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MARRAKECH - GAC: Joint Community Meetings (ALAC, ICANN Board)  
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## GAC MEETING WITH ALAC

MAUREEN HILYARD: Thank you, Manal. We're very -- the At-Large community and the ALAC are very pleased to be here today. We have -- I would like to introduce you to Yrjo Lansipuro of course who is our liaison and has been, as Manal said, instrumental in coordinating with Ana a program for us today. And we have Hadia Elminiawi, who has been is on our EPDP team, Joanna Kulesza who is our head of capacity building and we hope to be sort of like coordinating a lot more through Joanna's work, and John Laprise who is sort of like our vice chair of policy in the ALAC.

But I'd like to pass on to Yrjo who has been sort of like the key person, the key liaison for our two organizations.

YRJO LANSIPURO: Thank you, Maureen. My name is Yrjo Lansipuro, ALAC liaison to the GAC. Good morning, everybody.

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Now, we have a very short time at our disposal, so let's go without further ado to the first item. EDP -- EPDP follow-up to the joint statements from ICANN64. Hadia, please

HADIA ELMINIAWI:

Good morning, everyone. My name is Hadia Elminiawi. I'm the ALAC EPDP member. I'll be talking about the position of the ALAC in relation to our common point of interests, and I refer here to our joint statement in this regard.

So first, in relation to the distinction between natural and legal persons, we still see the necessity to have this distinction between natural and legal persons. The GDPR does not -- the GDPR requires this distinction, and we are not in the position of making laws, and for that purpose, a small working group has been set in phase two of the EPDP team work.

Second, with regard to accuracy, article 5-1-D requires that data is accurate in relation to the purposes for which it is being processed. And for that, the ALAC sees the necessity of having processes in place to assure the accuracy of the data.

As an example, the information commission officer suggests having a process to check the accuracy of the data collected and the source. Also, having a process in place to see when the data requires to -- needs to be updated and updating it.

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Also, have -- keeping notes of challenges to accuracy.

All of these are good practices that we think need to be incorporated.

Third, in relation to the ability of contacting network operators and domain name holders in relation to a domain name, it seems that the technical field would remain as an option to be offered by the registrars. And as such, we see that it is necessary to make sure that we have adequate, reliable and accurate information through which we can contact the domain name holder. And, therefore, we see we need to make sure not to get rid of the admin contact unless we have this adequate information that enables contact with the domain name holder.

Also, we talked in our statement about a purpose or the possibility of having a purpose to satisfy the needs of the office of the chief technical officer, ICANN, OCTO, and for that purpose also a small working group has been set in phase two.

Then we have also -- with regard to purpose two of recommendation one which speaks about the -- ICANN's role in maintaining the security, stability, and resiliency of the DNS, we see this purpose as required for the -- for necessary processing. And as this purpose has not been adopted by the Board, we find it necessary to rephrase the purpose so that it reflects ICANN's

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public interest role in -- public role in maintaining the security, stability, and resiliency of the DNS.

I finish now shortly.

And finally, we have been working now on a system standardized model for access slash disclosure. In phase two, we've started. And we personally think that the work of the group is going in the right direction. We hope it continues -- it continues like that. And finally, I would just mention the disclosure of the data, and when it comes to this discussion, the ALAC will have the position of the need of grouping the disclosed data.

And thank you.

YRJO LANSIPURO: Thank you, Hadia.

Will there be a comment from the GAC side?

Ashley? Yes.

MANAL ISMAIL, GAC CHAIR: Yes, U.S., please.

UNITED STATES: Thank you.

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Thank you very much for that. It sounds like we continue to be aligned on many issues as it pertains to the EPDP. And with respect to purpose two, that's something we haven't really figured out yet how we're going to handle. If I understand correctly we still have to wait for there to be some sort of consultation between the Board and the GNSO Council, but perhaps leading up to that and afterwards, we can regroup together and maybe chart a path forward on how best to handle that particular purpose.

Thank you.

YRJO LANSIPURO:

Thank you.

I think we have to go forward to keep within the time. So next we talk about capacity building.

There was a focus group meeting earlier this week on Monday, and I'd like to ask Joanna to report on that.

JOANNA KULESZA:

Thank you. Thank you very much, Yrjo. My name is Joanna Kulesza. I am the co-chair of the At-Large Capacity-Building Working Group together with Alfredo Calderone.

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Indeed, on Monday we held a small meeting with Iriel (phonetic) who has been instrumental to initiating this collaboration on capacity building between the two communities together with Pua. We had a very fruitful meeting trying to understand how to best facilitate both communities, especially the newcomers because both communities have a certain rotation of newcomers, how to best facilitate them in accommodating the complex ICANN environment.

The take-aways from that meeting are definitely joint sessions. Just to give you a very tangible outcome, Pua was kind enough to distribute the message. Just over lunch, starting right after this meeting there is a capacity-building session in the ALAC room on cybersecurity.

Now, coincidentally, cybersecurity places very high in the GAC agenda, even coordinating the poll which Pua was kind enough to provide us with the results of that poll. She was kind enough to provide us with.

So cybersecurity is of high importance to the GAC community, and At Large is trying to facilitate a discourse on how to best prioritize both privacy, as discussed in the context of EPDP, and security. For us, it's the notion of end users, but as Yrjo has emphasized on a number of occasions, end users are at the same time citizens of individual countries.

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So this broad community of end users here represented by states and represented through the regions within At Large is seeking consensus on how to best prioritize those both themes and topics.

