still we have GAC advice. And GAC advice is from the advisory role and so on and so forth.

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Decisional participants or decision making is different part of that but will be added to that. So we should indicate that, mention that we continue to have this advisory capacity and so on and so forth.

If this is not there tomorrow, the other group they have counter proposals saying that now GAC becomes decisional making on many things. That's all.

Let us continue to say that we want to continue to have -- act in advisory capacity. Thank you.

CHAIR SCHNEIDER:

Thank you. So is there an agreement that we will highlight that we will continue to give advice to the Board and that is our main role in this structure? This idea?

I see there's no objection, so we'll take that that is an element that we agree that should be reflected in the text.

Now the other element is that we make a statement about our role as proposed by the proposal in this as one of the five members of the empowered community.

That would be the second element. In addition to our role that we had so far and that we will continue, there's a new element,

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there's a new structure emerging. And we will have a role in that structure, too. Is there agreement that we say something about our role in that structure, too? Or let me put it the other way around. Is there any opposition that we have a role in that structure, too, that we acknowledge this because that is what the proposal actually foresees that we will have a role in this structure in the future? Brazil?

BRAZIL:

Thank you, Mr. Chair. And we have developed some language in that regard. I'd like to suggest to colleagues, since we -- with the purpose of assisting in the discussion as you have initially proposed to us.

So what I'd like to say in that regard is that -- and I think that will be already maybe going also into element 4. So it relates to element 3 and 4 of Mr. Kavouss' paper.

So we suggest that it would say, "As regards recommendations 1 and 2, the GAC expresses its willingness to take part in the envisioned empowerment community mechanism as a decisional participant under conditions to be determined internally. The GAC was, however, unable to reach consensus on the proposed carve-out mechanism related to those recommendations."



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CHAIR SCHNEIDER: Thank you. We take note of this wording. This helps us understand what you mean. So thank you for this.

The carve-out on that proposal and also on the proposed text, the carve-out is linked to recommendation 11. So the attempt was to group that these issues, where there is an opposition or no agreement to support. But I think where we put our non-support or non-consensus to support this carve-out is another question.

But would you agree that we make a statement on acknowledging in one way or another or expressing a view on the role that we'll have in this future structure?

Let's see whether I have forgotten somebody after Denmark. Sorry, after Brazil. Argentina. I have Argentina, Denmark, Canada, and Iran.

ARGENTINA: Just to be brief, to support the comments made by our colleagues from Brazil. Thank you.

CHAIR SCHNEIDER: Thank you. Denmark.

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DENMARK: Thank you, Mr. Chairman. I don't think, actually, we have had a proper discussion within this forum or about what role the GAC should take in the future. There have, during the process, been, as we have different models. I haven't seen any development in that. And, from the outset, we will look for the continual of the advisory role, also in the new structure which it is possible that we can give that advice in the empowered community.

So I think it's too premature to talk about this. We will participate. But we are willing to have languages that we will further consider our role.

CHAIR SCHNEIDER: Thank you. We have had discussions for months and months and months about this. I can send you all the transcripts and text where we discussed this. We may not yet have a full agreement, but I don't think we can say we haven't discussed this. Just to make that point clear.

Canada, please.

CANADA: Thank you, Chair. Yes, I would like to associate with Denmark. I think it is premature to be definitive on having a decisional role. We can say we would consider our role.

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And, as was expressed, I see the primary purpose is to be in an advisory role in the empowered community. Thank you.

CHAIR SCHNEIDER: Thank you, Canada. Iran.

IRAN: Thank you, Chairman. I'm starting to be very worried about what we have done during the last 14 months. The other group waiting. As soon as we say that we don't participate, they put in the bylaw that there are only four SO and AC. We will be deleted totally. Out! What we say, the first part is role of the GAC as advisory. That's that. Second, with respect to the decisional making, we put in some qualification -- we will discuss it later on -- as it is in the text finally come from Spain, but originally come from elsewhere. Doesn't matter who put it.

So I don't think that we should lose that point. I totally disagree with those that they want to exclude GAC from participation in decisional making based on its internal rules that we decide. We may not participate at all, but we will not say that we do not participate. The right is for us whether we participate. That we'll decide case by case, according to circumstances and situation.

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And I give an example. If they want to change a bylaw and we say that we don't participate, they change it without you. What do you do? Nothing. You'll be out. Totally.

So why something that we have discussed for months and so on and so forth and putting all pressure to the others that accept that, why we want to release that? Saying that we don't want that?

So I can't agree with those distinguished colleagues as spoken before me that are saying that no, we don't want. No, we want that. But it is based on our further discussions whether on particular issues or case by case or circumstances, we exercise that right. Right is there. But exercise of the right is different from the right. So we don't want to dismiss the right. We don't want to give up the right, but exercising the right which is our internal process.

So, please, kindly, don't take that approach. Otherwise, it will be most welcome by GNSO. Let me be clear. Tomorrow is very good. Finished. 4, that's it. And GAC out totally. Do we want that? 14 months of the fight. Thank you.

CHAIR SCHNEIDER:

Thank you, Kavouss. Well, actually, that won't happen tomorrow, because then the proposal is calculated on five. If we

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would not agree on these five, it wouldn't be tomorrow. That would actually risk to the whole transition, because they'd have to reopen the whole text. Just that we're clear about this.

It won't -- it won't be solved tomorrow, in case we would not agree.

Spain and then Sweden.

SPAIN:

Kavouss has said more or less what I wanted to say. So it's true that we have discussed this issue since last month of September, because there are three statements from the GAC on this issue. And each time we said that we have not yet agreed on whether to exercise an advisory or a decisional role. And we are not going to decide it today. It's only to say that we've seen the proposal. We've seen they have reserved a seat for us. And we accept that. And we will decide on a case-by-case-by-case basis whether or not to exercise that right as Kavouss has said.

And let's think also what -- the substance of what we're doing now. We are participating as decisional participants in CCWG. We are not issuing advice in this case.

So that will not be the first time the GAC exercises decisional role, if we decide to accept this. Thank you.

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CHAIR SCHNEIDER: Thank you, Sweden.

SWEDEN: Thank you, Chair.

There are several countries that feel that we are served well by being advisory. And, obviously, we need to respect that.

And also I make the observation that, if we communicate now that we want to continue as being advisory and not participate as a decisional participant, then the carve-out is off, the hated carve-out. Because in the text it says, if GAC decides to be a decisional participant, then the carve-out kicks in. But, if we decide not to be a decisional participant, there is no carve-out. The problem of that is gone.

Thank you.

CHAIR SCHNEIDER: Of course if you don't decide, there is no need for a carve-out. I think that is fairly clear. Thank you very much.

Brazil and then the Netherlands.

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BRAZIL:

Thank you, Mr. Chair. We will circulate to all colleagues the full text we have developed, because I am reading bits and pieces. I would like colleagues to consider the whole package.

I thought -- take the floor just to clarify that since we were discussing element 3, confirmation of GAC role, our intention would be to separate to different instances for GAC's role. Towards the Board, clearly we reaffirm the advisory role. There is no question about that. We retain the advisory capacity towards the decision-making process within the Board.

As regards the empowerment community mechanism, as it has been recalled by Kavouss and Spain, we have a seat that was reserved to us, and I concur with others, we have not had enough discussion whether we want to occupy that seat or not. But I think we are at some point that we must clearly indicate whether we want to make use of that seat or not.

So we are -- the language we propose does not make a clear-cut decision on the conditions to participate or in regard to which issues, in which format. We are just confirming the intent to resort to this as appropriate. I think this is basically the message we want to convey.

I think doing otherwise -- and this is what I have been told, that to do otherwise would also have implications for the full proposal, as such, because if the GAC does not clearly indicate

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its intent to participate, the whole proposal will have to be redrafted -- not the whole proposal but some parts of the proposal, because it will be touching on the issue of thresholds.

So I would like the proposal to be seen in that light.

We maintain and we refer to the intention to remain the decision-making process of the Board to ICANN in regard to the empowerment community mechanism, we indicate our willingness to take part as participant under conditions to be discussed internally. And that refers to the issues, to the format. I think we are just flagging that something that is offered to us is not being rejected by the GAC. It is -- And by doing so, I think we are contributing for the -- also the package to flow.

And I don't think it's contradictory to say that there was no consensus regarding the carve-out. I don't think participation in the mechanism would be -- well, at least for some, that there would be no contradiction in participating fully in the mechanism, and the carve-out would not be necessarily -- it is something that came up late in the process, and the reality is that there is no consensus around that.

So we are trying here to find a balance among those different elements. And, therefore, we are circulating to our colleagues our text for it to be seen in the light of other proposals.



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Thank you.

CHAIR SCHNEIDER: Thank you.

The Netherlands.

NETHERLANDS: Yes, thank you, Chair.

I think both proposals as forwarded by Spain and afterwards by Brazil are practically dealing with the same, and I think there is not so much light between the both.

I think the aspect of noting, accepting its role, positional role, is one part. Second part is whether you exercise it, on which conditions. So I think if we see the Brazil proposal and Spain proposal, I would think they are much alike.

Thank you.

CHAIR SCHNEIDER: Thank you. And I think Iran said something in the same lines. One thing is to have a right and the other is to exercise it, to develop rules under which you exercise.

By the way, this is what the others are doing as well. The ASO, for instance, will probably not participate in any vote on an IRP

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or something on protection of geo names on new gTLDs because that's none of their business. They will probably just not do anything.

So every of these five participants will have situations where they will not participate in a particular position in case, and always in case that it would actually come to a vote. Because the idea is the problems are solved before the very last where people would be asked to go to a vote.

So I think if we -- Now we're getting into the substance of what we're trying to figure. So do you agree that we would want to have a block that somehow gives an opinion on what we discussed? Or we can also put it in brackets and then see whether we delete it if we have no agreement on the text.

Yes, Iran, please.

IRAN:

Thank you, Chairman. The way that Spain or other people propose coming through Spain, or maybe our distinguished colleagues from Brazil, what we say, we accept this right, how to exercise it.

So I think we should take that, accepting this, because this was - it was not offered to us. We ask for that. They didn't want to give it us at all. But we asked for that and we insisted. Now the

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right has been given to us, and the Spanish text or text from Spain says that we accept this situation. So let's maintain that. Whether in Spanish proposal or Brazilian proposal, doesn't matter, but let's take that one, but not start the discussion again whether we want or we don't want.

Something has been given to us as a right. After discussion, we accept this right. How to exercise it, that is future.

Thank you.

CHAIR SCHNEIDER:

Thank you. I think I have to slightly correct you. Actually, the CCWG always -- the way I understood the work, they always took that everybody was offered to be part of this empowered community. There's two ACs that decided they -- no already, now they want. But also they have been offered. Everybody has been offered to be part. Then at the last stage, there was this introduction of the carve-out, but it -- the procedure was always planned with the GAC as a member. I think just so we are clear on this.

But I think let's agree that we may try on a formulation that would somehow express an opinion on the GAC being one of these five participants with the element that the GAC itself would define its own mechanisms on how to participate. Maybe

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these two elements can be weighed with each other, that we find something that we can all accept in this regard.

Can we agree to this idea or is that already going too far and at the same time not going far enough?

European Commission.

EUROPEAN COMMISSION: Yes, thank you very much.

Well, I just wonder -- I just had the chance to see the Brazilian proposal, which I think covers all the issues that we discussed. And I'm just wondering, since at some point you're going to give us a break, maybe it's useful for us to take the break to look at the Brazilian proposal, which covers the issues, and use that text that also addresses the points Mr. Arasteh has raised.

CHAIR SCHNEIDER: The thing is if we're now going to drafting -- We haven't discussed element 4 and others. If we're now going to drafting, my understanding was we would stay with the idea what we would -- what would be the block that we would try to find wording.

If we now -- We can see, put the text on screen. I have no problem. You need to decide. I'm not sure whether the coffee

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break will be sooner if we start going into the detail of this idea, because we have other ideas that we will need to discuss.

But I'm in your hands. You decide.

EUROPEAN COMMISSION: I was proposing the ideas in the Brazil, not necessarily the specific text. But I think it addresses the issues that you have all been discussing so far as I can see.

CHAIR SCHNEIDER: But you would like to see the proposal by Brazil put on screen to help us capture the idea. Is that what you ask for? Sorry. Help me. I'm not quite sure what we are -- Okay. Iran.

IRAN: Thank you, Chair. The suggestions of European Commission is not contradictory to what we are saying, but that is a second step, to look into the text. The Spanish text, Brazilian text, mixture of that, so on and so forth. Let us go to the remaining part, 4 and 5, and then whether there be any break or not, and then we go to the real drafting. And in drafting we are free to take part of the Spanish proposal, the entire Spanish proposal, part of the Brazilian proposal, the entire Brazilian proposal, or mixing up together or any other things.

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So let's go to the remaining two part to see whether the building block is complete or not.

Thank you.

CHAIR SCHNEIDER: Thank you. I tend to agree with Iran.

France.

Can we -- Can we take that we will have a text on this? This may have two elements. One is say something about our participation in -- as proposed by the report, and then maybe the second element that that would be according to working methods and principles, whatever we call it, that we would develop ourselves.

France?

FRANCE: Thank you, Mr. Chair. I would like to echo the comments made by Spain and other countries. It is a matter of getting the GAC to accept the role that it was proposed, and then whether we accept it or not limiting or not the scope of the exercise in that.

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CHAIR SCHNEIDER: ...what I'm asking you to accept. Okay. If that's the case, let's move on to element 4. It's another easy bit that we'll have before the coffee break, that what you see on this is that we somehow can, if we want, convey more detailed views about recommendations 1 through 12. We can say if we want -- which ones we support. We can say which ones we have no consensus on. I think that is what element 4 is trying to say. And the proposal, if I read that correct, is actually the same like the proposal we have in the text that Spain has shared with you is that we would somehow state that there is no consensus on recommendation 11 and no consensus of the carve-out. That is referenced, the carve-out. But then we could say we have support for all the other elements of the report, or we could somehow qualify the -- that this is basically what we had discussed before. These are the concerns that have been expressed in the minority statement, spelled out a little bit clearer; i.e., no consensus on recommendation 11 and no consensus on the carve-out that is the result of recommendation 11.

Do you want to have a reference to this in the report? And then also, something more positive on the other recommendations?

Thank you.

Iran of.

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IRAN: Thank you, Chairman. As we discussed in the last call, recommendations 1 and 2, apart from the carve-out, these are the skeleton of the whole thing. Recommendation 1 is talk about establishment of unincorporated associations, calling them sole designator. So we can't disagree with that. If we agree -- that is the whole thing. Recommendation 2 talking about empowering the community.

The only two element is two recommendation is this cross-reference to carve-out. So if we exclude carve-out from these two recommendation and associate that with recommendation 11, which, in fact, coming from the discussion of that recommendation, so we could easily, if colleagues agree, talk about recommendation 1 and 12 -- up to 12, except 11, and give some view on that. And we come to recommendation 11 plus the associated carve-out, it will be more easy to discuss the issue.

Thank you.

CHAIR SCHNEIDER: Thank you.

France.



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FRANCE: I believe it is important to translate the reality of the discussions that were held here at GAC and mainly yesterday in the High-Level Governmental Meeting. We do not need to take sides. We need to describe the reality.

There is no consensus, again, to support the entire report, and France wants to add this statement in the communique.

CHAIR SCHNEIDER: Thank you, France. This is an additional element that we can discuss. This should replace or complete what we have in element 4 on the screen. So I take note of what France has just said.

This will enable us to see if this is a one-way road or a two-way road running in parallel. There is an element that we need to talk about support or nonconsensus on the recommendations by saying that there are certain parts of the report on which there is no agreement. In turn, we can add a remark regarding the entire report, the report as a whole.

We can choose one of these two options or go -- move forward with both options.

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I explained this in a complicated manner, but I hope that this is clear to you. I could explain it even more clearly in German, my own language. But I would like to know, perhaps we should start by looking at France's proposal. So you would like to have a positive, negative, or neutral statement about the report as a whole based on what France said?

FRANCE:

There is a slight difference. It's not a matter of making a positive or a negative comment. It is about describe in a neutral manner a certain situation and the discussion that took place within the GAC. It is a matter of describing the reality and not take sides on the positive or the negative side. This is different.

CHAIR SCHNEIDER:

So let me correct myself. So if you say that there is no consensus, this can be interpreted as something positive or negative. The element that you want to include relates to the fact that there is no consensus on the report as a whole. That is correct.

...reflect the fact that we don't have full consensus on all elements of the report, or the report as a package.

Brazil, Iran, and Germany.

BRAZIL:

Thank you, Mr. Chair. And if I can just take one minute of your time and colleagues' time just to -- I will reply to your question. But I think since everybody now has our text on the screen, I'd like to take a moment just to explain the rationale, because in doing so we tried to address all the concerns, including the concern expressed by France which we -- we have the same approach as France. So we tried to accommodate here also the concern expressed by France.

So the first paragraph, as I had said before, we think it's important to make that kind of statement that is general. It is not asked for, I take the point, but I think we are GAC. We are governments. I think we should look at this exercise with -- as always we do as governments. Also take into account the political dimension of this.

So we think it's not -- we should not be too much worried about the number of words we use as far as we convey the right message, because this piece of paper will be seen in its own right; people not looking to other GAC documents to see what was GAC's position. So I think it's important in this document to send some very important message up front. So this is the first paragraph.

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The second, we just take note, consider the proposal. Of course we can acknowledge the work, blah, blah, blah.

So we try to put the things in the more positive light we can. So we think it's important to reiterate that we support recommendation 3 to 10 and 11, and then we suggest in regard to 1 and 2, we also support. We have this concern about the carve-out.

I think by doing so, we try to avoid a situation which we could -- if we reject the proposal -- theoretically, we reject the full proposal, it is inconsistent to reject the proposal, at the same time to ask to be a decisional participant in the mechanism that is being proposed.

So we think we should take a positive approach to say those recommendations we support, those we have concerns. At the same time, we make a request. In regard to recommendation 11, there is no consensus. I think that should be very clearly documented.

And the second to last paragraph, the intention was exactly to address the concern raised by France which is also our concern. And I think this is the reality.

For some delegations, in spite of 11, 1 and 2, they can accept the full proposal, but other consider that those issues jeopardize

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their ability to endorse the full proposal. So I think it is documented that there are differing opinions; some that could support, some that could even reject the full proposal. I think that that was the intent, to address that concern.

And finally, I think the important message, and this is not exactly the message CCWG is waiting for us, but I think it is in that context the possible message we can give, is in respect to the multistakeholder approach, the GAC would not object the transmission of the CCWG proposal to the NTIA for due consideration.

So we are spelling out very clearly that we will not block the transition, we will not object to the proposal to go forward, but we are documenting in the most positive light we can the differences among the group and stating those areas of common understanding and even making a request for participation in appropriate.

I think if -- Of course, this is subject to colleagues' comments and further improvement, but I tried here to accommodate the -- all the concerns we have heard in previous rounds.

Thank you.

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CHAIR SCHNEIDER: Thank you, Brazil. And thank you for the wording that you provided us with which may be useful for our further discussion. Can we -- I think this is something that we actually now see -- can we agree that we will somehow have to deal with this in text form? Because now we -- this is -- this is an element that we know we have to say something.

We don't agree exactly on what will be -- We know our positions and we'll have to find it probably in the wording, but also maybe some room for everybody to find something.

Iran.

IRAN: Thank you, Chairman. Apart from our distinguished French colleagues that they want to say that there is no consensus about the entire report, I have not heard any other GAC member saying that there is no consensus about the entire report. I have heard distinguished colleague from Brazil saying that recommendation 1 and 2 no problem, except the carve-out. So there is a problem with the carve-out. Recommendation 11, there are problems on many issues. Stress Test 18 and carve-out.

So can we take this poisoning element, carve-out, plus recommendation 11, take them together and the rest of the

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recommendation talk about, and leave any country who would like to say that he has problem with the entire report. That could be a position of that particular country. We cannot say that we are -- we have no consensus about the entire report. That means we have no consensus about accountability at all. Something that was mentioned many, many.

I don't think we have not heard anybody saying that there is no consensus about the whole report. But the views of one or two colleagues are fully respected. Doesn't matter.

But let us take carve-out plus recommendation 11, put it aside, and go to remaining whether we could express the views, apart from one country or two country, one to say that they don't agree with everything.

Thank you.

CHAIR SCHNEIDER: Brazil would like to respond to your statement.

