
MARRAKECH – GAC Sunday Morning Session
Sunday, March 06, 2016 – 08:30 to 12:30 WET
ICANN55 | Marrakech, Morocco

CHAIR SCHNEIDER: Please start taking your seats. And as I said yesterday, I hope, but I see it's not fully the case, you are sitting more or less where you sat yesterday. I will give my best to recognize you.

I'm sure you have all spent a lovely Saturday evening reading the final proposal again and again, including the attachments, including the 33,000 emails of the CCWG mailing list, of course, and that you are up to speed to tin the discussion on this important issue.

As discussed yesterday, we will start by looking at recommendation 11, which is on -- based on the so-called Stress Test 18.

So maybe to start and warm up and get in, would one of the members or the coordinator give us a quick introduction to recommendation 11 and the history of where we came from?

If not, then I will ask Tom to quickly introduce it since, as most of you know, this has a long history of discussions about -- in

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

particular for the GAC, about the way GAC advice is treated by the Board.

So, Tom, thank you very much for volunteering to introduce this issue. Thank you.

TOM DALE:

Thank you, Thomas, and good morning, everybody.

I will quickly run through what is proposed in the report from the CCWG on -- in recommendation 11, which is about how the Board deals with GAC advice. But after that, I am sure that some other GAC members who have been involved in the discussions in the CCWG, which go back quite some time, will wish to add and contribute to the discussion. But just, as I was asked to do by the chair, I'll explain to you what is being recommended by the CCWG now.

Some of you may recall GAC had previously discussed something called Stress Test 18 over the last year or so. Stress tests are intended to work through particular extreme potential scenarios that an organization or a system might have to cope with. In this case, the working group concluded that the possibility of some form of government or undue government control was a theoretical possibility in relation to the ICANN Board in some

circumstances, and so a stress test was devised to see if that was a possibility and, if so, what could be done to deal with it.

The Stress Test 18, as it was termed, became a recommendation of -- in previous versions of the accountability report. So what is on the table, the virtual table, today from the working group is recommendation 11 which now asks that a change be made to the current ICANN bylaws. And that means that the bylaw would -- which currently provides for the Board to deal with GAC advice, the bylaw would have an additional provision included and that additional wording is as follows: That any GAC advice approved by a full GAC consensus -- so that is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection -- may only be rejected by a vote of 60% of the Board.

So what the report, the report that GAC is now considering, what the report recommends and what it says is that the particular types of GAC advice that is GAC advice which is based on an absence of objection -- in other words, consensus advice -- will be included in the bylaws so that it may only be rejected by a vote of 60% of the Board. The rest of the bylaws will continue -- of the current bylaw relating to GAC advice would continue to operate. So that that consensus advice would -- would go to the Board from the GAC, and the Board would then be obliged to try,

in good faith and in a timely and efficient manner, to find a mutually acceptable solution.

So the issue is that the threshold for rejecting advice is being defined as 60%. The GAC had previously proposed that it be two-thirds, you may recall from the Dublin meeting. So the proposal is that it be 60% instead of two-thirds. And the -- the Board obligation to find a mutually acceptable solution would only apply to GAC advice that was reached on a consensus basis. And consensus is proposed to be defined by the report as decisions by general agreement in the absence of any formal objection.

So that's a very quick rundown of the very basic proposal that is there. It is linked, not in a formal sense but it has been linked in negotiations in the CCWG, this proposal has been linked with the so-called GAC carve-out that was discussed briefly yesterday; that is things the GAC may be excluded from in the empowered community. But at the moment, my understanding from the chair is the GAC is discussing just recommendation 11, and it's basically as I've just outlined.

I'm sorry to have taken so long. It was supposed to be a quick summary, but I will pass back to the chair now and over to you.

Thank you, Thomas.

CHAIR SCHNEIDER: Thank you, Tom. I think it was the perfect length of a summary. So thank you for that effort.

With this, I hope everybody is more or less informed and I'm ready to ask you for your views on recommendation 11. Who wants to start?

France.

FRANCE: Thank you, Thomas. Thank you for the work regarding recommendation 11. A lot has been said and written about this recommendation, so thank you so much for linking this recommendation to the GAC carve-out.

France's minority statement indicated that these two provisions would be parallel, so, excuse me, I will not go back to the carve-out because we touched on that yesterday.

Regarding the stress test and regarding France's position from the beginning, let me say that this provision was put forward in the middle of the negotiations. It was imposed as we were going along in our discussions. It was not a provision that was established or set forthright from the beginning.

So this shows or goes to account for France's position regarding Stress Test 18, which would potentially paralyze the GAC because if decisions are not reached by consensus, if consensus is mandatory or if there is no consensus, then there is no GAC recommendation.

Therefore, we will not even have the possibility of issuing a recommendation from the GAC.

Secondly, I believe that France's reluctance in terms of Stress Test 18 has to do with the fact that we are under the impression that something is being imposed upon the GAC, and we are an autonomous committee. Therefore, in Dublin -- I believe it was in Dublin -- that we had reached a compromise or agreement. GAC was going to define its own notion of consensus, which is normal for an autonomous committee, and the majority has to be taken to a two-third majority. This proposal was not considered, and, therefore, France sticks to a coherent position about this and states that Stress Test 18 marginalizes the GAC and the governments as a group.

This morning we are trying to finalize or fine-tune this stress test, but I believe this endangers all the states.

CHAIR SCHNEIDER: Now Argentina and then the European Commission have the floor.

ARGENTINA: Brazil first? Okay. Brazil wants to go after me? Okay. Is a queue forming? It's Iran? No, no, no. Brazil.

Thank you, distinguished colleague from France. I think you made a very good summary of what has happened.

From our view, from Argentina's view, we have seen in this process a permanent moving target of what we should achieve and what we should agree with.

The Stress Test 18 at the beginning started putting some constraints in the way that the GAC should make decisions establishing that there was a difference in between having consensus or not. That part of the text in the cross-community working documents could never be changed in spite of the fact that many of us, not only myself -- and I want to stress this, not only members of the GAC were against this. There was also members of other parts of this community didn't like this as it limited the ability of governments in deciding the way they want, as other stakeholders do in ICANN. Other stakeholders have their rules. They voted on -- they do what they think is best for their own decision-making. So that never changed.

No only that. In Dublin we achieved a very interesting consensus proposing that we would accept working under consensus in the way that consensus is decide by the GAC. That was not enough.

Now the new text, as was rightly appointed by our secretariat, says which means consensus, which must mean consensus for the GAC? So that's another step backwards to our freedom of decision.

Apart from that, in Dublin we agreed, and by consensus, that it could be good that if GAC advice was rejected by the Board, it should be done by two-thirds of the -- two-thirds, not only simple majority as it is today.

That was not accepted. So as a way out, it was proposed that 60% of the Board should be needed for rejecting the GAC advice.

That was not enough.

Once that was proposed, the carve-out appeared immediately. This is why the carve-out was never discussed in this room. And this is why we find it really very weird and also a permanent moving target.

So this is why the minority statement defines what's the role of the governments in the multistakeholder community should be. We should have equal footing, same role as other stakeholders.

But that doesn't happen in ICANN. The governments do not participate in the Board. The governments do not select half of the Board. We are not part of the NomCom. We are not part of the group that decides who will take the leadership positions in ICANN. The ICANN board can easily reject our advice by simple majority. It doesn't happen with other SOs and ACs. They have to recheck it with a higher threshold.

So that idea that we, the governments, want to have more power, at least for Argentina, is not the case. It's totally the contrary.

Let me go through the documents. So also other thing that appeared in the process is that this stress test 18 and now recommendation 11, it's a must for the transition. That was never said. That was never said at the beginning. The conditions set at the beginning were others. And they were -- it should be supported by to enhance multistakeholder model. It should maintain the security, stability, and resiliency of the DNS; meet the needs and expectation of the global customers and part of the IANA; and maintain the openness of the Internet and should not be given to only one government and should not given to a group of governments. That we all agreed. But, suddenly, we have a new -- we have a new "must" for the transition. So we were surprised with that in the middle of the way.

So what else is in the minority report? It expressed our somehow disappointment with this permanent changing process. We could engage in the process. But, if the rules are changing all the time, that is extremely complex. I would like to also say that some colleagues in this room have expressed support for this stress test -- for the minority report.

We had a very short time to prepare it and a very short time to receive support. We had only 48 hours since we drafted it and we got support.

I know we all have to go to capitols and consult. So that takes time.

In the case that not only taking -- saying that to me in private emails or in private conversations you want to express support, this is the moment to say in loud in this room. Thank you very much.

CHAIR SCHNEIDER: Thank you, Argentina.

On my list I have the European Commission, Iran, and Brazil.

EUROPEAN COMMISSION: Thank you, Mr. Chairman. Thank you for the comments. I just wanted to clarify one aspect which was mentioned by France.

And France said that the impact of the proposed change would mean that all decisions and all advice of the GAC requires consensus. But that's not at all how I read the proposed change.

From my perspective -- and perhaps I'm reading it incorrectly -- but my understanding is that the current bylaws stay exactly as they are with one additional sentence, which says -- and the first part of the bylaw says, "The advice of the GAC shall be duly taken into account" blah, blah, blah, blah, blah, blah. So it does not stop the GAC from giving non-consensus advice in any way. It's just that only consensus advice can be rejected. That's the change. And I would just like to have that clarified. Am I misunderstanding or are those from the minority view correct? That's more a legal interpretation than anything else. Thank you.

CHAIR SCHNEIDER:

Thank you, Megan.

I think it's not fully correct. I think any advice can be rejected by the board, not just consensus -- any advice can be rejected. It's only in the case where it's consensus advice in the absence of any formal objection that, if that is rejected by the threshold, then this procedure that would make the Board talk to the GAC would apply. But any advice can be rejected by the Board, of course.

EUROPEAN COMMISSION: It's true. But excuse me to come back on that. It also means that GAC advice that's not consensus can also be adopted and approved by the Board. The two go together.

CHAIR SCHNEIDER: Yep, that's correct. I think. Iran.

IRAN: Thank you, Chairman. I give up to Brazil. Iran starts with "I." Brazil starts with "B." Alphabetical. I give it to Brazil. Thank you.

CHAIR SCHNEIDER: Okay. We take note. Brazil.

BRAZIL: Thank you also. Maybe we could start with -- I don't know, Argentina has already spoken, but there are other countries starting with "A." But, anyway, that's okay. Well, thank you, Mr. Chair. And I will start by supporting what has been said by France and Argentina. And I'd like to add a few comments. First of all, we challenge the initial presumption that guided the proposal around stress test 18. We think it is a misperception and that does not reflect reality that we need stress test 18 in

order to counteract or to prevent a situation in which governments may capture or may be in the driver's seat in regard to ICANN's operation. This is absolutely not true. We don't at all agree to this.

The reason for that is that, in the present regime, governments have a purely advisory capacity. They operate in an advisory capacity. That means governments are not at the table when decisions are made. Can even be as an observer, but not as a participant in the decision-making process. This is an existing situation. And we have all agreed to maintain it as it is. That in the post-transition regime, governments will keep an advisory, will operate in an advisory capacity.

So anything that we discuss here and anything that will be added to bylaws will not change the fact that governments are not part of the decision-making process now and they will not be part of the decision-making process in the post-transition period.

So anything that seeks to prevent any capture by governments is simply based on -- it's not based on the reality of facts. We are not proposing a situation in which governments will have full power or the capacity to block or to veto anything, because simply governments will not be part of the decision-making process in the end. So I think this is an initial statement that is

necessary. And that has been guiding us all through the discussion. Everything we're saying now, nothing is new. This has been said from the beginning. I should recall that, even initially, the way stress test 18 was presented was very offensive to governments. I think not only to my government but to all governments because the presumption between stress test 18 initially, may I recall, was that, for example, governments could agree that as a majority or even by -- I don't know what was exactly said -- to propose measures that would, for example, impart on human rights or -- this should be presented. So we are being told by here already -- some will not say the overall non-governmental stakeholder but by some of them simply that government cannot be trusted.

And we think this is not the right way to operate in a multistakeholder ambience. We challenge this notion. We don't accept that notion from the start. We think stress test 18 is unacceptable in any form it can be presented.

The second thing that stress test 18 -- and I think initially it's also a misperception that GAC today holds a special place or have a special status vis-a-vis the other stakeholders. This is also something that GAC has the capacity to provide advice on any topic on any -- any public-related topic. And I think this is related to government's role and responsibilities towards public policies that can extend to any area. I don't think it's out of the

purview of governments to provide advice to any topic that, to the extent of governments, touch on public policy issues. I think not doing this would be remiss before our constituents, before our governments, not to do it.

So it's not something that can be accepted that, because governments can provide advice on any topic, there should be some kind of restriction on the GAC capacity.

On the other hand, we think that the notion that in a multistakeholder ambience, all stakeholders should exert their roles and responsibilities would be impaired if this would not take place.

And the fact that the GAC provides advice to the Board and in case the Board rejects, there should be some consultation process towards seeking to come to a mutually acceptable situation. And this has been also said it's something that applies only to GAC. I think this is also part of the overall framework we operate in in which GAC is not, again, sitting at the decision-making table. I think that's just a way to make sure that, before a decision is made, GAC has a fair chance to go and rediscuss its points. And, in the end, again, the GAC will not be there when a decision is made.