Capacity building is supposed to facilitate that through joint sessions. As I already said, the first capacity building session just this afternoon. But we are thinking of making that engagement durable. We would like to have joint capacity building meetings and sessions also between ICANN meetings. We will try to make sure that those are provided in multiple languages because that is how At Large works in all the ICANN languages.

Just yesterday we had a capacity-building session that was supposed to explain how At Large provides policies, policy advice, how the ALAC provides advice to the Board. That session has met with a good response, and the materials from that session will be turned into an ICANN Learn course. Now all of our sessions are open. All of the GAC members, their duties permitting, are more than welcome to join us. Those sessions are available on online. As Pua was kind enough to note and I'm sure she'll provide you with more information, all of the resources that At-Large has are available online through ICANN Learn courses but also through our Wiki page. If there is a need for more providing more information, I am happy to provide that.

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So the content that is building developed within At-Large -- that is, the Webinars. That is, ICANN Learn courses. That is, sessions during meetings or intersessionally -- are all available also to the GAC community. You are more than welcome to come and join us. At the same time, this joint effort is seeking to best attend to the needs of individual users at the level of nations, regions, and eventually at the ICANN level.

So the take-aways from our Monday meeting are joint sessions, online resources, intersessional work that pertains to -- what we refer to hot topics. We are working on a hot-topics list. We also had a session during this meeting on hot topics. They include, as already said, GDPR, WHOIS, security -- John is going to talk probably about universal acceptance, which is especially significant for underdeveloped regions, that are well represented here in this room as well. So it is something also that At-Large is putting emphasis on.

I'm going to stop here. I'm happy to answer questions. Thank you. Thank you for your attention.

YRJO LANSIPURO:

Thank you very much, Joanna.

Pua, would you like to take the floor.



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PUA HUNTER: Thank you, Yrjo. Pua for the transcript. Joanna has nicely captured everything that we discussed in our focal group meeting. So given our short time frame for this session, I will -- I have nothing more to add. Thank you, Yrjo.

YRJO LANSIPURO: Thank you. Any other comments from the capacity-building issue? Kavouss.

KAVOUSS ARASTEH: Yes. I think the At-Large is the best positions and best place to do this capacity building because you are representing billions of the people, that no other AC or SO have that large representations. It's coming from your name, At-Large, so you're in a better place and so on, so forth.

What I suggest perhaps for considerations, some of the subjects that you do the capacity-building, other international organizations also dealing with the same subject, perhaps, if possible, some sort of consultations or some sort of contact with those in order to avoid overlapping or in order to also enrich what you are doing because you are the best source of this information. They may not have the same information. Therefore, it is suggested that you consider that possibility. Thank you.

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YRJO LANSIPURO:

Thank you, Kavouss.

So we can go further to the point 3 on the agenda. Other initiatives for intersessional cooperation in addition to the capacity building which is going on.

Ana, you had this idea.

ANA NEVES:

Thank you very much. Well, in a nutshell, what we thought about this is that I think that we have a very good opportunity having these joint meetings between GAC and ALAC to have some meetings on the uncooperation on policy areas of comment and end users' interests.

So bearing in mind that perhaps we are going to have a new round of the gTLDs, we thought it could be a good idea to have a joint group, like, with four, five people from each ALAC and GAC and to start to have this discussion. And then when we have something more substantial, we will -- we bring that to the GAC and to have a meeting at the plenary.

So I think the challenge now is to find, like, four or five people from each group to start this kind of work. And we see gTLDs -- well, we can discuss the gTLDs and so many other things that we cannot even think for the time being.

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YRJO LANSIPURO: Thank you, Ana.

MANAL ISMAIL, GAC CHAIR: Yrjo, we have Switzerland. So, Switzerland.

YRJO LANSIPURO: Sorry. Jorge.

SWITZERLAND: Thank you so much. I was going to comment on this. So perhaps I'm anticipating what Yrjo was going to mention.

But we had some chat because yesterday we had the first meeting of the focal group of the GAC, which is being constituted. I cannot speak for it, of course. But Luisa, I guess, is in the room from Canada.

But what I discussed with Yrjo is that given the difficulty to really have people engaging in this very wide process, having a second working group with ALAC perhaps would be too burdensome for the people who are ready to engage in this.

And then my question or my idea is why don't we use the channel which has been created because in the end, in the focal group of the GAC, we are not exchanging any military secrets. So it would be great to have ALAC people on board through a common endeavor. And the more we are, the merrier and the more

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resources we could concentrate. So that's my idea. But as I said, it's just personal.

YRJO LANSIPURO: Thank you, Jorge.

I saw a hand over there. So, please.

SERGIO SALINASPORTO: I'm going to speak in Spanish. Please, your headphones.

Okay.

I'm Sergio Salinas Porto for the record. I am chair of the Latin America-Caribbean Region, LACRALO. I would like to take a few minutes of this session just to talk about the .AMAZON issue. Quite recently, the Board issued a resolution on this issue. However, I think that there is clear violation of the multistakeholder considerations here.

We are convinced of the fact that there are eight countries that have already expressed their position. They are part of the ACTO, and they have stated they are refusing to proceed with the delegation of .AMAZON to the Amazon Corporation.

And in our region, we represent the users, as LACRALO organizations, and a statement was given to the Board. This

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means that two of the three parties have expressed their position about this.

So I would kindly request you to understand that part of the responsibility relies within the GAC. You represent the citizens of each of our countries. Therefore, I believe it is important to make a request for reconsideration of the Board's decision. And I think it is important not to live this in a vacuum.