BRAZIL: Yes, just to be very clear about that. We share the same concerns as France. We think that recommendation 11 and the carve-out contaminates the whole proposal, undermines the view we have of how multistakeholder approach should work,

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because it will not allow, in our view -- and we concur that others have different views -- this will not allow governments the appropriate mechanism to ensure they will duly fulfill their roles and responsibilities.

Because governments are working as a corporation. It's not a multistakeholder organization. Be very clear, we are looking for -- towards. And we want ICANN to evolve toward a multistakeholder organization. But it's not. It's a corporation in which we have advisory capacity and in which we are not seeking veto power. But, at the same time, the capacity to influence the process has been further diminished by the inclusion of recommendation 11 and the carve-out mechanism.

So we fully -- we share the same view as France that this contaminates the full proposal because this touches on issues associated to the very heart of the multistakeholder process. However, we are willing -- in a spirit of compromise and because we know we should send the most positive message we can, we agree to say it in a different way in a more, let's say, diplomatic way than just say that this situation leads some countries even to consider to reject the full proposal.

So we highlight our areas of commonalities. But we document that, for some countries, that situation would even lead them to reject the full proposal.



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So there is no difference between our approach and France's approach. This is for the record. Thank you.

CHAIR SCHNEIDER: Thank you very much, Brazil. I had Germany and then Portugal and China. Germany, please.

GERMANY: Yes, thank you. After hearing the discussion, we are leading, we think it's important to realize that it's important that we have a short text in the end. Because every sentence we add might cause some additional discussion and point of view of other colleagues in the GAC.

It's a very complicated situation we are in. And so far I would ask that we -- we really find a very, very short text.

In respect of mentioning certain recommendations, some of the GAC members cannot go along with I think, a general remark in reference to the minority statement is the best way. Because in this reference to the minority statement, there is a clear explanation why these governments didn't follow or do not want to follow the proposal. And the problems mentioned are clear indicated, from their perspective.

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I think it would be difficult to try to get these perspectives in a GAC document because this is -- because there wouldn't be an agreement on that and consensus on that.

So I think, just as proposed in the first paper we had on the screen, I think this would be the best way. Thank you.

CHAIR SCHNEIDER: Thank you, Germany. Portugal.

PORTUGAL: Thank you. And I'm going to speak in Portuguese.

Portugal speaking. I remained silent so far just to listen to other people's views. And I believe that now we are going to go into a more complicated phase. And that is to provoke some countries that support the multistakeholder model. I think that there are some serious problems that may pose some risks for the future. So the things that we discussed in the past and the ones that we are discussing now and in the future should concern us all. But I don't see the same level of concern among us all. So I think that we need to consider each one's opinions. That text proposed by Brazil moves in to a very good direction. And I believe that others are reviewing this text and that nobody is harmed by that text. So I think that we need to exert caution so as not to provoke anyone and to be mindful of the fact that we have

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minorities and countries, as was said, with this idea and that we need to be diplomatic with the text that we present and our reactions. Thank you.

CHAIR SCHNEIDER: Thank you, Portugal. China.

CHINA: Thank you, Chair.

After hearing the discussion about this issue, the suggestion from China is that we think the language we used here in this message we conveyed to the CCWG is we tend to use some balanced and neutral language here.

And take this opportunity to -- we want to echo our concern expressed by France and Brazil, especially in the recommendation 11.

And last I have a question. Because the CCWG is seeking approval of its report from other AC/SO and the CWG, some AC or SO has conveyed clear message to approve the report or not. Up to now three of the seven has sent a clear message about approval of the report whether our language will include some language on -- to approve the report or not, something like that. Thank you.

CHAIR SCHNEIDER:

Thank you, China. There is actually one element that is missing on that list you see on the screen is the operational paragraph about approving or not or not objecting to the transmission of the report to the Board. I think we cut this short. I think we have to have a sentence about whether we approve or do not object or we do object to the transmission of the report to the Board.

Can we agree that we need to have a phrase on this? Because we can discuss what it should be. But I think we're clear that we need a phrase, right?

I think we have now at least once gone through all the elements that are possible so far that we may include or may not. We may still decide we have different opinions also about the length or the how much text do we need in order to reflect the situation in the GAC. That will also depend on a concrete text. I think we have identified all the possible elements that may be part of wording that is there.

Unless you say it now, I don't think there are other elements that we should include. I think we are already at the upper range of the elements that we would rather like to reduce them, if possible. We shouldn't add any more.

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Is that an understanding that we share. This is the maximum -- the Netherlands, did I leave you out -- no. Yes, Netherlands.

NETHERLANDS:

I think you're right, Chair. I think, as we quickly saw also in the Brazilian proposal, I think it has all the elements which also are stated in, let's say, more the charter of this. As we have now a proposal which was forwarded by several countries through Spain, we have a constructive proposal from Brazil. There would be a possibility probably to merge certain elements into something which is, hopefully, acceptable for the GAC. Thank you.

CHAIR SCHNEIDER:

Thank you. So we have all the elements. We have identified them, roughly. We may decide to, if possible, not use all of them. But we have identified the elements that may be part of the answer.

Now we have two texts. We have an initial text proposed by Spain with some countries, and we have a text by Brazil that seemed to get some traction that we may also use -- we may actually use that one as a basis for discussion.

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I'm in your hands. You tell me. Do you think that -- do you agree with those who say the Brazilian text actually may be the better basis to work on? Iran.

IRAN:

Chairman, no preference with what we start. But we start with one and look at the others to see whether in the one that we have discussed there is some element which is not different from the others. That's the only thing. Because people opposed to have a small group. So that is that.

The only thing we have two side by side. First we start with first element of any of them. Doesn't matter. And then to see whether there is any element on the second proposal from Spain or vice versa that is not covered in the other. So that is the only thing.

We have to start with such a big group. Thank you.

CHAIR SCHNEIDER:

Thank you. And I think one of the reasons I may speak for the Brazilian is it contains the elements in the beginning that we do not have in the beginning that we do not have in the other one that we have in brackets that we decided we would at least have a look at. Spain.

SPAIN:

Thank you. Before answering your question, I need to get some clarity on the last sentence of the Brazilian proposal.

I have understood that the concerns you have are as serious as to object to the whole proposal. But then what does it mean in respect for the multistakeholder approach? The GAC would not object the transmission. Are you -- could you let the GAC to express the approval to the text or not? Thank you.

And, regarding the first three elements about IANA transition and multistakeholder model, as -- you said that you could prefer to have a shorter text of drafting some -- drafting two lines that maybe I can share with members, if they want. Thank you.

CHAIR SCHNEIDER:

Thank you. I mean, my proposal will be, once we have decided which text we'll use, that we would form -- use the coffee break that we will have, hopefully, soon and have a small group that goes through the text and sees whether all the elements are there.

Because none of these texts will be -- will have maybe everything fine.

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And, with regard to your questions about Brazil, I think, from what I understand, is that that also means in the spirit, respecting the multistakeholder approach and the necessity to compromise on things that you don't like 100%, I think that is what the Brazil is trying to express with this.

But let me give you the floor to see whether that is actually correct. Thank you.

Yeah, absolutely, Mr. Chair. I think our discussion has shown that there is no consensus either to approve or to reject the proposal. So our attempt here is to put it in the most positive light in the light of everything that has been said.

If you want to put it in a very short sentence, you should say there is no consensus either to approve or to reject the proposal. And then it would follow that that would not eliminate our last paragraph. Because I think this is the two core message our proposal seeks to convey. There is no consensus, and we have tried to document it in the most positive light.

But, in the second to last paragraph where we say that some delegations expressed the view that in cooperation of those areas of contention would lead them to oppose the -- it is clear they cannot oppose part without opposing the full. If this is required to put it very straightforward, then those delegations, including France, my own, and others would say we cannot



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support the full proposal. So we're trying to put it in the most positive light we can.

But, at the same time, in respect for the process, in respect for the multistakeholder approach, we want also to convey the second message that collectively, I think, and think there's no difference among us in that regard as far as the differences are well-documented either in short form or in extended form, the GAC does not object the transition of the CCWG proposal to the NTIA for consideration.

That's, basically, what it's saying. The proposal can proceed without the blessing of the full consensus of the GAC. But we are trying to document it as positively as we can. Thank you.

CHAIR SCHNEIDER: Thank you very much, Brazil. Japan and then France.

JAPAN: Thank you, Mr. Chairman. So, considering the last discussion for today from Sunday, so we recognize that Brazil, as well as other countries, wanted to proceed with this IANA transition. Surely. And in time for the deadline. So I agree with the baseline or with the discussion. The exact text should be based on the Spanish proposal. Thank you.

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CHAIR SCHNEIDER: Thank you. France.

FRANCE: France speaking. Thank you very much.

We agree with Brazil. There are two messages we want to convey. First of all, the GAC has not reached full consensus to approve or reject this report. And, secondly, the GAC says that this report would be transmitted to -- from the ICANN board to the NTIA. This is why we think that there should be a transmission of the report.

CHAIR SCHNEIDER: Thank you very much, France.

We need to get some clarity. As I said before, given that the text of Brazil is more complete, I would have a tendency to use that one as the text that will be on the screen or that we'll be using in a small group now and take the other one as a reference to -- in case we don't like formulations in this one, to amend it. That would be my proposal. Both is feasible in the end. But the text of Brazil is more completed. It may provide for a better framing of the whole with regard to multistakeholder approach. Can we agree that we use this one? Any -- yes, Iran, please.

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IRAN: Thank you. I expect that you do not kindly qualify the two texts more complete or less complete. The Spanish text is also -- is more complete. So I don't see that. Why we have such a judgment?

But why we say we have no problem to start with any of the text but to see whether there is element in the other text should be incorporated in the first one? Doesn't matter which one we start with.

But let me tell you: I have no mission to talk that we wholeheartedly approve the multistakeholder. I have been given the mission to talk about the CCWG report. But this is the first paragraph. I don't have such a mission saying wholeheartedly approve that. This is a very tough policy issue that we have not yet discussed. So I don't know.

We talk more complete. Both of them are good texts. And we start with both of them and see what we can do. I don't have a preference for either of the two. But not saying one is more complete or less complete. Thank you.

CHAIR SCHNEIDER: Thank you. By saying "more complete," I was meaning that there was a wish to have an element or reference to the

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multistakeholder, which is in this text and not in the other one. Without saying that we actually -- that this formulation we receive will be the last, that will be the final formulation -- but I'm in your hands. We need to agree on which text we use as a basis and which one we use as a consultation basis. We can't do both. We need to take this text or the other one and use it. Singapore.

SINGAPORE:

Thank you, Chair. Just want to say that we fully agree with what you just explained. And we understood your rationale, and we support your proposal to use one, thanks, as a basis for discussion. Thank you.

CHAIR SCHNEIDER:

Thank you very much. Brazil.

BRAZIL:

I suggest you could have some informal consultation during coffee break. And then, when we start again, you just indicate. And we can have a fresh start on any proposal. We'd be comfortable with that. Thank you.

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CHAIR SCHNEIDER: Yeah. You're right. Maybe we should be more clear. We have three possibilities. We can use the Spanish and French text to start with in the afternoon; we can use the Brazilian text; or we can develop during the coffee break a merged version of this and use that as a text.

But that would mean that some of us would not only -- and the risk of this is that we start negotiating so much that we have no text to start with after the coffee break. And we may prolong the coffee break.

But let us try to -- those who are interested -- hopefully, it's not too many -- to get together and work on a merged version of that text. Is that what you would prefer? And then we'll present it to you after the coffee break. I can't tell you, in that case, how long the coffee break would be because that would depend on the people agreeing on a draft text that we would use. Am I clear? Does this make sense? Okay.

UNKNOWN SPEAKER: My delegation has said that there's not much difference between those texts. Why don't we work in any of them so as to see how far we can get?

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CHAIR SCHNEIDER: I asked Tom whether he would be willing to hold the pen for this exercise and we would all gather around him. You see his endless joy? It can also be somebody else. If we have a volunteer to hold the pen, of course we're fine. Iran and Netherlands.

IRAN: Thank you, Chairman. Just give this -- I'm sorry -- this punishment to Spain and Brazil to get together and produce a text. If they want the secretariat help, they will do that. We don't want Tom --

[ Speaker off microphone. ]

CHAIR SCHNEIDER: Kavouss, the microphone is still directing to the red one. But we heard you. But I think that's a fairly intelligent proposal. Thank you for this. Can we have Spain and Brazil, together with whoever wants to support them, getting together and trying to merge this into one? Is that okay? All right. Now we have --

UNKNOWN SPEAKER: No. I'm sorry, Mr. Chair. We'll have some scheduled bilateral during coffee break. We request you, as the chair, to lead us in the afternoon. You can choose either one. We'll be comfortable

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with that. And, if you choose the Spanish and inject our text or otherwise --

CHAIR SCHNEIDER: I will try to be you. And we'll sit together with Spain and everybody else and try to help measure. Okay. Yes, U.K.

UNITED KINGDOM: Thanks, Chair. I was just going to suggest perhaps the thing that might help is to have the elements from both proposals together as alternates. You know, we see Spain's and Brazil's on each element, and then we can consider how they might converge, and then other tweaks might be introduced to help that process.

Does that make sense?

Thank you.

CHAIR SCHNEIDER: It does under the assumption that the elements are more or less in line. But it may actually be. They are not that far from each other, so I think we may do that. So this may be the first step.

Okay. All right. So I will be one of those.

Is it India?

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INDIA: That's right. So we would support the proposal of the Chair to have a smaller group which could work on both the texts as well as incorporate anything additional, and the advice text could be the starting point for further discussions. We would be happy to be part of that.

CHAIR SCHNEIDER: Thank you very much. So I think we have more or less clarity. Thank you for helping us, all. And maybe those who will be part of the group go to the coffee stand first -- I hope it's there -- and then the others who will not be part of the group, so that we can grab our coffee quickly and then start working.

I assume -- I don't know. We will have to see. It's now 4:45 -- 25. Sorry. It says 24, my clock. We will need at least half an hour, probably more. So apart from 5:00, be ready that we may at some point be ready ourselves. And we'll distribute the text on paper. So you will know when we have it, and then it will take some time to distribute it. I hope that won't take forever. Okay.

All right. This is the coffee break.

[ Coffee break ]



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CHAIR SCHNEIDER: Please take your seats because we will have to leave the room at 6:00 because the room is booked, and then we have the pleasure to go to the Board, to the reception. But before 6:00 we will have to decide where we are and decide about how to move that forward.

So please sit down and take your seats.

So you may be surprised that the group didn't produce a new text because what we have done is follow the proposal, I think it was Mark from the U.K., who said we should actually compare the two text and we put them next to each other and they are fairly close to each other, the two text. So we thought instead of spending another hour working on the third version it may be enough to have the two text as you see it in parallel next to each other, and we may be able to -- with having these two texts next to each other, work on it. And that may suffice.

It's now a quarter past 5:00. Work stream work on this text until a quarter to 6:00 or ten to 6:00 and then we will decide how to organize our work for later, in case we need more time. But we may need more time.

Okay.

So what you have here, as I said, on your papers and on the screen, is left -- on the left side. On the very left you have the

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elements that we've identified, and then you have the two text, the Brazil proposal and the Spain's and other facilitators' proposal. Both -- each version of the respective element that you see on the left. So this is the logic of this document. I hope that is clear.

So now let's go through the elements one by one.

I don't think it's necessary to read it out. As I said, apart from the place where it says added, all the rest is no new text. It's the same text as before. Let's hope the procedure works.

Okay. So whenever somebody -- please read it, re-read it. Whenever somebody is ready to take the floor and start the discussion, he will or she will get the floor.

Okay. Element 1. It's the acknowledgment of the work accomplished.

Iran.

IRAN:

Thank you, Chairman. As I mentioned many times, that we are member of the one family GAC, and we are member of another big family, ICANN. So we are working within the same family.

During the break we have some discussions with our distinguished colleague from Brazil. As I mentioned, we have no

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preference, I have no preference, with either of the two text, but I don't have any difficulty to start with Brazilian text. No problem at all. And if that is the case, I have some suggestion for the first element. I discuss it with our distinguished colleagues from Brazil, distinguished ambassador, and that would be in the item for the element 1. We delete "wholeheartedly." And then in the second line, when we talk about the for the management of the Internet critical resources, and so on and so forth, we say that bottom-up approach within the ICANN. And continue that and reiterate "full participation in the post-transition phase with the view to fulfilling its role," and so on and so forth. So first deletion of the "wholeheartedly," and, second, in relation to the management of the Internet critical resources, we just put it "ICANN," "within the ICANN." It much better, more general. And that is the first paragraph. The remaining part of that for us, for our delegation, there is no problem. That does not mean that we do not agree with the Spanish text but we have no difficulty with the Brazilian text. This is the first paragraph, and I have discussed it briefly with the ambassador, so I leave it to him if he confirm that my understanding is right or not.

Thank you.

CHAIR SCHNEIDER: Yes, Denmark.

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DENMARK: Thank you, Mr. Chairman. Just to say that the Spanish text would be acceptable to us. As to the Brazilian text, we have no difficulties with the suggestion by Kavouss, but we are of the opinion that it should be shortened, and it should be stopped after "resources." The rest of the sentence we are not agreeing with, especially the "full participation," which we will have certain objections against.

CHAIR SCHNEIDER: Thank you. Just to be clear, when you say your fine with the Spanish text, as they are overlapping to some extent, is there some element that you would take from the Spanish and some element that you would take from Brazil or -- just that I fully understand your proposal.

DENMARK: It is difficult what text, but if we are taking the Brazilian text, I will be perfectly happy with the Brazilian text if we stop after "resources," and the suggestion from Kavouss, that is okay.

So we will, through this discussion, prefer a short text as possible. So we can accept the first two and a half lines.

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CHAIR SCHNEIDER: So what you mean is that the text as amended is fine if it stops at "ICANN."

Brazil.

BRAZIL: Thank you, Mr. Chair. And for the moment, I think this would be retained in brackets. But through you, I would like to request the representative of Denmark maybe to explain a little bit why this could not be accepted, because we think this only reflects the -- one of the basic understandings that emanate from the WSIS outcome documents which we have reaffirmed just last December in New York; that Internet governance requires the full participation of all stakeholders in their roles and responsibilities. And here we took the care to also include "in regard to public policies," which we think is the right approach for governments within the ICANN.

So I cannot understand why there should be any problem in -- again, our intention here was to have some very general, very political statements, recalling some general and some very fundamental assumptions that guide us in this exercise.

If the majority would, of course, want to delete, it's okay. But in our sense, this is only a reaffirmation of something which is maybe one of the guiding principles for us in our exercise.

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If we do not intend to participate fully with fulfilling our roles and responsibilities, what are we doing here?

Thank you.

CHAIR SCHNEIDER: Thank you, Brazil.

Norway, please.

NORWAY: Yes, thank you.

We just wanted to express support for the existing Brazilian proposal. We don't think it's necessary to limit it to say "within ICANN," and we support the text in brackets as a general statement. I think we can all agree as Brazil says that we support that role that we have in general within ICANN and at the other arenas as well.

So thank you.

CHAIR SCHNEIDER: Thank you.

I think the point that Iran was making is that it may complicate things unnecessarily if we go into details about the multistakeholder approach; and hence, if we limit it, make

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reference to ICANN because we're here in ICANN and not at the ITU or anywhere else or at WIPO or at the IGF. But, of course, I'm in your hands. But we take note that you would be fine with the original proposal and the full wording. And let's see what other's views are.

France.

FRANCE:

Thank you, Mr. Chairman. I agree with Norway, actually. I would be fine with the Brazilian proposal as it is. It's interesting as well to recall the broader picture. So, for instance, the WSIS+10 without, of course, quoting it.

So I don't think it's necessary to add "within ICANN." But maybe to make it clearer, we can put "within ICANN" after "participating."

And of course I would keep the -- I would keep the (indiscernible) version to brackets.

Thank you.

CHAIR SCHNEIDER:

So your proposal is to -- what do we do with the first? According to you, what should we do with the first "within ICANN"? Should that be deleted?

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Okay. Let's both in bracket for the time being so that we don't lose track, as long as we have no agreement.

I have Hungary, New Zealand, and Belgium, I think? Okay. Let's start with Hungary. Thank you.

HUNGARY:

Thank you.

I fully agree with the Brazilian proposal and with the addendum from France. The only thing I want to see is to remove the apostrophe from "its" in the first line.

CHAIR SCHNEIDER:

I think we have support, full support with no objection to the last point.

Thank you.

New Zealand.

NEW ZEALAND:

Thank you, Chair.