So anything in relation to this we challenge. We don't think it's based on reality. It's a bias against government. It's even

offensive to the capacity of governments to operate in a multistakeholder format.

Another comment I'd like to make is when we organized NETmundial two years ago -- and my government is proud to have hosted NETmundial. We have worked in very close coordination with the Brazilian Internet steering committee, which was in practice responsible for the organization, for the logistics. But my government is also very proud to have participated fully in NETmundial, which we all can agree was an event that provided us with some good ideas, some good approaches in regard to Internet governance, to the principles of the roadmap, something I see with great pleasure that even today still referenced in many discussions.

But one thing that we learned working and preparing NETmundial and making NETmundial a reality, is that it is of paramount importance to respect the way each stakeholder group organizes itself. For example, we established an executive committee to prepare the document. We established the high-level committee to oversee the meeting. And it was very important for us to let each stakeholder organize themselves in the way they would feel comfortable in participating in that endeavor. We think that, in spite of the fact that at the end of NETmundial, some participants disassociated themselves from

its outcomes, in general, I think it provided a very good example on how we should move forward in multistakeholder format.

And we think the fact to let each stakeholder to organize itself not try to impose on any one stakeholder to impose on another is a key to this success.

And it is sad to see that this is not happening in regard to the discussion at hand.

As has been spelled out by France and Argentina, we, in my delegation, as I said, we oppose stress test 18.

But in Dublin we made a very serious effort with all of you, all governments coming together. I think we spent hours and hours coming to some kind of compromise among ourselves. And those were very hard compromises through which we accepted the notion of working on the consensus.

But there was a package that was proposed by the GAC. First of all, that the consensus -- it would be up to GAC to define consensus. So it would be up to the group to define what consensus would look like. And then there would be the two-thirds threshold for rejection at the Board.

I think, by doing this, what we are saying is exactly that. We wanted -- and we accepted to be treated exactly as the other stakeholders are. The consensus that exists in GNSO and other

organizations, SOs and ACs, is that kind of consensus. Maybe it would be absurd if we would require from the GNSO to make decisions by unanimity in the absence of any formal objection.

And we thought that was a very important solution that would help all of us out. And, by the end of Dublin, I think there was some good mood in that regard.

Unfortunately, we saw that that proposal coming from the GAC as a compromise solution was not accepted by other stakeholders. And, to our surprise and disappointment, we saw that the co-chairs decided to not consider the GAC's compromise solution but rather to take on board other stakeholders.

We think this is a major blow to multistakeholder approach.

We think this is -- if we accept that other stakeholders or groups can impose on others the rules by which they have to abide, I think this is not acceptable to my delegation at least and I would say for many others as well.

And, again, the solution that is proposed to us, the formula that is proposed to us that consensus that GAC should -- and I agree with European community. I think the point that she wants to raise is that GAC is not obliged to provide all advice by consensus. It can decide in other methods that are not

consensus. That's understood. And this can go to the Board. But only in case there is consensus advice. This is the occasion in which the Board to reject will have to follow the 60% rule. And this will trigger the consultation mechanism. So this -- let's say for the consensus advice is the only instance in which there will be serious consideration that will trigger mechanism in case the Board decides not to accept GAC's advice. So with -- again, we concur with what France had said and Argentina that can lead to a paralyzation of GAC, the influence that GAC can have in any discussion on any topic unless we can have full consensus among ourselves. This is something we have been trying to do. We have been doing this. And some we have heard that the consensus rule just seeks to memorialize a practice already followed by GAC. In a way this is correct.

But this is something we have been doing. But we should not -- in cases there are issues that are controversial on which we cannot overcome objection by one single country, governments usually have ways to decide to make decisions. And it's up to governments to decide what is the method for decision making and to convey this decision in a way that has the same legitimacy and representativeness as a consensus decision. It's not up to other stakeholders to impose on GAC and to say how GAC should operate.

We are not doing this in regard to other stakeholders. But we see that other stakeholders are trying to impose on GAC a rule that they do not follow themselves, that it would be absurd for them to consider. But they think it's within their right to impose that on GAC.

So I think those were some of the points I'd like to make. We consider stress test 18 unacceptable. We have said this from the beginning. We think this contaminates the full proposal. I think there are many positive aspects in the proposal coming forward that we could accept, that we could support.

But stress test 18 -- and on top of this, as Argentina has said, other conditions that are being added along the way such as the carve-out impacting on the possibility of GAC participating the empowerment mechanism, I think this compounds very ugly picture in which it is very clear that the real intent was to circumvent the possibility of governments having meaningful participation unless there is full consensus among its members.

So the situation, as we see it, is that, if GAC provides an advice and it goes to the Board, if it is not by consensus, it can be rejected outright. If it is by consensus, the GAC should -- would be then obliged to get to the threshold of 60% to reject and that in that case we could trigger the consultation mechanism. But in case in the final -- by the end of the day, the Board accepts the

GAC advice, then it can be challenged by the community. And then GAC cannot participate in the following phases.

I think it's like in a legal process to initiate a legal process, maybe to get some initial support for this. And then in the following stages we are out of the -- we think that does not make sense. We think it's something applied to GAC.

So, for all those reasons, I'd like to reaffirm the position of my delegation. We cannot accept stress test 18. We cannot accept carve-out. I think at this point we can maybe agree to disagree. We don't think we'll have a consensus on that proposal. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. I think China was also wanting to speak; is that right? Yes, thank you.

UNKNOWN SPEAKER: I think it was Japan.

CHAIR SCHNEIDER: It was Japan. My apology. So go ahead, Japan.

JAPAN: Thank you, Mr. Chairman.

So first of all, we'd like to express (indiscernible) thanks to Thomas -- my name is Yoichi Kanda from Japan -- as well as CCWG co-chair who has made enormous amount of effort to coordinate among the GAC and with all stakeholders for a long time and produce the final recommendations as a result of huge discussions.

Regarding GAC advice status, it should be noted that the GAC advice imposed special obligation on the board to find mutual acceptable solution from the viewpoint of public policy. That is so special, you know, compared with the other communities. In addition to that, GAC and support are able to avoid the conflict by negotiating beforehand. So it is exceptionally -- exceptional cases when the Board rejects the GAC advice. Thus, GAC advice is much respected by the Board and the other communities. This is (indiscernible) of current status of the GAC we should recognize.

Further, according to the final recommendations of when the board rejects GAC advice, the criteria of the rejection will be (indiscernible) from current simple majority to 60% as a compromise solution after intense discussion in the CCWG.

Moreover, we welcome GAC participation in the empowered community as the communities do so. It bring a (indiscernible) so-called carve-out which should be applied to the limited case

after the IRP decision. Therefore, we can find the final report seems to be a very balanced proposal requesting the current status and (indiscernible). We, the GAC, is required to fully recognize the dedicated balance of the result of enormous discussion in the CCWG and to finalize our position based upon a spirit of mutual respect for each other to move forward this transition in time. Thank you.

CHAIR SCHNEIDER:

Thank you, Japan. There was somebody else from the back but I -- yes. Please. The lady -- is it Rwanda? Or the lady in the back on the right. Gabon. Please, go ahead.

GABON:

Good morning. Thank you for giving me the opportunity to express my viewpoint. Gabon compliments the work done by the colleagues to preserve GAC's role. Gabon participated in the discussions on this topic, but it had no opportunity to participate in the Dublin meeting. Today we are taking the floor after learning about the work done since the Dublin meeting. And after these brilliant statements made by our colleagues from France, Argentina, and Brazil, as well as from other governments, we support this minority statement.

The GAC represents governments that are accountable for public policy. Although GAC may not directly participate in decision-making, its recommendations are taken into account. So when this happens, GAC enables governments to fulfill their public policy role. Therefore, we believe it would be good to stick to the solution that we came up with in Dublin because GAC's recommendations need to be taken into account. Thank you for your attention.

CHAIR SCHNEIDER: Russia has the floor.

RUSSIA: Good morning to everyone. I will speak in Russian. As far as goes the Stress Test 18, we have to remember some facts. First of all, that was not the paramount condition in the NTIA. We accepted all their requirements of NTIA, although we did not agree with the opinion (indiscernible) from their government organizations and intergovernment organizations have some kind of threat. But we congratulate the whole process and we want it to continue. And based on this, we accepted these requirements. That's why we do not understand why Stress Test 18 appeared much later in the stage. And we do not understand why -- we absolutely don't understand any threat that it has. It regards a very important aspect of Internet governance. The

role of -- of the stakeholders were defined on a very high level. I mean, the WSIS summit. And it was done a long time ago. And all those roles and all those principles were confirmed in December last year when there was a high-level meeting on the General Assembly when we considered the decision of WSIS+10 years. We see that the level grounds of stakeholders are not respected in ICANN's structure and we see that governments do not have the same opportunities as other stakeholders.

An additional requirements that narrow the -- the possibilities of governments to take decisions absolutely unacceptable for us. We do not want ICANN, as a result of its reforms, turns into an organization that is an organization that goes away from the main principles that were accepted and defined on a very high level as the principles of governance of Internet. We want to turn the attention to the consensus solution that was taken in Dublin. We want it to be reconsidered again, and we don't want it to be ignored. Thank you.

CHAIR SCHNEIDER: Thank you, Russia. Denmark.

DENMARK: Thank you, Mr. Chairman. I have heard different reactions here. I have heard that this imposed things on GAC voting procedures

that GAC marginalized. That is actually not what we can read in the proposal. The change to the bylaws and this recommendation have only to do with the Board. It is an instruction how the Board must react to advice. So this has nothing to do with what we might decide upon, how to vote in the GAC in the future. So it's only an instruction to the Board how to react on things. And I -- as I read it, the Board -- and I think that that was what the commission said -- have to take duly into account all advice from the GAC as today. And also as today, if there is consensus advice as defined and as we have used for many, many years, that is a special obligation and that is still in there. So I cannot see why we are marginalized. What is further in here is that there's a 60% threshold. This is actually an improvement, looking from government side. We have -- actually it was Denmark who had the two-third in the third draft in the last negotiation. We would have preferred the two-third in. But we admit that we are in a community where we have to make compromise in order to have solution and move forwards. We are not there to move backwards and have status quo and nothing happens.

So we would like to move forwards. In this instance we think that the ICANN community should be moving forward. So we have actually difficult to see that this will marginalize GAC. Actually that will be higher threshold.

Beside that, GAC will have the possibility to engage in the -- with the community in the new process. So we will be able -- if there is conflict -- to be part of that process. Whether GAC is going to have a decisional role, that is another question and that is something which we should discuss afterwards. But we have the possibility, if GAC so wish, to be part of that.

On the carve-out, I could see that it would have been a benefit that if it was GAC who decided that we would not be involved in those cases. I have difficulties to see if GAC given advice the Board's implemented that GAC should be part of the process which will deny other part of the community to have an IRP. If the Board on advice of GAC do something which is not in line with the mission statement and core values and the bylaws, why shouldn't we prevent anybody to go to an IRP and the IRP will then look into that. And so I -- I would find it strange and I would not think that any government will prevent anybody to use the legal possibility to have something challenged. At least we won't have that position. Thank you.

So just to be short, we can support this recommendation and recommendation 2 and every other recommendation. Thank you.

CHAIR SCHNEIDER: Thank you, Denmark. U.K.

UNITED KINGDOM:

Thank you, Chair. Good morning, everybody. All my points have been covered very comprehensively and eloquently by our colleagues from Japan and Denmark so I don't really want to take the mic for too long except to say that it has been a very demanding process to finalize the proposal. This had to be a bit of give-and-take on all parties' sides. And we've seen the result of that.

The 60% increase in the threshold that the Board has to reach in order to reject consensus advice is -- is in practice, as I understand the position of the Board, at this time. One Board member fewer than would be the case if we had achieved two-thirds threshold objective. So -- and as Denmark has pointed out, it's actually an advance on the current situation of simple majority. So that is certainly a move in the direction towards the GAC position in terms of increasing that threshold so the GAC has a stronger position in that respect in a situation whereby advice to the Board proves contentious and there is an indication that the Board is going to reject it.

I would just add a further point, and I've stated it yesterday, we do not see this proposal as inhibiting the ability of the GAC to participate in the empowerment mechanism framework and this

is a point Denmark has underlined as well. We will be there throughout. We are not going to be excluded.

So we do support the proposal as it currently stands. We haven't gotten everything we achieved -- we wanted to achieve, that's fair to say. But it doesn't inhibit the GAC or minimize its role or exclude it from any of the mechanisms and empowerment framework that the transition is going to rely on. Thank you.

CHAIR SCHNEIDER: Thank you, U.K. Iran.

IRAN: Thank you, Chairman. We have listened carefully to all distinguished colleagues' comments. We don't want to disagree with anyone, but we want to clarify the situations. We have followed, like many other colleagues, very closely and continuously all the sessions of the CCWG, physical, virtual, and correspondence. We never ignore any of those, and we replied immediately to any points. We are interested like other distinguished colleagues in the CCWG.