Each of you should fulfill your responsibilities of representatives of citizens of your countries. This opens a very dangerous door for the future different, potential situations that may affect not only Latin America but also other regions of the world.

One more comment, and this is something that has to do with general culture. There is a book called "The Open Veins of Latin America" in a Spanish title written by Uruguayan author, Eduardo Galeano. So I suggest that you take into account that book in order to understand this has to do with a (indiscernible) of ones against others. Thank you.

YRJO LANSIPURO:

Thank you for this comment.

Now I would like to hear reactions to the proposal by Jorge from the ALAC side. That is to say, we would -- we would use actually

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the existence of the GAC focus group on new gTLDs to get our cooperation going.

First I would like to hear somebody from the -- is there anybody from our side who would like to comment?

If not...

MANAL ISMAIL, GAC CHAIR: Iran, please. Kavouss, go ahead.

IRAN: What Ana said and what Jorge said, I agree with both of them. But I think we don't want -- not "we don't want." It's better not to give a particular name to this group. If we call them GAC-ALAC Joint Activity Group. Depending on the subject on the table, we take that subject: Geographic names, subsequent procedures, EPDP, or any others.

The views of GAC and ALAC are very, very close, if not identical. Therefore, I don't think that we should have a sort of determinant group dealing with issue of common interests without giving them specific terms that avoid the people say, Okay, I'm not involved in that. So we look in that one. We log on that and we see the interest, and we -- this is something. It's not opposed to

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any of them but giving a little bit more larger and more expanded area. Thank you.

YRJO LANSIPURO: Thank you, Kavouss. Yes.

MANAL ISMAIL, GAC CHAIR: I think I saw Canada, right? Luisa.

CANADA: Thank you, Manal. This is Luisa Paez from the Canadian government. I just wanted to acknowledge the request from ALAC as well echoing the remarks from the representative of Switzerland. I think the GAC focal group that will be looking into internal GAC efforts for input for the subsequent procedures of the new TLD, we would be -- I just wanted to put into the record that we are open for this dialogue. And we will take it back to the group and see how we can go in terms of next steps. Yeah, I'll leave it at that. So I just wanted to acknowledge that.

And, obviously, as well as the representative of Iran mentioned, we have lots of common interests with ALAC, so we -- it is important to continue this common dialogue. But we have to look a little further in terms of how we would actually look like. Thank you.

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YRJO LANSIPURO: Thank you. I'm very happy that this idea of a dialogue on open policy questions has been welcomed at least. I haven't seen any big opposition against.

So I think -- I think taking into account the time, I now would like Maureen to say a few words and then we have to stop. Thank you.

MAUREEN HILYARD: Thank you very much. Maureen for the record.

I'm actually quite thrilled about the response and that you're willing to dialogue with us. And we do have a lot of commonalities and we're willing -- very willing to participate in discussions with you and also on your terms.

So, you know, like, whatever -- whatever means you feel is appropriate for us to actually select -- have these meetings and for how often, I'm sure that Yrjo and Ana will coordinate something together and get back to us.

Thank you very much. We are thrilled with the positive response we're getting. As Joanna says, you're always welcome to the capacity-building sessions we hold, the programs online. And we welcome you there. Thank you.

YRJO LANSIPURO: Thank you, Maureen. You want to...



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Yeah -- so, thank you. And I'm happy to say that we are able to finish this meeting two minutes before time. Thank you.

MANAL ISMAIL, GAC CHAIR: Just to thank Maureen and Hadia, Yrjo and John and everyone from ALAC basically and also to especially thank Yrjo and Ana for the tremendous work they put in this intersessionally.

And thanks Jorge, Kavouss, and Luisa for the creative idea. I think it's good to have this coordination. It's a good idea that we already have a (indiscernible) space.

I agree, we don't need multiple working groups.

And, Kavouss, it's good, yeah, to extend even this coordination in other areas as we move forward.

So I rely on Ana and Yrjo to continue our progress and to present something to us in Montreal. And meanwhile the focal group -- its work has started and we invite our ALAC colleagues to join. So thank you very much.

To my GAC colleagues, please remain seated. We will be proceeding with our meeting with the Board.

[ Break ]

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**GAC MEETING WITH ICANN BOARD**

MANAL ISMAIL, GAC CHAIR: So welcome, everyone, to the regular GAC-Board face-to-face meeting. And welcome to all board members here in the room. We already have the slides on the screen. If we can go to the next slide, please, and as shared earlier we have three topics for information and we have three topics where we have questions. But before getting into substance, Maarten, would you like to say something before we start?

MAARTEN BOTTERMAN: Just very happy to be here to further this dialogue. Yesterday we talked about the process points. Today we're going to go with you into the dialogue about some content points. And I think together with that, we're really establishing the dialogue we need to have. So looking forward to move forward on this agenda.

Thank you for your questions.

MANAL ISMAIL, GAC CHAIR: Thank you, Maarten. Cherine, anything or should we go to -- Cherine -- okay.

So if we can go to the following slide, please.

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So this is on evolving ICANN's multistakeholder model, and, frankly, the intention here was that the GAC is interested in this process very much. We're following it closely. We have done an exhaustive exercise to the previous GAC input on this because elements of this exercise have already been flagged very early on by GAC members and previous GAC chairs. So we tried to provide as much input on this process as we can, and it's a good opportunity, maybe, to bring to your kind attention the GAC comments on the role of the Board in specific.

So I'll stop here, if there is any complementary remarks from GAC colleagues or anything from board members.