We can support the text of the Brazilian proposal up to the text "within ICANN" that is currently in square brackets. This is particularly because we had some concern making statements that might be broader than ICANN. Given we did this in



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December in the U.N., it took about eight days of negotiating and two years of preparation to make statements on these kinds of things. We have about eight hours. So I'd suggest we stick to exactly what we need to convey about ICANN.

Thank you.

CHAIR SCHNEIDER: Thank you.

Belgium.

BELGIUM: Thank you. Belgium supports the proposal, the Brazilian proposal, as well, after "within ICANN." So the second sentence as well.

Thank you.

CHAIR SCHNEIDER: Thank you. I think maybe we can leave it at that for the time being because we will have another 20 to 30 minutes left.

So let's leave the brackets where they are. I think we have got a picture of how fundamental or not this problem is.

I give the floor to Brazil, and then we try to note where we are on this one and move to the next item to have a first reading; that

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we get to go through all the elements and see where is agreement, where we will need further work, maybe instead of spending all -- because this is not the core of the text yet.

Brazil, thank you.

BRAZIL:

Absolutely. Mr. Chair, fully concur with you. Just a very small comment.

I think we spent so much -- so long to develop that common understanding, one that was adopted at the highest level among all our countries and reaffirmed very recently, I think that process leads us to use with a lot of comfort those expressions in every instance that is applicable.

Thank you.

CHAIR SCHNEIDER:

Thank you.

Iran.

IRAN:

Thank you, Chairman.

I think another small suggestion. I have been dealing with that for years. Could we get rid of "fully"? If you want to retain even

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the square bracket and reiterate the interest in participating. Because fully is not necessary, the "fully." Participating is the same thing. It is implicitly that, so we don't need to talk about that. And leave it in the square bracket. Let's go to the first round and come back and perhaps try to refine that.

CHAIR SCHNEIDER:

Thank you. So we have a square bracket within a square bracket, but we are intelligent enough to deal with two levels of square brackets; right? If we go beyond three levels, then I think we should stop.

Thank you.

Canada.

CANADA:

Thank you, Chair.

We just note that this is element 1 is acknowledgment of the work accomplished, so we would just perhaps make a note that we may wish to also address this element of, in element 1, we would acknowledge the great work that has been accomplished during this process.

Thank you.

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CHAIR SCHNEIDER: Thank you. Actually, that was the point that I was going to make next. The Brazilian proposal lacks this element. So my suggestion is for the time being is just copy and paste what is in the Spanish proposal, add it to the Brazilian and then see if that is something that is more or less acceptable.

So, yes, Tom, if you could. Exactly. That one, yes.

Thank you. U.K. and then Iran.

UNITED KINGDOM: Yes, thank you, Chair.

I wonder if we can be a bit less deadpan in this sentence, "acknowledges" and "takes note." Canada suggested "the great work," and so on, as a more expressive way of indicating how we've received this. So I would suggest something like "deeply appreciates the work accomplished by CCWG and welcomes the supplementary final proposal."

Deeply appreciation the work, and then welcomes rather than "takes note." I just felt it was rather sort of deadpan language.

Huge amount of work. We've all said that, and High-Level Governmental Meeting, and so on.

Thank you.

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CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Thank you, Chairman. You could put whatever complimentary word you want. Deeply appreciate, and so on. I don't think it is necessary. Acknowledgment is a very broad word.

The problem I have "taking note." "Taking note" is a very weak expression. You take note, it means no further action is required.

This is internationally agreed. You cannot take note and then talk about that we will do this, we do that.

So I don't think that we need the "taking note" of that. We say the GAC either acknowledge or appreciates, not "deeply" appreciation, the work published by the CCWG as contained in the supplementary final reports.

We delete "take note," Chairman, because we continue to talk about what is the report.

If we say "take note" you contradict the remaining part that you are supporting or opposing. So this is not necessity. I have told many, many times since the beginning during last four and a half days that we do not need this "take note." Thank you. Please

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kindly delete "take note." And we don't need "welcome" and we don't need "deeply." Either appreciate or acknowledge, but acknowledge is more stronger than appreciates.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

Hungary and Turkey.

HUNGARY: It is getting more and more U.N.-like, so I would suggest "acknowledges with appreciation."

CHAIR SCHNEIDER: It's really getting more U.N.-like.

[ Laughter ]

Okay.

Turkey.

TURKEY: Yes, Chair. For the first part of the phase, it says "in the post-transition phase with a view to fulfilling its roles and responsibilities." Wouldn't it be better if you say, "In the post-

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transition phase with an intention to fulfill its roles and responsibilities"?

CHAIR SCHNEIDER:

Thank you. As a nonnative speaker, I'm not sure where the difference lies but let's have it as an alternative and look into this later. Maybe somebody sees a bigger difference than I do in this.

I think let's -- I think 1 is clear. With regard to the second sentence, we may want to thank the people for the effort they have done, and there is maybe some -- I think there is agreement on this. There may be less agreement on qualifying the substance of that work. So that may be the challenge, that we should find a wording that expresses a thanks to those people who took the effort without giving too much qualification on the substance of the report because that will come later. But that is just food for thought.

Can we take this that this is, for a first reading, something that helps us in a second reading to rework it?

Brazil? Is okay?

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**BRAZIL:** We would prefer to retain the original language proposed by Spain. We can accept "acknowledge the appreciation," the report. It's okay. But we certainly don't think -- we think "it takes note of the proposal" is the right way to approach it since some delegations have expressed they cannot endorse the proposal. It's contradictory to outcome something that some of us cannot endorse. So "takes note" I think is the most neutral and usual way to refer in those situations.

Thank you.

**CHAIR SCHNEIDER:** Thank you. But I think what you are saying is one of the options that is there. So we can agree that with these options, this is somewhere the (indiscernible) that we will use in the next reading to agree on a -- try to get closer to a wording.

So can we move to the next element, which is the question of whether or not we want to have an explicit reference to the minority statement of the concerns expressed in the minority statement. It is not there now in the Brazilian proposal. It was in the Spanish proposal.

That will, of course, depend on the element 4. So we may also decide to skip this for the time being and decide what we have in



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the element 4 and then come back to this because otherwise I'm afraid it may be slightly difficult.

Okay. But we have a view from France. Thank you.

FRANCE:

Actually, I have a suggestion, Mr. Chair. It is to say, "including the statement made by GAC member and endorsed by a number of governments," which would take care of the issue of the minority in CCWG but not necessarily in the GAC.

So "including the statement made by GAC member in CCWG and endorsed by a number of governments."

Thank you.

CHAIR SCHNEIDER:

This is a proposal.

Iran.

IRAN:

Thank you, Chairman. This issue could be covered under the element 5 when we say "some people," most of the people agreed and some others didn't agree. So this minority is more suitably fitted there rather than here. And I don't think that we should talk about as endorsed by a number of governments. We

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should refer to my narrative statement as contained in that which is, in fact, endorsed by other governments. Not to give the reflection that here we endorse that. In the minority statement we endorsed that, but not here. So we should be quite clear and not add anything here.

So it becomes very heavy, this text, Chairman. Let's not go too much details.

And still I request, Tom, please take out our intervention. We are not in favor of "deeply appreciate." Please put "deeply" in the square bracket. Two times I said I don't want to have "deeply" or "non-deeply." Either we appreciate or appreciate with acknowledgment. So we don't want to have "deeply appreciate." Appreciation is appreciation. It's not deeply.

CHAIR SCHNEIDER:

Thank you. That's noted. That was an omission.

Can we agree to maybe, for the time being, put the reference of the minority statement in square brackets and see at a later stage whether we think what we have further below is actually -- does not make the business -- they are around me all night. And they don't need -- I don't know how your rooms are, but I have them around me all night. But I don't need them also in the daytime. It's enough at night.

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Who was next? No, we are -- sorry. It's a physical thing, but it's there. And it is tracked.

So we have this in brackets for the time being. And we tried to go to the next one. Sweden.

SWEDEN:

Thank you. Just a correction, if we're going to put it in brackets. It wasn't a statement. It was a minority statement. It was the formal name of it.

CHAIR SCHNEIDER:

We may put second level brackets in the bracket with the word "minority" and move on. Okay? Okay. The whole thing is in square bracket. Let's not spend time on this now. Let's move to the next one.

The next one is the confirmation of the role of the GAC that has several elements. One is, as it is in the Spanish proposal, which is not there in the Brazilian proposal referenced to the role as an advisory committee. What do you think? Yes, Iran.

IRAN:

Thank you, Chairman. I don't think that any disagreement to maintain or retain the Spanish text or text by Spain. So they could translate, put it here. It's okay. For us it's okay. No

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problem. Because we that said we remain advisory. So we should be consistent throughout the whole text. So you put it in the text revised here.

CHAIR SCHNEIDER: That's been done. U.K.

UNITED KINGDOM: Thanks, Chair. On the GAC website, we say "key role." If you say, "main role," it subjects there are many other roles, which is, I don't think, the case. We are solely advisory, I think.

And my other tweak is "participate in such capacity." It sounds slightly odd English. It's just a style thing.

"In that capacity," I would prefer. Just to sort of polish the English there. Not being critical.

Thank you.

It's key role.

CHAIR SCHNEIDER: So we have key role. The proposal is to have "key role" instead of "main role." And I think the other one is a language thing to replace such by that. Brazil, European Commission, and then Iran, and then the Netherlands.

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**BRAZIL:** Yes. Thank you, Chair. We would be in general agreement with the text. But I think we need to be more precise and would suggest that after "advisory committee," we add the "towards the ICANN board," because, since we are debating about GAC's decisional role in the community empowerment mechanism, I think the advisory capacity is -- would be strictly related to the -- towards the ICANN board. Thank you.

**CHAIR SCHNEIDER:** Would that replace within these, or is it an addition -- rather the -  
- towards.

**UNKNOWN SPEAKER:** Towards or two words?

**CHAIR SCHNEIDER:** An Australian citizen says in English it's to, not towards. I don't have strong feelings. What does United Kingdom, the home of the language, say? Is it to or towards words?

**UNITED KINGDOM:** I was thinking about something else, actually. I can consult, Her Majesty, if you like.

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But I was going to -- I was not going to agree with "to the ICANN board," because we are now moving towards transversal working where we're advising GNSO through the early engagement process. I wonder if we're -- we do need to add that text, actually, "to the ICANN board" or "towards." Whatever. Thank you.

CHAIR SCHNEIDER: I just wanted -- don't want to go down there.

European Commission is next, thanks.

EUROPEAN COMMISSION: Yes. Thank you very much. I'm sorry to come back to the legal text. But I'm just a bit concerned that we're starting to reinvent things that don't really exist. The bylaws and that particular aspect of the bylaws relating to the role of GAC as an advisory committee have not been changed. So I think that aspect regarding GAC's role as an advisory committee or key advisory or however you want to change it, we should use more clearly what the text of the bylaws say. And they say it's an advisory committee to the Board. That's absolutely clear, so I think we should be careful not to start reinventing new roles. That has nothing to do with the empowered community. That's another

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issue, which is separate, and another item on your list, as far as I know.

CHAIR SCHNEIDER: Thank you. Iran.

IRAN: Thank you, Chairman. I don't think we need this discussion. Key role, main role, role, either to the ICANN board or nothing. Exactly the same, Chairman. I don't think that we need to go too much in that. So, if we want to leave key role, I have no problem. If you want to maintain "key," I have no problem as well. So we have a long way to go. Let us take it to the time being. And we come back, if there is anything to correct. So --

CHAIR SCHNEIDER: Thank you, Iran, Netherlands.

NETHERLANDS: Thank you, Thomas, Thank you, Chair. I think this part of the Spanish proposal should be seen in the context of whence it's coming.

So the position where we put it in Brazil's proposal would, I think, make more sense to put it between 4 and 5. And, to be clear, I think the reaffirmation of its advisory role is to be seen in

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relation and context with the new powers we will have in the proposal. So that's why it's positioned there in their Spanish proposal. And so we should, if we change position in the Brazil, we should put it a little further. Thank you.

CHAIR SCHNEIDER:

Thank you. I'm hesitant to move things around beyond things that we haven't discussed yet. So, for the time being, I would ask you to let it there. We can still move it in case that it makes sense. But that will depend on the text that we will have that come later. So let's not -- let's leave things where they are and see where the text is going to be. And, in the end, have a look through it to see whether everything is at the right place. Next is France.

FRANCE:

Thank you, Mr. Chair. I would agree with Brazil to mention the advisory relation to the Board. And maybe we can delete the rest of the sentence after "environment."

Because then it conveys the idea that, when the issues of public interest, then the GAC would only be an advisory. But maybe with the new committee powers, it would actually be decisional when it comes to public interest issues. Thank you.



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CHAIR SCHNEIDER: Thank you, France. Sweden.

SWEDEN: I agree with the United Kingdom when they point to that we're starting to work more transversal, if that was the word.

And now we're starting to agree on how we should be a decisional participant or not.

And we have -- we're approaching -- we're saying that we're going to establish that later. So I would propose to put a bracket on to the ICANN board and to retain -- I suggest to retain the latter part as well that is now in brackets, if that was clear. Thank you.

CHAIR SCHNEIDER: Thank you. Looking at the time, I think we should just put a bracket onto the ICANN board and leave the second bracket and leave it as is for the time being, noting that we will need some further work, if that's okay for you. Ukraine.

UKRAINE: Thank you. Is it possible to clarify what does it mean ICANN multistakeholder environment? Maybe we should use an expression like multistakeholder model of governments or

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ICANN multistakeholder decision-making model. Because environment could be --

CHAIR SCHNEIDER: Thank you. I think we could also call it ecosystem. I don't really think it changes much. So, since the whole thing is more or less in brackets, I think we take that point whether "environment" is the best word. But I think that goes too far into detail for the level of discussion that we are now. So I would urge you not to spend time on that word, because I don't think it's the decisive word in the paragraph, if you agree.

Can we move to the next bit?

Norway. Sorry. I forgot you. Thank you.

NORWAY: Thank you. No, I just wanted to support the European Commission here. I think the least dangerous thing to state or controversial or whatever you want to call it is just to state what's in the bylaws. Thank you.

CHAIR SCHNEIDER: Thank you. That is noted. Let's leave it as it is for the time being with the bracket. We are aware that the reference to the Board

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is the current role of the GAC as an advisory body to the Board.  
Thank you. Italy.

ITALY: Italy to support the idea and the proposal by the European Commission. Thank you. And Norway.

CHAIR SCHNEIDER: Thank you. That's noted. Can we move to the element 4, or let's move to the element 4. Iran.

IRAN: Yes, let's move to element 4.

Without any difficulty to vote this, in my view, the Brazilian structure seems a little bit more fitting with the entire text.

So I suggest that we take element 4 from the Brazilian construction and go through that one. And, if you agree with that, I have no problem with either one or two. That means the first part or the second part. Both of them are that.

The reason is that it differentiates the recommendation for which we have no problem. And then they talk about the recommendation there is a problem. So it is a better constructed. So I suggest that all colleagues agree with taking the Brazilian proposal for further discussions. Thank you.

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CHAIR SCHNEIDER: Thank you, Iran.

It's 10 minutes to 6:00. Canada has -- we will probably not end the discussion on this. I give the floor to Canada. And then we will have a discussion on how to organize our further work. Because we have to stop here at 6:00. The room is taken by other -- by another session. Thank you.

CANADA: Thank you, Chair. We don't really think it's necessary to go into detail regarding the decisional role. The proposal assumes that GAC is a decisional participant. And it defers to GAC how to exercise its role. We would note that other groups supporting the proposal have not spoken directly to this. ALAC, for example, did not say specifically it accepts a proposal. But it didn't address decisional directly.

I think this is an ongoing GAC discussion, and we would see using a decisional as an exceptional case. So we really don't think it's necessary to get into detail at this stage about -- it's already implicit in the proposal. There's no need to state anything about it at this point. Thank you.

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CHAIR SCHNEIDER: Thank you. Do you have a concrete proposal in terms of changing wording?

CANADA: Yes, I would put it into brackets about the decisional element. There's no need to go into it. It's already in the proposal. It's implicit that -- it's stated in the proposal that GAC will be a decisional participant. And it defers to GAC how to exercise this role. It doesn't ask us how we're going to do it at this point.

CHAIR SCHNEIDER: Thank you. U.K.

UNITED KINGDOM: Thank you, yes. Support Canada on this. Thank you.

CHAIR SCHNEIDER: Thank you. France.

FRANCE: Thank you. I would actually prefer to keep the text as it is. Thank you.

CHAIR SCHNEIDER: Thank you. Brazil.

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**BRAZIL:** Thank you, Mr. Chair. I will just offer the floor to my colleague to comment on the need or the convenience to refer to it, specifically, in the case of GAC. But I'd like to request you, respectfully, if you could, maybe try to find a way in which we could, as GAC, make at least a first reading of all the text today. I think, if we start -- if we don't finish at least the first reading today, we may find ourselves in very difficult -- I'm not anticipating what you have said. But I think we should maybe, with the secretariat's assistance, try to find some other place we could meet, if this room is taken. I think it's very important that we could make at least a first reading today. Thank you.

**CHAIR SCHNEIDER:** Thank you. I see your point. And I think you're right. We should try to go through. The only small problem is that we have this room is taken. But let me ask the logistics heroes here. Is the room taken at 6:00 sharp, or can we overrun a few minutes? Olof, can you help us?

**OLOF NORDLING:** It's taken by a GAC working group.

[ Laughter ]

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So I defer to that.

CHAIR SCHNEIDER: United Kingdom.

UNITED KINGDOM: Well, to be exact it's a joint session of the GAC Working Group on Human Rights and International Law and the Cross-Community Working Party. So we do have guests coming.

CHAIR SCHNEIDER: From when to when is that joint session?

UNITED KINGDOM: From 6:00 until 7:00, I think,. if I remember right.

CHAIR SCHNEIDER: Can we keep the room until 6:15? We may go through on the first reading on this one until 6:15. If we not continue to discuss, we will spend the whole time on this. Can we, as a compromise, keep the room and let them wait for 15 minutes and try to get this through? Australia.

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AUSTRALIA: Thank you, Chair. We have limited time to get this done. I think we need to really focus at the task at hand and just keep going until we've gone through it. Thank you.

CHAIR SCHNEIDER: Argentina.

ARGENTINA: Thank you, Chair. We had the meeting of GAC participation in NomCom at 6:00. But I think that we can privilege this work and stay a little longer. And that's for the moment.

CHAIR SCHNEIDER: The thing is, as Mark has said, it's not just us. There are other people that have prepared for this. It's a joint meeting. So I'm a little hesitant to tell these people that we just cancelled, because we are not really in a position to cancel their meeting. But let's try and go through. Let's not spend all the time discussing. Let's go through where we are at 6:00 and maybe then. Brazil.

BRAZIL: Yes. Going back to the text, we think it's essential to preserve that second paragraph that was put now under brackets. Discussions within the CCWG have shown that there are different



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interpretations on the GAC decisional participation. So we think the GAC needs to be very clear about its willingness to be a decisional participant. That's why we need -- it's essential to keep that text in there. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. Can we leave it in square brackets for the time being noting that further work is required? Because we won't solve it within 30 minutes, at this stage.

Let's move to the next element, which is the -- which is making reference to the carve-out and recommendation 11? Iran?

IRAN: Thank you, Chairman. We have to maintain either of the two texts. Because that is the heart of the business, recommendation 11. And we have to talk about that. Brazilian text is more clear, but I have no problem with the Spanish text. But the Brazilian text is more clear about the situation. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. Other views? Spain.

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SPAIN: Thank you. I have no problem with element 4 second part. I was just thinking, if we could merge the two sentences and say, "As previously stated, the GAC would be in a position to support recommendations 1-10 and 12. However, the GAC was unable to reach consensus of the proposed carve-out mechanism."

And then we just keep the second sentence out. Seems to be controversial.

CHAIR SCHNEIDER: Spain, can you repeat just that we understand what you mean? Refer to the previous -- previously stated at the top of element 4. Here.

Can you repeat your proposal, please.

SPAIN: Could be "As previously stated, the GAC would be in a position to fully support recommendations 1-10 and 12." Point. And then "The GAC, however, was unable to reach consensus of the proposed carve-out mechanism," et cetera.

CHAIR SCHNEIDER: Before that you said without fully support. You just said "support." Because we don't fully support recommendation 1 and 2. So either we take out -- let's put "fully" in square brackets

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and then -- or delete it. And then see what you mean. Is this something that brings us closer to the proposal of Spain? Does that help? France.

FRANCE: Thank you. I think the original proposal of Brazil is clearer. And, of course, because of the carve-out, some delegations are unable to support recommendations 1, 2, 3. It's clearer to keep the Brazilian text. Thank you.