What is recommendation 11 today? There are four main elements in that recommendation, and there is one substantive element. The main elements are the Stress Test 18. The second is threshold of the GAC advice to be accepted or rejected by the

Board. The third element is GAC advice like advice of any other advisory committee in future should be accompanied with a rationale. And the fourth is GAC advice must be consistent with the bylaws. These are the elements that -- the subsidiary or additional element is relation of that with the decisional making something which is called carve-out inverted comma. So I come back to that as a reply. Why Stress Test 18 appears? It was not at the beginning of the NTIA four main conditions plus one additional statement, but what happened? We will discuss that.

Now, present situation. GAC advice will be considered by the Board. If that advice is rejected, then the Board may -- or in fact not may, will be involved to negotiate with GAC. The word before the text is that the Board will "try" to make every possible effort to find a satisfactory solutions. And GAC advice today is based on the principle 47. And that's a consensus. It is mentioned in the consensus base on the United Nations and WSIS means agreement of everybody without any formal objections.

It was said during the CCWG that if according to the principle 52 and 53 GAC modify principle 47 and instead of consensus advice goes to majority advice what happened? Does the Board still obliged to get involved with the GAC on the advice which is based on majority? That means Board acts as the arbiter between the various governments. Suppose that 51% of the

GAC members are in favor of advice, advice is rejected, and the Board could get involved with that 51% to find a satisfactory solutions. What happened for another 49%? Would they be ignored or not? I'm just telling what was said.

This was not our views but with a was said was this one.

So this Stress Test 18 was for the case that GAC modified principle 47 instead of on the consensus advice goes to the majority advice. In that case, still Board will consider that advice plus any other advice, but it is not obliged to get to any negotiations on the advice which is not based on the consensus.

That was argument that mentioned.

Why it appears? At the beginning of NTIA announcement, there was nothing clear about accountability. Toward April 2015, there was the procedures how we make the community to decide.

Today we are covered. We have one caretaker, United States government, dealing with all the stewardships, and if there is any problem, they will take care of that. If that disappears, that means the stewardship, not anything else, disappears then somebody should take care of that stewardship. And that was decisional making of the community. And they said that, aha, now the community become decisional making. So we have to

be careful that for see if any of this decision would not be favor the entire community, and that is why Stress Test 18 appears in the process.

Stress Test 18 does not exclude any GAC advice nonconsensus. The only thing it says the obligation of the Board to follow the advice and also to get the (indiscernible) is merely and only and solely based on the advice with the consensus. That is the Stress Test 18. Whether we agree or not agree, that is not the issue.

Now, the second one is the threshold. Currently the threshold is simple majority. Two years ago, GAC decided to propose two-third majority. Board agreed with that but put in the public comments. Public comment disagreed.

We are part of the seven communities. We should not base on our wishes. We should base on the entire community wishes. Community did not agree with that.

CCWG once again, based on the Dublin advice of the GAC or communique, put the two-third in the third proposals. But once again, the public comment opposed that. They said we don't agree with that.

So we are an inclusive, democratic organizations or process. If one part of the community does not agree, we have to find the solutions.

The last proposal before the CCWG, last but one call, was two options: simple majority, two-third majority. If the GAC agree with the simple majority, there would be no carve-out at all. Okay. But if GAC wants more than 50%, then says that no, it don't work, because other party of the community I don't want to name, they said no, they don't agree.

So it is not the point, Chairman, that whether we are right or we are wrong. The point is that we all must agree. There are other part of the community disagree with us, so we have to find the solutions.

The solution was that if we insist of the two-third, they say 60%. So something between the two, 60%. 60%. With 66%, one board member vote only.

During the last 17 years of the ICANN activities, only two times Board rejected the GAC advice: 2008 and 2011. That's all. All other advice were treated. They were not rejected as such. They are continued to be discussed. For instance, .AFRICA was agreed at this meeting, in this city, we congratulate that Morocco was a city of consensus, Marrakech, (indiscernible). It disagreed. But after some discussions, they have to look in the two situations.

So that is the issue of the threshold that 60% was something between the two.

If today GAC decides that, no, we don't want 66%, we agree with simple majority, carve-out immediately goes out. So we have to see the tradeoff, which one we want. And what is the occurrence of the two, the probability of occurrence. The 66%, the 60%, and the carve-out.

So we come to the carve-out later on, the situation, what has happened.

So we have to look into what is really on the table. On the table is that today we are not decisional making, one. Today, we do not designate any board member, neither in the designating community nor in the NomCom. Today, our advice is simple majority.

Now, we have been given the possibility to be decision-making. If we don't want that situation, today will change. If we want that decision-making, then what decision-making, they said it could happen that we, together with another community, we get together and override the rest of the community. So that is why some of these safety wall was mentioned in order to establish a balance between all communities.

We have to work together. We have to have a agreement among all of the communities together. So we have to find a solution.

Today we have been given this decisional making. It's not bad. You have in all seven powers you could do that. The only thing, if the GAC advice is rejected, and if the Board get into negotiations with GAC, and if these negotiations come up that the advice was accepted, community would have the possibility to object to that. And that possibility would be in two branch, branch one going to IRP. In that case, there is a threshold to be met, and the threshold usually, if it leaves or gets or result to the removal of the Board, currently we need four. They said that GAC could not be involved in that process, so we need three community to agree to removal of the Board if the Board acts against the community wishes.

The community may go to the different branch or different way, and that will be recall of the Board. In that case, four community must agree to recall the Board, even if GAC is excluded. So it is very, very improbable that all four community agree together to remove the Board if GAC excluded.

Moreover, what Mark said in the CCWG and now is clearly mention that GAC is allowed to provide advice and comments at all process, even the area that GAC is excluded. So that would influence to clarify the situation that when we decide, even we are not the decision-making, our views will be heard by the people and that would be a good idea and that was a sound and

positive proposal by Mark at the CCWG that GAC would be allowed to make proposals -- advice at any stage.

One comment was said that we are not treated like others or others are treated differently. GAC advice could be given at any point, at any time, after the -- a process development of any -- an SO, and so on and so forth. So we could override what they have done. But the difference is our advice does not go to any filter before going to the Board. The PDP of the other community first goes to the counsel, legal counsel of the ICANN. Whether it is consistent with the bylaw or not, that is one filter. There is no such filter for the GAC. So that is the privilege of the GAC.

So we have to find a tradeoff. We have to find a balance between all of the things, and taking that balance, we could try to see whether our views are heard by the others with the view that we also hear their view.

So we have to work together. We are member of one single family, that is ICANN. We cannot say we only want this, they cannot say we want that. So we should work together and we should find workable solutions.

We are not -- We are neutral, Chairman. We are following the majority views in the GAC. We don't express any views at this stage but just explain the situation. There are pros and cons. We could have not everything and they could not have

everything. We should find a balance and a tradeoff between all divisions and all. Sometimes we give something, we take something. We cannot always give; we cannot always take.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

Canada.

CANADA: Thank you, Chair, and thank you colleagues for your comments on this important proposal.

Overall, I think we should really keep in mind the overall objectives. And the overall objective is to replace the U.S. oversight role, and the proposal accomplishes that. And I think in terms of the process, it has been a very well run process with full inclusion, and in terms of the development, yes, there have been changes but that is the result of negotiations in which parties have had to come to compromise.

In terms of the overall outcome, I think it actually positions the GAC in a better position going forward, because we will be in a position to actually advise the new community empowerment

mechanism, which is, I think, a very innovative and creative way of replacing the U.S. oversight role.

In terms of the actual proposals on the table in Stress Test 18, as has been pointed out by colleagues, Stress Test 18 only applies to the Board's obligation. It does not prevent GAC from defining its own definition of consensus.

We have been consistent, as we pointed out in Dublin, that the Dublin communique actually put forward a group of considerations which are important to different members. For Canada, we do place great importance that for consensus advice to the Board. Why is this? It is because consensus advice provides the basis for robust and actionable -- actions by the Board. Otherwise, the Board will be placed in a position of having to negotiate between sovereign governments.

As we have seen, the Board has accepted GAC advice. It has taken into account GAC advice and has acted upon it.

And going forward, there will be a higher threshold to reject GAC advice, which is significant progress.

GAC will also be able to participate in the community empowerment mechanism, and I think GAC will be more active in the actual policy development process that goes on within ICANN.

So for all these reasons, Canada does support Stress Test 18, and we support the proposal overall and look forward to it going forward.

Thank you.

CHAIR SCHNEIDER: Thank you.

Argentina.

ARGENTINA: Thank you, Chair. I would like to react to some comments made by our distinguished colleague from Denmark, especially, and I think it was supported by United Kingdom.

We think that the proposed new text for the bylaw does impose a limit in the way that the GAC makes decision. The text says, "The advice of the Governmental Advisory Committee on public-policy matters shall be duly taken into account if it is taken by consensus." And it defines consensus. It says: The practice of adopting decisions by general agreement in the absence of any formal objection.

If the GAC decides to change the way the GAC decides whether changing the way consensus is defined or any other way that an

independent stakeholder may decide, my understanding that shall not be duly taken in consideration.

So that's the way I think, that's my interpretation, that it constrains the way GAC makes divisions.

And I would like to react also to what my distinguished colleague from Iran said. You mentioned very correctly, it's a while ago, this proposal of rejecting the GAC advice by a two-thirds threshold was rejected by the community. What is "community"? What we mean by "community"? Is the whole community? Is the 1,000 small and medium enterprises that work on the Internet in Argentina?

The community, what is "community"? Who rejected that? And that was a while ago. Why we should stick to that now? Why cannot we have a different perspective now?

Thank you.

CHAIR SCHNEIDER: Thank you, Argentina.

Singapore.

SINGAPORE: Thank you, Chair. I will be brief.

First, thanks go out to all colleagues who were involved in this process as well as on this important issue.

For Singapore, we have considerable sympathy for the minority statement, but at the same time, we understand the need for compromise as part of being part of a larger community.

That said, the carve-out requirement remains an issue that we are still grappling with and don't quite fully appreciate the package deal and how it is linked with the 60% threshold.

Thank you.

CHAIR SCHNEIDER: Thank you, Singapore.

Indonesia.

INDONESIA: Thank you, Tom.

Following what I mentioned yesterday, I think many of us has some sort of -- a bit of unhappiness with the draft of the CCWG. But again, at the end, as our colleague from Iran mentioned, we have to try to live with that and see how we can develop the relationship between the GAC and the Board. Now, that's number one.

But, secondly, I would like to mention how the GAC can come to an agreement and come to an advice.

Now, until now, if we follow the proposals, then the GAC advice to the Board is really made a very detailed, including the rationale, and so on, and so on.

I think the next step we have to talk is how the GAC can carry it out. Most of us here are also sitting in the ITU council or ITU plenipotentiary or WRC, whatever. We can see in order to get that kind of advice to bring to the ITU council meeting or ITU plenipot meeting, we have to set up many working groups, inviting experts, and so on, and so on, to get the rationale as wide, the kind of frequency has to used for satellite meeting, and so on, and so on.

So I think what is important now is that the GAC should be able to set up that kind of consensus, where it has a strong rationale and bring advice to the Board. And whenever -- and when it is necessary, then we can always discuss with the Board as why our advice is so good it has to be taken into consideration and accepted. And if the Board will not follow that, then they always have, as mentioned in the proposal, they must also give the reason as why they are rejecting that.

And as Kavouss mentioned, in whole history of GAC/Board discussion, only a few GAC advice was not -- was rejected, then,

while the others we can always find solutions that includes. One of them is .AFRICA.

So, Tom, I think next we have to concentrate on how GAC can work with that, provide the advice as mentioned in the proposal to the board of ICANN leader.

Thank you.

CHAIR SCHNEIDER: Thank you.

You're sitting somewhere else. Please, can you tell me which country you come?

PAKISTAN: Thank you, Thomas, GAC chair. This is (saying name), Ministry of I.T., government of Pakistan.

CHAIR SCHNEIDER: Thank you.

PAKISTAN: First off, I would like to appreciate the efforts of ICANN Cross-Community Working Group on announcing ICANN accountability, on their work towards enhancing ICANN accountability.

We believe that GAC input and its key role is very important to ICANN because the GAC is the bit between the government of all the countries and an appropriate channel to connect all the countries, all the government, and play an important role in the communication and coordination across the world.

As my colleague already said, that the government are already an important component of any multistakeholder model, whether it's (indiscernible), whether it's the WSIS, ITU, or any international fora. The role of GAC is very important. As the government representatives, their advice on the place of -- the benefit of their respective citizens' community, I hope the GAC will continue its role (indiscernible) ICANN role.

I (indiscernible) the accountability of ICANN is very important, and in this regard, ICANN has already taken (indiscernible) steps to achieve their goal to work with other stakeholder to improve the accountability and transparency of the organizations.

Pakistan actively support and to be part of the process (indiscernible) multistake governance in term of accountability in legal terms.

On that topic, we propose that government role represented in the GAC is (indiscernible) is evolving new rules and express our concerns in the aim to avoid future outcomes that may affect

our national public interest and (indiscernible) improvement of Internet governance ecosystem.