So can someone read the text on the role of the Board or, Jorge, do you remember it on top of your mind?

Or if we can get it on the screen somewhere.

Yeah, just clicking on the link.

So it reads: ICANN Board role. The Board's general reliance on community consensus and its deferral in certain situations to community consensus is a positive role to adopt. Current bylaws protections ensure that substantial community consensus should not be overruled by the Board without clear reasoning and considerable support.

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Nevertheless, the Board should remain respectful of the advice received from its advisory committees. At present, most of the advice comes into the Board relatively late in the policy development process. Perhaps the structure should contemplate calling for that advice earlier in the process.

GAC members have discussed how in certain situations the Board take a more proactive role when an issue has already been thoroughly discussed within the community. This means that the Board also consider more actively engaging in facilitating policy development, including its finalization considering all inputs from all SOs and ACs without just taking a procedural role and remanding issues to the community in case of conflict.

This could assist in mediating and resolving differences of views and/or give all parties an incentive to actively participate in the process before it comes before the Board.

So, Cherine, any immediate reactions?

Okay.

CHERINE CHALABY: So this is -- this is going to be in your communique to us?

MANAL ISMAIL, GAC CHAIR: No. This is -- this is the input we already submitted to Brian's --

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CHERINE CHALABY:

Okay. Okay. I got it. Thank you very much.

I think this is good input, there's no doubt about that. And I don't see any big issues in -- in that -- in those comments. Basically, just to bring everything into a context, we all develop together the strategic plan, and the strategic plan have five objectives. Each one of these objectives will need an implementation plan. And one of them, specifically the second one related to governance, the Board said that I think the community should drive that particular objective. It is the community that needs to work on evolving the multistakeholder model. It should not be at all -- it never is, but it should not be the Board driving this. It should be the community driving this. So that's why we have a facilitator. And I see you have a lot more comments on that. I apologize, I have not seen this document before so my apologies for that, and we're really grateful for the input. And we want that input from all of the communities, all of the stakeholders because I think it's a very, very critical and important thing that we have the courage to evolve the model that served us well over the last 20 years and we want to make sure it serves us well over the next 20 years. And, frankly, here we're not talking about changing the entire model. We're saying here about improving the effectiveness and efficiency of certain aspects of it so that we all work together in a much more effective way.

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So thank you very much for this, and really appreciate the input and the work that was produced by the GAC so thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Cherine. And, yes, it's something like ten pages and we do appreciate that you didn't have the chance to go through the document, of course, but we thought to bring this to your attention.

So --

CHERINE CHALABY: Sorry, Manal. For the record, it says "improving the effectiveness and fish of certain aspect." It's effectiveness and efficiency.

MANAL ISMAIL, GAC CHAIR: Thank you. Kavouss, any quick remarks before?

IRAN: Yes, quick remark. Thank you, Board. Thank you, Cherine, for your comments. I think there is an important message in the second paragraph in the last part, saying that without just taking a procedural role, and so on, so forth. So this is a new message. That's not saying we (indiscernible) procedure. Try to facilitate,

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to resolve the problem, not procedures. Facilitating dialogue, and so on.

So this is important message. Do something quick, unquick. But, sorry, I don't understand "remanding." What is remanding and remanding issues? I don't understand that.

MAARTEN BOTTERMAN: Would it mean remaining issues?

IRAN: No, no. Ask the authors. Thank you. I sent some message. I don't know whether my message has been taken into account or not. That's another issue. I comment on that largely; however, I don't understand "remanding." Remaining? Thank you.

MANAL ISMAIL, GAC CHAIR: So we will look into our own text later, and we do apologize if there are any typos. But anyway, can we go back to the questions, please? And thank you, Kavouss, for stressing the intention of the whole paragraph and the key message there.

So if we can go back to the questions, and meanwhile, the second topic is on the two-character country codes as second-level domains. And the GAC agreed on the following text as a

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communiqué text, so we thought to bring it again to your kind attention since we agreed on it early on.

It reads: The GAC remains concerned that GAC advice on the procedure for the release of country code -- country codes at the second level under new gTLDs was not taken into consideration as intended and advises that meaningful steps have taken to ensure this does not happen in the future.

So anything on this? Maarten, please.

MAARTEN BOTTERMAN:

Thank you for this. What we do understand here is it is the intent of the GAC to close this issue with this, which -- which we fully support.

Just for the record, we have acted in good faith, at our best ability, and we have shown the records to substantiate that.

The other thing that I pick up from this is, yes, there is an opportunity for any situation where we feel we can improve the interaction. And as suggested yesterday in the BGIG, it is very much subject to any suggestions from you for improving the interaction between Board and GAC whenever you feel there's a possibility.



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So next to welcoming, closing this subject, noting that we have acted in good faith, actually. Also very much an invitation. Please, if there are suggestions for improving the process -- I see somebody raising his hand. It must be Iran.

IRAN: Thank you, Maarten. You said the issue is closed. No, issue is not closed. This is a message we sent to you. It is not closed. Two-character is not closed. This is a message saying to ensure this does not happen in the future. This is the message. It's not closed.

Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. And, yeah, we're working on the measures that has already started, actually, even before this language for the communique. In terms of our clarification calls, also, so that we don't have any misunderstanding or misconnect anywhere.

But, Chris, you want to --

MAARTEN BOTTERMAN: Chris.

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MANAL ISMAIL, GAC CHAIR: Chris, please.

CHRIS DISSPAIN: Sorry; Just to say that this is not yet in the communique. If it's in the communique, we'll respond to it in the process we have for responding to the communique.