CHAIR SCHNEIDER: Okay. So I think let's go back to the previous text. It's not a fundamental change, but maybe the previous text is more precise in that sense. We have full support for 3-10 and 12, and the rest is more as specified. European Commission.

EUROPEAN COMMISSION: Yes. I'm sorry to come in on this, but it's just a minor aspect. That is that it says, "would be in a position." And I'm just a bit concerned that that language will be -- yes, not entirely clear to those receiving it. I think it should be a bit clearer to say, "The GAC supports" -- and then you decide whether you want "fully," et cetera. Otherwise, it's going to be very complicated, especially if you stick with the original text which identifies this -  
- other aspects relating to recommendations 1 and 2.

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The other aspects relating to recommendations 1 and 2.

CHAIR SCHNEIDER: Switzerland.

SWITZERLAND: Thank you. Just to support what the European Commission has said, and we change several words for one.

Thank you.

CHAIR SCHNEIDER: So that will be the proposal by the European Commission, supported by Switzerland.

I have the U.K. and Netherlands, please.

UNITED KINGDOM: Yes, I support that. And so the GAC supports recommendation 3 to 10 and 12. I think take out "fully." I'm not very keen on split infinitives. Thank you.

CHAIR SCHNEIDER: Thank you. Netherland.

I'm not sure where "as previously stated" refers to. I have not seen it earlier in this communique. So basically you then could

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skip "the GAC expressed its --" sorry. "As previously stated, the GAC would be in a position" can be skipped. So it will read, "The GAC has considered CCWG's proposal and is in a position to fully support."

Thank you.

CHAIR SCHNEIDER:

Thank you. Well, that may refer to either the internal discussions we had on a phone call or maybe it refers to one of the comments, but let's try and make it simple. We may actually delete "as previously stated." We may say, "The GAC has considered the CCWG's proposal. It supports recommendations 3 to 10." That would be the shortest version. The rest may not be needed.

I think we maybe have to leave it at this one.

Spain? Spain, you are waving.

SPAIN:

Just a limb detail. It's the empowered community, not "empowerment community."

CHAIR SCHNEIDER:

You are right.

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India.

INDIA:

We would go by the last formulation that came from the chair. In addition to that, we could merge the recommendations on 1 and 2 in this itself.

So we could say, "As regards recommendations 1 and 2, the GAC expresses its willingness to take part in the envisioned empowerment community mechanism as a decisional participant under conditions to be determined internally.

After that, with respect to recommendation 11, there was no consensus within the GAC. So we could merge our views on 3 to 10 and 12 as well as our recommendations on 1 and 2 and 11 all together.

CHAIR SCHNEIDER:

Thank you, India. That would be a short version of the whole part that is after the line.

I think that's a fairly good attempt to get the recommendation 11 part shorter. But maybe, Tom, if you take that below the line that we see, that this is an alternative to the longer text on recommendation 11. No, at the beginning maybe. No. There. Yeah, and just create a distance between them, that we see that

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these are two alternatives. Yeah. Maybe you put "alt" in the beginning that we see. That would be -- If I get India right that, would be a short version to replace the whole text.

Yeah.

I had New Zealand, Brazil, and Iran.

NEW ZEALAND:

Thank you, Chair. We support the text that's just been put up by both the chair and the amendments made by India. In the interest of putting all the different views on the table, though, we would ask that where the first section says "empowered community mechanism as a decisional participant," we would ask that "as a decisional participant" be in square brackets as we think that is the exact matter that is still under discussion.

Thank you.

CHAIR SCHNEIDER:

Thank you. That's noted.

Who is next? Brazil and then Iran, and then Argentina.

BRAZIL:

Thank you, Chair. Just for clarity, the first paragraph after "or" should be moved to the previous square -- how do you say?

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Box? Because that refers to recommendations 1 and 2 and not recommendation 11. So in the previous box we deal with 1 and 2 and we indicate what are the issues there. So the paragraph, "The GAC was, however, unable to reach consensus" on the proposed, this should be moved up immediately after "internally." So we can identify exactly what are the issues in regard to recommendation 1 and 2. And then the box below that will deal only with recommendation 11 with the shorter version provided by India and the original version.

Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil. Actually looking at it, I think the Indian proposal is exactly the same as what we have in the end, just without "either to approve or reject it." So maybe we can delete it again and just put this in square brackets.

So then without square brackets, this would be the Indian proposal. With the square brackets, it would be the original wording. I hope I don't miss anything.

And then we would delete the "or" in the beginning of this. So I hope that gets it right.

Iran, and then Denmark.



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IRAN: Thank you, Chairman. It seems that some of us are beloved of the square bracket.

I don't think the paragraph at the beginning of the text, we need the square bracket. After the proposal, just simply say "is support recommendation 3 to 10 and 12." Why we need the square bracket "support as previously stated." Just after proposal, Tom, please kindly put "and support recommendation 3 through 10 and 12" and delete the rest.

Why so many square bracket? We don't have one year to discuss all the square brackets. It's simple, precise and concise, and delete the square brackets in that sentence. No square bracket in that part.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran. I think that makes it simple without changing any of the substance. Okay. Progress.

All right. We have to move on. I think we are more -- this is the first reading again. So can we leave all of element 4 as it is with the brackets that we have for the time being and have one

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minute on the element 5 and 6? And then we may be done with the first reading.

U.K., you wanted to take the floor.

UNITED KINGDOM: Yes, sorry. I mean, there will be people arriving for the joint meeting. If you could just explain that we want to crack this now. But another ten minutes as a courtesy, please.

CHAIR SCHNEIDER: For those of you who are coming in, we are in a fundamentally important discussion here. We ask for indulgence to give us a few more minutes. We have two little boxes left, and then you may have your meeting here.

Thank you very much for your understanding.

Okay. Element 5. Iran.

IRAN: Chairman, I suggest instead of element 5, go to the 6. It's quite simple. Take any of the two. It's much simpler because both of them are the same. If that is the case, I suggest that we delete in proposal 6 from Brazil "in respect of the multistakeholder program." Says that GAC would not object to the transmission of the CCWG proposal to NTIA for due consideration, or

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(indiscernible) the GAC has no objection to the submissions of the CCWG supplement proposal to ICANN Board. Both of them are the same with the deletion of the first part.

Thank you.

CHAIR SCHNEIDER: Thank you, yeah. Maybe we should start with 6 because 5 may take longer.

What about the multistakeholder approach? Do you want to keep this in or do you want to delete that part?

U.K.

UNITED KINGDOM: I think for concision and precision, conciseness, we can leaf out "in respect of the multistakeholder approach" and simply say "the GAC has no objection." "Would not object" I don't like. Simple, clear language.

Thank you.

CHAIR SCHNEIDER: That is basically what is in the Spanish version.

Can we agree to have the Spanish?

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Brazil.

BRAZIL:

Thank you, Mr. Chair. The important message here is correctly addressed as the GAC would not object the transmission. But in our opinion, but we defer to the wider group, is that it is important to convey a message that this is being done in a very positive spirit, in respect of the multistakeholder approach. And I would add used in the elaboration of the proposed, something like that. Because we want to convey the message that there are some differences of opinion in the group, but the group as a whole respects the multistakeholder process method that was developed and proposed. And, therefore, we unanimously agree not to object to the submission.

I think this is part of the, let's say, the political importance of incorporating this communique, since we already are dealing with the communique, that would be read in its proper context.

My delegation would be very much in inserting that kind of language in order to signify that in the spite of differences among the group, there was (indiscernible) support for the proposal to be submitted.

Thank you.

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CHAIR SCHNEIDER: Thank you. Let's leave it in square brackets. We have no time to -- this is not the key element of the text. Let's leave it in square brackets and go to 5. Let's spend two minutes on 5 and then we need to hand over the room.

Okay. We need to have one more minute on deciding when to resume, but that's another thing.

Okay. 5.

Iran and then Denmark. Please be short, if you can.

IRAN: Thank you, Chairman. I discuss that with our distinguished colleague from Brazil. I would suggest some amendment to the Brazilian proposal in 5, and saying that whereas most of the delegation express acceptance of the proposal as a whole. Some delegation in view of the minority statement were not in a position, and so on and so forth, and delete the rest.

Thank you.

We don't refer to the incorporation of some of the suggestions (indiscernible).

"In view of the minority statement, we are not in a position," and then you go to the rest of sentence, "to endorse the full

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proposal." After "in a position," "to endorse the full proposal," and delete the rest. After "position" --

CHAIR SCHNEIDER: It's now in square brackets what you would like to have deleted, just as a step.

Norway and France.

NORWAY: Thank you. I just think it's a bit strange to reference that some delegations, in view of the minority statement, because it seems -- it's not in the view of a statement. It's a view of the whole thing.

I don't know.

It's just -- it looks a bit strange for me.

Thank you.

CHAIR SCHNEIDER: I mean, we actually have given the explanation where the GAC has no consensus to support this. So we may not need the "in view of the statement." We could just say "whereas most delegations," blah, blah, blah. Some delegations were not in a position. Maybe that's enough.

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So put "in view of the minority statement" in brackets, maybe, Tom please, so that we know that this may fall off.

"Were not in a position to endorse the full proposal.

Okay. Denmark.

DENMARK:

Thank you, Mr. Chairman. It says here that most delegation have expressed acceptance. We haven't expressed acceptance. We haven't expressed acceptance. We have expressed full support. So we would like to have full support in here and not only acceptance.

CHAIR SCHNEIDER:

You should have slash full, and maybe the full will be contested by others so we will put the full in brackets and the support not in brackets and the slash between it. This thing, I don't know whether -- yeah. Okay.

Very quickly, France and Spain, and then we need to stop for the time being.

FRANCE:

Thank you, Mr. Chairman. I agree with Norway. I don't think there's a need to mention again the statement. There's another place in the text to mention the statement. And I would add

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maybe for clarification that at the beginning of this box the following sentence: There is no consensus in GAC to either endorse or reject the proposal as a whole, just for clarification.

Thank you.

CHAIR SCHNEIDER:

Ask just for information. We have already a bracket on the minority statement further up. So now we have two brackets and we'll look at it in writing for the next version and then you will see.

We can't continue this any longer. So I have Spain, New Zealand, Germany, and Switzerland, and then I stop. We need to stop here.

Very briefly.

SPAIN:

Thank you, Chair. The words of our country expressing that in spite of not being fully satisfied with the report, they could accept it, endorse it, or support it. But I don't think that "full" captures the feeling of the other that are not in a position of not endorsing the proposal. So I could delete or put -- well, I could delete "full." Thank you.



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CHAIR SCHNEIDER: Thank you.

New Zealand.

NEW ZEALAND: Thank you, Chair.

I will try to be brief. We do like changing "acceptance" to "support."

We would like to square bracket there is no consensus in GAC to either reject or endorse the proposal as a whole, as I feel this is dealt with elsewhere in the text. But my particular point here is that the shoe is now on the other foot, as we say in New Zealand. We do not quantify, as a practice in GAC, how many delegations are on either side of a view. So I would ask that the construction be, "Whereas some members express support, some other members express the view."

Thank you.

CHAIR SCHNEIDER: Thank you. I think it's "some" and "others." Yeah, let's leave it like this, and -- all right.

Germany and Switzerland, and then we stop.

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GERMANY: Thank you. I'll be very brief. Just a small technicality. As was given in the Spanish proposal, the transmission of the proposal is actually addressed towards the ICANN board, not NTIA directly.

CHAIR SCHNEIDER: Thanks for that clarification. We'll change it. Switzerland.

SWITZERLAND: Thank you, Chairman. It would be a suggestion on the work ahead and not on the substance of the text.

And I, as a co-chair of the human rights and international law working group, I would suggest that we seek the indulgence of our colleagues from the CCWP and see that we have a meeting of 30 minutes very quickly and so we are able to come back to the plenary as a GAC.

Because there's really momentum now. And in these 30 minutes we can look into the new bracketed version and have some bilaterals while we have this joint meeting with the CCWP.

Thank you.

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CHAIR SCHNEIDER: Thank you. There is something else that I think Olof wants to say. There is a cocktail with the Board that we're supposed to go to at 6:30.

But I think we -- I think we consider this with all the brackets and the double brackets and the double brackets as a result of a first reading. And it may be a good time to stop here and actually give us time to think about it, look at it, have a glass of mineral water, maybe not wine, during the reception. Let the working group meet the Cross-Community Working Group in the meantime. And that would be my proposal.

Reconvene either at 7:30 or at 8:00 here for something like two hours evening or night session in the hope that we can get through the second or third reading of this. Would that be acceptable? Iran?

IRAN: Thank you, Chairman. Put the suggestion of New Zealand in square brackets. Some and some. I don't agree with that. Totally disagree with that. Some and other some.

CHAIR SCHNEIDER: This is detail. We have no time to talk about this. Can we -- is it acceptable to you that we stop now? We let the others use the room. We go to the Board. Cheer with them. Come back at 7:30

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or 8:00. I'm in your hands for a 2-hour session. What is the schedule of the Board or reception? One hour from 6:30 to 7:30?

OLOF NORDLING: Thank you, Chair. It's from 6:30 to 7:30 sharp, more or less.

CHAIR SCHNEIDER: When do you want to reconvene? At 7:30 or 8:00? 7:30? Any objection to 7:30? No objection. Okay. That's decided.

OLGA CAVALLI: Those who want to go for the NomCom meeting or not, meet me at the entrance and we decide. Maybe you're very tired and we want to cancel it. Thank you.

UNKNOWN SPEAKER: Sorry, Mr. Chairman. I think we have difficulties this evening. But we will be prepared to meet early in the morning. Early in the morning before the sun rises.

CHAIR SCHNEIDER: I'm afraid that does not work because -- we can prolong the meeting in the evening, but we can't prolong the evening in the morning. There are no buses in the morning. Sorry. That doesn't work. We have to do it this evening. Let's try -- we can

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do it shorter. We'll sort the logistics out. But I don't think it works tomorrow in the morning. We have not enough time in our logistics. Thank you very much.

[ Break ]

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CHAIR SCHNEIDER: Welcome back. Let the show continue.

I know that you've all been eagerly waiting to resume, that you couldn't stand waiting outside not being able to work in this room. So let's not lose further time. We have some work to do. Just to tell you, if we finish this off tonight, we don't have to do the same tomorrow.

So it's in your hands. I'm in your hands. You decide when we will end this part of the meeting.

Enjoy your dinner, Fadi.

Do you have Internet connection to follow the live transmission of this while you're having dinner? No, you're not following? But you should. Okay. Thank you, Fadi. Cheers.

There are logistical announcements to be made that are important for us surviving tonight.

OLOF NORDLING: All right. There are shuttles foreseen when we conclude tonight, whenever we conclude tonight for these hotels. And, if your hotel is not on the list, please make yourself known to me or to ICANN staff, others, so we can add that.

Now it is cleared completely.

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Can we get a hotel list back again on the display, please? These are hotels we do have shuttles foreseen when we conclude tonight. So please pay attention. And, if your hotel is not on the list and you need to get back to your hotel, which is not obvious, of course, then please make yourself known. And we'll see to that we can arrange that in some decent fashion. Thank you.

CHAIR SCHNEIDER: U.K., you want to say something? You want to tell us which one is your hotel?

UNITED KINGDOM: I was just going to suggest to the group that, if we make good progress tonight, that there is a gig at the Asia Bay restaurant around the corner. And my pitch to you all will be that I will sing some songs for everyone with the band. So let's go for it.

CHAIR SCHNEIDER: I can't get no satisfaction to hear you sing. So I think that's a deal.

All right. This is it. It contains a number of brackets. Does everybody have it? If not, it's being distributed right now. So we'll have it in a few seconds. But you can take this and start distributing it as well. Thank you.

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Okay.

So how do we proceed? I suggest we do just another reading. We go through it. Try to see whether we can sort out the brackets. And there may be somewhere -- we realize it may not be possible in this round. But let's spend some time on each of them. If it takes too long, we'll stop and move to the next one so that we have, ideally, a version with no more brackets. If not we have a version with much less brackets for our next round. Okay?

So I will ask Tom to read it out for you with the brackets that you have time to follow him while reading so that we get our brains back to where we were before that break where we had to eat and drink, unfortunately, and get back to working mode. Okay. Thank you very much, Tom.

TOM DALE: Thank you, Thomas. Good evening, everybody. Yes, certainly.

CHAIR SCHNEIDER: Gabon, were you asking for the floor? Or are you waiting -- you're waiting for the decks. Okay.



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TOM DALE: "The GAC expresses its support for the multistakeholder bottom-up approach." And in brackets within ICANN and also within brackets and reiterates its interest in, bracketed, fully participating within ICANN in the post-transition phase with a view to or an intention to fulfilling its roles and responsibilities in regard to public policies.

CHAIR SCHNEIDER: Okay. We stop here. We try to sort this out. See to what extent that is feasible. What are your suggestions on this one or two sentences, depends. Thank you. Iran.

IRAN: Thank you, Thomas. Having been in some similar meetings for years, for decades, we don't want to go to the time that we have consensus by exhaustion. I have been in a meeting at 4:00 in the morning. I told the chairman, whatever you say, I agree. Because I have no --

[ Laughter ]

So, please. Take the issue which is more important. I don't think that having "fully" or without "fully" is an important issue. Let's go to the critical areas or delicate areas and settle that as soon as possible. Then the remaining we could agree. Whether we say "fully" or "within the ICANN" or not within the ICANN, one

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time in ICANN, two times in ICANN. So can I ask you, please, kindly, what are the critical situations, taking into account that never it has been the practice that one or two delegations hostage the entire delegations.

CHAIR SCHNEIDER:

Thank you, Iran. But then you tell me which are the critical -- or somebody tell me. Because, if we have an agreement which ones are the critical ones, then we may do so. Let's try it. Let's give it a try.

So with what element should we start? What are the critical elements? Okay. Let me take down -- Paraguay and then Iran. And then we see further. Paraguay, please go ahead.

PARAGUAY:

Thank you, Mr. Chair. I would suggest simplifying the first paragraph, element 1. Acknowledgment of the work accomplished. I would suggest including, for example, "The GAC expresses its support for the multistakeholder bottom-up approach and reiterates its interest in participating in the post-transition phase with a view to fulfilling its roles and responsibilities." Full stop.

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CHAIR SCHNEIDER: Thank you. You're in the wrong paragraph. Further up -- there's one further up. His brain is too small. He didn't see the text above. We are all human beings.

Okay. Could you please repeat, Paraguay?

PARAGUAY: Sure, sure. So I would say, "The GAC expresses its support for the multistakeholder bottom-up approach and reiterates its interest in participating in the post-transition phase with a view to fulfilling its roles and responsibilities." Full stop. Not in regard to public policies. Because we, obviously, are here for, you know, for those kinds of things. That's my suggestion, Mr. Chair.

CHAIR SCHNEIDER: So, basically, you propose to take out all the brackets that we have in blue, not the one that is in black, but -- the one "within ICANN," within ICANN and "intention to" and then stop at "responsibilities." That would make the sentence shorter definitely. The question is can everybody accept it? Is that -- yes, Brazil.

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**BRAZIL:** Thank you, Mr. Chair. At least refers to "within ICANN" should be retained. We should be very precise about the context in which we are supporting multistakeholder bottom-up approach. I think it's important to retain "within ICANN." With regard to "fully," we do not have a strong feeling about that. And the second "within ICANN" I think can also go. And, certainly, we support to delete "an intention to." because I think "without view to fulfilling" it's much more precise.

In regard to "public policies," we also did not hold very strong feelings. I think that could go as well. Thank you.

**CHAIR SCHNEIDER:** Thank you. Iran.

**IRAN:** Thank you, Chairman. You asked a question. I don't know whether you wanted a reply to the question. You asked what are the critical issues that we have to deal with first. I have no problem with this. It's good. But, if you allow me, let me say what is a critical issue?

The critical issue is the following: One or two delegations, one is to say that there is no consensus about the entire reports. Other people they said that, no, divide in two parts. Recommendation there is no problem. Recommendation that there is no

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consensus. So not talk about the whole report. This is the critical point. So I think we have to deal with that. If somebody wants to make a telephone call, could make it now. I could make it now with the six hours' or five hours' difference between here and my country. But the other people they want to, they can do that. So this is the critical -- it is very, very unexpected that, after two years of work, we say that there is no consensus about the entire proposals because of something that is in recommendation 11 and in the carve-out. Why not we could not address them separate? So this is the critical issue. If you could agree to this principle, then what text we use is easy. But at least have the principles that we could not agree to say that there is no consensus about the entire report. It is very, very strong. And I would say dangerous. There's no consensus about transition. There's no consensus about accountability. There is no consensus about many things. So let us at least address this point and ask indulgence and plead to the people to help us and to join the people that at least are making something which is more acceptable but not putting everything in the same basket saying that we have no agreement of anything at all. It is very, very unexpected. So that is the point. I raise it. And please kindly, until we are not tired or we are not going to sleep or reading the newspaper, please treat this issue. There are many parts I think we can agree.