In the end, I propose that ICANN and its CCWG Accountability may promote the government role in the subject proposal to safeguard the (indiscernible) and they may also review the minority statement of the subject proposal currently. The government participation is very important.

Thank you very much.

CHAIR SCHNEIDER:

Thank you, Pakistan. We have five minutes left to go. What I have on the list is Germany, Brazil, Norway, and Sweden. Did I miss anybody? The European Commission. Spain. Ireland.

Okay. That makes one, two, three, four, five, six, seven for five minutes. So you get 40 seconds each. Okay. I start with Germany.

GERMANY:

Thank you, Chair, and I do my very best to complete the advice.

On Stress Test 18, I think Germany has presented its position several times in this forum, and I think we have a rather pragmatic idea. We do not see, we are not convinced that Stress

Test 18 is really necessary. But on the other hand, we think it confirms more or less the status quo we are having.

After having heard all the discussions today, we need to recall that we are now in a situation no more to negotiate but we have a compromise on the table, and it's a question what are the conclusions we draw on the paper we have on the table. And drawing these conclusions for Germany, I think there are two elements.

First of all, the role of the GAC will -- to participate at ICANN decision-making process does not decrease in the future model. We are part of the model, and we can bringing our advice, and we are -- we will have an important role also in the future model.

And this is, from my point of view, a very, very, very important issue, and in so far, Germany could go along with the compromise on the table.

Thank you.

CHAIR SCHNEIDER: Thank you.

Brazil.

BRAZIL:

Thank you, Chair, and I'd like to thank all colleagues for their interventions. I think it's good to hear many opinions on that topic that is very complex.

I'd like to make a few observations in order to avoid any misperception on the positions we are holding in that -- those discussions.

First of all, do we support the transition? Do we want the transition to take place? Yes, absolutely. We have been fully involved in this, and we want to make it happen. It is -- in Brazil we -- and second point, are we comfortable with the multistakeholder bottom-up approach in ICANN? Yes. And we are satisfied. And we agree that government should retain the advisory capacity vis-a-vis decision making? Yes. We come from a country that is very comfortable working in a multistakeholder environment. Indeed, we practice it domestically. We have been doing it even before the WSIS consensus took place.

But in that light -- and I heard some colleagues saying that we should accept compromise because we are working in the multistakeholder environment and then we should make that kind of compromise and take on board the opinions of other stakeholders. Absolutely. We think working in a multistakeholder environment involves and demands from us as government to get rid of some elements that provide us comfort

in multilateral discussions. We are very comfortable in working in the multistakeholder format. And we are totally open to make compromise. I think the Dublin communique indicates the kind of compromise and all the way we are prepared to tread, even against some of our initial positions in regard, for example, to consensus. I think that indicated, not only on our part but on the part of many, the willingness to engage.

However, I think compromise has very clear limits. And I think the limit is -- in the multistakeholder approach, I think as government we should make sure that the mechanism we are agreeing will allow us to exert our roles and responsibilities. I think this is a basic feature of the multistakeholder approach. And I think this is innegotiable. And I think it's up to all of us to ask ourselves: Do the mechanisms that are being proposed, do the rules that are being proposed allow governments to fully exert their roles and responsibilities in an advisory capacity towards seeking to influence the Board's decision?

Our opinion and others is no. This -- those rules that are being proposed as compromised do not allow this. They represent a decrease, to use the expression used by my German colleague -- the influence that GAC made that government made has certainly been decreased to the extent that only consensus -- the advice given by consensus will trigger serious consultation procedures aiming to come to a mutually agreed decision.

I'd like to take a minute to maybe elaborate on the consensus element. I think Kavouss referred to the definition of consensus. We certainly are not defending that we should make advice by majority and, therefore, request the ICANN board to mediate between different positions. We fully agree with Canada and others that consensus is good. We have nothing against consensus. On the contrary. We think consensus is our first and second and third attempt and our priority always to try to achieve consensus.

And my country has been trying to work towards that not only here but also in other contexts in WSIS+10, for example. In New York we were, I think, building bridges among groups trying to achieve consensus.

So we are not in favor of seeking a majority rule. But we have also defended the idea that we need -- that the definition of consensus would give some room, for example, to avoid one single country or a very limited group of countries to block any advice.

And, even in that context, we think the Board should consider seriously and also trigger a consultation mechanism.

So we were advocating a very high threshold for the GAC advice to be termed as, let's say, consensus in the context of ICANN.

Because I see in the context of ICANN that word "consensus" does not convey the same meaning as in other fora. For example, it has been said that the CCWG has approved its report by consensus. And we know there were some opinions against. So consensus in the ICANN context.

So we were pushing for a very high threshold. And we think it's part of the discussion. We see that even the U.S. has suggested some ideas to try to avoid the situation in which one single country is blocking some discussion for one or two meetings. So there is an issue there. There is not something that can be easily termed.

I heard also, I think, from Japan the reference to the participation of GAC in the empowered mechanism. I think we have not discussed these extensively. I would be very interested in hearing from those countries or any others their position vis-a-vis their decision of possibility of GAC participating there to how they envision this. I think it would be very important for us all to hear since this is a method that was not extensively discussed in the GAC. I think that might give us some room to maneuver as soon as we have an agreement among ourselves, for example, that we can agree that the GAC can be -- can participate in the empowerment mechanism as a decisional participant or otherwise. I think we need clarity at this point in time. We don't have much time. We are asked to make

decisions in an ambience of there are many uncertainties. The carve-out has not been extensively discussed. So, to the extent that countries, delegations can be very explicit about their position, that will help us all.

And, finally, just to recall that differently from what we are in the present regime in which we are participating, we -- in good faith and we make every effort towards making that happen, we, as country, were never requested to give our opinions on the rules that govern us. It will be substantially different in the post-transition regime in which countries are requested to adhere to the rules to endorse or validate the rules. So I think the argument that we have an existing situation that is unfavorable to GAC and that we should make some remedies -- and I think that does not hold too much. Because I think we are here setting a precedence. I think for the first time as countries, as sovereign countries we are asked to participate in an exercise that is substantially different from the discussion we have had so far. We are being asked to craft a new regime, to endorse or to sign off to this.

And, to our understanding, we are -- we have to make sure that we are not accepting bad precedence in regard to what we want to have in the future in regard to the multistakeholder approach. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil. We have five more names on the list. Should we want to continue with them then conclude this stress test 11 and then have the coffee break? Or do you want to have this after the coffee break? I think there's a tendency of people to conclude the list.

But, remember, you are standing between us and the coffee break on a Sunday morning. So please be short. Thank you.

Norway.

NORWAY: Thank you. I think that we just will make very short comment. We have heard many colleagues express their opinions today. And we, of course, realize also that this is a compromise that is on the table for us to decide on now.

We only have one comment. And that was mainly to something that was mentioned yesterday on the carve-out procedure. It was mentioned by the CCWG chairs. We have seen this proposal develop.

And the latest development is the carve-out as we have seen it. Our only worries is that we are not convinced that this carve-out

is necessary. And we are not convinced that it is actually productive when it comes to promoting solid GAC advice.

It goes to more than if we're going to be in a game where we have to be careful with what the GAC says. Because, if we express our advice clearly and this advice is taken into account by the Board and it says expressly that this is -- they're acting on GAC advice, then we are in a game where the GAC is out of the decision-making or the further process for this advice. And we are a bit worried that this could be something that prolongs and add another layer to decisions in the Board on GAC advice.

That's our worries about this one.

So, otherwise, we -- I guess this is for us to find out. And I guess something will have to be sorted out as we are going. But we wanted to make this comment on the carve-out for the record. Thank you.

CHAIR SCHNEIDER: Thank you, Norway. Sweden.

SWEDEN: Thank you, Chair. And good morning, colleagues.

Looking at the proposal as it stands today, the GAC never asked for stress test 18. But other groups asked for it, and we can't ignore that. So there it is.

Also, the proposal is not everything we asked for. And the process to come here where we are today has been difficult. We recognize all this.

All this is expressed in a minority statement. And this is good. This is as it should be. It's part of the proposal. The minority statements are part of the proposal, which should be recognized.

When it comes to the proposal as such, we think Iran made a very good review of it. Thank you for that, and thank you for all the work everybody has done in the CCWG work.

And we make the same judgments as has been communicated by Denmark, U.K., Canada, Germany, and several others. So Sweden just wants to say that we support the proposal in recommendation number 11.

CHAIR SCHNEIDER: Thank you, Sweden. European Commission.

EUROPEAN COMMISSION: Yes. Thank you very much. And you will be pleased to know I am already short, so I will also be brief.

I wanted to comment on -- a number of you have made very clear explanations of your concerns. And I think we all understand those. And they've been made very eloquently and very clearly.

But I think it was Iran and some others have also mentioned that others members of the community are also very concerned about the increased influence and role of the GAC in the post-transition ICANN.

And I think it would be useful for us to keep that in our minds as well. In looking at the overall picture -- I'm not saying one side is right and one side is wrong. Not at all -- we have to look at all the issues.

And a number of you have also commented absolutely rightly on the WSIS outcome document.

And, in order to be extremely brief -- because I was going to cite them -- I wonder if the secretariat could circulate to us again, just for recollection of those who didn't have the opportunity to read it already -- the paragraphs 55-58 on Internet governance of the WSIS outcome document? I think it's very useful to put it in context and to help us think about this overall.

Thank you very much. And I think I'm last on the list. So the coffee break.

CHAIR SCHNEIDER: No, you're not.

EUROPEAN COMMISSION: Oh.

CHAIR SCHNEIDER: I have Spain, Iran, and Egypt on the list. And that list is closed. Okay. Switzerland. And oh, Ireland, yes. I missed you somehow, somewhere. You got lost. So Switzerland and Ireland. Please be short. And now the list is closed. Turkey. Okay. The very last. And then -- okay. please be short.

Spain. Others. That's not Iran. That's Ireland, probably. Was that -- okay. This was my -- Spain, Ireland, Egypt, Switzerland and Turkey. Okay.

SPAIN: Gracias, Thomas. Spain speaking. Thank you, Thomas. I'm going to speak in Spanish. I'm trying to be brief.

As you know, Spain has been actively involved in the CCWG on accountability work. I'm not going to repeat what our

distinguished colleague Kavouss has already said. The process has been quite long. It has not always been well-defined. It was complex. Difficult at times. It imposed a lot of work on us, although there were efforts made by the co-chairs to simplify it.

Perhaps the proposal does not fully satisfy what we expressed in our Dublin communique. And it might include some provisions that are not satisfactory to us. But here we are looking at the compromise text that was negotiated by all stakeholders. And we expect all stakeholders to live with this text, because they are also discussing it this week.

This text contains a set, we hope a balanced set, of proposals that fundamentally allows governments to continue fulfilling actively their advisory role in terms of public policy within ICANN and to protect public interest as members with full rights in empowered community with working procedures and methodologies. I think that we also need to appreciate some other aspects in the proposals such as the IRP regulation, the general reinforcement of the control and accountability mechanisms. And also we also have Work Stream 2 to continue working on topics such as diversity and jurisdiction.

Ultimately, we shouldn't lose sight of the fact that the ultimate goal is to have -- to prevent the oversight of ICANN by just one single government.

So we hope that GAC can be aware of the importance of this point in time and give its approval to the final proposal of the CCWG and that a transition process can come to an end. Thank you.

CHAIR SCHNEIDER: Thank you, Spain. Ireland.

IRELAND: I just want to say that we support the GAC's current mode of providing consensus advice to the ICANN board. We don't view the recommendation as an imposition on the GAC and, instead, see it as a clear instruction in relation to the Board's treatment of GAC advice.

We view as a positive the proposed change of the threshold for the Board to reject GAC advice from simple majority to 60% and believe that the increased engagement that the empowered community model promotes would actually serve to strengthen the multistakeholder model. For these reasons, we support the recommendation.

CHAIR SCHNEIDER: Thank you. Egypt.

EGYPT:

Thank you, Chair.

And thanks to all colleagues for their valuable views.

I would like to share the following very quickly: First, I would like to stress the importance of the vital role the governments play pre and post the IANA transition being an essential part of the community that brings a unique perspective of the public policy issues.

I also believe we should not undermine the importance of the GAC continuing to work through consensus which allows the government's voices to be heard and considered, gives more weight to GAC advice and facilitates the Board's role in implementing GAC advice. At the same time, the GAC should be allowed to maintain its autonomy in making its own decisions and deciding its own working methods.

As an overarching principle, I would like to stress the importance of neither overempowering nor excluding or diminishing the role of any stakeholder group. ICANN should continue and remain an inclusive venue where all stakeholders feel invited and welcomed to participate.

Working in a multistakeholder environment shouldn't imply that all stakeholders have to work the same way, share the same views or have the same interests.

On the contrary. For this model to prosper, all stakeholders need to respect each other's different working methods, different views, and different interests and still try to come up with a common way forward.

So, as we implement this new model, we should give it enough time and allow it to evolve and fine tune it as deemed necessary, appropriate, and as agreed by the community.