I personally don't think there's much to be gained by discussing it right here and right now. The Board has only just seen it, and I think it would be -- and it wouldn't be sensible to get into a discussion in the detail right now. It comes to us in the communique. We'll respond in the way that we -- in the communique process.

Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Chris. And it's a fair point. We just thought to bring it to your at techs since it was discussed and agreed among GAC members. But having said that, let's proceed because we wanted to allow more time to other topics that needs more discussion. So can we move on, please?

This is also an information topic on GAC capacity-building sustainability efforts. And across ICANN, there are developing ongoing capacity-building initiatives. Allocation of resources for

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these purposes needs to be transparent and efforts streamlined to ensure all communities make better use of ICANN resources. A new joint GAC-ALAC initiative on capacity building is contributing to this principle. And you may have heard our discussion with ALAC in the previous session as you stepped in.

The Board has shown support for the GAC's capacity building initiative (a series of pilot workshops) which began back in January 2017. As an outcome, a capacity-building evaluation report has been produced and shared among the GAC membership. Post-workshop surveys highlighted the demand for more capacity building for the GAC which resulted in the recent GAC request (and Board approval) for support through the additional budget request process for financial year 2019/2020. The GAC is grateful for the Board's acknowledgment and support of these efforts.

Assurance of a continued funding allocation for such important initiatives needs to be confirmed so that the GAC does not have to apply for an additional budget request each year (unless that is the process).

So any comments? I have Pua. Would you like to -- Cook Islands, please. Pua, go ahead.

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PUA HUNTER:

Pua Hunter from the Cook Islands. I want to acknowledge and thank the Board for committing resources to the GAC's capacity-building efforts since 2017 when the first workshop was held in Nairobi. With the Board support, the underserved regions working group was assisted by ICANN's government engagement team, the GAC support team, the global stakeholder engagement team, and the public responsibility team. I want to acknowledge these teams from within ICANN for tirelessly assisting, facilitating, and coordinating the efforts of the GAC's underserved regions working group.

I am aware that the commitment of resources within any organization need to be allocated on merits and significant result or outcomes.

In saying that, I am pleased to inform the Board that the capacity-building evaluation report contains evidence of significant outcomes and recommendations that indicate that the GAC's capacity-building initiative, that the Board supported as a trial, is in demand.

And furthermore, the capacity-building initiative responds directly to ICANN's intentions to raise the barrier of participation. It responds directly to the high turnover of GAC members, and it responds directly to the needs of those of us from the underserved regions to be on the same footing as our colleagues

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from developed and, therefore, adequately resourced countries from the perspective of participation.

To address the request for more capacity-building workshops, the GAC applied for funding under the additional budget request. The budget request was approved for financial year 2019/2020 and I am grateful. We are grateful.

And as a result, we are now planning a series of workshops to take place within 2019/2020 financial year. In terms of planning, I do not believe that short-term is an effective avenue to take. Instead, we need to be able to plan and collaborate with host countries and other organizations in advance. And, therefore, we require the ability for long-term planning.

The GAC underserved regions working group is currently unable to do this unless there is assurance or predictability of resourcing towards the capacity-building efforts. In this connection, I would like to humbly request the Board to consider a sustainable model for the capacity-building effort of the GAC in ICANN's plans, specifically in the allocation of adequate resources within ICANN's future plans and budget rounds. Thank you.

CHERINE CHALABY:

Thank you very much. I am -- I think the Board is aware of that capacity-building exercise and workshop that took place that you

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mentioned earlier. And I think you are quite right that long-term planning and sustainability of a program of that kind is the best way forward. And I suspect we look forward FOR not just for a Board but starting working with ICANN org in putting your plan together and see how this could be financed and budgeted for. I think the underserved region would benefit a lot from that sustained program.

So thank you very much for bringing this issue to our attention. Much appreciated.

MAARTEN BOTTERMAN: I'm just noting that I was at the GAC newcomer's session earlier this week. And it was very good to see many people in the room, more than expected, very interested. And I really appreciated the dialogue there. I think helping each other in this way shows to be so valuable every time again.

MANAL ISMAIL, GAC CHAIR: Thank you. And let's move on to the following question, please.

So, frankly, this question has been compiled and shared before we received the most recent letter from the Board. But, again, since the topic is still ongoing, we thought it would be good to maintain the question. And the question reads: The GAC would welcome the Board's confirmation as to its available options

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regarding the recent decision of the GNSO Council to set accept recommendations set forth in the final report of the GNSO IGO/INGO access to curative rights protection mechanisms PDP working group.

It is the GAC's understanding that should the ICANN Board accept the GNSO policy recommendations, it would necessarily be rejecting consensus GAC advice and would need to enter into a dialogue with the GAC to find a mutually acceptable solution, per ICANN bylaws Section 12.2(a)(x).

Conversely, should the ICANN Board not adopt the GNSO policy recommendation consistent with long-standing GAC advice, it would need to engage in discussions with the GNSO per ICANN bylaws Annex A, Section 9.

So, again, we appreciate the Board letter received but we thought it still relevant and timely to share with you this question.

And I can see, Chris. Please.

CHRIS DISSPAIN:

Thanks, Manal. And thank you, everyone. Thank you, everyone, for the question. As Manal said, we have written to you in the last couple of days setting out the situation. I just wanted to straightforwardly address the question.

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In the event that the Board reaches a decision to accept GNSO recommendations, it is correct that that would be against GAC consensus advice and vice versa in the event that the GAC -- that the Board accepted the GAC's consensus advice, that would be against the GNSO policy recommendations in both cases.

