
SAN JUAN – Joint Meeting: GAC & ALAC
Tuesday, March 13, 2018 – 13:30 to 14:30 AST
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CHAIR ISMAIL: So good afternoon, everyone, and thank you for being back in the room. This starts our GAC session 24, our GAC meeting with the ALAC, scheduled for 60 minutes on Tuesday, March 13. So welcome everyone from the ALAC, and welcome Alan, and I hand it over to you.

ALAN GREENBERG: Thank you, and i was going to hand it over to our lead. Do we have an agenda on the slide? May I ask you to read out the items on the agenda, and we will start with the first one. I believe it's an AOB, and I believe we do have one request for an AOB. The slide is coming, I'm told.

CHAIR ISMAIL: I am -- okay, perfect. Go.

UNIDENTIFIED SPEAKER: Geographic names in the subsequent new gTLD procedures, interim models for GDPR, cooperation in capacity building

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underserved regions, follow up to the joint GAC ALAC statement on inclusive, informed and meaningful participation in ICANN.

ALAN GREENBERG:

And I have a request to talk about the KSK rollover. If no further comments, the first item on the agenda is of geo names as top level domains. The speaker is Alan Greenberg, will try to identify myself. We all know where we are on Work Track 5, the GNSO PDP. The ALAC has not come out with a formal position on this. We did have an informal chat about this at the end of the Abu Dhabi meeting, and the position seemed to be taken by most of the people who participated in that discussion was we would really like to see a solution coming out that did not end up with very strong winners and very strong loser. But somehow come up with something which is acceptable. We didn't have any suggestions on how to do that, however.

And I guess we will open the floor. Does anyone have any thoughts either on how we get there or other issues they want to raise? It's clearly an issue we care about. Not quite sure what it is we're going to debate in this forum, but I will open the floor or turn it back to Manal to talk about where you are on your deliberation on the subject.

CHAIR ISMAIL:

As you mentioned, it's a topic of great interest to everyone and specific interest to the GAC as well. We had many GAC members expressing interest to participate with the Working Group. We actually freed our schedule tomorrow for all GAC members to be able to attend if they wish so, the morning session of Work Track 5.

So it's two parts. A part has to do with the process, and the other with the substance. On the process side, we were expecting more of the CCWG rules to prevail but understand it has to go by the PDP rules. So this kept us busy for a while discussing the process, and I understand you also -- I mean, you had the same discussions at the ALAC as well. Yeah, Alan.

I guess because of the way it was originally presented by the GNSO, we presumed it was be equal membership and although there weren't votes but if there were, it would be counting heads of the formal members it quickly became apparent, and I should have known better, because I participated in the rewriting the GNSO PDP rules last time around. And the rules allow us to use an exact type [indiscernible] probably a year process to get them approved, assuming the GNSO is actually willing to do that, not something we can do outside the GNSO.

Since we didn't want to put this on hold for a year anyway, there was no choice. I, to be honest, don't worry about it a lot, because what we have hanging over the GNSO is the threat of if we really don't like it, number one, we have said we're going to approve or not approve the outcome. What the GNSO does with the outcome of that Work Track, if indeed several of the parts of the community reject it, not quite sure how they will be employed. And even if they proceed to accept it, we still have the threat of the advice to the board, yours more powerful than ours, but nevertheless, yeah, I think that's good ammunition to try and ensure our voices are heard in the deliberations, but even in the CCWG we can be overruled. So it seemed to be a reasonable way going forward from our perspective.

CHAIR ISMAIL:

Thank you. Thank you, Alan. And exactly, the response we got actually from the co-chairs is that if we want as a GAC to proceed with the CCWG rules, in other words just nominating five members only, then we can do so. But we didn't see the merit of just abiding ourselves only by the CCWG rules.

So now the discussion is more focused on the substance side, so we're trying to make our voices heard. And if colleagues participating in the Work Track 5 would like to share any views, I

think this is a good moment to do so. So if not, any other remarks or any other things on this specific agenda item?

ALAN GREENBERG: Actually, the -- appointed a lower liaison, just to make sure we have communication back and forth to each of our regional groups. I don't think that applies in your context but to ensure we had at least five -- we weren't going to limit ourselves to five either.