So, in conclusion, the overall is not perfect. But, with all the goodwill and good faith and cooperative spirit, I think we should not make the details distract us from the overall goal of transitioning the IANA stewardship role to the global community and hope that we can maintain some flexibility as this new model evolves. Thank you.

CHAIR SCHNEIDER: Thank you, Egypt. Switzerland.

SWITZERLAND: Thank you, Chair.

I will be very brief. Because Manal from Egypt and Rafa from Spain have mostly made the points I would have liked to make.

Basically, it's, again, to look at the larger picture and to look forward with a look backwards and seeing that there have

happened many things which many of us may not be perfectly in agreement, I think that this discussion has been very productive in acknowledging each other's concerns and opinions. And, as Sweden said, we should recognize that. And -- but now we have to look forward. And there is a lot of work in these recommendations to be implemented. And there are also not unimportant degrees of flexibility in-built in such recommendations. For instance, on how the GAC refines its operating procedures to manage objections to see how we avoid situations where one single country can continue an objection for an indefinite time.

So I think we should focus on that and see the possibilities we have and consider that these are some problematic aspects of one of the 12 recommendations. Thank you.

CHAIR SCHNEIDER: Thank you, Switzerland. Turkey.

TURKEY: Thank you, Thomas. I'm the last one, so I'll be very brief. While I'm not going to repeat the same or similar comments made earlier by the countries' representatives that are in support of the proposal. But, just for the record, I just want to mention that Turkey supports the proposal and stress test 18. Thank you.

CHAIR SCHNEIDER: Thank you, Turkey. With this we will go to the coffee break. I suggest that we reconvene at 10:45.

I see Italy sitting at the very back. You have 10 more seconds. Thank you. And then we definitely do the coffee break.

ITALY: Thanks, Chair. Thank you. I'll be short.

Italy has been participating quite actively, as you know, in the ICANN accountability reform. And what we always stated is, and we reaffirm it for the record, that governments have a primary legal and political accountability for the protection of public interest regarding public policy issues and then at the national level.

Echoing our distinguished colleague from Spain, Italy believes that the proposal constitutes a good compromise. Not the optimum, but a good compromise.

So Italy is committed to the success of the reform and hope that all the GAC will support it. But Italy wants to reaffirm the importance of the role of the GAC in the finding and in the promoting political policy issues. Thank you, Mr. Chair.

CHAIR SCHNEIDER: Thank you, Italy.

So we'll convene at 10:45. I have to inform you that I will have to leave at 11:45 because I will meet the minister of Morocco to prepare the high-level meeting. There was no other time. So the vice chairs will take over for the remaining time until lunch. I will be back after lunch with you. So the coffee break is until 10:45. Thank you.

[Coffee break]

CHAIR SCHNEIDER: Thank you for everybody to sit down. We are resuming. Tom has an announcement to make about the session that is free that we discussed yesterday but we didn't take a decision where we have originally scheduled the meeting with the ccNSO. Thank you, Tom.

TOM DALE: Thank you, Thomas. You'll recall yesterday the GAC was advised that for the agenda there is a -- a currently spare part of the agenda which is quite rare that concerns the session that was originally set aside for a meeting between the GAC and the ccNSO on Tuesday between 11:00 and 12:00. It has been proposed that the working group on human rights and international law meet during that session on Tuesday. That's the working group on -- the GAC working group on human rights and international law have its meeting in that time slot here in this room, thereby freeing up some lunchtime for some GAC members who are involved in that. That's the proposal. The working group is quite happy with that and I believe our Chair is also happy with that. So unless there are particular concerns from the GAC, that is the change that we will make, that time slot on Tuesday, instead of the ccNSO there will be the GAC working group on human rights and international law. Thank you, Thomas.

CHAIR SCHNEIDER: Thank you. Is that okay?

UNKNOWN SPEAKER: (Off microphone).

CHAIR SCHNEIDER: Okay. I see no objections, so we'll use this slot as proposed. Thank you. To go back to where we were before the coffee break, I think it's obvious that there are different levels of dissatisfaction with the report, with the proposal as it is now on the table. This is clear. We also do have the state -- the minority statement of the CCWG which is a minority of the CCWG, not necessarily of the GAC, that gave a voice to these concerns that is public and on the record and noted and part of the package that has been sent to all the SO and ACs that are chartering organizations, and I think we should try and remember in particular those interventions before the break that had made reference to look at the whole picture of this exercise at -- basically assess the parts that we all agree are an improvement to the current situation with regard to ICANN's accountability and empowerment of the community and then weigh this against the elements where we may or many of us may not be happy or may be unhappy with and I think we should try and see

whether we can come to a consensus on supporting the proposal as it is with all the good and bad in it. That would, I think, for many reasons be probably the best result for us to achieve. So just -- this is food for thought built on what we have heard this morning. We have time to discuss this until 12:30. I will have to leave at 11:30. The vice chairs will take over. We have further time to discuss this on Tuesday.

If we got to a consensus on a communication to the CCWG today, of course, that would give a clear signal. And if that was a -- was a signal that would say we accept the proposal as it is, would give a clear signal to others who are still discussing elements of the proposal in this -- here and now that they would be the only one to think about changes in the proposal and it would actually be an incentive to -- for everybody who hasn't done so far to accept the proposal as it is without further changes. So also we need to keep in mind what is going on, what the discussions are that are going on in parallel in this -- in this house or in the conference running next door. So this is just something that I would like to raise to your attention.

So we have had an exchange on recommendation 1 and 2, and an exchange on recommendation 11. The other recommendations do not seem to be controversial. So I think it's time for us to start assessing the package of this report as a compromise package and to see whether we could -- the GAC

could agree to support this as a package of compromise. Thank you. Iran.

IRAN:

Thank you, Chairman. We are very, very grateful to you that you brought our attention that there are other groups at the same time dealing with the issue. So the sooner is better to give what we are thinking of. Otherwise, we will be following the others.

There is some tendency that issues should not be as it is in the report in the other groups. So we should be very careful about that. So if you can't have something sooner, at least a general trend is better.

The second issue you referred to is the golden rules in the U.N. and also in the ITU that we have been successful since 1865 in ITU and since 1945 in U.N. that there is no meeting that the government should not get out of it without any consensus. We always find something. There is no absolute happiness and there should not be an absolute unhappiness. So equally happy or equally unhappy. So that is the Golden Rule, and we have to follow. Thank you.

CHAIR SCHNEIDER:

Thank you, Iran. Hungary.

HUNGARY:

Thank you, Thomas. Just to follow up what Mr. Arestah said. First of all, I want to congratulate all participants of the cross-community working group. I fully agree that multilateral negotiations is very difficult. There's one thing which is more difficult, this is the multistakeholder. And I have some experience about that. They shouldn't forget that ICANN is a multistakeholder entity but it's a private company. There was some reference to WSIS+10 previously and about the outcome document in New York last December which referred to the Tunis Agenda. With the roles and responsibilities of all stakeholders, including governments, who are not to be involved on a technical level and day-to-day operation.

Now, in case of the GAC, it has also been mentioned that we don't have elected board member and we are not involved in the NomCom. I think this is the right way to do, otherwise we would be contradicting the Tunis Agenda. I have also some concerns about the role of GAC in removing directors of the board or getting involved to remove the whole board. So we are, I think, on the borderline what has been outlined in the Tunis Agenda.

So getting back to the package, as Mr. Chairman, you suggested we should do, I think the proposal what we have on the table is

not perfect, but we all know that the perfect is the enemy of the good. And I think the proposal is good.

As Egypt expressed in her contribution, let's move forward and try to be constructive and we will have time to fine-tune later. Thank you, Mr. Chairman.

CHAIR SCHNEIDER: Thank you, Hungary. Other views. Norway.

NORWAY: Yes. Thank you, Chair, and thank you for explaining to us what we should comment on.

As you all know also, we have expressed problems with the stress test 18 which we do not support and also we agree in all the comments from Brazil, that we do not like having conditions imposed on the GAC as a committee.

Nevertheless, as you said in your introduction, with this proposal as a package deal with the goods and the bads in it, we are willing to accept this as a package and as a compromise. And also as Hungary said, it is not perfect. It's several issues that we would have wanted to change, but we are willing to support this as being put forward from the GAC as a chartering

organization and have this as a package sent forward. Thank you.

CHAIR SCHNEIDER: Thank you, Norway. I have Brazil and then Canada.

BRAZIL: Thank you, Mr. Chair. I think working this environment is really interesting and unique experience. We have heard that many delegations have very serious and thoughtful reservations on some aspects of the proposal. We heard that others can support, reluctantly in some cases, enthusiastically in others. And then after that, we have a repeated call for everyone to be on board the same proposal that some have already said they cannot accept. So it's -- I don't think it reflects the way that usually that kind of discussion takes place.

I heard what was said by Mr. Kavouss Arestah. I have been a diplomat for three decades now and I have seen -- I don't -- and I served at the United Nations. I don't recall that in each and every instance governments act by consensus. I think even in some areas, for example, human rights, it's not common. I think that's maybe the exception that decisions will be made by consensus.

So I think it's not fair to say that since 1945 every decision made at the U.N. is -- I think it is totally false, with all due respect.

So I think it would be up to us to try to sort out some way out if we want to have consensus in the presence of differing opinions, dissenting opinions, that in the case of my delegation, as I have expressed are, should stand. I cannot speak for other governments, of course, but in our case we certainly would not be prepared to adhere to a consensus to support the proposal, provided that some very central elements that touch on the basic assumption how multistakeholder model should proceed. We're not there. We think that sets a bad precedent. I think what we are doing here is something innovative, something that is unique in its own rights. For the first time we are called to work in a multistakeholder environment to craft, to assist in crafting new rules by which we accept to be bound from now on. I think that's a very serious step we are taking as government. And, of course, we are willing to compromise. We are willing to go as far as we can, but as I have indicated, there are limits for that. We think some of the proposal have crossed that limits, and at least my delegation, I want to be very clear about that, I'm not talking in regard to all the other -- due to the minority statement. My delegation clearly cannot support consensus within the GAC to support the proposal. I think that would be contradictory with everything we have been doing in the last few

years. It would contradict what -- the message that was conveyed by NETmundial. It would contradict the message that was conveyed by WSIS+10. It would contradict the principle that should be sure that all multistakeholders have full participation in order to fully exert their roles and responsibilities.

So we respect other countries' positions. They have different views on this. And I think this is -- but it's not fair to ask one part of the equation just to get rid of its convictions and adhere to a consensus for the sake of consensus. I think that is not the way governments operate. It is not certainly the way my government likes to operate in this case. We don't think that by doing this we are derailing the process. We don't think this is the case. We understand the process will go on any way, in spite of anything the GAC will decide, whether there's consensus or not. We think the GAC to support the proposal -- the proposal will go on because I think this is what the majority of the community wants, including many governments. So we are comfortable with that. We can accept that because I think that's part of the rule of the game, working a multistakeholder environment. But I think it's too much to request from a party that has expressed serious reservation to agree to a proposal that does not reflect its position. So I think it's part of the respect to have -- we have for each other that we can maybe agree that we don't have a consensus, either to endorse, neither to reject, and that that's

the way we see it. And the process will go on, the transition will proceed and be approved and we will see what -- what will be our next step in that regard. Thank you.

CHAIR SCHNEIDER:

Thank you, Brazil. And, of course, it's every sovereign nation's right to decide about their position themselves, just to make that point very clear. I think in the end we will have three possible answers to choose from or to agree on. One is to somehow formulate that we support the proposal with reference to maybe the minority statement or concerns that we acknowledge that are there. Another one would be that we would say we would not oppose to the proposal being moved forward. This is what we did with the CWG report last year in June. Which is a different level of acknowledgment or it gives a different signal. A third option would be that we would say we have no consensus on a position or we have no position which is again different from not opposing. I think we should just -- each of -- each of us should think about the consequences of each of the three for the GAC for the future work of the GAC, for the reception of the GAC -- or the perception of the GAC by the rest of the community, and that should also be part of the assessment of what may be the best outcome of the GAC's position on this as a chartering organization in this meeting.

But, of course, this is up to every sovereign government to make up their own position. That is very clear. Canada.

CANADA:

Thank you, Chair, and thank you for those helpful remarks. I would like to speak to the all equally happy or unhappy, and I would just note that Canada does have concerns with the GAC taking a decisional role in the community empowerment mechanism. We do see the GAC having a very influential advisory role to the Board, so we are willing to compromise and we are willing to see that the way that the community empowerment mechanism has been defined that it is up to the GAC to define how it will participate in this.

So for us this is a compromise. And we do see it as a balanced package overall. And I think it's really important to note the positive aspects of the proposal. The community empowerment mechanism replaces the U.S. oversight. I think that is significantly positive for the community. And we also have the increase of the threshold to 60%, which is another very positive movement. So in total, we consider the proposal preserves ICANN's multistakeholder model and that it preserves GAC's prominent role at ICANN to provide high-level public policy advice. The stewardship transition represents an immense opportunity to support the further globalization of Internet

technical organizations. And we really urge people to seize the opportunity. This is the moment, let's seize it and let's show support of the GAC for this proposal. Canada fully supports the proposal moving forward. Thank you.