There is a process -- a formal process that is involved in doing that. But I want to stress, as Cherine said in his letter, that our much preferred goal is for the GNSO and the GAC to come together and see if a mutually agreeable solution can be reached. If it is a requirement to make that happen and we have to do something, so be it. But right now all that's happened is that we have as per our requirements -- or if we haven't yet, we're about to, put the GNSO recommendations out for public comment. Once we receive that comment, there is a process.

I understand that the GAC and the GNSO had a -- some people in the GAC and the GNSO had a meeting yesterday -- I think it was yesterday -- to discuss this. I have no idea what happened. But I can tell you that the Board stands ready to help in any way that it can to reach a mutually acceptable solution, if possible. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Chris.



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Actually, we canceled the formal GAC-GNSO session here at the GAC. But I tried to reach out to Keith Drazek as the chair of the council and a few GAC colleagues who are involved in the issue accompanied me.

Thank you for seeing a Board member in the room also observing the discussion.

I think it was constructive. We have agreed to continue the dialogue, meanwhile as the Board collects the necessary information to take an informed decision.

But I'll pause here if colleagues who attended the meeting yesterday would like to comment.

Any comments from colleagues in the room? Switzerland, please.

SWITZERLAND:

Thank you, Manal. Jorge Cancio, Switzerland, for the record. I think we didn't make any official summary of the meeting, but the feeling was very constructive, at least to my perception. And we wanted to find ways to avoid this kind of procedure of conflict and to come up with a holistic approach to all the recommendations to the whole subject matter and then go back to the Board with a common proposal.

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But this is, I think, very much in the early stages. But my feeling for us was positive. And Avri, who was the Board observer, told us that you are willing to offer a maximum flexibility within the framework. So I think it's a good start. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Jorge.

Any other comments?

MAARTEN BOTTERMAN: I just see Avri observing us from the back of the room.

MANAL ISMAIL, GAC CHAIR: So continuing the observing.

So thanks to everyone and thanks to the GNSO colleagues for trying to really listen and see what we can do at this stage and what we can avoid later that didn't work well this time.

So with this, I think it's time maybe to move on to the following question. Can we go to the following slide, please?

MAARTEN BOTTERMAN: Next slide, please.

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MANAL ISMAIL, GAC CHAIR: Meanwhile a question is on domain registration and data protection matters, GDPR and EPDP.

And the question reads: What are the Board's intended plans and status to date on engaging with the European Data Protection Board as it pertains to the unified access model technical model and specifically getting an understanding if the European Data Protection Board sees this model as shifting the legal liability away from contracted parties who provide access to nonpublic gTLD registration data.

GORAN MARBY:

Thank you. I think that you received on the -- I think you received on the list a statement that I did on Monday, I think, which hopefully clarifies our position. And we all agree now, I think, that the only way to create the unified access model is to take away the legal responsibilities for the contracted parties when it comes to who asks the questions and who accredits the one who asks the questions.

And we're in the process now -- and my project team is meeting the expedited PDP tomorrow to go further with that -- based on the TSG build a proposal for unified access model.

Our intention is with great help from the European Commission - - we want to compliment their openness in the discussion --after

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this meeting and before the Montreal meeting to provide the DPAs with that single question.

It's -- and I want to point out that the reason why we're doing this is because we want to be compliant with GDPR. We have no issue with the law itself. But the law has created issues for, for instance, access to law enforcement. So that's why we are in the process. We're sort of in the hard work part.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran. And, yes, indeed your comments has been circulated on the GAC mailing list yesterday morning. So those colleagues who have missed it may please go back to it. I can see Iran, please. Kavouss.

IRAN: Thank you. Indeed, I tend to agree in principle with what Goran mentioned. As soon as you get to legal, you get to the complexity. You create a track, you may not get rid of it at appropriate time. So I think what Goran proposed taking a more practical approach or pragmatic approach.

The European Data Protection Board is an entity which was source of this issue. The technical study group has given some models and whatever told from ICANN org put together and try to approach -- to take a practical approach to the matter rather than

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going in too much in terms of legality and so on, so forth. If you want to have a result as soon as possible, expected within a year from I don't when -- from yesterday or from tomorrow.

[ Laughter ]

That is, I think, a good approach. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss.

Any other comments?

If not, then our very last topic, it's on .AMAZON. And the reasons why the Board considered that the applicant's April 17, 2019 proposal for the delegation of the .AMAZON strings, which would be operated as closed-brand TLDs depriving the Amazon communities, they are associated with from participating in their governance and use, why the Board considered this is consistent with the GAC advice and the underlying public policy principles determined by the GAC including, A, as reiterated in the GAC Chair's March 15, 2018 letter to the ICANN Board and, B, as recorded in the transcript of the ICANN60 GAC session on the .AMAZON application which the GAC transmitted to the Board through the March 15, 2018 letter as part of its response to the October 29, 2017 Board request for information "regarding the GAC's advice that the Amazon applications should not proceed."

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I can see Goran.

GORAN MARBY:

Thank you. This is, I understand, is a lot of feelings and there's a lot of ways to describe this.

The word "Amazon" is used in many places around the world and with different meanings. In sessions like yesterday, there are always things we said that could be misunderstood. And I would like to take the opportunity to clarify some of those things that were said. And it goes around to represent the factual basis.

Remember, we are an organization and Board that has to follow rules. For instance, one of the rules we have to follow is the application guidebook which is also accepted by the GAC.