CHAIR ISMAIL: We did the same, also nominated i think six maybe, not five, so we maintain those as conveying GAC views and maintaining open channels and keeping the GAC updated. So but we also have other participants participating as well. So it's more or less the same then.

ALAN GREENBERG: Nice to see we end up with the same techniques without talking to each other ahead of time. Anyone on ALAC side who wants to raise any issue? I guess we go to the next topic, and that's interim model, since we have one, for compliance with GDPR. I will start if you like.

We've had a few spirited discussion in at large and at ALAC, have not come out with a single position. A lot of the things that people have stated within ALAC are concern that what ICANN is proposing may or may not be acceptable to the data commissioner. And if you listen to [indiscernible] he believes the data commissioners will give us comments back so we don't have to hypothesize and we have a way to go forward. Clearly from the ALAC perspective, as a principle, we care about privacy. We care about the integrity of the Internet, and that implies that law enforcement and non law enforcement, cyber people, cyber security people, be able to keep on doing their job. But obviously we also have to comply with the law and finding a way through that. My personal position, and it's a personal one, is that rule things like GDPR and comparable privacy law in other places have been formulated without thinking of the impact on the Internet. And without necessarily working in conjunction with their law enforcement and communications departments responsible for the Internet in their countries, and I think this may have encouraged people to talk to each other within our respective governments who perhaps didn't before, probably a good thing.

CHAIR ISMAIL:

So thank you, Alan, and from the GAC side we have already submitted comments and actually proposed also a model that

we are currently contrasting to the ICANN proposed model. One issue that is becoming a hot topic is accreditation to entities who may have access to the nonpublic data. I keep hearing everyone saying we don't want the GAC to be heavily involved in the accreditation model. This did not come out from the GAC. Neither had I seen it in the proposed accreditation as well. So I think the discussion is more of the GAC might be playing a coordinating role when it comes to like law enforcement agencies, where the main lists are compiled at the local levels and not up to the GAC, and when it comes to the code of conduct, willing to participate and adhere to this code of conduct as well.

The details are missing everywhere. But I can see everyone is reiterating the same views again, and I'm speaking here personally and not on behalf of the GAC. Everyone can agree on very minimum set that should be kept tiered. And everyone can agree on a very minimum set that is not harmful to be put public, but then there is a wide range we need to agree upon, and I would have liked to see whether the compliance issue would narrow this range. I mean, what in our discussion is mandated by the compliance and what is kept for the debate? I mean, it's difficult to tell because I think it would help the discussion to know exactly whether something is compliant or not. Because if not, then it's going to be out of scope.

But anyway, I'll pause here and see if GAC colleagues or ALAC, of course, would like to weigh in.

ALAN GREENBERG: One of the really contentious issues is whether all of the items currently in the [indiscernible] are legitimate to be collected. Because clearly you can't make them available to anyone, including law enforcement unless we have they have, and when ICANN did its survey, it found every single element was claimed to be useful by cyber abuse people and law enforcement. Whether the data commissioners will consider that as a valid reason for having collected it, clearly it's not the reason we put the element in Whois 30 years ago, but is that now a valid reason for collecting it or not? And that will be I think one the controlling factors of what goes in there. And we don't know the answer. I can say I believe it's a sufficient reason, but what I believe doesn't matter a lot.

CHAIR ISMAIL: And this is the external factor we need to resolve.

ALAN GREENBERG: ICANN people are saying privacy commissioners are talking to other people and giving opinions. We hope they will to us too.

UNIDENTIFIED SPEAKER: [indiscernible] I see as you said, the most contentious point now is [indiscernible] And to tell you the truth, ICANN, they didn't go to the extreme for self accreditation, but there is a demand of self accreditation among our community, and this would be a problem to have [indiscernible] I see the whole model will not be compliant with the GDPR.

The problem is that people are discussing things that are not the objective. The objective is to comply with GDPR. If we are speaking about [indiscernible] it is a PDP work. So now we have a problem with compliance and have to comply with GDPR, if we take the GDPR point by point, we will see that we are not compliant, collecting the whole Whois, it is not compliant with the GDPR [indiscernible] in two places will not be compliant with GDPR. Because when you put it in several places, the [indiscernible] is very easy so it is more or less public, so you have to limit several other point. So now we have a model, and I understand that ICANN is some of [indiscernible] and there's a lot of different interests and points of view, and what they could do, they did it I think, and now it's to the community to perhaps improve it, and it's also very important to the experts to say if it will comply with GDPR.