CHAIR SCHNEIDER: Thank you, Canada. U.K.

UNITED KINGDOM: Yes. Thank you, Chair. And first of all, want to support the position just recounted by our colleague from Canada and also - so of your options, and thank you for that explanation, Chair, of how you see the possible formulation of the response. And of those options I think we would go for number one, to signal a positive message of support for the supplemental report which does contain the minority statement, as our colleague from Sweden reminded us earlier. And I also just wanted to pick up on the point I think which was articulated very ably by our colleague from Egypt about the next step, which Brazil has also highlighted as something for us now to start to anticipate.

And that is to remind colleagues here that there is the implementation phase, and the chartering organizations are expected to contribute to implementation.

There I see the opportunity to fine-tune elements, including the participation and the empowerment mechanism framework and how the advisory role -- and, again, I reiterate the U.K.'s position that we share with Canada and others that we cannot agree to a participation as a decisional constituency in the framework, to participate in votes. We would not support that, but ensure that the advisory role that we have is clearly set out. And our colleague from Brazil made a very valuable request there, that we work to define and clarify exactly how that advisory role would be set out. And I've made preliminary suggestions in the CCWG discussions about what it should focus on, the sort of clarity of process and predictability, the steps that would be taken for the GAC to be submitting its advice, the response of the community to that advice from the GAC and how the GAC would then also react to receiving that response from the community. All this should be clearly, in our view, set out in a very precise, predictable, transparent and clear way. So we need to work on that in process of fine-tuning and working with the community in that regard.

So we would advocate a statement of clear support and commitment to assist with the implementation phase as a chartering organization as a priority. For the CCWG, as I mentioned when we met with the co-chairs of the CCWG, it's vitally important that we maintain that as a priority for the

CCWG's work, the implementation phase of Work Stream 1 outcomes.

Thank you.

CHAIR SCHNEIDER: Thank you, U.K.

Iran.

IRAN: Thank you, Chairman.

Yes, when I said it is the golden rule, perhaps my distinguished ambassador is much, much more experienced than myself. Perhaps it was a valid point in ITU. Many, many times we have this consensus. Success of the meeting was based on the consensus. Equal happy or equal unhappy.

However, with the three proposal that you do make, perhaps one would be more straightforward, which also, in one way or other, if I understood correctly the proposal of -- or suggestion by His Excellency the ambassador of Brazil is the following. We support all recommendations except recommendation 11. In regard with recommendation 11, we express that we have no objection that that recommendation, together with the carve-out, to be submitted or to be sent to NTIA. It means that for

recommendation 11, we have neither support nor opposition as such. But we agree to be transmitted, and we leave it as it is.

The other way is the first proposal, that we support everything. So you have this, perhaps among the three, these two proposal. The third proposal, Chairman, I'm sorry, is very difficult that we say that we don't have any consensus. It is not a positive signal from GAC to the outside world; that the government who have been discussing for years and years and years that we want to have some role now say that we don't have consensus; that the power given to us in one way or other, and so on.

So perhaps two proposal from what you made, if I understand correctly, may be for further discussion. Support for all proposals, simple, precise, and concise, and positive. Support for all recommendation except recommendation 11. And then we add a sentence, "With respect to recommendation 11 and the associated carve-out, GAC has no objection that this recommendation be submitted to NTIA."

Thank you.

CHAIR SCHNEIDER:

Thank you, Iran. And thank you for your proposal to provide some possible language.

My feeling is that that would be very difficult. So I would rather tend to, in case we hopefully come to a consensus on a formulation, that we would highlight the concerns via given visibility by the minority statement where these concerns, I think, are formulated, most of the concerns are formulated, and try not to reformulate this again because that probably will be very difficult.

But thank you for your continued and very highly appreciated efforts to help us come to an agreement.

Next I have Japan.

JAPAN:

Thank you, Chairman.

So we respect the result of the negotiation in the CCWG where the communities' representative, including the GAC, have joined in long-time discussion.

And moreover, the spirit is the most important aspect in order to reach consensus amongst all stakeholders in ICANN. So it's among GAC as chartering organization.

So we'd like to support the previous speaker, like U.K. and those. And the time is -- we have time to discuss in implementation phases.

Thank you very much.

CHAIR SCHNEIDER: Thank you, Japan.

France.

FRANCE: Thank you, Thomas, for giving me the floor. Regarding the three options that you have just presented, France clearly chooses the third one. From the very beginning, we believe that there is no consensus on these issues. And in order to be even clearer, France would formally oppose to saying that there is consensus. So we believe that position needs to be taken into accounts.

CHAIR SCHNEIDER: Thank you, France.

Thailand has the floor.

THAILAND: Thank you, Chair. Thailand would like to join previous countries who thanks all the work that has been done by many of us who are involved in this transition. For the package, we recognize it as the compromise way to move forward, and we support the proposal with the minority statement.

In addition, we would like to draw your attention that this proposal is the big picture on itself how to balance the power and control of each community in the multistakeholder model; however, within the community itself, they are very likely that some changes of operating procedure is needed to move along with the transition. One of these is the early engagement of the GAC with the PDP process, which I believe we will have the chance to discuss about it during the week or in the implementation stage.

Thank you.

CHAIR SCHNEIDER: Thank you, Thailand.

Peru.

PERU: Thank you, Chair. I would like to speak in Spanish.

Peru wishes to express its full agreement with the content of the minority statement and with observations made by the government of Brazil. For Peru, the situation is unacceptable. There is no way in which I can support a decision like the one that is being made at the GAC. So on our side, we believe that there will be no consensus.

I don't agree either, with due respect, with all the views that were expressed this morning regarding how these decisions strengthen the multistakeholder model. I see it that it is just the opposite. And unfortunately, I don't think that I need to go into all the details why I see it like this, but I believe that we will be able to witness the consequences in the short term. And I hope that all speakers who have positively considered these changes remember in the future that they were part of this, because I'm sure that this will have truly negative consequences.

Additionally, I believe it is essential for the final communique to reflect the feeling for the minority statement, because it is not just a statement made by three countries. It is a small group of countries, and each country represents millions of people, the communities that support us.

CHAIR SCHNEIDER: Thank you, Peru.

Brazil has the floor.

BRAZIL: ...and I -- well, I'd like to start by saying I really think your proposal to start preparing the draft is a bit premature. I think we still need to further discuss among ourselves some difficulties that have emerged, differences of opinion before we

jump to the -- what should be the final outcome of the discussions to reflect it in written form. So with all due respect, I think it's a bit premature.

If this is the case and colleagues wants to engage in this, I would certainly go for option three. I think that reflects a reality. There is no consensus either to approve or to reject. The GAC has no unified position on this.

I think anything beyond that would be artificial consensus. I think that's not the kind of decision that serves us globally as governments. And I wouldn't see it as a defeat or failure on the part of governments. I think we have been engaged in this exercise, and we have been accepting the rules, the terms of engagement, but we should not, I think, be considered to be bound by the rules that apply to other constituents.

We will have -- we will express a consensus opinion to the extent there is a consensus opinion. Otherwise, I don't think that would be helpful.

And in international relations, there are many situations that, unfortunately, and because we are a consensus-building nation, we see as unfortunate that some situations last for years because they are complex in themselves. The enlargement of the security council, for example, is something that has been going on for ages. And is it a failure on the part of government

not to come to consensus? Maybe if Mr. Arasteh was there or others, we could maybe have an easier solution, but I don't think so. I think there are some issues that are complex in themselves. The transition deals with topics that are of very big importance for all of us. Some of those issues have appeared in the very last hour. We have not even discussed some of the features of that power in the reports extensively among ourselves. Just to mention one, the carve-out was something that came in in between Dublin and here. We have not discussed this. We have not gone through many aspects of the proposal that even in the last few days of preparation were still discussed among participants of the CCWG that have differing opinions.

So what is being asked from governments now is not something trivial. We are asked to agree on a package that deals with very complex issues. Some of those are not even clear to us what are the position of the group.

I'm very grateful for the U.K. and Canada to express the -- and I think this is in line with what they have done before -- that they do not support a decisional role for GAC in the empowerment mechanism. I think this is important for us to know where we stand in regard to those issues because we're asked to make a decision on the full package with little information or -- and in that sense, I think only accept the compromise for the sake of

consensus. This is not the way we think it's fair to -- to require from governments to do.

I think compromise is very good, consensus is very good to the extent they do not touch on basic, central concerns. I think that's the -- I think maybe the golden rule, that we can accept to compromise and to engage, but there are some -- And I think in that context, we are working here. I think the golden rule and the basic premise as government we should make sure is to make sure that we do not accept mechanism that will impair our ability to fully participate and to exert our roles and responsibilities.

My delegation consider that those mechanisms that are being proposed would have that effect of diminishing the influence and not letting governments as a whole to exert their roles and responsibilities in full, even in advisory capacity.

We understand that others have different opinions, but that means there's no consensus in that regard.

So again, I think it's a premature decision on how this would be reflected in the draft. I think we need some further discussion among ourselves, but if this is the preference of colleagues, I would certainly follow what has been stated by France. We are prepared even formally to oppose any language that will

endorse either options one or two as you have outlined. We would certainly vote for option three, which reflects reality.

Thank you.

CHAIR SCHNEIDER: Thank you very much, Brazil. And I think everybody agrees with you that the issue is not trivial.

Next I have Ireland.

IRELAND: Thank you, Chair.

We acknowledge the difficulties with certain elements of the CCWG report and note that the issues are represented in the report with the inclusion of the minority statement.

We believe the recommendations of the report provide mechanisms for independent checks and balances as well as for review and redress, and with those, succeed in enhancing ICANN accountability.

Like others, we have also expressed concerns about the GAC's participation as a decisional participant in our previous written submissions, but overall we consider that the proposed community powers are, indeed, an effective replacement of the

backstop function of the U.S. government and so we support the overall package.

CHAIR SCHNEIDER: Thank you, Ireland.

I have Netherlands, Australia, and New Zealand.

Thank you.

NETHERLANDS: Thank you, Chair.

I wanted to introduce maybe one line of thought which I think for practical reasons in this multistakeholder setting is important to realize.

It's clear we have different opinions about the content, but I would like to separate the signal we give as the GAC on this proposal versus what we -- what we, let's say, think as governments about the proposal in detail.

So let's say for the part of the signal we give outside, we as Netherlands think we should give a signal that this proposal should go on in the sense that we might not approve it, we might have differences, but it would be a terrible signal if the GAC opposes or blocks the proposal being sent out, which already has broad support from other constituencies, to go further.

So I think as Netherlands, we would oppose in a way that if the proposal would be blocked or in the sense objected to, I think we would oppose such a decision or communicate drafting.

I think the best thing would be to continue along the lines that the GAC agrees or doesn't object that the proposal goes further. So that's not the point of the details which are inside the proposal, which we give our opinion but we give an opinion about the proposal as part of the transition plan.

Thank you.

CHAIR SCHNEIDER: Thank you, Netherlands.

Australia.

AUSTRALIA: Thank you, Chair.

I'd just like to acknowledge the significant effort involved in developing this accountability proposal and thank the CCWG volunteers for their consultative approach and perseverance through what has been a very challenging process.

Australia remains strongly committed to multistakeholder Internet governance, and we consider the GAC's role in providing

public-policy advice as fundamental to the multistakeholder model.

As other colleagues have already noted, we consider the proposal that we have before us today puts the GAC in a better position than it is currently in. Our preference would be for the GAC to retain its advisory role rather than take on a decisional role, but in the spirit of compromise we can accept this aspect of the proposal.

While the proposal is not perfect, we consider that on balance it will enhance ICANN's accountability. The Australian government supports all recommendations in the proposal, and we'd really like to see the GAC send a positive message to allow the proposal to move on even if consensus on all recommendations is not possible.

Thank you.

CHAIR SCHNEIDER: Thank you. New Zealand.

NEW ZEALAND: I have to agree with the comments of my colleague from Netherlands. We had some surprise about the idea that we want to convey no consensus and are particularly concerned about

the message that this will send. Does the GAC really want to say that it doesn't want the transition, that we don't support internationalization of the IANA function, which we've asked for for years; that we don't support of the work of the CCWG, which we've also been participating in?

As Japan has said, the proposal is a delicate balance. It moves us forward. It moves the whole community forward, and it's an historical moment, if we can achieve it. I think it's fair to say we really only get one chance at the transition.

While we recognize the comments made by many colleagues about the importance of providing a concise and positive response, one that recognizes the significant achievement this proposal represents, we also recognize the concerns raised by some members about GAC participating in the community empowerment mechanism as a decisional participant, which we share, and other views about the concerns with the carve-out and the way stress test 18 was approached.

I think it's fair to say it's possible GAC will never have full consensus on the package that sits before us. But we would really encourage members to look at the broader picture to consider the option mentioned to provide support for the proposal with reference to the specific concerns and to see how

we can convey to the community our support for a transition which we've asked for for many years. Thank you.

CHAIR SCHNEIDER: Thank you very much, New Zealand.

Any more requests? Iran.