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CHAIR SCHNEIDER: Thank you. Brazil.

BRAZIL: Thank you, Mr. Chair. I think at this point we should be very clear about the method of work we want to employ. I completely object to jumping to parts of the text, although critical and central, they are, before going -- and have a second reading of the full text. The full text, as it is, reflects issues that were examined by us before. So we should look into -- in an orderly way. If we start with one paragraph, we move to five. And then we come back, we'll get nowhere. I suggest we can be -- try to be very quick. And I agree with Kavouss, those are not central. Maybe we should go very quickly. But let's not jump to something, because otherwise it would be very chaotic for all of us.

Let's keep with order. We started with the first paragraph. Let's go in an orderly fashion, otherwise our method of work would be unmanageable. Thank you.

CHAIR SCHNEIDER: Thank you Brazil. I see people nodding, so I think we cannot jump to because it doesn't seem to work. I see people nodding. Let's go for it. Second reading paragraph one by one. Iran.

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IRAN: Yes, I agree to second reading. But we come back to this. But not at the end. Not at midnight.

Yes. I agree. Second readings. And we come back to this very important point. I always agree with ambassador, and I agree at this time as well. Thank you.

CHAIR SCHNEIDER: Thank you. Netherlands.

NETHERLANDS: Yes, thank you.

First of all, I agree completely with Iran on this, his first point, which we will take on later on.

For the first line, I would agree with Brazil that we contain that within ICANN, at least one time in the first time. And then leave all the other things inside which are bracketed now. But leave it there. Thank you.

CHAIR SCHNEIDER: Could you read out loud how, according to your proposal, the text would read? That makes it probably easier for us to understand.

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NETHERLANDS: I think the same as it says. "The GAC supports multistakeholder bottom-up approach within ICANN and reiterates its interest in participating in the post-transition phase with a view of fulfilling its roles and responsibilities."

And "in regards to public policies," is something essential. Because that's where we are for -- we don't have just roles and responsibilities without nothing. It should be stated on what we have responsibilities. Thank you.

CHAIR SCHNEIDER: Thank you. So, having heard two or three interventions on this, can we agree to delete the bracket "after with a view to?" The "intention to." I don't think that really matters. Do you agree? Can we accept "with a view to "and delete "intention to"? I think this is the first thing we can get rid of. All right. That bracket is deleted.

Then can we agree to delete the second time where "within ICANN" is mentioned? Paraguay.

PARAGUAY: Thank you, Mr. Chair. My reference was it would be a redundancy. Because GAC is, obviously, part of ICANN. We're



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not talking about the United Nations or UNESCO or something like that. That's why I wanted to delete that part. But we can live with "within ICANN" phrase. No problems.

CHAIR SCHNEIDER:

I think we're going to have an agreement. I'm working it from the backwards. I think we have an agreement on deleting the second one. Okay? Then let's look at the "fully." Can we delete the "fully," because we'll never have consensus on the "fully," so let's try and delete it. Is that okay? All right.

Now we're left with two to three brackets, depending on -- can we leave the first "within ICANN" in? Any opposition? No. Okay.

Then what about "and reiterates its interest in participating"? I heard no objection to leaving that to continuing then. Okay.

So, basically, the only thing is left is the public policy whether that's -- this is in or out. I'll read it so far. Maybe that helps.

"The GAC expresses its support for the multistakeholder bottom-up approach within ICANN and reiterates its interest in participating in the post-transition phase with a view to fulfilling its roles and responsibilities." That is tentatively agreed.

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Then the question is: Do you want to keep in regard to public policy? Some say they think it's important to keep. Does anybody have a problem with keeping it? Germany?

GERMANY: Yes. Frankly speaking, we prefer to formulation that we heard from our colleagues from Brazil in the first version in respect of instead of "within ICANN," as first version was "on the management of key Internet resources." And this is a text we would prefer. Thank you.

CHAIR SCHNEIDER: I'm sorry. That was obvious that that didn't fly. And we tentatively agreed to leave it at that. I think "within ICANN" is a fact as ICANN -- and there's no interpretation what that is going to be. So I think let's try and leave it as it is.

The only question remaining is: Do you want to stop after "responsibilities," or do you want to stop after and including "in regard to public policies"? Sweden and Iran.

SWEDEN: We would prefer to stop after "roles and responsibilities." If there is any hesitance as to what our roles and responsibilities are, that's explained elsewhere. Thank you.

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CHAIR SCHNEIDER: Thank you. Iran.

IRAN: I agree with Sweden, full stop after "responsibilities." Thank you.

CHAIR SCHNEIDER: Any objection to following the proposal supported by Sweden and Iran? That's not the case. Okay. So we would have a first sentence. That's already something. Okay.

Next one.

Tom, thank you.

TOM DALE: "The GAC expresses" or "deeply appreciates" or "acknowledges with appreciation the work accomplished by CCWG and welcomes or takes note of or as contained in the supplemental final proposal, including the minority statement made by a GAC member in the CCWG and endorsed by a number of governments."

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CHAIR SCHNEIDER: Thank you, Tom. I suggest we leave the second -- the reference to the minority statement apart for the moment and try to find wording on the other bracket.

So the first one is "expresses appreciation" or "deeply appreciates," or "acknowledges," or "acknowledges with appreciation."

Iran, please.

IRAN: Thank you, Chairman. I don't think CCWG expect whether we acknowledge or appreciate or fully acknowledge, acknowledge with appreciation. Make it as simple as possible. Either appreciates the work accomplished or acknowledges the work accomplished.

Thank you.

CHAIR SCHNEIDER: France.

FRANCE: Chair, I think you're right, actually. There's two things in the sentence. There is work that has been done with CCWG and then there's the substance of the report. So we can definitely be a little bit emotional about the work and show our appreciation of

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the work, but I think for the second part, we should take note. Not "welcomes." So it should read: The GAC acknowledges with appreciation. Which I think was the formulation of Hungary, which is fine. And then "takes note of (indiscernible) final proposal."

CHAIR SCHNEIDER: Thank you. Let's stay with the first half. Let's stay with the emotions and find a way to formulate that.

The first is the GAC acknowledges with appreciation the work accomplished by the CCWG.

Any objection? Iran and Paraguay.

IRAN: Mr. Chairman, no objection, but I want to connect that one as contained in the supplementary final report. What work is accomplished? Many thing has been accomplished. And not make any reference "take note." Leave the "take note" to elsewhere. So the sentence should read the GAC --

CHAIR SCHNEIDER: Wait a second, wait a second. I think let's not go beyond CCWG because the other thing is more difficult. Let's try and agree on

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the appreciation of the of the work and let's look at the appreciation of the report separately.

Paraguay.

PARAGUAY: Thank you, Mr. Chair. I would suggest something similar to what France is suggesting. It would be the GAC acknowledges the work accomplished by CCWG and takes note of the supplemental final proposal. Full stop.

CHAIR SCHNEIDER: Thank you.

Brazil.

BRAZIL: Thank you, Mr. Chair. I also concur with what France has said. There are two elements: the work of the CCWG in itself, the efforts of the CCWG, which is separate from the substance of the report.

So the proposal to link one thing to the other will not work. I think we can welcome the work or, as France has said, to be a little bit more forthcoming in regard to the work. But in regard to the substance of the role, we take notes.

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Thank you.

CHAIR SCHNEIDER: Thank you.

Switzerland.

SWITZERLAND: Thank you, Chair. If precedent is of any use, in this line of separating the emotional part from the reference to the report, perhaps the letter to the CCWG stewardship may serve. We had the formulation on the report in the following terms: The GAC takes note of the CWG Stewardship final proposal, blah, blah, blah. So we could take that formulation for taking note of the CCWG supplemental final report.

And on the other part which was separated on the emotional or the work of the CWG Stewardship, our formulation was a bit longer. The GAC wishes to express its sincere appreciation of the diligent and productive work performed by the CWG Stewardship, its co-chairs, its members, and all its contributors. I don't see why we shouldn't use the very same language for both parts. It's agreed language, and we could go on.

Thank you.

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CHAIR SCHNEIDER: Thank you, Switzerland.

I see the point. The only problem would be, the question is where do we put it?

But irrespective, because now the others is the other way around.

So the proposal is that we take the same language about taking note of the report and expressing our thanks. And actually not just to the CCWG. I think it would merit to highlight the co-chairs, as they have had a special role in this. And we could use the same formulation like what Switzerland has proposed. Then we wouldn't have to discuss the wording.

The question is then can we retain the order? Do we have to turn it around in order that it fits the logic of what we have here? That would mean we would start by expressing our thanks to everybody in that working group, and then we would take note of the report, so to keep the order.

So my proposal is can we use the exact same wording, just flip the order? And then basically we may have something we could agree on.

U.K. and Iran.



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UNITED KINGDOM: Yes, I would agree with that formula. That's very acceptable.

Thank you.

CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Chairman, no problem with appreciation. Just extract the text from appreciations of the previous. We will put it there. But I don't think CCWG expect anything than talking about the report. They don't expect appreciations, and so on and so forth.

But simply if you can fix it out, fix it out from the previous report, the CWG, and copy it here.

Thank you.

CHAIR SCHNEIDER: Thank you. Switzerland, could you just re-read it, but not starting with the noting of the report. Start with the part with -- because the thing is, to be fair, we may actually want to use the same level of appreciation on the work. Otherwise, some people may ask why are we acknowledging or expressing thanks to the

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co-chairs of the one group but then we don't mention the co-chairs on the other. So it actually makes sense to use the same.

So do you have the text you can read out again, Jorge, please?

SWITZERLAND: I just read the relevant parts to Tom and to you, so maybe you can cut and paste it.

CHAIR SCHNEIDER: Let's take two seconds and we'll do it.

Okay. We have the thanking part for the work. Ah.

As you can see on the screen, the text was there. "The GAC takes note of," blah, blah, blah, name of the proposal. So we can say, then, the GAC takes note of the supplemental final proposal, of the CCWG supplemental final proposal. That would be the same wording.

The question is do you want a separate sentence as it is now or do you want to have the end, "takes note of the supplemental proposal"? I don't have strong feelings on this one.

Iran.

IRAN: Thank you, Chairman.

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Do we really need with this part, taking note of the reports?  
Because we explain what we want to say afterwards. Why we  
need to say take notes of the reports?

CHAIR SCHNEIDER: Because we have done it with the previous one.

IRAN: No, it doesn't need that. No, it doesn't need that.

CHAIR SCHNEIDER: No, we don't need. The question is do you want to have it or  
not?

IRAN: The previous one was different. It was conditional or something.  
But I think that we don't need that because "taking note" is very,  
very weak situations. "Taking note." That means no further  
action is required. Whereas we explain the remaining part,  
many actions that we say. So why we need to take note of that?

CHAIR SCHNEIDER: I think that's a relevant question.

Canada, do you have a view on this?

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CANADA: Yes, thank you. We do very much agree it's not necessary to take note. It's addressed in the subsequent parts of the response, and we're happy with the first sentence.

Thank you.

CHAIR SCHNEIDER: So we can take it out, actually, if -- Yes, France.

FRANCE: Thank you, Chairman.

I think, actually, it would be necessary to keep it if we keep the other box, applause then the other sentence comes after this one. If you say keeping the minority statement, then you have to keep the takes note.

CHAIR SCHNEIDER: Yes. That's right. Maybe -- I still think the inclusion of the minority statement depends on what comes later. So why don't we propose, why don't we put this whole sentence in bracket. We merge it into one sentence and put it in bracket.

So we have an agreement on the expression of appreciation, and that is not in brackets, and then the phrase in bracket would

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read: The GAC takes note of the supplemental final proposal including the minority statement made by blah, blah, blah, so on and so forth, until the end of the bracket. That is one sentence for the time being is in bracket, we'll come back to that once we have more clarity about will follow below.

Can we move on with this? Is that okay?

All right.

Next one. Element 3.

TOM DALE:

Element 3. The GAC reaffirms its key role as an advisory committee to ICANN Board within the ICANN multistakeholder environment and will continue to participate in that capacity concerning decisions that affect public interest.

CHAIR SCHNEIDER:

Thank you.

Netherlands.

NETHERLANDS:

Yes, thank you.

I think going along the lines of the Spanish proposal, the proposal sent by Spain, as I said before we had our break, I think

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this sentence should be put directly after element 4 because it basically says after we have set our intention of willingness to participate decisional -- in our decisional capacity, according to our own mechanisms. It was meant also to be an affirmation of our advisory role, which from The Netherlands point of view we find also to be essential to be stated.

Thank you.

CHAIR SCHNEIDER: Just to be clear, after element 4, do you mean -- we have two blocks on element 4. After the second block of element 4 and before element 5. Would that be position where you would?

NETHERLANDS: Yes.

CHAIR SCHNEIDER: The problem with this is I'm not sure because you -- if you follow the logic of the text, element 5 is somehow linked, at least in my perception, to element 4. And element 3 is something that is there since 1998, and all the rest deals with the new structure that we introduce.

So I'm not sure whether this is understandable. But, please, your reaction to the proposal by The Netherlands. His proposal

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is to move element 3, which is about the role as advisory committee to whatever, to put that between 4 and 5.

Yes, Iran.

IRAN: Thank you, Chairman. First let us agree with the text, and location. It's easy to do that.

CHAIR SCHNEIDER: Okay.

IRAN: I would suggest that we delete everything after "environment."  
"And will continue to participate in that capacity."

Just we say we reaffirm or key role as advisory capacity to the ICANN Board within the ICANN multistakeholder environment, full stop. We don't need and we continue to do that. It's quite clear we continue, because GAC is not dissolved. It is still there. So why do we say continue to do that? Make it simple, and make it precise and concise.

Thank you.

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CHAIR SCHNEIDER: Thank you, Kavouss. So the sentence will read, I repeat: The GAC reaffirms its key role as an advisory committee to the ICANN Board within the ICANN multistakeholder environment.

Full stop. That sounds fairly simple, doesn't it?

Sweden.

SWEDEN: Thank you. We don't have a problem with deleting the last paragraph or the last bracket. We also think we should delete the first bracket much like what we did in the first box. If there's any insecurity as to what the advisory role entails, that's explained elsewhere. We don't need to be much more clear about that. We don't need to infringe ourselves by saying "to the ICANN Board" because now we're speaking about it in context and further down in later boxes we're talking about the role of the GAC participating as a decisional participant. And if we're limiting that by saying "to the ICANN Board" here, we think that begins a definition of the limits to how we're going to participate as a decisional participant.

So we propose to remove that box or that paragraph.

Thank you.



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CHAIR SCHNEIDER: So that I'm clear, you propose to basically delete both brackets. Make it even shorter.

I have Germany and the U.K. and Brazil, and France, and India.

GERMANY: I would like to join Sweden and Iran in this question. Delete the brackets. And I want to recall that in respect of advisory role of the GAC, we may find new (indiscernible) for our advice when it comes to executing community powers. In this respect, we may address our advice not only to the Board. Insofar, it's good to delete it.

CHAIR SCHNEIDER: U.K.

UNITED KINGDOM: Yes, I agree with Sweden and Iran as well, and I'm mindful of the GAC's evolving role advising more widely in the ICANN community. And it just reads better, actually, because an advisory Board to the ICANN Board. "Within the ICANN" seems slightly odd with the repetition of ICANN. So an advisory committee within the ICANN multistakeholder environment, full stop, and end it. And not have the bracketed text that follows either.

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Thank you.

CHAIR SCHNEIDER: Thank you.

Brazil.

BRAZIL: Yes, thank you, Chair.

We would like to reiterate what we said in the previous session, that we would like to keep the reference to the ICANN Board because it's directly linked to the next block or element that we will be discussing right afterwards. And in case we leave this out, it may contradict our decision to be part as a decisional participant in the community empowerment mechanism.

Thank you.

CHAIR SCHNEIDER: Thank you.

France.

FRANCE: Thank you, Chair. Actually, I agree with Iran, there's no need to keep the last bracket. It doesn't add anything. Also agree with

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Brazil. We need to keep the language referring to the ICANN Board. Actually, if I remember correctly, I think the European Commission said it was language in the bylaws. So we're just repeating the language of the bylaws. We should keep it. Thank you.

CHAIR SCHNEIDER: Thank you, France.

India.

INDIA: We had a slightly different formulation.

The element 3 is actually drawing from element 1. So the multistakeholder bit has already come in in element 1.

Our formulation reads as follows: The GAC reaffirms. The beginning part is the same. I'm reading from the top.

The GAC reaffirms its key roles -- role as an advisory committee to the ICANN Board.

CHAIR SCHNEIDER: We're making -- if it's an alternative text, in order to delete the other one, we're making an alternative text separately. Put a return in --

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INDIA: Till the ICANN Board their there's no issue. And will continue to -  
- as an advisory to the ICANN Board, and will continue to. And  
after that, I'm drawing from the preamble to the GAC operating  
principles which states as follows, and I'm drawing from that:  
will continue to advise on relevant matters of concern with  
regard to government and public interests, which is there in the  
GAC preamble to the operating principles. So I'm quoting from  
there.

CHAIR SCHNEIDER: Could you just repeat the end, with regard to government and  
public interests.

INDIA: Government, not governments, and public interests.

CHAIR SCHNEIDER: Government without the "S."  
  
So we have an alternative proposal which is based on the --  
actually, I think you've taken it from the operating principles but  
it is from the text in the bylaws and then repeated in the  
operating principles. I'm not sure.

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I have Paraguay, Sweden, Spain, Switzerland, and Iran, and Brazil.

PARAGUAY: Thank you, Mr. Chair. I have another suggestion that is somewhere between Sweden's proposal and France and Brazil.

It would be something like, "The GAC reaffirms its role as an advisory committee within the ICANN multistakeholder environment concerning decisions that affect the public interest," full stop. It's a little bit simpler, I guess.

CHAIR SCHNEIDER: Could you repeat this, please. At least it's shorter, so let's have a look at it.

PARAGUAY: Sure. The GAC reaffirms its key role as an advisory committee.

CHAIR SCHNEIDER: Speak slowly, please.

PARAGUAY: Okay.

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CHAIR SCHNEIDER: Thank you.

PARAGUAY: The GAC reaffirms its key role as an advisory committee within the ICANN multistakeholder environment concerning --

CHAIR SCHNEIDER: You're too quick.

PARAGUAY: Am I too quick?

CHAIR SCHNEIDER: You are.

PARAGUAY: I'm sorry. All right. Here we go again.

The GAC reaffirms its key role as an advisory committee within the ICANN multistakeholder environment concerning decisions that affect the public interest, full stop.

CHAIR SCHNEIDER: Thank you. Now we have three proposals there related to -- sometimes you need to open up the box to then close it on the right one again. Let's look at these things.

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I have Sweden, Spain, Switzerland, Iran, and Brazil.

SWEDEN:

Thank you, Chair. I like the proposal by Paraguay, and the reason for taking out the words "to the ICANN Board" is what's explained in element 4 where we say that we're going to participate as a decisional participant on the decisions to be determined internally. So these conditions shouldn't be limited by saying -- by being so exhaustive in what we're saying before that. So I like the Paraguay proposal. Thank you. I support that.

CHAIR SCHNEIDER:

Thank you, Sweden.

Spain.

SPAIN:

Megan Richards suggested to change "main" to "key" because that was the language in the bylaws, but that referred to the advisory role of the GAC to the ICANN Board.

If we are going to (indiscernible) here wider remit for the GAC, I suggest to keep "main" because regarding the enforcement mechanism, the GAC might, in certain cases, exercise other role, a decisional one.

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So you say "main" implies that you may have other role within the ICANN environment. And our role in the community enforcement mechanism, our advisory role, if we develop that role, do you think it's key? Our role is key in advisory role?

Yeah, I think -- Well, okay, it's key. But I think "main" would bring us closer in this sentence. For instance, in the Paraguay wording.

CHAIR SCHNEIDER: Switzerland.

SWITZERLAND: I think Paraguay's proposal has merit and that its simpler. And to share a reflection, if we are reaffirming something, it's looking to the present situation. So in the end, implicitly, we are referring towards presently what we are doing.

So I think that can solve some of the concerns of those who want to have the reference to the ICANN Board explicitly in the text.

Thank you.