CHAIR ISMAIL: Yeah, Manal speaking here. If I understand correctly, the compliance is a range of compliance. I don't think it's a binary of compliant versus noncompliant, and I think that's a challenge here. If we know something is not compliant, it's going to be out of the scope 6 discussion. But the challenge is we don't really know the range of what is compliant or not.

ALAN GREENBERG: It's clearly going to be the judgment calls of the privacy officers collectively. And we can say whatever we want here. That may end up matching exactly what they say, chances are it won't, and that's what we will have to work towards.

I think we have a situation where if we were to be compliant in the strictest sense of the terms and using only the reasons for collecting it, only use the data for the reasons we collected it with 30 years ago, we can be very compliant, but I would think we'd have a shambles on the Internet. So we'll see.

I find it amazing how quickly we've acted. And that alone is a good sign. The other thing is to I think it's important to understand that there's a number of paths forward. The compliance model really, we have a contract that says you must collect everything and make it public. The other path we have forward is the board can enact policy, but it's limited to one year, and will the PDP finish in time? And that's a challenge too.

CHAIR ISMAIL: Just to quickly share that we are amazed by how we quickly acted at GAC. US, please.

UNITED STATES: I think it's remarkable that so much progress has been made in a short amount of time but periodically still the question as to whether or not any compliance model is to be used by the contracted parties, I don't know if you share that concern but it's been periodically characterized as there's nothing that ICANN can do to force them to implement the model, so not sure what that is laying the groundwork for. Didn't know if any others had shared that concern as well.

ALAN GREENBERG: Certainly I have that concern but comes down to how clearly the commissioners will -- whether they will take a chance and follow it or what is a lot safer for them and risk ICANN's wrath. Certainly I am crossing my fingers that the privacy commissioners will say something really clear, but I'm not sure I will put a lot of my own money on a bet on it.

CHAIR ISMAIL: So any further comments? Or should we move on? Moving on. The following agenda item is on cooperation in capacity building underserved regions, and as you may know, we have a GAC Working Group for underserved regions, been doing capacity building workshops in cooperation with government teams and ICANN, and we have done a few of them. Pua was the co-chair of the GAC Working Group in underserved region.

PUA HUNTER: As Manal said, the Working Group currently will hold its final capacity building workshop in Panama, having delivered workshops in Africa, the Pacific, Middle East, and recently here in Puerto Rico. The working group has not planned for continuation after the workshop in Panama. Instead, the Working Group will compile the post workshop surveys and develop an evaluation to present to the GAC. The report will determine next steps, although the Working Group is preparing to develop learning content for publishing on the ICANN learn online platform. However, noting the Working Group's commitment so far in the capacity development space, the group is open to and welcome joint with ALAC to produce materials and/or to plan for the educating of members in underserved regions and with a wider audience with ICANN. This subject matter was raised in the previous ICANN meeting to

which I offered support, and I think it's time to work on action.
Thank you.

CHAIR ISMAIL: Thank you, Pua. Alan?

ALAN GREENBERG: The ALAC has not discussed at all whether we're interested in cooperating on such efforts, but I have no qualms in saying on behalf of the ALAC, yes, can't imagine anyone in our group saying no, not a good idea to cooperate and share material and work with each other to make sure, if nothing else, each of our groups knows what the other is and participate in a way that makes any sense whatsoever. I'm rarely as confident enough as chair to make a statement for the ALAC without asking the ALAC. I have no qualms in this case.

UNIDENTIFIED SPEAKER: [indiscernible] I'm with the people centered Internet. While we have underserved region, there are underserved genders, huge concern about women's leadership within the Internet going forward, so I'm asking if -- can we, as we think about the next stage of capacity building, to extend beyond underserved regions to underserved genders.

ALAN GREENBERG: Again, I can't imagine we wouldn't be interested in cooperating to the extent we have resources to do that. We have [indiscernible]

YRJO LANSIPURO: Thank you very much, I confirm what Alan said. I don't think ALAC wouldn't want, and we have a established Working Group making at least 10-12 webinars a year on a regular basis. So as chair of this Working Group, I can confirm that we don't have any problem to be in cooperation with you on any kind of activities you want. And for your information, we are using now the ICANN learn platform because it is very convenient now. Thank you.