IRAN: Chairman, yes. No. There are a few proposals. We should take those which are in a positive manner. I think reference was made to the carve-out. We have to explain what is the carve-out. Perhaps some of us may not be quite clear the meaning and the scope of the carve-out.

In the accountability process that we have before us at the end of the process for any power, any party or community could object to the decision of the Board on the ground that it has not been consistent with the bylaw. That is what community put, and everybody agrees with that.

The carve-out mentioned that, if the community triggering for challenging the Board's decision in relation with the GAC advice submitted by consensus would thin this challenge, then the GAC would not participate because it's one part of the process. His advice has been challenged. So some people say this is a party

of the judgment, should not participate in the decisions. On one hand, you are party. On other hand, you are judge. You cannot be both. This is what the community said.

However, if that situation comes, the community has two options, either invoke the IRP, which clearly mentioned that the decision of the GAC is not consistent with the bylaw. In that case it goes to the IRP panels and follow that path. And for that it is mentioned, because GAC is not involved, you should have the exclusion of GAC.

Second part is that the community does not invoke the IRP, says that we don't want the decision of the board. As simple as that. We don't like that.

So in that case they should have four communities to agree with that, even if GAC excluded, four communities must agree to removal of the Board.

This is the carve-out. And nothing special on that. So we should quite clearly understand that they said, if the GAC's consensus is on discussions and disagreement, GAC should not be a judge for the decisions of its own or advice of its own.

Whether other community would have the same rights, it depends on how the recommendation of those other community comes. They have a different part that GAC advice.

GAC advice would be at any point, at any time before or after other recommendations while other they might have some built-in process before coming to the Board.

So we have to see what is the likelihood of the Board path on one part asking for IRP, for the rule of the board because they have not acted in accordance with the bylaw. The other that the community does not want the Board at all and then is taking that part. In that case we need four communities to agree with the removal, even if GAC -- and currently for removal of the board it's always four, with or without GAC. So we don't lose anything on the second part.

On the first part they said that it goes to an IRP. And the IRP decides on the matter, the panel. And the panel is entirely different from the community. There are expertise involved. There are selection involved. There are many qualifications involved. Diversity are involved. So that is the situation.

So we would like to see that whether there is any exaggerations of the negative consequence of the carve-out or it is a normal procedure. We are not in favor. We are not against that. But we don't explain the situation. This is the matter of the carve-out. People simply say that GAC as one of the parties should not involve in the decision making for that issue which is on the table. Thank you.

GEMA CAMPILLOS: Paraguay.

PARAGUAY: Thank you, madam vice chair. We would like to support the views already expressed by our distinguished colleagues from France, Brazil, Argentina, and Peru. We did so in Dublin regarding stress test 18. Thank you.

GEMA CAMPILLOS: Argentina has requested the floor.

ARGENTINA: Thank you, madam vice chair. In relation with the carve-out -- and thank you very much to our distinguished colleague from Iran for explaining it. I think what is confusing about the carve-out is that we had no opportunity to discuss it within the GAC. Because it appeared as a sudden -- this is my perspective of it -- sudden reaction of the change from the two-thirds to the 60%, which, at least for me, was a really surprise in the process.

And, as you might have seen, if you follow the list and the discussions in the calls, it was really difficult to envision the different scenarios in which this carve-out could really be applied and the consequences that it may have. So, honestly, I

think this is the part of the carve-out that becomes difficult to accept for several of us. Because it was not really discussed deeply within our stakeholder, our governments. And it is difficult to envision the consequences that it may have. Thank you.

GEMA CAMPILLOS:

We have roughly 40 minutes until the break. As far as -- I tried to make a little summary of the discussions. Thomas has proposed three options for your consideration. One is to issue a supportive statement of the proposal. The second is to issue a supportive statement accompanied by a mention to the minority statement that was subscribed by several countries.

And the third one is the GAC not issuing any statement due to the lack of consensus on this issue but at the same time not -- not sending a signal of support but not a signal of opposition to it.

We've heard that there are some countries that would like to discuss more deeply the issue of the carve-out before being forced to take a decision on which option to follow. And we also have seen that, if we don't have any more discussion, they will be willing to go forward for option 3. And, as you know, the GAC decides by consensus in the stricter sense of the term. That means unanimity.

I think we should all be aware, as some other members have pointed out, of the opportunity we have to endorse the transition of the stewardship function that the U.S. government carries out to the multistakeholder community, which is something that I think all members in the GAC has been asking for for many years. And, as my colleague from the Netherlands has pointed out, it's true that we don't like all the elements of the proposal. But we are facing the right moment to take a decision on it. We are asked to make a compromise decision on it. And compromise implies that not everyone is fully satisfied with this solution.

I think option 2 can capture that the GAC is mindful of the importance of this moment. And we give our support to this transition to take place; but, at the same time and going to the detail of the proposal, we express our concern with some of the elements.

I could urge members to reflect on these -- on the possibility of going forward with option 2. And, if they can follow this path, I could also plead them to make some other proposal that is constructive for the GAC and for the transition process to go on. Then I saw someone raising his hand. Brazil.

BRAZIL: Thank you, madam co-chair.

And thank you for the update to bridge the differences among the participants.

As I have indicated before, I think it's kind of premature to jump to the drafting exercise at this point. And I beg to defer, that we are not forced to make a decision today on this. I think the chair has indicated it will be helpful, maybe, for other parties that are also examining the proposal if they could have an indication from GAC at this point. But there the deadline. And the suggested deadline is not today. So there is no obligation on us to make a decision today.

This is one thing.

In my opinion, it would be helpful in the light of everything we heard to allow ourselves sometimes to digest everything we have heard, to allow more time for consultations among ourselves. I think that's the normal procedure that governments usually use in other fora trying to sort out the differences.

Usually in situations like this, if we are working in a purely intergovernmental context, which is not the case, of course, in the light of lack of consensus in regard to issues, we tried to discuss among ourselves, tried to come to some agreed language. Of course, we have here a complicated factor, as Peter Major was saying. That we're also dealing -- working in a multistakeholder environment. So it's not enough among

ourselves to agree to some changes in the text before us. Because this, of course, would add another layer of complexity to the other stakeholders.

So, basically, we are looking at a proposal that is rigid, that will not change in spite of anything we discuss here. I don't see that possibility that the proposal changes.

So we are asked to make a decision on this. There was, in regard to this, three options that the chair has outlined. There was an indication of support for 1, for 2, and for 3. So there is certainly not a consensus in the group as how to move in that regard. I think we need more consultations among ourselves, in order to do it, take into account we have a very rigid text before us. It is not subject to change. It is not usual for governments to be presented in their entirety without text they cannot propose any change. It's something we should judge -- each delegation will judge whether it is in their interest or not to adhere to the text. I think we are not forced to make a compromise. I think nothing forces us to make a compromise. That's a decision that belongs to each country, each delegation to make a compromise or not depending on the assessment if their interests are being served. It may be in their interest to adhere to a compromise or not. It is not something that is imposed on us to make a compromise. Let's not accept and incorporate in the GAC rules and impositions that come from the outside.

So, in regard to the carve-out and to recommendation 11 to carve out this discussion, I also want to make one point clear. We are not seeking a role for governments that would put governments on top of the system, that will impose a veto of governments on any decision. This is not the case.

What we want to make sure the government will have appropriate mechanisms to engage, to make their views known, if necessary to engage in consultation with a view to achieving, to arriving at a mutually acceptable solution. I think this is what we're talking about when we're asked the opportunity for the advice, be it by consensus or by very high threshold of support, to be considered by the Board. And in either case the Board cannot attempt to engage in the consultative mechanism.

In the end it will be not up to us to make a decision. It will be up to the Board in which the GAC is not represented to make a decision do we accept that? We accept not to be part of the decision-making process? This is accepted. It is not that we are challenging a multistakeholder decision making in which we are not part. It is accepted. What we are requesting is to have a fair opportunity in the case the views are not follow through, to engage to make their views known in a meaningful way. And the final outcome we will accept, because that's part of the multistakeholder image. What is being denied here is even the opportunity to consult, to further engage. And, in case the

Board accepts to be out of the decision for the next phases, we don't think this is fair. We don't think this is -- this allows us to fully exert roles and responsibilities in regard to public policies that can emerge.

So we are faced with very tough decisions to make. I think it's up to each and every delegation to assess it. I would invite all colleagues to look into the minority opinion, to look at the proposal, to take into account everything that was said here today. But please, don't ask us to make a decision at this point whether it's option one. I don't think it would be helpful. There's no obligation to do it today. I think there is an expectation that this will be done by Tuesday, and I think we should allow ourselves, in the light of every -- all the uncertainties that surround this process, enough time, all the time we need to further discuss among ourselves to better understand the issue and make informed decisions. Decisions that we will have to be accountable before our governments, before our ministers, our presidents, not before the ICANN board, not before any other stakeholder. Actually as governments we are accountable to our governments, not to other stakeholders. It's important to engage with stakeholders, to take -- and to seek compromise with them, but in the end our accountability is before our superiors, not to those participants. It's -- we are enthusiastic of the multistakeholder approach and

we look forward to contribute to a decision that will address everyone's concern, even if in some cases we have to compromise and not to have our views. This is part of the game. This is part of the multilateral discussions. This is part of the multistakeholder discussion, of course. But please, I think we are here trying to officially impose some deadlines that are not exist in reality. Thank you.

GEMA CAMPILLOS:

Thank you, Mr. Fonseca. Before giving the floor to the next speaker, I would like to answer your petition, your request not to be forced to take a decision today. You are very right. We have time until Wednesday and many sessions have been assigned to these tasks, so don't -- don't feel forced. Maybe my words were not the right ones in this sense. You've also talked about the proposal being rigid, not as meeting any change. I think that's the way it is, but I would like one of the co-chairs of the CCWG accountability group -- I saw Mathieu Weill -- to confirm us that the proposal does not meet any -- any change for us to be absolutely clear on this point. So if Thomas Rickert, Mathieu Weill, or Leon Sanchez are in the meeting room, please confirm point this to us.

And the third point you made about discussing the carve-out, it's -- yeah. I will give you the floor in a second. It's having the

ability to discuss how the GAC can be involved in the decision -- decisional step of the community enforcement mechanism, how the -- the GAC can have a meaningful way to participate in that process, in spite of being left out of the last phase. As U.K. has pointed out in other interventions, they said that we can always issue advice, we can always participate, but maybe that's not what you are thinking of. And I would be very grateful if later today or when you have thought this more thoroughly can propose us what could be for you that fair opportunity to engage the GAC meaningfully in that process. Thank you. And Mathieu, please.

MATHIEU WEILL: It was -- I was a bit caught off guard, so I just want to make sure I got the questions correctly. My understanding is the first question was whether or not the report could be amended at this stage; is that correct?

GEMA CAMPILLOS: This is the only question for you.

MATHIEU WEILL: So that question has a very, very clear answer. The report is final as provided in our charter. It's a supplemental draft submitted to the chartering organizations who can indicate support or

absence of support on the various recommendations. But there is no ability for any of the chartering organizations to amend the report by themselves. That is final. There's no -- there's no ambiguity in our charter about this. And I hope that helps.

GEMA CAMPILLOS:

Thank you very much, Mathieu. That clarifies the issue for the whole of us. Thank you very much. I go with the list of the speakers. Iran.

IRAN:

Thank you, Chair. We agree with you when we give the distinguished excellency, the ambassador of Brazil, we may need more time. No problem. Perhaps one way would be to establish an ad hoc group because such a big meeting may be difficult to streamline various suggestions. However, you outlined the general trend. The general trend would be support for all recommendation without any conditions, number one. Number two, support all recommendation with cross-reference to the minority views, number two. Number three, support all recommendation except recommendation 11 for which would be a separate statement. Option four, indicating that there was no objections to transmit the report as it is. And number five is no consensus on the whole thing. Perhaps these are the only options that we have. I don't think there are any others. Maybe

we need to have another group to discuss the detail which are the most appropriate one to further follow and bring some reduced number of options to the main meeting. Like sometimes that you decide at this meeting, take into account that we have not indefinite time available with us, maybe Tuesday, I don't know. So there are no other options set out. Full support, full support with cross-reference to minority views is the second option. The third option would be full support for all recommendation except recommendation 11 for which we have supplied a statement. Number four would be no objections to the report. We would transmit it as it is to the NTIA. And number five, no consensus on entire report, all entire report. For which we need to have a group ad hoc, I don't say it's small or big ad hoc group, open to everybody. The only thing you have to find a time and you have to find somebody who lead the discussions and a deadline to bring the fewer number of workable options. Thank you.

GEMA CAMPILLOS:

Thank you, Mr. Arestah. I think the idea of setting up a small working group is always open for GAC members and in this case it's particularly useful. And I also guess that conversations are taking place in the corridors and that can be organized in a more formal or open way. So if members agree, they -- all they have to do is to communicate to the GAC secretariat that a GAC working

group is being formed and that this can be joined by other countries who are interested in following discussions more privately. Next I have Mexico.

MEXICO: Mexico agrees with the concerns raised by several delegations regarding the negative signal that we could issue if we have a decision with no consensus about this proposal.