But I'm going to start with talking about the Persian Gulf. Yesterday it was said, and probably just said, that the Board which has authorized the delegation of the Persian Gulf application despite the opposition of relevant countries, the Board was forced to walk back and stop the delegation. I understand that's a little bit of the truth. But to tell it all, the GAC did not provide a non-consensus advice under the applicant guidebook on .PERSIANGULF.

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Rather, the GAC said in its Durban communique that the GAC has finalized its consideration on the .PERSIANGULF application and did not object to its proceeding.

And I'm saying this because of respect of all the involved countries.

Accordingly, ICANN continued processing for the new gTLD program. Then after that was a challenge through the independent review process, the IRP. The IRP panel recommended that the Board should not take any further action on .PERSIANGULF and not to sign the registry agreements with any party for the Persian Gulf.

In coming to that conclusion, the panel felt that the Board did not sufficiently consider all information related to the application, including opposition opposed.

That is when the Board decided that it was appropriate to evaluate the .PERSIANGULF application as it had received non-consensus advice and ultimately decided following receipt and consideration of additional information objections from relevant countries and after comprehensive analysis determined not to delegate .PERSIANGULF.

I think the important thing here is that the GAC actually said to us proceed, and we did proceed.

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The IRP said that we did the wrong thing, and we went back according to the IRP.

So I wouldn't say it's fair to say that we did this because we were opposed just by some countries.

The other thing that could probably have been misunderstood -- and I noticed it's not the meaning -- is what the GAC communique actually said from 60 and 61.

The GAC communique said -- and it was actually my -- the starting of the process was actually my initiative to make -- instead of just sitting and arguing, set up a facilitative process inviting the eight countries through the ACTOs and actually sit down and talk with the company with ICANN as the facilitator.

And as you know, many of you have been there for a while. The representatives in here -- remember, that we don't have a relationship with ACTO. We have a relationship with GAC. So, therefore, we talked through the GAC with the ACTO countries. And we had all of them in the room.

And we facilitated that process for more than a year after that GAC advice. And there are transcripts from GAC meetings with different representatives from different countries stated the progress in those facilitations.



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Also to state that the GAC advice from 60 said this should not be in a delegation is not accurate according to the actual GAC advice. It might have been discussed in the GAC deliberation, but it's not reflected in the actual GAC advice.

So I'm saying this and there are certain other points that I can point out as well just to show that we are trying to follow a rule book and it's very important for us in any occasion that we do is always follow the GAC advice. And especially we took on note that the GAC with its communique from Abu Dhabi directed us -- and it was my initiative -- to have a facilitation progress.

I'm the first one to be sad that that facilitation didn't really work out. And when it failed, the Board decided to do another iteration of it, continuing the dialogue several times, inviting the ACTO members -- because during that time, we changed from talking to the GAC representatives directly to ACTO. We continued that discussion with those countries.

And as some of you might know, I two times bought flight tickets to go to ACTO meetings and unfortunately both of those trips were canceled. So I just want to add in all of this information and all of this that has been said, my Board and myself has been trying to follow and be very loyal to the GAC advice and to the spirit of trying to find a joint solution. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, Goran.

Any comments? Brazil, please.

BRAZIL:

Thank you, Madam Chair. This is Thiago speaking for the Brazilian government. The question the GAC has put to the Board on the .AMAZON applications, which I understand hasn't yet been addressed -- is a bit like the question one partner asked the other who he knows has been naughty. Did you really do the dishes? Did you do the dishes? How did you do the dishes? The dishes have not been done.

The Board decision to proceed with the .AMAZON applications based on a proposal that does not address the concerns of the eight Amazon countries violates GAC advice. It contravenes GAC advice, and it ignores the roles and responsibilities of governments and public authorities over Internet related public-policy issues.

The Brazilian Minister of Foreign Affairs stated so publicly immediately after this unfortunate Board decision which further demonstrates that there is an urgent need for us to rethink ICANN's governance model. Brazil's Ministry of Foreign Affairs publicly deplored the Board decision, which, and I quote, "does not take into account the public-policy advice emanating from

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the GAC which recognizes the problematic character and the politically sensitive nature of the .AMAZON applications, and consider that the assignment of this domain name should only occur on the basis of a solution acceptable to the countries of the Amazon region."

It is troubling that a decision by that entity fails to adequately consider the public interest identified by eight governments; in particular, the need to safeguard the natural, cultural, and symbolic heritage of the countries and peoples of the Amazon region.

Brazil has been a strong supporter of the multistakeholder approach to Internet governance with the full participation of all stakeholders, governments, civil society, and the private sector in their respective roles and responsibilities.

The ICANN decision undermines the approach insofar as it is not based on the principle that sovereign states have rights and responsibilities for public-policy issues related to the Internet.

Thank you.

GORAN MARBY:

Can I ask a question? Which specific GAC advice have we not followed?

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BRAZIL:

Thank you for your question, Goran. First of all, I thought this would be a session where the Board would answer our questions, and the first question has not yet been answered but I would be happy to try and answer this question, which I've tried to do in my first intervention during the Amazon session yesterday and you're more than welcome to look at the transcript.

Three things. First, GAC advice from Abu Dhabi called for the continuation of a process that was admitted under the terms and authority of the GAC advice from Durban on the .AMAZON applications. You will remember that the ICANN Board decision in 2014, when it accepted the GAC advice on .AMAZON applications, the Board itself expressly recognized that that decision, and I quote, "is without prejudice to the continuing effort by Amazon and the members of the GAC to pursue dialogue on the relevant issues."