UNIDENTIFIED SPEAKER: We had a small meeting with Pua and Maureen who has been interested in this question. Unfortunately she's not here, she's at another meeting, but basically we discussed that perhaps it would be possible already to do something for Panama, and if her Working Group could indicate what kind of areas, what kind of subjects and ALAC people they would like to get involved in Panama, which is unfortunately the last one in this series. Thank you.

CHAIR ISMAIL: Yes, Pua, go ahead.

PUA HUNTER: Agenda determined by the preworkshop surveys, and we will share that at end of ICANN61 and depending on the response, we will see who we can work with to put together the general agenda. Thank you.

CHAIR ISMAIL: Thank you, Pua, and Alan, as you rightly mentioned at the beginning, we keep thinking separately, and then we end up doing the same thing. So why not consolidate efforts as well.

One more thing that we are locking into, if I may bring it to the agenda item is the on boarding program. We had around 100 new representatives this past year. So we're thinking why not have an onboarding thing in place for new members to really be able to catch up and be up to speed quickly and get engaged within the discussion. So again, I think this may be an area that we can cooperate, if you wish.

ALAN GREENBERG: There may be things you want to indoctrinate people into. My understanding is ICANN learn has things like that. How effective it is, not sure, but we should certainly look at that and

encourage the ICANN people to give us a basic tool for onboarding we can add to for our own specialized needs instead of to invent it from scratch. I think we need to look at that carefully and be very critical about whether it meets our needs or not.

CHAIR ISMAIL: Yes, thank you. John, please.

JOHN LAPRISE: They may be able to develop a program for the GAC for onboarding.

PUA HUNTER: The decision tomorrow right here for the onboarding, if [indiscernible] or any of the ALAC members want to participate in that session. Thank you.

CHAIR ISMAIL: Thank you, Pua. Anything else on the items?

ALAN GREENBERG: Before we go on to the next item, I realized I should have done something at the beginning. We normally have pretty full attendance from ALAC at this meeting. The current proposed

draft budget did some pretty horrible things to the programs we use for outreach and engagement, in that all three programs were being either cut completely or partially, and this meeting is in conflict, so my apologies for the low attendance here. Back to you.

CHAIR ISMAIL:

Any further comments before we move on? If not, then the following agenda item is follow-up to the joint ALAC statement on inclusive and informed meaningful participation in ICANN. And I think we were very excited to have this joint statement to get and to have it so quickly submitted to the board. It's also important that we follow up on the statement and just we can think together what are the next steps.

ALAN GREENBERG:

It was either fortunate or unfortunate we put this statement in just after the board had approved funding for a program related to it, and that is to index and make readily available all the information on the ICANN website. And my reading of the response from the board basically is we're working on a lot of that, it's I think a three year program, and they tossed it back to us to say well basically what would you like us to do right now that isn't already part of that program? And I think at some level they missed part of the intent of what we were saying. Part of it

was very simple, let's have a uniform numbering system. But I think we're also saying as new documents are created, we don't need to wait for them to be integrated into a great new system, we should have one page summaries and things that are readily -- make things readily accessible, and not sure that message was fully captured.

So maybe the next step is simply that Manal and I have to write a letter explaining that. But not sure -- I'm sure other people have read that same reply, and curious, was my interpretation the right one -- or the only one?

CHAIR ISMAIL:

Yeah, I think -- and we keep receiving the same question -- what else do you need to us provide you with? What more documents? And as you rightly mentioned, we were looking at simplification rather than more documents and more long and thick documents.

So any comments on this agenda item?

ALAN GREENBERG:

I think how the communication for GDPR is interesting, certainly keeping us up to date. A lot done in blog posts, maybe not the most accessible and easy to find thing. And I think we need to take things like GDPR or any other really current issues and if we

think that they're not meeting what we were targeting, that we should point that out -- not necessarily in any formal way, but just keep prodding to push people in the direction that we would like to see. So...

CHAIR ISMAIL: Yeah, I also like the way the community is communicating on the topic of GDPR, despite the fact it's moving very quickly, but still everyone is trying everyone is trying to keep up the pace and multi stakeholder engagement despite the fact we didn't have the time to put a cross community Working Group in place.

ALAN GREENBERG: That may be why it's working so quickly.