CHAIR SCHNEIDER: Thank you, Switzerland.

Iran.



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IRAN: Thank you, Chairman.

There is no major difference between main role and key role. We can go with either of them, Chairman. We are not providing the constitution of the ICANN or bylaw. We are just sending a report. Main role, key role, they understand.

The only problem I have with Paraguay is instead of decisions, "issues" that effects. Because our advice would be before decisions, but not after decisions. So just if you replace the "decision" by "issues," (indiscernible). Put it in the view of the people, but we don't want to spend another half an hour within decision and issues. So I suggest if people agree, take issues instead of decisions. If not, we make decisions. But key and the main are the same.

Thank you.

CHAIR SCHNEIDER: Thank you. Next I have Brazil, New Zealand, Canada, Netherlands, and the European Commission.

So Brazil.

Next up, New Zealand, Brazil, Netherlands, and European Commission. So Brazil.

BRAZIL:

Thank you, Chair. I think at this point the important thing is clearly identify in the text what are the issues that will have to be dealt with by us in a later stage. Maybe we can solve them now. So, in that light, first of all, our preference is to -- and I fully support the language proposed by India. I think that captures our preference on how this could read.

"The GAC reaffirms its key role." I don't know if "key" comes from the bylaws. We can retain -- I, personally, don't think we play a key role. Maybe we play more or less relevant or irrelevant role. But, if it says, "key role" we can't repeat. But, if it is not there, I would suggest this to be deleted.

As an advisory committee to the ICANN board. And we'll continue to advise on relevant matters of concern with regard to government and public interest.

But I prefer the formulation, but I recognize there are issues. And I think this would be reflected. So "advisory committee to the Board" is one option that should come into brackets. The other option is "an advisory committee within the ICANN multistakeholder environment." Those are two options. Those are the two options that we should look into. In light of the text, the complete text we have, we should revisit this. Because this

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conveys different views on the future of the GAC vis-a-vis the wider environment.

If we say from the start now that it is within the ICANN multistakeholder environment, we are prejudging the discussion we are going to have in a few minutes on the nature of participation of GAC in the empowered community mechanism.

So I don't think we are in a position now to do this. So I would suggest that, on the basis of the proposal to retain in brackets these two options: "to the ICANN board," one option. And "within the ICANN multistakeholder environment" second option. And we could revisit this in a later stage.

I don't think we'll solve it now, because the positions are very clear. And they should be further discussed in the light of the next box item. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. New Zealand.

NEW ZEALAND: Thank you, Chair. If there is any member that can provide me a reference, it would be gratefully appreciated of whether it is a key or a main role. But I must admit I've searched the operating principles and I've searched the bylaws, and I can't see either.

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So I would suggest, perhaps, we just say "The GAC reaffirms its role as an advisory committee." Thank you.

CHAIR SCHNEIDER: Thank you. Canada Okay. I have Netherlands, European Commission, U.K., and Sweden. Thank you.

NETHERLANDS: I'll skip this one. Thank you.

CHAIR SCHNEIDER: I have European Commission, U.K., and Sweden.

EUROPEAN COMMISSION: Thank you, Chair. I think that if we are using "The GAC reaffirms," then we should reaffirm and use language that we have already agreed.

So, if we use the verb "reaffirm," I would go for India's suggestion. Instead, if we prefer Paraguay's wording, then it should be "The GAC affirms," because we are introducing some new elements there. Thank you.

CHAIR SCHNEIDER: Thank you. U.K.

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UNITED KINGDOM: Yes, thanks. I had proposed "key" instead of "main" because "main" inferred there are subordinate roles. I didn't like that. I took "key" from description of the GAC on the GAC Web site. But I can live without "key." I just feel we ought to say that we have a key role. And delete "to the ICANN board;" because, as I said, we are working more transversely now advising the GNSO on early policy development. So my preference is to delete "to the ICANN board" and retain "within the ICANN multistakeholder environment." And that also captures the role we envisage in community empowerment. Thank you.

CHAIR SCHNEIDER: Thank you. Sweden.

SWEDEN: Thank you, Chair. I like the Paraguay proposal, but I like the Indian proposal as well. If we can combine them, we can resolve it. I'm fine with dropping both "key" and "main" and say "The GAC reaffirms its role as an advisory committee" and then drop the first bracket and go with the second one. "Within the ICANN multistakeholder environment" and so forth.

Thank you.

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CHAIR SCHNEIDER: Paraguay and Iran.

PARAGUAY: Thank you, Mr. Chair. I would gladly erase my suggestion and go with the Indian suggestion. No problem. To me, it's the same thing with a slightly different wording. So it's okay. Let's go with the Indian proposal. No problems.

CHAIR SCHNEIDER: Thank you. Iran.

IRAN: Thank you, Chairman. I'm happy that we delete "key," close the room, throw the key outside, and be kept here the whole night. Delete "main," make it simpler its role. And so also would delete "to the ICANN board" and retain "within the ICANN multistakeholder environment." Brazil wants these expressions to be repeated. We have no problems to repeat that. So delete "to the ICANN board" and delete "main" and delete "key" all together. Thank you.

CHAIR SCHNEIDER: Thank you. Which version? In the Paraguay or Indian version? India. Okay.

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So let's see what that gives us. That would read "The GAC reaffirms its role as an advisory committee within the ICANN multistakeholder environment." Brazil.

IRAN: Apologize to Paraguay.

BRAZIL: Mr. Chair, I think we can't deal with things artificially. We have a clear difference of opinions. One, that this paragraph should read "an advisory committee to the ICANN board, according to the bylaws." Another vision that we should say "within the ICANN multistakeholder environment." I think it's not appropriate at this point to delete either option. So I would suggest we keep both options, that we continue the discussion. Because this -- the impact of this -- the impact is on issues to be further discussed. I don't think we can deal with this at this point in time. Thank you.

CHAIR SCHNEIDER: Thank you. It seems to me that we don't have an agreement here. And maybe we stop here and leave it open. We'll not be able to resolve everything probably in the second reading.

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So let's keep this in brackets and move on and see how we deal with the next pieces of the text.

Let's go to element 4.

TOM DALE: This reads, "The GAC has considered the CCWG's proposal and supports recommendations 3-10 and 12."

CHAIR SCHNEIDER: Any comments? There are no comments, so let's move on to the next one.

TOM DALE: This reads, "As regards to recommendations 1 and 2, the GAC expresses its willingness to take part in the envisioned empowered community mechanism as a decisional participant under conditions to be determined internally."

CHAIR SCHNEIDER: Thank you. I guess you have some views on this one. Sweden.

SWEDEN: With the condition that we're dropping the paragraph in the previous box that says, "To the ICANN board," we're good with this. Thank you.



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CHAIR SCHNEIDER: To let it as is with just take off the brackets but let the text in. Thank you. Is that acceptable?

Well, under the condition that -- okay. Is that a deal? So maybe, Tom, go back and show the whole -- Denmark and Canada.

DENMARK: Thank you, Mr. Chairman. We'd like to see that the bracket and the content in the bracket, which is "as additional participants" are deleted. We think that we do not have yet have a discussion on what we are going to participate in.

CHAIR SCHNEIDER: Oh, sorry. We had discussions. You may have your opinion, but I don't want to hear that we haven't discussed. We've been discussing this since summer. Thank you.

DENMARK: No, no, not how. If you can document -- we are willing to accept that we have the possibility, but we haven't discussed how we're going to exercise this possibility.

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CHAIR SCHNEIDER: Then we have no agreement. But please don't say we haven't had discussions.

DENMARK: Then we have no agreement.

CHAIR SCHNEIDER: Thank you. Canada.

CANADA: Yes, similarly, I don't think we have quite come to an agreement on this. And we haven't had extensive discussions, I would say. So I think it's a bit premature at this point. Thank you.

CHAIR SCHNEIDER: Thank you. Argentina.

ARGENTINA: Thank you, Chair. We think that the clarification after the comma and "the conditions to be determined internally" explains the part of as a decisional participant. So we think that you should keep -- it should stay in the text.

CHAIR SCHNEIDER: Thank you. U.K.

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UNITED KINGDOM: Yes, thanks. I agree with Canada and previous speakers that this is -- this issue about taking part as a decisional participant is not discussed yet. So maybe I would suggest that we don't go down that road and try and develop text on that.

I just note it leaves open, if somebody reading this afresh, as to what the GAC position is regarding recommendations 1 and 2. We don't say anything about it. We refer to support for 3-10 and 12. Are we saying there is no support for 1 and 2? But with the caveat that we haven't taken -- we haven't discussed how to implement the possibility of being a decisional participant? Do you see what I mean? It's -- somebody reading it afresh would say well what about 1 and 2? Nothing is said. Thank you.

CHAIR SCHNEIDER: We have -- I have Iran and then Argentina and then Ireland.

IRAN: Thank you, Chairman. Let's, for the time being, keep the square bracket and go to the next part. We can come back to that. I have a suggestion for that. But let's go down to the road to see - - I don't think it's difficult. We can come back to see what happens. So go to the next one, recommendation 1 and 2. Thanks.

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CHAIR SCHNEIDER: Should we follow Iran's proposal? One more suggestion. Argentina.

ARGENTINA: Thank you, Chair. And I understand the concerns of other colleagues. Maybe we could add a word before "as a decisional participant" like "eventually" or something like that. I'm not an English native speaker. But, adding some kind of uncertainty as per the decision that will be taken in the future. So we can keep it the text, but adding some not specific decision taken. Thank you.

CHAIR SCHNEIDER: Thank you. Ireland.

IRELAND: Thank you, Mr. Chair. I'll be careful to say we have not discussed it. But I would like to note that it is my understanding that there is no agreement. Thank you.

CHAIR SCHNEIDER: Thank you. There seems to be no agreement. You're right. But please don't say again that we haven't discussed it. Otherwise, I'll fall off the chair. Thank you.

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I think we do not have a consensus on this one yet. So, Netherlands, the final chance. Now that I have --

Let's move onto the next paragraph. We -- this will not get anywhere. Netherlands, you -- okay.

NETHERLANDS: I have a proposal, which could be some kind of compromise. Maybe I could read it out loud.

CHAIR SCHNEIDER: Okay.

NETHERLANDS: "As regards to recommendation 1 and 2" -- maybe you could make a new sentence.

CHAIR SCHNEIDER: Walter is trying to copy it and then modify it accordingly. Thanks.

NETHERLANDS: "As regards to recommendations 1 and 2, the GAC notes its envisioned role as a decisional participant in the empowerment community mechanisms and will discuss exercising this role

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under conditions to be determined internally." And the rest is the same. Thank you.

CHAIR SCHNEIDER: That's a new proposal. Is it shorter? It has the same length. Okay. Maybe it helps. What do you want to do? Should we continue to work on this one. Let's give it a chance. I had France and Spain and Iran.

FRANCE: Thank you, Chair. I support the first proposal. And, to my understanding, seeing the conditions will be determined internally, it means that we will discuss it in GAC. So I think it's enough. And I think it takes into consideration the concerns expressed by some delegation. Thank you.

CHAIR SCHNEIDER: Thank you. Spain.

SPAIN: I was going to propose a compromise text. But the Netherlands one is quite good, for my point of view. So I refrain from suggesting yet another text. Thank you.

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CHAIR SCHNEIDER: U.K.

UNITED KINGDOM: I'm not responding to that, actually. But I -- this new text, I think, has potential for me. But I would prefer "will discuss whether to exercise this role under conditions to be determined internally." I'm just -- I'm hesitant, because it might be inferred that we do intend to exercise this role. But we have no agreement on that. We have not discussed it in that detail and so on. So that's my preference. Sorry. Did you fall off your chair there?

CHAIR SCHNEIDER: Almost.

UNITED KINGDOM: Over my proposal?

CHAIR SCHNEIDER: Just get myself back. France, Spain, Iran.

IRAN: Thank you, Chairman. For the time being please maintain the first proposal. And the second proposal made, I suggest that we replace "the Board notes" by "considered" -- but not "notes." I am not happy with noting something. Thank you. Considered.

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CHAIR SCHNEIDER: Thank you. At least you're being consistent with not being happy "noting" things.

Should we leave it at this and give us time to think about it? Because we'll not probably break through here in the next couple of milliseconds. So let's leave these text elements and take them for the next round. Brazil, India -- yes. Brazil and India.

BRAZIL: Thank you, Chair. As we affirmed in the previous session, I think our message to the CCWG needs to be in a cubicle. As I referred to previous discussions within that group, any message from the GAC that is, let's say, abstract and leaves open different -- to different interpretations will be taken by some groups as -- let's say, be seen by those -- some groups within the CCWG as hesitation from the GAC and then will be manipulated into, let's say, interpretation that will fit their benefit and not necessarily GAC's benefit.

So I would like to reiterate our support for the original version. And, although I thank Argentina for the proposal of "eventually," but I think this would, let's say, add an element of uncertainty. So I would even delete that. Thank you.



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CHAIR SCHNEIDER: Thank you. India.

INDIA: We would support the proposal made by Netherlands with a very minor correction as regards recommendations. Not regards to.

CHAIR SCHNEIDER: To delete the "to."

INDIA: That's right. The formulation seems good.

CHAIR SCHNEIDER: Thank you. Switzerland.

SWITZERLAND: Thank you.

I would like to make another textual proposal but more a reflection, I think that we've been discussing these issues for a long time. Perhaps we haven't agreed upon this. But now it's the time, I think, to take a decision at least on what the CCWG is proposing to us. And the CCWG is proposing to us to be one of

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the five decisional participants as a right. Whether we exercise that right is a different issue to be decided internally. But on the acceptance of that right, which has -- is embedded into the thresholds and the workings of the community mechanism, we have to say "yes" or "no." We have to decide now. Whether it's in a way or another, but we have to give a clear answer on that. We cannot decide later on on whether we want to accept that right "yes" or "no." We have to decide now.

Yes or no. We have to decide now.

What we have time for is to decide later on, internally, on the modalities, on the possibilities, on the way, on the how we may exercise that right, whether only one time out of a thousand or whether case by case, but that's an internal issue for us. But the CCWG and the architecture of the proposal of the CCWG needs an answer. Because otherwise the threshold and the architecture of that proposal don't work.

Thank you.

CHAIR SCHNEIDER:

Thank you. I think you have a point, although I must say we may not need the answer now but in a half an hour or in an hour or so.

Canada, and then we move on to the next part.

CANADA:

Thank you, Chair. I find it a bit puzzling to want to make a statement about having a decisional role when we are not actually agreeing to recommendation 1 and 2. So recommendation 1 and 2 set out the community empowerment mechanism, and as our statement now stands, we're silent on 1 and 2. We're just saying we object to the carve-out. We're not actually endorsing the construct of recommendation 1 and 2.

So it's a bit curious how then we can say we're going to participate as a decisional actor in which when we're not saying we actually agree with recommendation 1 and 2. I think it's a bit of a contradiction.

Thank you.

CHAIR SCHNEIDER:

Thank you. I think that was why at an earlier stage Spain was trying to say we support recommendations 1 to 10 and 11 to get a fundamental support in principle on the mechanism and on the fact that this -- on the fact that this mechanism should exist and on the architecture of the mechanism. And then we could think about limiting the objection or nonsupport of the carve-out. I think this is an issue that has been brought up by Spain some time ago.

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But I think let's stop here and give this some room for thought, because -- I have another five requests for the floor. Let's stop here. Let's stop here and give it some time to breathe, I would suggest, because I'm not sure whether we sort it out.

Sweden, you want so much time? Okay. You get so much, but not more. Okay. All right.

SWEDEN:

Just referring to what you mentioned about Spain's earlier proposal that was sort of neglected, because it was not reflected in the text. It should be 1 slash 3, or 1 and 3 in brackets or whatever, because that alternative was never caught in the text. I don't know why we dropped that, but I fully agree with what Canada just said and what Spain said earlier.

So we should say 1 slash 3 to 10. You following me?

CHAIR SCHNEIDER:

So let's do a small bracket and do the 1 slash -- it's the other slash, whatever you call it in English. This one, yes.

And think about it until the next round, I would say.

I suggest we should move on because we have a few other bits that will take some time. So we'll see how that goes.

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And then we have these two alternatives, maybe. Put them both in brackets so we don't get confused. I mean the "as regards." We have two "as regards."

No, that doesn't make sense. Either we say from 1 to 10 or from 3 to 10. But we cannot say from 1 to 3 to 10. Sorry. That doesn't make sense.

So what I am trying to say is that was correct. I was just arguing that we have two paragraphs that start with "as regards." These are two alternatives that are both not agreed yet, and I was asking Tom to put brackets on that one. But the slash, which is - - by the way, Guns and Roses have reunited, but that's another element of Slash. But let's put the 1 or 3 in brackets and then put the two alternatives that start with "as regards" in brackets and move on, please.

Can we move on? No, we can't move on. Okay. Iran.

IRAN:

Chairman, I'm sorry. 1 or 3. We have recommendation 1 to 12, and then we refer to carve-out in the paragraph later. We should cross it and say "see paragraph below with regard to carve-out." So we can't say 1 or 3. All recommendation except 11 are accepted, and with respect to carve-out, we go to the paragraph

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after that. So we say 1 to 10 and 12, and add "see paragraph below for the carve-out," recommendation 1 and 2.

So please put it.

CHAIR SCHNEIDER: Iran --

IRAN: Yeah.

CHAIR SCHNEIDER: -- the old text said 3 to 10. We are now thinking whether we should say 1 to 10 --

IRAN: Yes.

CHAIR SCHNEIDER: -- or 3 to 10.

IRAN: No. 1 to 10 plus reference to the carve-out, which is 1 and 2.

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CHAIR SCHNEIDER: That is your view. We can try. If you all accept Iran's view, then we get rid of this bracket. Can we accept 1 to 10, and we say -- we specify that there is a minor disagreement on the carve-out? That would be your suggestion.

IRAN: Chairman, I suggested after 1 to 10 and 12, and said "see paragraph below with reference to carve-out."

CHAIR SCHNEIDER: Yes, they will see paragraph below because they will continue leaving. Can we leave out the "see paragraph below" because that is what is following next.

IRAN: 1 and 2 -- provision 1 and 2 is not agreed totally. Carve-out is not agreed. So we have to except carve-out.

CHAIR SCHNEIDER: Yes.  
Brazil and then Paraguay.

BRAZIL: Thank you, Mr. Chair. I think the right way to reflect the text would be to say recommendations 1, bracketed around 1. You

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should bracket 1. And then you bracket 3. I think that's the way we should reflect this. To say that those are two alternatives. No, no, no.

CHAIR SCHNEIDER: That is what I was trying to somehow put in the text. Thank you, Brazil.

BRAZIL: And another point I'd like to mention. I think the option proposed by Iran is not acceptable to us. We think we should say the support, full support for recommendations 3 to 10 and 12. In regard to 1 and 2 doesn't mean those are not supported, but we think it's important to say that in regard to 1 and 2, there is an issue around the carve-out that has no consensus in the group. Even though I think -- it is not a contradiction. We are sometimes not being inherently contradicted but we have to have some creativity, some constructive ambiguity, if you prefer. We should say that there is an issue, that is the carve-out, but that does not impede the intent to participate in the empowered mechanism.

I think that's one way we tried -- and again, we initially tried to propose this as language that would address everyone's concern. We think that in the end, we should look at it as a



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package. I don't think that's one -- we could say that one thing is agreed until everything is agreed. I want to be very clear that there is no agreement on anything until we have the full text and all the elements are in place.

So I think this is -- for the record, that's the way we approach this. And again, we want to make sure all positions are there, all concerns are there, and we can send the most positive message we can but without trying to hide or disguise the differences among the group. And finally, not objecting the proposal. Because I think that's the common objective. But let's not try to artificially find consensus where there is not.

Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil.

I don't want to prolong this discussion. It's obvious we have no consensus. Let's move on. Think about it and give it another try.

We will not sort this out now before the other elements are closer to an agreement. So let's move on, please. We have this bracketed text. They will reappear in the next version that has less brackets than this one, the previous one. Please, let's move on.

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Element -- the second part of element 4, I think; right?

Yes, please, Tom.

The next component of text reads: The GAC was, however, unable to reach consensus on the proposed carve-out mechanism related to those recommendations.

Iran and Paraguay. But, please, on this one and not on the previous one.

IRAN:

Chairman, first of all, "those" is unclear. Which one is those?

Perhaps if this paragraph, "GAC was, however, unable," we move immediately after the paragraph relating to recommendation 1 to 12, it will be more clear. GAC was however unable to reach consensus on the proposed carve-out mechanism related to recommendations 1 and 2, and move that immediately after the recommendation 1 to 12.