In that regard I believe that one way forward would be to support the CCWG proposal including the minority statement showing the views opposed in that proposal but showing our willingness to move forward with the transition process. Thank you.

GEMA CAMPILLOS: ...Mexico. And then I have Brazil again. Thank you.

BRAZIL: Thank you, Madam Chair, and through you I would like to thank the co-chair of the CCWG with providing us with that very important piece of information. And I would like to take the opportunity of his presence here also to request notification on one aspect of the discussion we have been having and Mr. Arestah has outlined some five options that go beyond -- in your

presentation you said the GAC as a chartering organization is asked either to approve or to reject the proposal. But as you have seen there are other options that are being considered by the GAC, not to oppose or even to indicate there is no consensus, either to approve or to reject. What would be the scenario, what would be -- what would take place in that case, what would happen? If, for example, there is no consensus either to approve nor to reject, what happens then?

MATHIEU WEILL:

Thank you very much. The charter itself is not extremely detailed on this point. Therefore, there is -- there might be room for interpretation. But when that is the case, usually one would refer to precedent. And we have a precedent with the CWG stewardship report where the report was considered ready to be transmitted to ICG in -- with some feedback from one of the chartering organizations, the GAC, as a non-objection report. So that's -- that's one thing we have very clearly in our radar, that we have this precedent. And I'm afraid in terms of factual information, that's all I have. I have the charter and I have this precedent.

Certainly there is an expectation overall that the process is driven by consensus of all the stakeholders involved, and if that's not the case, a report should be provided to the Board

about exactly what kind of support or non-support we have considered in this supplemental draft.

So I expect that in any new case we would report this with the most accurate description we could find to make sure that the positions of the various chartering organizations are accurately reflected in the way we would transmit the report to the ICANN board.

GEMA CAMPILLOS: Next speaker is Dominican Republic.

DOMINICAN REPUBLIC: Thank you, Madam Vice Chair. Dominican Republic positively appreciates the work presented by the co-chairs through the report as well as the GAC work to analyze this proposal.

We understand and consider the concerns raised in the minority statement are valid and they reflect real concerns. And we, as governments, will have to deal with these concerns once these recommendations are implemented, especially recommendation number 11.

We understand that the considerations made in this report need to be taken into account and that they need to be expressed in

whichever way the GAC believes it is necessary in order to convey these to the CCWG. Thank you.

GEMA CAMPILLOS: You're welcome.

UNKNOWN SPEAKER: Thank you. I think as explained by the CCWG co-chair. I think we all know that this text or this proposal will not change. We also have had discussions among ourselves that we have different opinions. I think what we are now talking about is how -- what message we will send. And it's not useful to go into detailed discussion about what we think about this and that because the proposal is there. So it is actually the message we send to the community. And I think it is a good idea to have a group sit down to discuss this, or at least to present something for the GAC later on. I don't think it's useful to sit here taking rounds and rounds on this now when we really need to work on the end result, which is our response to the -- to the community. Thank you.

GEMA CAMPILLOS: Thank you. Then Argentina.

ARGENTINA: Thank you, Madam Chair. I think there is a lot of value in having this plenary session, exchanging information among us. And I think the options are quite clear. I'm not sure about what we will achieve in a smaller group. I think we will repeat again our different visions. I think there is a value in the proposed way forward expressed by our distinguished colleagues from Brazil that we need more consultation among ourselves. Honestly, I am doubtful about what we can achieve in a working group where we have clear different positions and there is a big value in exchanging information in this plenary meeting. Thank you.

GEMA CAMPILLOS: Sweden, please.

SWEDEN: Thank you, Gema. About -- just one thing about -- well, two things actually. One thing about what you said earlier several -- 20 minutes ago about consensus. You said it was synonymous to unanimity. And I just want to put on record that we don't agree with that. We don't see that consensus necessarily means unanimity. Rather consensus means acceptance with greater or lesser enthusiasm. We're looking at consensus in the absence of formal objections, meaning acceptance without formal objections. We're not looking for unanimity.

Now, a few distinguished members of the GAC have said that they would be prepared to put forward formal objections, if there is a call for consensus. But for the record, consensus is not the same as unanimity.

And about having a small group, I agree with Brazil that we need time to consider things. I also agree with Argentina that what will transpire tomorrow on the high-level meeting is probably very relevant for how we move forward here. Having a group starting to work on this now and perhaps through the day tomorrow may make it -- I'm not sure we could come very much further. And also, I don't know -- I think this is the most central issue that we're dealing with at this GAC meeting. I don't know how we could reduce this issue to a smaller group. It's relevant to everybody here. So I'm not -- I'm not supporting that either. Thank you.

GEMA CAMPILLOS:

Thank you, Anders. On the understanding of consensus, it's safer to refer to the definition contained in the GAC operating principles. It's the absence of any formal objections. Then it's up to everyone to understand. It's acceptance of a result of without any formal objection.

In regards of the working group, it's up to the membership. Anyway, I think that people would talk to each other in one way

or another. We cannot prevent these conversations from happening. And I also concur with you that what the high-level meeting discusses among these -- about this issue is going to be very relevant. But we should not lose sight that our deadline is Tuesday or Wednesday at the latest. And at some point in time we will have to take a decision. So given the divergence of views we see in the room, we would rather start discussing among ourselves always keeping to our constructive spirit and trying to make compromises. We are masters in compromise in this fora, in the GAC and in other international fora. No one compromises better than governments. So should apply to this task without forcing anyone. Mr. Benedicto, we are very respectful each national positions.

But we have come here to take a very important decision, and we should be willing to listen to each other's views, understand them, put ourselves in their own feet and try to find mutually agreeable solutions.

I was also thinking about words Mathieu Weill said to us that they are expecting from the GAC as well as other groups they clear statement that they can put forward to the Board. And in this sense, I think no one in this room disagrees that the step forward to transfer the stewardship functions of -- the stewardship function the U.S. government has carried out so far

to the multistakeholder community is valuable in itself, and no government opposes to it.

So I guess that maybe that expression of support should be put in the up front of our statement. And also that we are mindful that in a multistakeholder environment, we may not given the ultimate word in a process. In other words, governments' view are not the ones that have to prevail in the end because, as Mr. Benedicto has said in a very elegant way, in a multistakeholder world, no one wins. The issue is that everyone wins. So this also could be highlighted in our statement, just to make clear that we are very supportive of this transition taking place and that we are also very supportive of multistakeholder models in which everyone -- every stakeholder has an opportunity to participate, express their views, and their views are considered, and that no one can capture the process.

And the rest is up to us, whether we want to issue a support statement for the proposal as such or not, or whether we choose one of the vice options proposed by Mr. Arasteh or not.

It's only five minutes to our break, to the lunch break. I have Iran now, and someone else at the back. I will try to find out -- Netherlands. And I think you have enough food for thought for the lunch, for the next session.

I will give the floor to Iran first.

Thank you.

IRAN:

Thank you, Madam.

I think peoples doesn't want to go to the small group or group. No problem if we discuss it here this afternoon, maybe the rest of the time. Perhaps the number of option could be reduced to three: Support of the proposal with cross-reference to the minority views, option one; option two, indicating that there is no objection that the report be transmitted to NTIA, that means neither support nor option; and option three, no consensus. So we discuss it this afternoon which one could be sent.

So these are the three. I think you have got it or the secretariat have got that.

Support of proposals, cross-reference to the minority views; no objection that the proposal be transmitted to NTIA, that is neutral views; and third, no consensus on the reports. These are the three possible options. We discuss it this afternoon to see to what extent we can proceed. If we need more time, we discuss it on Tuesday. And we don't establish any group and we try to not repeat ourselves thank you.

GEMA CAMPILLOS: Thank you, Mr. Art, but we have other issues for this afternoon, meeting with the GNSO, I think, and preparation for the high-level governmental meeting. I can we cannot change the meeting with the GNSO because that would be very late notice. And for the other session, I think we will need the approval of the whole GAC to change the agenda.

And then I have the Netherlands. Please.

NETHERLANDS: Yes, thank you, Chair.

Along the lines of Mr. Arasteh, I think we should -- I think we are converging. While it may not seem like this, I think we are converging. I would propose that the statement we make or the -- let's say our opinion in the communique would have three elements, and let's say three basic elements which is, first of all, of course, welcome or noting the report. Secondly, as said by Mr. Arasteh, some assessment of support and cross-reference, of course, to the opposition or let's say the elements which are not supported by all members. And third, the way forward. Do we agree to submit, to transmit the report further, et cetera.

So basically every statement should have these three elements, probably. And what I would propose is that maybe countries which are a little bit in the middle of the spectrum in this

discussion could maybe put forward proposals for such a proposition.

Thank you very much.

GEMA CAMPILLOS:

Thank you, Thomas.

That's useful, I think, the way forward. Maybe a way of giving more importance to the concerns that some members have in the GAC is not only to express them, but also to ask for a way to address them in the implementation of the Work Stream 1. Maybe finding some ways to make GAC participation in the community enforcement mechanism more meaningful at the latter stage while accepting that we have been excluded. That could be an example, for instance.

What I mean is, yes, we have concerns of -- some members have concerns. Maybe there's a chance in the implementation phase to address this in some way or another.

The last speaker is U.K., and I will close the speaking -- very last remark by Brazil, and then the end.

Thank you.

UNITED KINGDOM: Yes, thank you, Gema. I think we are converging. And, actually, you beat me to it, actually. I thought I would remind us all that there is the next key step, which is the implementation of Work Stream 1 outcomes. And maybe in our response we can signal a positive commitment to engage as chartering organization in the implementation phase, but not to signal that this is another way round problem areas but to take account perhaps in a sort of broad statement that there are some issues, and maybe some of them could be looked at -- issues of concern, I mean, which could be looked at as we finesse implementation. And the example you gave of fulfilling our advisory role at every stage of the empowerment escalation path, including in that extremely rare and unlikely occasion that the so-called carve-out would kick in. We would still be there and engaged.

So let's commit to defining that role in such a way that maybe will bring us even further converged in terms of support for the overall proposal. And I think we should retain a kind of high-level, overarching statement of support for transition, and so on. I think that's a very important signal to preface the response to the supplemental report.

Thank you.

GEMA CAMPILLOS: Thank you very much.

Brazil.

BRAZIL:

Thank you, Madam Chair, and apologies for taking the floor again. Just reacting to some of the things we have heard. We could certainly agree to note the report. We can certainly support the idea that the transition should take place. This is a goal that is shared by all of us, and we'll be more than glad to express it. We could express support for the multistakeholder bottom-up approach within ICANN, and with the fact that we agree to retain an advisory role in that regard.

However, we have been listening a lot about compromise, and we have heard from the co-chair that the proposal as it is will not change. So what is the kind of compromise we are talking about? I think we are talking about compromise among ourselves to convince ourselves that those who have some difficulties can compromise and let their positions go for the sake of compromise for consensus. So I think this is not usually what is considered as compromise, which means that we have some engagement that will allow us to, let's say, try to remedy some aspects that are important for some, at least.

It is rather unfortunate that we found ourselves in that situation. I think the notion of consensus in such a rigid format is something that is very cumbersome upon the GAC. I think -- I

don't see convergence around how this will be addressed in the report. But I've heard from the co-chair also some indication that although there are no precedence, he would be glad to take to the Board and to illustrate the Board exactly what is the place of the GAC. And I think it is up to up to reflect in the final communicate the situation in its appropriate format and leave it for the co-chairs and for the process to unfold.

We have no doubt that the transition will take place on the basis of that proposal. We are not concerned that the transition will not take place. We do not want to block the position -- the transition. And we are convinced it will take place irrespectively of the position the GAC takes. I think this is some reality we should face. If we agree to the transition, if we don't oppose or if we do not have consensus, the transition proposal will go forward anyway.

I think what is being required by GAC, and this is what we are being asked, is whether we wish, as a full body, to validate the proposal or not. I think this is some kind of additional guarantee. Some participants think it's necessary, but in the end that will not make much difference for the proposal to take place.

So I think we should reflect on all those things. As I said, we have very strong views on this, but we are -- we'd be happy to

engage with colleagues and try to come to some agreement in that regard. But again, compromise, we are not -- we are not negotiating. We are not engaging with the others. We are faced with a very strict proposal. We should take it or leave it or do what you want but the room for compromise is past us. The compromise was achieved in the previous stages. Now it's not. We're not request -- Unless we understand compromise as just accepting what we have. This is the kind of compromise I think we are being asked to do here.

Thank you.

GEMA CAMPILLOS:

Thank you, Mr. Fonseca. You certainly made a good point. Compromising is not accepted where it's on the table just as it is if you're not persuaded that this is the best solution. It's easier to arrive to a compromise if everyone in the table tries to find ways to address the concerns of part of the community -- in this case, the GAC -- that is not so satisfied with the proposal.

So I encourage you to work in this spirit; that is, to try to understand the concerns of some members, which are not three. Someone has pointed out it's a number of GAC members. And try to give some way forward to those concerns so that it's easier for them to come round to a non-objection, at least. A non-objection by the side of the GAC to this proposal.

So now we leave you to have your lunch, and we reconvene at 2:00.

Thank you very much. Enjoy your lunch.

[Lunch break]