CHAIR ISMAIL: So any further comments? And this also brings me to the point of prioritization. When the whole group agrees on something being a priority, I think it's achieved more quickly, and always given the example of the [indiscernible] they had the same focus as all the SO's and AC's, and they are good examples as well.

ALAN GREENBERG: I sense when we have something which is not an emergency, we will then build a year building a charter for the group and

another six months finding the membership, and by the time we did anything, a year and a half or two years has passed. And sometimes I think we need to resist the urge to formalize everything and make it all slow.

CHAIR ISMAIL: So a stressful time limit is all we need [laughing]. Any requests for the floor?

JAVIER RUA-JOVET: Wanted to express our gratitude for the members and observers for coming to Puerto Rico. It's the best time to come, and if I may, maybe should have brought up this point in the second topic, but to remind the community, the whole GAC, that tomorrow there's a face-to-face meeting at the GNSO rule on geo names at 8:30 a.m., you will get to know more about the status, aware of the PDP process starting is. You will get to see different co-leaders there. Of course you see Olga Cavalli there, the ALAC co-leaders and others like Annabeth [indiscernible] from the cc SO, et cetera. So it's a good chance to get the input of the community. This is the reason we have these meetings to put our two cents in. And that's it.

CHAIR ISMAIL: Thank you, Javi.

Any further comments? All right.

ALAN GREENBERG:

The AOB issue is on the [indiscernible] key rollover, and as you are well aware, I would suspect the key was going to be changed, it's a security key for DNS, was originally supposed to be changed at the same time we did the ini transition, a wise move to say don't change them the same day. Deferred it because we found a significant number of the DNS resolvers were not prepared and the day the rollover is done, the Internet breaks for all of those people. Don't know exactly how many, and of course at that point we have the headline in the paper saying ICANN broke the Internet.

The alternative is to not do a rollover, and no one believes that a year from now it will be any better. And of course, if we ever have to do a rollover for security reason, we don't have any experience at that point. John, you raised the issue to begin with, and I've given a brief summary, do you want to add anything?

JOHN LAPRISE:

Yes, and I want to speak in a personal capacity. I'm an ALAC member from [indiscernible] at ICANN61 we've been preoccupied with many issues including GDPR and the budget,

to the detriment of other issues such as the KSK rollover. David Conrad discussed the roll over tentatively scheduled to occur in 2018 -- ICANN.org -- the data at hand is very noisy, and ICANN does not know where these resolvers are or how many end users might be affected. Indeed, possible the whole countries might be affected by a failed rollover, an unacceptable and unbounded risk, would urge you to take notice of this issue before the rollover currently planned in October. Thank you.

UNITED STATES:

Thank you for that and putting this issue on the agenda. Wanted to note it's the view of the United States that [indiscernible] is quite important, important to facilitate security and stability of the DNS and also supporters of its implementation at the root. That being said, also very important to develop practices and experience and things such as a KSK rollover, because in the unlikely and hopefully never will have an event that there is a compromise at the KSK or another reason we need to roll the key. Important to have muscle memory. The more [indiscernible] adoption of [indiscernible] only increase the likelihood of having significant breakage the longer we wait to do it.

From the US perspective, we support having a well thought out KSK rollover strategy to have sufficient communication with the

appropriate parties to limit the amount of damage that can occur from this. But at the end of the day, the longer we wait, I think we set ourselves up for greater problems, and I encourage GAC and anyone else to encourage communication within your governments, isp's and any other resolvers, to ensure measures taken in advance of the KSK rollover thank you.

ALAN GREENBERG:

The current numbers are rather scary. A very small number of resolvers have the newly developed ability, only available since last August, to report back whether they're ready or not. Of those, small percentage of resolvers that can report back, a significant percentage of those are not ready. And those are the people who have upgraded their software recently and apparently care about upgrading software. The ones that probably don't have the trust anchor upgraded are the ones who probably don't care about their software or hired consultants six years ago to install something, so the percentage we don't know about is larger.

What we don't have a clue on is how many users depend on each resolver. So if the vast majority of resolvers don't handle it properly but only represent 1 percent of the universe, that's a reasonable risk. If they represent half the users in the world, different issue, and no way of knowing. So it really is a judgment

call. The US said, do we take the risk, we will never need to roll it and won't have experience or risk short-term of putting people out for an undetermined amount of time. Unlike most software upgrades we do in the industry, for instance, where we plan a change and if it doesn't work, we can roll it back, we can't in this case. So... Tijani.