So instead of "those recommendations" please say recommendations 1 and 2.

CHAIR SCHNEIDER:

Kavouss, "Those" refers to 1 and 2 which is in the sentence before. I think it's fairly clear. We have -- in both alternatives that start with "as regards," we mention recommendation 1 and

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2, and the next phrase, there is a "those" that refers to those. I think that makes perfect sense. That's a detail. Let's not spend time on this.

IRAN: Please, kindly, let's have a better construction. We are talking about supporting all recommendation. We support all, and then except 11. Recommendation 1 and 2, we have problem with the carve-out. So why not we put this sentence after the supporting of all recommendations? This is a better structures.

CHAIR SCHNEIDER: Your proposal is to put --

IRAN: (Off microphone).

CHAIR SCHNEIDER: The thing is we don't have consensus to say which recommendations we support, and that makes this fairly, to be honest, a little bit difficult. Is there a proposal to put this phrase "after the GAC has considered the CCWG's proposal and supports recommendations," whatever the number is to 10 and 12, and then say "the GAC however was unable to reach

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consensus of the proposed" and so on. Is that what you would like to see?

IRAN: Allow me to explain what I am saying.

CHAIR SCHNEIDER: Yeah.

IRAN: GAC has considered the CCWG proposal and support recommendation 1 to 12 except recommendation 11.

Then you put, "However, GAC was unable to agree on the carve-out in recommendation 1 and 2."

So we treat all recommendations, 1 to 12, except 11, in one block. And we explain the situation why we have difficulty with recommendation 1 and 2.

The problem of 1 and 2 is only carve-out. Apart from that, we have no problem. So why not we put them together? Is a better structure, chairman.

CHAIR SCHNEIDER: Let's give it a try.

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IRAN: Could you try that?

CHAIR SCHNEIDER: Let's copy/paste it so we don't lose what we have now.

So that would go after where we have the cursor. Yes. Copy in the other text.

So, please, Iran, formulate it stow we have the other together 12346789.

IRAN: Please replace "those" with recommendations 1 and 2. It's not "those" anymore: Recommendation 1 and 2.

Recommendation 1 through 12 except recommendation 11.

Thank you.

CHAIR SCHNEIDER: Is that your proposal?

IRAN: Yes. And immediately after that you should deal with the recommendation 11. Then you go to the decisional participation. Treat all recommendation together. First 1 to 12

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except recommendation 11. Then problem of recommendation 1 and 2 carve-out here.

Then after this, you treat recommendation 11 and say there is no consensus on recommendation 11. Yes, better structure.

With respect to recommendation 11, please take that one, Tom. With respect to recommendation 11, there was no concensus. Please, take it out.

CHAIR SCHNEIDER:

Kavouss, the thing is we have people waving hands and shaking heads. Others are nodding. Before we destroy everything and muddle around, let's see initial view, I have Brazil, and Paraguay, Sweden, and France on the proposal just made by Iran and Norway and Japan. I have to restart because I didn't write down what I say.

So we start with Brazil, Paraguay. Brazil, you can start. I'm nodding.

BRAZIL:

Thank you. Again, Mr. Chair, sorry to comment this, but I think we have to be very clear about our method of work. I think any proposal coming from individual delegation should be reflected but this should not lead to the deletion of the previous versions.

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So if I could see it in the text, please. I think the previous -- Could you maybe move up?

Yeah. I think we have clearly an option between, say, recommendation 1 to 12 or 3 to 12. These should be retained. And I want to be very clear 1 to 12 is unacceptable to my delegation. So I'm sorry to say I think that proposal just proposed by Mr. Kavouss is not helpful in that context. It has not been accepted. They are options that are being considered. So I think it's not fair to delete options that have been there. They should be there for everyone to see what are the issues and not to artificially try to deal with the top.

In the same vein, the proposal to move "The GAC was, however, unable to reach" is also not helpful. We are not accepting that this should -- it can remain as one possibility, but at the same time, we should retain after the paragraph that we first did, specific paragraphs with regard to recommendation 1 and 2. It should be kept there as well. So if we want to take on board other possibilities that are being offered, we should retain the one that has been extensively discussed; otherwise, we will be having all the time moving target. Again, this is not helpful to the process.

Thank you.

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CHAIR SCHNEIDER: So, Brazil, we have introduced two versions. So we have not lost anything. The previous one said three to 12 -- 3 to 10 and 12, and an alternative is 1 to 12 except recommendation 11.

And the only thing we did is move up that phrase so far from further below as the phrase following with replacing those by 1 and 2. And I continue with my list. Paraguay, France, Sweden, Japan, The Netherlands.

UNKNOWN SPEAKER: (Off microphone).

CHAIR SCHNEIDER: Sorry?

UNKNOWN SPEAKER: (Off microphone).

BRAZIL: Sorry. No, I think it's okay. It's an option to move upwards the sentence that say "the GAC, however, was unable." It should be there because it's Kavouss' proposal, but at the same time, we should indicate there is an option to insert that paragraph after the -- yes, after the paragraph that says, "As regards recommendation 1 and 2."



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So let's not just take on board ideas and deleting others. So that should appear in two parts. Yes, this one, and then you can copy and paste two paragraphs below, please.

CHAIR SCHNEIDER: Okay.

Paraguay.

PARAGUAY: Thank you, Mr. Chair. I got kind of lost already.

My suggestion was, again, simpler. You know, somewhere in between. So if you allow me to read, Mr. Chair, I need to go back to the -- to the other paragraph, though. It would be something like, "As regards to recommendations 1 and 2, the GAC expresses its willingness to take part in the envisioned empowered community mechanism under conditions to be determined internally," or internally determined, however you want to put it. And then continue, "The GAC was, however, unable to reach consensus on the proposed carve-out mechanism related to those recommendations."

So we would basically erase decisional participant because that is something to be determined, I guess.

Thank you, Mr. Chair.

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CHAIR SCHNEIDER: Thank you. Let me make a point. Moving around the things doesn't change whether the words that some like and some don't are in or out. I'm not sure it makes sense to move around paragraphs. The only thing is we don't see the forest for the trees anymore.

So maybe there is some food that has come. Why not make a ten-minute break and -- or otherwise we just make a big break on the whole thing and move on and go through the rest of the text.

I don't see a sense in continuing this because it's getting more and more complicated, and I'm not sure who has oversight and which proposal is which and so on and so forth. So my suggestion is either we take a break or we continue with the second reading of the whole thing and then we it take a break.

Second reading? Break? Break?

Do we need a full consensus on a break or is a rough consensus all right?

I think we have a rough consensus to have a break but it's going to be a short one. Ten minutes, until a quarter past.

Thank you.

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[ Coffee break ]

CHAIR SCHNEIDER:           Okay. Dear colleagues, please retake your seats. We will move on.

Okay. If Tom and I are not mistaken, which we never are, apart from some exceptions, then we are at the second box that is under element 4, which has two sentences.

The first one reads, "The GAC was, however, unable to reach consensus on the proposed carve-out mechanism related to those recommendations." And let's not discuss the word "those" please, because that will depend on what the paragraph above will look like.

And then the second sentence reads, "With respect to recommendation 11, there was no consensus within the GAC," with or without the bracket that follows it.

So on that phrase, the first phrase, "The GAC was, however, unable to reach consensus on the proposed carve-out mechanism related to those recommendations."

As I said, please leave aside the "related to those recommendations," because that is just a logical juncture to

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what will be before. Are you okay with saying, "The GAC was, however, unable to reach consensus on the proposed carve-out mechanism"? I think that, more or less, states a reality that we cannot change. Denmark and Iran, please.

DENMARK: It is okay, but just a drafting point. We say "unable to reach." And in the next paragraph we say, "No consensus." I would propose that we exchange "unable to reach" with "no," so it makes it shorter.

CHAIR SCHNEIDER: Sorry. Could you repeat what you said.

DENMARK: I was eating. "The GAC, has, however, no consensus."

CHAIR SCHNEIDER: "The GAC has, however, no consensus."

DENMARK: Yeah, the GAC -- yeah. Has no consensus.

CHAIR SCHNEIDER: Does it really matter? I mean, in terms of substance?

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DENMARK: You're using the same words as in the next paragraph.

CHAIR SCHNEIDER: But the thing is we have the GAC in the first one -- yeah, we have it, too.

Okay. Let's take note that we will align the wording somehow, but it doesn't really change the sticky points.

DENMARK: No.

CHAIR SCHNEIDER: But are we fine with stating that there is no consensus in whatever form on the proposed carve-out mechanism? Is that idea accepted? Thank you. Iran, please.

IRAN: Yes. Agree with that.

CHAIR SCHNEIDER: So, for the time being can we leave the phrase as it is? Because the key part is we have no consensus on the carve-out. Okay. Thank you. Next one: With respect to recommendation 11,

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"There was no consensus within the GAC," with or without the bracket. Views on this? "We agree to state that there was no consensus with regard to 11 either." Iran.

IRAN: Yes. No problem with that. But somewhere we have to say also we have no objection to transmit that recommendation to ICANN NTIA. That should be clearly mentioned. This is the major element of this. We could not say there was no consensus. So what? So we should say that GAC express no objection to transmit or to send these recommendations to the ICANN board. So we have to mention that as a second part. Either here or elsewhere. Thank you.

CHAIR SCHNEIDER: Thank you. That will come. But do we need the bracket? I would suggest we do not. Because, if we have no consensus, that means we have no consensus. So can we get rid of this bracket? Okay. Thank you. Yep.

Get rid of the text in the bracket. Sorry. Not get rid of the bracket. At least that's what I was hoping to get an agreement on. Thank you, Tom.

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Okay. So we will see about the exact wording with regard to whether we say has no, was no, or unable -- we'll sort that out later. Okay?

Element 5.

May I ask, maybe Tom, for you to read it out loud so that we have time to get our brains ready for this. So Tom, please, just read it through that we see what the text is with the brackets and slashes.

TOM DALE:

Thank you, Thomas. Text at the moment reads "Whereas, some or most delegations expressed acceptance or full support of the proposal as a whole, some or other delegations, in view of the minority stipend, were not in a position or expressed the view that incorporation of some of the suggestions of the CCWG could jeopardize their ability to endorse the full proposal. There is no consensus in GAC to either endorse or reject the proposal as a whole."

CHAIR SCHNEIDER:

Thank you. France.

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FRANCE:

Thank you, Mr. Chair. France supports New Zealand's proposal. I think that this formulation can be useful because it is something that we have already used. I don't think that full support is acceptable. I believe that speaking about acceptance will be sufficient.

We shouldn't talk about the minority statement, because we have already mentioned that in some other paragraph. So we have to delete "minority statement." And towards the end of the paragraph, I believe that at the beginning of the phrase we should include the word "therefore." Because it is some sort of conclusion, a logical conclusion from which we indicated before. Regarding this sentence, to be more accurate, we are trying to say with neutral and factual statements, without taking a position, we are trying to describe the reality of the deliberations that we have been having in this room. There is no consensus within the GAC to accept the project as a whole. Of course, there are some recommendations that we support. That is why we indicate that in other paragraphs. But overall, there is no consensus to accept this project within the GAC. And, if other delegations believe that there is consensus, I would like them to prove that. Because I personally believe there is no consensus.

CHAIR SCHNEIDER:

Ireland is asking for the floor.



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IRELAND: I just want to make a quick observation on elements 5 and 6 and to communicate our view on the transmission of the report.

I'm cognizant of the detail already provided in elements 1 to 4. And I wonder if we could convey our meaning for elements 5 and 6 together in a more concise, precise, and plain manner. I have some suggested wording. This may be overly optimistic. "In spite of a difference of opinions" --

CHAIR SCHNEIDER: Wait a second until Tom is ready. So there's going to come an alternative proposal. Yes. Okay. Please start.

IRELAND: "In spite of a difference of opinions, the GAC has no objection to the transmission of the proposal to the ICANN board." Stop. And, again, forgive me if this is overly optimistic to think that we could do so much in so few words.

CHAIR SCHNEIDER: Ireland, what would that replace? Would that replace the six or the five or both or parts of both? Just so that we're clear.

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IRELAND: My intent was that it would replace both.

CHAIR SCHNEIDER: 5 and 6?

IRELAND: Yes.

CHAIR SCHNEIDER: Okay. That would be an extreme amount of saving words. That's a fact. The question is: Is it acceptable? We'll see. Let's give it a try. So let's take a few seconds to look at it. Instead of 5 and 6, it would just read, "In spite of a difference of opinion in the GAC" or the GAC has -- we would need a comma there. Otherwise, it's difficult to read. "In spite of a difference of opinions, the GAC has no objection to the transmission of the proposal to the ICANN board."

Brazil.

BRAZIL: We have already gave careful study to this, and it's completely unacceptable. As I said before, we tried to document the differences. It is important to document what are those differences for my delegation and for other delegations. And,

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after documenting these differences, we can express there's no objection to the transmission.

But, just to say like this, it would be kind of equivalent some blanket approval. We cannot go. We don't think this -- this is unacceptable. For my delegation it's not acceptable at all. Thank you.

CHAIR SCHNEIDER: Thank you. France.

FRANCE: Thank you, Mr. Chair. It is difficult for me to accept this phrase, because I don't think that GAC has the power to object or not -- to object or not this transition. I believe that this document meets a request from the CCWG. GAC can ratify this proposal as a whole. But the answer is that there is no consensus to do that. So it would be useless to include this sentence. To replace it, perhaps we could say that GAC anticipates that this document will be transmitted to the ICANN board.

CHAIR SCHNEIDER: Thank you, France. Iran.

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IRAN: Thank you, Chairman. If we go back to the big sentence, I suggested -- I discussed with New Zealand, who proposed the "some." And with "some" statement, maybe she is ready to kindly withdraw the "some" and "some" and retain the sentence as it was. "Whereas, most delegations express acceptance of proposal" delete "full support." Accept this proposal as a whole. "Some delegations were not in a position to endorse the proposals." Simple as that. No reference to the minority. No reference to the consensus, and no reference to the full support, and no reference to "some" and "some."

So, once again, "Whereas, most delegations expressed acceptance of the proposal as a whole, some delegations were not in position to endorse the proposal."

This is quite simple.

CHAIR SCHNEIDER: We're copying and making it --

IRAN: Please delete "some." Expressed -- please put "full support."

Please delete "others" and slash, first line.

"Other delegations were not in a position to endorse."

Delete everything. "Were not in a position to endorse."

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Delete "minority statement" and so on and so forth. All of them.

To endorse. And then the proposal. Delete "to endorse the proposal."

Delete "full proposal." Delete the rest. Delete "full," please.

And delete the square bracket and the content. "Whereas, some delegations expressed acceptance of proposal as a whole, some delegations were not in a position to endorse the proposal." Simple and concise and precise.

CHAIR SCHNEIDER: And that would replace the longer paragraph above, so that we are clear on this. India, Sweden -- India, please start. Keep your hands up, so that I can see them.

INDIA: So we would agree with the proposal by Iran and accept this small modification. "Whereas, most delegations expressed acceptance of the proposal as a whole, some delegations were not in a position to endorse certain parts of the proposal."

CHAIR SCHNEIDER: Thank you, India. Sweden.

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SWEDEN: Thank you, Chair. I support Iran's proposal. I sympathize with what India is contributing with. But that probably takes away -- that wouldn't be acceptable to France. But Iran's proposal, in combination with France's proposal, including France's proposal, "GAC anticipates that this document will be transmitted to the ICANN board" to follow Iran's text would make it complete.

Was that clear?

CHAIR SCHNEIDER: Yeah, it was clear. Well, you may copy it as well there again, so that we may see it. But let's continue with Argentina.

ARGENTINA: Thank you, Chair. Honestly, I don't recall -- whoops, what happened? -- most delegation expressing acceptance. I have heard some delegations expressing acceptance and some delegations expressing concerns.

So I think the most -- first "most" should not -- should be replaced by "some" and then perhaps the second "some" by "some others."

Thank you.

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CHAIR SCHNEIDER: Thank you. France.

FRANCE: France speaking. I agree completely with what has been said by the representative from Argentina. I think there's no previous communique of the GAC where we have quantified the number of delegations accepting or supporting a decision or rejecting the same.

So I challenge the delegation that has proposed this sentence to quantify the number of delegations who have accepted this and those who have expressed their concerns.

CHAIR SCHNEIDER: Thank you very much.

UNKNOWN SPEAKER: -- in relation to the text. But since then some -- certain parts of -- have been added. And I actually like that better than what I was going to suggest. So thank you.

CHAIR SCHNEIDER: Thank you. New Zealand. Yes.

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NEW ZEALAND: Thank you, Chair. As the delegate from Iran mentioned, we do feel that we're in a position to accept most delegations. Our main concern is about the precedent that these kinds of terms will set for the communique for GAC. So provided this is my understanding that this is a document for the CCWG and not the practice of our communiqués, we could accept this.

Furthermore, we also feel the reference to a minority statement, it provides some context for the community. This is what the statement is called. So perhaps that would help the community to identify what the concerns are of those delegations who are not in a position to endorse parts of the proposal.

Thank you.

CHAIR SCHNEIDER: Thank you. I'm not sure whether I fully understand what your concrete proposal in terms of text is.

NEW ZEALAND: Sorry. It was that we can accept the qualifier of "most." So we can withdraw our objection to that.

Thank you.

CHAIR SCHNEIDER: Thank you. U.K. and then Iran.



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UNITED KINGDOM: Well, it is a fair point. There hasn't been any measure, if you like, of pros and cons in this situation. So I could concede changing the text to, "While there are delegations who have expressed support for the proposal, there are other delegations who are not in a position to endorse the proposal." A formulation of that kind.

Thank you.

CHAIR SCHNEIDER: Thank you. In fact, you're right. We have never quantified. We always said "some and others," or something of that kind.

Thank you.

Could you repeat your wording, please? Because maybe that is something that may help.

UNITED KINGDOM: While there are delegations who have expressed support for the proposal, there are other delegations who were not in a position to endorse the proposal. Stop. It's a different verb, endorse and support. Slightly awkward, but --

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CHAIR SCHNEIDER: Would we need to add "as a whole" or is that not necessary?

UNITED KINGDOM: I think it's not necessary.

CHAIR SCHNEIDER: Because we say above there there is some support to some recommendations and not to others. But I'm in your hands.

Iran.

IRAN: Thank you, Chairman. I think we should reflect the reality.

CHAIR SCHNEIDER: What is the reality?

IRAN: Reality is minority statement. You know we divided GAC in two parts. One part accepting, one part nonaccepting. Is that the case? Where is come from?

And I don't with people saying they -- Some and some, you put both of them in the same level. It is not. Propose as a whole is something. So perhaps first we call our distinguished delegate from India, if he agree to take the certain part of the proposal,

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because we want to satisfy France that they don't agree with the whole proposal, and some other people. But we should not say some and some others. Some and some others means total equality. 50% -50%. That's that.

This is the meaning of some and some others. It's not.

CHAIR SCHNEIDER:

Kavouss, we have always, since I'm in the GAC, we have always used, no matter what the numbers were, we have always used nonqualifying terms. If we agree to change that, we can change it, but the U.K. is right. We have never qualified the quantities. That's just a historical fact.

Thank you.

IRAN:

Refer to my other statements at the end of the sentence.

Thank you.

CHAIR SCHNEIDER:

Australia, then Netherlands, then France.

AUSTRALIA:

Thank you, Chair. I'd like to suggest that we just add a farther to the end of that sentence in the middle that we're talking about.

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Whereas delegations expressed acceptance of the proposal. If we just add at the end of that sentence, comma, as per the minority statement. Just to signal where the -- signal where the concerns are.

CHAIR SCHNEIDER: Can you -- Where exactly -- on which of the proposals do you want to add this so that we're clear?

AUSTRALIA: Just there was Tom is writing. As per the minority statement.

CHAIR SCHNEIDER: Maybe then we should add the CCWG minority statement to be clear where the minority refers to.

AUSTRALIA: Yes, that would be better.

CHAIR SCHNEIDER: So would that be leading us closer to a solution? I have the Netherlands, France, and then Brazil.

NETHERLANDS: Yes, thank you.

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As Kavouss mentioned, I think we should reflect reality. And as -- I see the reality is that there are countries who support the full proposal, there are countries who support partially the proposal, meaning that in the first version, it should say that whereas delegations (indiscernible) proposal as a whole, some delegations were not in a position to endorse the proposal as a whole. It's there almost, but in the language I think which India proposed, while there are delegations that have expressed support for the proposal, it should also reflect as a whole in both ways.