TIJANI BEN JEMAA:

Yes, and I'm sorry I forgot to mention my name. In my point of view, anything you will do on the net may have risks. So if you stop doing anything because there is a risk, you will not do anything. And the rollover is something which is compulsory, we are very late. Normally we had to do it several years ago, and now today we need to do this rollover. I don't say that we need to do it in October as planned, I don't know, it depends on the readiness. But we should be first ready, and second, make the rollover. We cannot say don't do the rollover because it will be a problem.

ALAN GREENBERG:

I've seen cards from [indiscernible] and John Laprise. I don't know if there's anyone else from the GAC wanting to speak.

UNIDENTIFIED SPEAKER: What is the position of the GAC on this?

CHAIR ISMAIL: Frankly, it haven't been discussed within the GAC. We have actually during the previous schedule KSK which didn't take place, but ever since I don't recall that we've discussed this here among the GAC. But I stand to be corrected.

ALAN GREENBERG: We also had a brief last time and ignored it completely and the reason it was halted, and the statistics coming out now I think have prompted this.

JOHN LAPRISE: Was going to add, one of the comments that David Conrad made this morning, one of the primary software providers for the resolvers Microsoft has not built in the new key software into the resolvers software, they provide software to many resolvers, and those report being serviced in line with the new rollover.

ALAN GREENBERG: To say that without the buzz wards, the Microsoft resolvers may have the trust anchor but just don't have the reporting software to tell us if they do or not.

We have [indiscernible]

[indiscernible] don't wish to spread fear in the serene surroundings of the GAC, but the issue of KSK rollover is probably more important than GDPR. The GDPR are not resolved by the end date, the Internet will not stop working in some parts of the world. If on the 11th of October 2018, the KSK rollover take place, it might stop working in some parts of the world. We're talking about millions that won't be particularly happy.

ALAN GREENBERG:

Among those reporting, there is, for instance a significant number of resolvers in India. We don't know why there are so many or whether they affect a large number of people. So the information is incomplete and it's not clear it's going to get a lot more complete whether we have to make a decision. We have several people with their hands up. We have the US and then I think [indiscernible]

UNITED STATES:

I would just urge a little bit of caution before people get really concerned. I mean, it's a point of concern, but I urge that we educate ourselves with respect to what this means and doesn't mean. The Internet will not cease to work. There might be issues with DNS resolution if your isp has [indiscernible] and is validating. Many are not doing that. It's important that

understand what your network configurations are. If your operator is validating DNS queries and understand what needs to be done within your country or isp to make sure they take the appropriate action. This is not a matter, at least not at this stage of deployment, that you will see an entire country go offline. I would just -- perhaps we could advocate to have a cross community session so we can become better familiarized with [indiscernible] it does as well as the implications of a KSK rollover.

SEUN OJEDELI:

We don't need to over emphasize this as a doomsday. Because it's not. We have to get it done. I personally using my own technical background, I think we should have done it already. When we get it done, whatever it is the outcome, we can always move on from there. Every delay we have is giving us adverse [indiscernible] countries, which is more than what it would be if we had done it. So please, let's not -- on this. Thank you.

ALAN GREENBERG:

One static you can think of as positive or negative, does it effects those resolvers that use DNS [indiscernible] and that number is going down as a percentage.

CHAIR ISMAIL: We have Netherlands.

NETHERLANDS: With all respect for the people here, I think this is not the right place to discuss this item. And maybe it's a little bit blunt, but I think we're governments, not completely into this game. When we hear signals that security and stability is at stake, we would rather here this from security or stability committee or other technically skilled constituents who are working on this. So I would prefer, let's say, of course it's good to be concerned. But I think it's not the right place to discuss this. Thank you.

CHAIR ISMAIL: Any further comments or remarks before we close? So if not, thank you, Alan, and thanks to all ALAC members and thank you for this interactive discussion and for the interesting agenda, and as always, we look forward to inter-sessional cooperation and our meeting again in Panama.

ALAN GREENBERG: Thank you for inviting us.

CHAIR ISMAIL: Thank you.

Sorry, I have to do the official thing. This concluded GAC meeting with the ALAC, for the recording.

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