CHAIR SCHNEIDER:

Thank you. So you would test this out on the third one of these - - the second red one, so that we don't -- I think the first one is already complicated enough. Maybe we try it on the one in a reads, "While there are delegations who have expressed support for the proposal, there are other delegations who were not in a position to endorse the proposal as a whole." Is that what you are trying to tell us that we should look at?

Okay. France, and then Brazil.

FRANCE:

Thank you very much, Mr. Chair.

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Once again, the minority statement has been mentioned before. In another paragraph, there is a description of the recommendations that have not been supported by some countries. So I think it's useless to repeat once again minority statement here, because some delegations are not in a position to support this proposal. And the reasons for that lack of support have been mentioned before, so we do not have to mention minority statement again.

BRAZIL:

And we could support some language there. The language that was proposed by the U.K. seems to be very good, but I like to explain the rationale we followed when we prepared the original proposal, the one in black that appears there.

We thought it would be important to say that some delegations are in support of the full proposal, proposal in full, and others could, if they are forced to explicit their position with regard to the full proposal, they will do so, but because of some parts of the proposal. We think it's important to say. I think Sweden and Norway has already touched on this. Because if we are, as a whole, as the GAC, as the GAC as a whole, we are requesting participation in the community empowerment mechanism, whether capacity, it would be inconsistent to say that part of the GAC rejects the proposal.

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So we are -- That's what the intent, to try to draft in a way that would indicate that the rejection by the full proposal is linked to the negative assessment of some parts of the proposal.

So we try to do it in the most constructive way. So we think, as you have indicated the second red paragraph proposed by the U.K., I think it's a good way forward, but I think the only point that maybe could be further -- should be further injected here is the notion that those that are not in a position to endorse the proposal as a whole, it's because of the inclusion of some elements. And those elements have been specified, so we can make clear, and we can be consistent with the request to participate fully in a mechanism that is devised in one other part of the proposal.

Thank you.

CHAIR SCHNEIDER:

So to turn this into substance, if we would add, "because of -- on the issues because of the carve-out and because of recommendation 11," that -- you would like to give a reason why, for those who are not in a position. So -- we can't leave it like that on text, but that's the idea.

It's not yet beautiful language, but look at the idea of what this says. It would read, "While there are delegations who have

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expressed support for the proposal -- I don't know whether there would be a comma there, there are other delegations who were not in a position to endorse the proposal as whole, comma. And then we would need to explain, find a nicer wording for "because of the carve-out and recommendation 11 that is explained above."

Does that go in a direction that brings us closer to an agreement? I see people tend to not to like this but rather like this.

Okay. I think we should capture this moment and move on (laughing).

So maybe you can put this one in bold so that we see that that is so far the preferred work in progress that we are having.

Okay. All right.

What are we -- This is still the second reading. What are we left with now?

So we'd just be left with the last one. Okay. And there we had two versions, the one giving the opinion, blah, blah, blah. Maybe we look at both. No, it's not that one. Maybe just -- No, not this one. I think we can either work on the last one that is in the box or, as an alternative, if you move two up, this one: In spite of this



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difference of opinion, the GAC has no objection to the transmission of the proposal to the Board.

That may give a nice thread of the logic. We explain the difference of opinions, and then say in spite of this difference, the GAC has no objection to the transmission of the proposal to the Board.

From my view it says the same, but the flow would be more like this.

Can we use that as a reference? France, Brazil, Iran.

FRANCE:

Thank you very much, Mr. Chair. I think we can start by saying, "In spite of differences of opinion," and then move to the other phrase, "GAC anticipates," et cetera, et cetera. Or the option below. Either of these two.

BRAZIL:

Yeah, I was thinking maybe you could say in spite of a difference of opinions and in respect for the multistakeholder approach that was used to develop the proposal, the GAC as no objection to its transition to the ICANN Board. I think maybe both ideas are important. We could retain both.

Thank you.

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CHAIR SCHNEIDER: Germany.

GERMANY: Thank you. I would just like to make a note on the choice of words because I would prefer to say that the GAC has no objection instead of saying that the GAC anticipates. Because saying that we have no objection is a statement of substance. Saying that we just anticipate it to move forward is a statement just of process, and I think the GAC should have a position of substance on that point.

CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Thank you, Chairman. I agree with Germany. We should be more simpler. GAC has no objection for the transmission of this proposal to NTIA, full stop." We have no problem with that if we at this time agree with this proposal.

Thank you.

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CHAIR SCHNEIDER: Can we at least at this time agree on this without the brackets? I read it out once more. In spite of this difference of opinions and in respect to the multistakeholder approach, the GAC has no objection to the transmission of the proposal to the ICANN Board.

France and Iran.

FRANCE: France speaking. I don't think that it is the role of the GAC to (indiscernible) the transmission of this proposal to the Board. I think that is a decision to be made by the CCWG, and I believe there are different people, including ICANN's CEO, who said the CCWG report would be conveyed or given to the Board no matter what. So we can anticipate that this document is going to be transmitted to the Board. That is why I prefer using "anticipate."

CHAIR SCHNEIDER: The last time with the CWG report we said the GAC has no objection to its transition, blah, blah, blah. So that was the formulation that we used.

FRANCE: There was -- Was there consensus in the GAC to accept that proposal?

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CHAIR SCHNEIDER: It was more complicated because there was some conditions with that work. The words used at that time is that there were no objections to transmitting the proposal.

UNKNOWN SPEAKER: ...on this point, and also I would note that this was both in the proposal from Spain as it was from Brazil. So I would stick to this original proposal.

Thank you.

CHAIR SCHNEIDER: Thank you.

Brazil.

BRAZIL: Thank you, Chair. On the understanding that nothing is agreed until everything is agreed, we would like to put under brackets the sentence, the part that says the GAC has no objection to the transmission of the proposal to the ICANN Board.

Thank you.

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CHAIR SCHNEIDER: Iran.

IRAN: Thank you, Chairman. When I intervened previously, I mentioned that in spite of difference of opinion, GAC has no objection to transmission of this proposal to NTIA -- to the ICANN Board, but not going to all detail with respect to multistakeholder, anticipation, and so on and so forth. In spite of the difference of opinion, GAC has no objection to the transmission of the proposal to ICANN Board. Simple. This was my proposal, chairman. So we have already referred to multistakeholder several times, and we don't need to refer it once again.

Thank you.

CHAIR SCHNEIDER: Thank you. We do not seem to have a consensus yet on this part, so let's give the floor to Sweden and the U.K., and then I'll stop here, and we leave everything in brackets and go for another reading. Then we have a text as a whole, because I don't think, otherwise, we'll make progress.

So Sweden and then U.K.

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SWEDEN: Thank you, Chair.

Simple question. I'm just wondering if there is anybody that has an objection that this proposal is transmitted to the Board? If there isn't, why not keep the text without brackets?

CHAIR SCHNEIDER: In fact, I forget who said it, but both text before used the proposed formulation "GAC has no objection to the submission." But U.K.

UNITED KINGDOM: Thanks. Well, the reason for my wanting to take the mic was I'm very much in sympathy with Germany and others who have supported Germany, because we're getting here to the purpose of what this communication is all about.

If we were to say something like "anticipates," it's like we're detaching ourselves from decisions on the fate of this proposal. So I prefer the language about having no objection.

I do have some sympathy with Brazil. Perhaps we ought to step back and then review the whole text, and then perhaps the brackets could be removed if we keep this text in brackets.

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I mean, there's always the, risk if you don't then refer back and go through it all again, of having made a mistake. So I agree with Brazil, perhaps, and then let's look at it again.

Thank you.

CHAIR SCHNEIDER: Thank you. Argentina and then we'll stop. Thank you.

ARGENTINA: Thank you, Chair. Support the addition of brackets as Brazil has stated.

CHAIR SCHNEIDER: So there's one bracket missing, then.

Do we also need bracket for "respect of the multistakeholder approach" or can we leave that thing in? Or should I put a bracket around the whole? Then we have two level of brackets. Whatever you want.

Can we leave it like with the brackets we have now?

No, there are two brackets.

UNKNOWN SPEAKER: (Off microphone).

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CHAIR SCHNEIDER: Yeah, that's in brackets. It's at the end of the text, the second bracket. I was looking for it as well. We have four brackets, two opening and two closing brackets, so that makes sense in terms of...

Sweden.

SWEDEN: Thank you, Chair. We're doing good progress. We're moving ahead with brackets.

[ Laughter ]

I just have the feeling that we're approaching a catch 22 situation with the brackets. And if we could resolve this -- this sentence here and leave it without brackets to put something here, I think all the brackets on top will vanish into thin air.

Thank you.

CHAIR SCHNEIDER: So what is your concrete proposal? Because we can't say -- we can't just remove the brackets because then we say -- I mean, we remove the brackets or we remove the text in the brackets, to be clear?



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SWEDEN: The alternative is we remove the brackets here and then start over again and have a really hard time to remove the brackets.

CHAIR SCHNEIDER: But do we remove the text? We have two alternatives here. One is the GAC anticipates that this document, blah, blah, blah, and the other is the GAC has no objection. If we remove the brackets, we still have two alternatives. We have to decide on one or the other. I can only remove only the content of one bracket and have to leave the other one, if my brain, my head is still working.

SWEDEN: You're quite right. I'm sorry, I wasn't clear enough. I propose to keep the text in the second bracket and take away the text within the first bracket.

Thank you.

CHAIR SCHNEIDER: Can we accept this?

To go back to the previous text, not using the GAC anticipates, blah, blah, blah, but to use the GAC has no objection, blah, blah, blah version.

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France.

FRANCE:

I think before doing that, we have to go back to the whole document and look at the other brackets first, because I don't think this has been decided yet.

Thank you.

CHAIR SCHNEIDER:

Thank you. Well, let's stop here and do it; okay?

So we're -- But we agree that we'll delete the rest. We just used that one version and delete the other one.

So we'll go through the text, delete all the alternatives where we decided that we will not follow them, and only have those that we will follow with the brackets and the subbrackets that we still have. Take a break. Eat the rest of our packages, if there's some left. Unfortunately, there's no Coke in it, but that's another point. Or no coffee. And then reconvene when you have the text ready, printed, and do a third reading.

Okay? Thank you very much.

All right.

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You may stay seated. You may stand up. You're free. But this is a break. Just that we are clear.

[ Coffee break ]

CHAIR SCHNEIDER:

Okay. There's a new plain text version of the latest proposal circulating. Let's wait for two or three minutes to sit down and have a look at it and then we see whether that will fly. Thank you.

I think we are ready to show you the text on the screen. So please, sit down. Put your cigarettes back into your jackets, hide the drinks, and take off the sunglasses. We are about to start. We need to -- we're just waiting for the screen to light. Now it's coming. Okay. There has been a text that has been circulated, I don't know five minutes ago. That is -- there are two modifications that were discussed that I took in. One is more or less an editing thing that is not changing anything on the substance. That is on the fourth paragraph, where we realized that the way the sentence was written it didn't work. So what we did, compared to the version you have on text, is instead of saying recommendations 1-12 except recommendation blah,

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blah, blah, that didn't work out in a carve-out. We say the same thing but we made two sentences out of it. It now reads, "The GAC has considered the CCWG's proposal and supports recommendation 1-10 and 12. However, there is no consensus on recommendation 11 and the carve-out provision contained in recommendations on 1 and 2. It is the same thing. And it's just two phrases and it's easier, understandable. There's one thing and then the next thing if you go back to the paragraph number 3, please, Tom, there were some people who proposed, and because it wasn't discussed with everybody, I've been asked to put it in. I put it in square brackets. It's the discussion that we've had before, but I hope if that's the only one left we'll solve that problem. To add -- to leave the ICANN reference to giving advice to the board but to read put the -- giving the role of us to give advice within the ICANN multistakeholder environment. So that's -- as you can see, the only thing we did to that is put that text in and in square brackets. So what -- I don't think we need to reprint it. It's what you have in front of you in text with these two amendments. And we deleted the last three paragraphs but that's -- it's really the same text. It's just the amendments that I've been mentioning. Should we read through? Should we ask Tom to read aloud before we have opinions? Kavouss, we are not asking for opinions yet.

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UNKNOWN SPEAKER: (Off microphone).

CHAIR SCHNEIDER: Okay, thank you. Go ahead, Kavouss.

IRAN: I suggest that with the amendment that you propose, which is just making the text more readable, you put all amendment without any square bracket and let Tom read each sentence. We don't comment. Once everything is read, then we start to see whether or not we should make a comment. So please put it, and Tom read them slowly in order that we grasp it visually and mentally. Thank you.

CHAIR SCHNEIDER: Tom, you have the difficult task of reading it slowly and clearly, with or without an Australian accent. Thank you.

TOM DALE: (non-English phrase).

CHAIR SCHNEIDER: You can also read it in French.

[ Applause ]

TOM DALE:

The first paragraph reads, "The GAC expresses its support for the multistakeholder bottom-up approach within ICANN and reiterates its interest in participating in the post-transition phase with a view to fulfilling its roles and responsibilities."

Okay, next. Yes. Thank you. Yes. "The GAC wishes to express its sincere appreciation of the diligent and productive work performed by the CCWG accountability, its co-chairs, its members, and all its contributors. The GAC reaffirms its role as an advisory committee to the ICANN board and within the ICANN multistakeholder environment and will continue to advise on relevant matters of concern with regard to government and public interests. The GAC has considered the CCWG's proposal and supports recommendations 1-10 and 12. However, there is no consensus on recommendation 11 and the carve-out provision contained in recommendations 1 and 2."

"As regards recommendations 1 and 2, the GAC expresses its willingness to take part in the envisioned empowered community mechanism as a decisional participant on the conditions to be determined internally. While there are delegations who have expressed support for the proposal, there are other delegations who were not in a position to endorse the proposal as a whole. In spite of this difference of opinions, the

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GAC has no objection to the transmission of the proposal to the ICANN board."

CHAIR SCHNEIDER: So that is the text. Comments, please. Brazil and Iran. And the U.K.

BRAZIL: Thank you, Chair.

CHAIR SCHNEIDER: Wait a second. Before -- sorry, before you take the floor, consider whatever amendments you propose, whether they really are absolutely necessary, whether they really make a difference, or whether we could agree to this text. Thank you. Brazil.

BRAZIL: Thank you, Chair. And colleagues, we bring to your consideration this text as an attempt to the best of our effort to bridge the differences between parties on the outstanding issues at stake. We know that not all of our colleagues were fully involved in the informal consultations that we had, but this is a carefully crafted compromise that I hope could help these negotiations bring this negotiation to a close. So I -- we, Brazil,

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fully support the text that is presented, and we really hope that the other colleagues can also support it.

CHAIR SCHNEIDER: Thank you. Iran.

IRAN: Thank you, Chairman. Sometimes is good to have past years like me. We have been in many, many meetings. Nothing is perfect. We are not drafting bylaws. We are not drafting Constitution convention. What we are doing, we are providing our views to the CCWG. If all these paragraphs are clear and none ambiguous, under what conditions -- under one condition I suggest that we do not engage any further comment to this text, whether linguistic, whether refinement, and whether anything, and take the whole text as it is globally and by applause approve the whole text in one shot. Thank you.

CHAIR SCHNEIDER: Thank you. Well, actually there's a typo, and I can show it to you now, if you want.

[ Laughter ]

I'm not joking. I'm not joking. I think we'll sort that out. Thank you, Kavouss. Have the U.K., Sweden, then Canada, and Brazil.



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FRANCE: And France.

UNITED KINGDOM: Yes, U.K. speaking. Thanks very much. I applaud these best efforts. Reaching a solution has been a hard slog, but we can certainly applaud that. Maybe it's the same typo I spotted as yours.

CHAIR SCHNEIDER: Tell me yours, I will tell you ours.

UNITED KINGDOM: Need to capitalize R in recommendations.

CHAIR SCHNEIDER: Oh, no, then it's a different one. But thank you.

UNITED KINGDOM: Anyway, capitalize the R in paragraph 5. Thanks.

CHAIR SCHNEIDER: The typo I found doesn't make sense with just saying government. It should read governments. At least that's what I think. Is that okay? And then there's another stylistic error that

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Tom has detected. We'd like to propose to change that, too.  
Tom says the following.

TOM DALE: It's a matter of grammar rather than style. If I could just make --

CHAIR SCHNEIDER: This is why it's underlined in green.

TOM DALE: Yeah, because Microsoft Word tells me it's wrong so I believe it. A better and more correct expression in English, and instead of delegations who have expressed will be delegations that have expressed. And in the third line similarly, that were not in a position. So that would be a suggestion. It's also the one suggested by Microsoft Word, but it coincides with my view of English. Thank you.

CHAIR SCHNEIDER: Thank you. Mark, have you found another one?

UNITED KINGDOM: No, I'm just back on yours. I'm sorry to be -- I thought it was government interests.

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CHAIR SCHNEIDER: Aha, you may be right. I'm ready to withdraw mine. Government and public interests. Okay. Sorry. Okay. I apologize. All right. The next in the list is Sweden.

SWEDEN: Thank you, Chair. I just want to make one note to the record. When Brazil made their intervention they said "we know not all of our colleagues were involved," but the transcript said "we know all of our colleagues were involved." So I just want that corrected as a note. No, it's important enough to mention. And I also want to state our full support for the text as is.

CHAIR SCHNEIDER: "As is" meaning leaving the text in the but just take off the brackets, right? That was the proposal?

Okay. Canada?

CANADA: Yes. Thank you, Chair, and we very much also endorse this proposal and the statement, and we very much appreciate the work of the colleagues in coming to this conclusion, so we thank everyone for their efforts. Thank you very much.

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CHAIR SCHNEIDER: Thank you. We have Brazil and then France. Brazil, do you -- and then Iran.

BRAZIL: Thank you, Mr. Chair. I do not want to raise an additional issue here, but I'd like to have some clarification on the inclusion of -- the late inclusion, I'd say, of that portion that was between square brackets that have just been lifted.

Because if we say "reaffirm its role as an advisory committee to the ICANN board and within the ICANN multistakeholder environment," and then how can this relate to what is stated in Paragraph 5, that "the GAC expresses its willingness to take part in the envisioned empowered community mechanism as a decisional participant"?

So it's more a request of clarification because as Mr. Kavouss was saying, I think it's important for us to make sure there is no ambiguity in the text, and to my understanding, there is some ambiguity here with the inclusion of that portion of the text.

I've heard in previous rounds of discussion that maybe here we are addressing other areas of work of ICANN, but I think if we are saying that we retain advisory capacity across the board in the ICANN multi- -- I think that includes also the empowered community mechanism that is dealt with in Paragraph --

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So I'm seeking your clarification, and maybe on the part of those who proposed that addition, how they see there is a consistency, internal -- inherent consistency in the text. It seems to me to be quite ambiguous, and I'm not objecting to it. I'm just requesting some clarification to make sure that we are putting forward a text that is fully and inherently consistent. Thank you.

CHAIR SCHNEIDER:

Thank you. Well, I think there's no contradiction to say the GAC has a role as an advisory body and it may have additional roles. It doesn't say it's the only role or the exclusive -- role to act exclusively as -- so this is something that we've always done, and in the new thing -- blah, blah, blah -- we have the intention to participate, or whatever it says.

So I don't think that is a problem. Thank you for sharing that understanding.

Okay. France and then Iran.

FRANCE:

Yeah. Thank you, Chair. As you can imagine, I don't like everything I see on the screen, but we're here to reach a compromise, and I think it's a good compromise. So for the sake of the completion of the IANA transition, France is in a position to agree with this GAC communique, and I would like to thank

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everyone who made this compromise possible and especially thank you, Chair, for your leadership.

Thank you.

CHAIR SCHNEIDER: Thank you, France.

Iran?

IRAN: Thank you, Chairman. Finally, before 12:00, we agree with everything. I propose with applause we approve the whole text.

[ Applause ]

CHAIR SCHNEIDER: No. I think we should spend 20 more minutes on disagreeing because it's not -- it makes more sense to stop at 12:00. Right? Looks more beautiful.

No, no. Thank you very much. And I want to thank this man here.

[ Applause ]

He has had the hardest job of us all. He had to pay enormous attention and be very concentrated.

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And with him, everybody here. The interpreters, Julia who half-sick has stayed up until very late, Corrine, Michelle sitting in the back, everybody who has helped us, the I.T. people, and you, because we've been maintaining a constructive spirit without shouting and hating and so on and so forth, so this was amazing. Thank you very much. Let's have sleep, drink, whatever. Thank you very much.

[ Applause ]

And don't tell anybody we've reached an agreement. This is a secret!

**[END OF TRANSCRIPTION]**