Second, in Abu Dhabi, the GAC called for the continuation, and I stress that word, continuation of one process, the process that the Board admitted should occur under the authority of the GAC advice from Durban. The GAC was only specific in Abu Dhabi in that it added in its advice that if delegation was to occur, it should be because the parties agreed on a mutually acceptable solution.

And as you all know, when you ask for the continuation of a process, without which, in our understanding, delegation should

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not occur, you are only being now more specific, and this is what the GAC did. It was more specific that this process should lead to a mutually acceptable solution. You are actually then restating your default position that delegation should not occur. Not the contrary.

Third, after the GAC adopted the Abu Dhabi advice, the GAC, and even the Board gave a clear indication that it was understood by everyone that the GAC's default position on the .AMAZON applications was that they should only -- that they should not proceed unless a mutually acceptable solution was reached.

As the Abu Dhabi meeting came to a closure, the Board asked the GAC if it had any more additional information or information. And I quote, "regarding the GAC's advice that the Amazon application should not proceed."

This is in the question the GAC has put to the Board for an answer. And the GAC's response to that question, which was specifically pointed to GAC's advice that the .AMAZON application should not proceed, was that nothing new should be added or withdrawn except that now the GAC was specific that a mutually acceptable solution was necessary, in which case delegation could exceptionally occur.

I'm glad to quote the GAC's letter to the Board which sent to the Board in response to that request in March 2018, and I quote. This

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is from the chair's pen. "I am writing in response to Steve Crocker's letter of October 2017 which conveyed the terms of a Board resolution asking the GAC if it has any new or additional information to provide to the Board regarding the GAC's advice that the .AMAZON applications should not proceed. At this time, the GAC does not have any additional information to provide to the Board on this matter beyond referring to the GAC Abu Dhabi communique; in particular, to the advice contained therein for the Board to continue facilitating negotiations between the ACTO countries and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the delegation of the .AMAZON as top-level domain names.

Further, it also expressly called Board's attention to the advice language which expressly recognized the need to find a mutually acceptable solution in the case of the .AMAZON applications for the countries affected and for the .AMAZON corporation -- and for the Amazon corporation as well as to the call, drawing the attention of all parties, in particular the Board, to the final transcript of the relevant sessions where the issues were discussed.

So this is basically why we are interested in hearing the Board's response to the question we put to it in this session, and we will be more than happy to hear what you have to say instead of us

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having here to provide the answers that we have already been given until today. Thank you.

GORAN MARBY:

Thank you. And the reason I asked the question because the statement has been made we haven't followed GAC advice. The discussions that lead up to GAC advice, it's -- that's your discussion. But when someone says we didn't follow the GAC advice, that's a very different. And I think you now agree with me, it seems like, the wordings you are actually reflecting to was not in the GAC advices itself but it came in in other forms and other discussions. And to that point, the ICANN61 GAC advice said the GAC received an update from several of its member regarding the proposal submitted by Amazon.com at ICANN60. The GAC understands that member government of the Amazon Cooperation Treaty Organization, ACTO, has established a process for analyzing the proposal and this analysis is processing. The GAC was informed by -- that Amazon had come and board members had made themselves available to assist if requested."

So with that, you can also say that the Board -- the GAC then recognized the fact that we followed the advice willingly to facilitate the discussions between ACTO -- the ACTO members and -- and -- and the company.

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So this is an answer to your question. We think and the Board thinks that we, in good faith, started up a facilitation process many years ago. During that process, the countries actively came together. There was a lot of discussions between the countries as well, and also with the companies itself.

The underlying agreement of that discussion that happened over a one-year period is actually what is reflected in the Board resolution and leading into the PICs. So that's the reason I'm asking the question, is because it sort of reiterates the answer I can give. Efforts from the ICANN Board to follow the GAC advice, following the actual GAC advice because the GAC advice is a consensus among you. I know that many different parties have different opinions about this, but the Board has to follow what the actual GAC advice that comes out.

Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran. I can see a request for the floor from China and then Colombia. So China, please.

CHINA: Thank you, Chair. First, a thanks to board members for coming, interacting with us.



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Just a quick view. From the region, as a GAC member, from what I look, I will say that a mutually acceptable solution is perhaps necessary in this case.

So the recent decision on this case is without such a mutually acceptable solution agreed between Amazon the company and ACTO countries. So in this sense, I think it is probably, in this case, rash to make that conclusion to proceed with following procedure of the Amazon TLD case. So I think I would suggest to remedy this with concrete action to address concerns of ACTO countries.

Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, China.

I have Colombia next.

COLOMBIA: Thank you very much.

ICANN board members and GAC members, I'm Jehudi, for the transcript, Deputy Minister of the Digital Economy and representative for Colombia. I'm going to statement in Spanish.

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We think that it is really a concern that with this case, we are breaking the harmony and the operability of the multistakeholder model used by ICANN for its operations because it had helped Internet to be what it is today, an Internet, secure, safe, and resilient and interoperable. And it has to consider the interests of all parties involved.

It is really concern and it is frustrating that an instrument to resolve the disputes within ICANN add a mechanism so as to disregard a GAC recommendation. As an advisory committee to ICANN Boards, and taking into account the concerns, the legitimate concerns of the states, we know that ICANN system faces several challenges and we are willing to give an input to them and contribute to them. But as it was expressed in the meeting, regarding the TLD .AMAZON, we consider at the GAC it is not good to promote this ability of such a committee as the government Governmental Advisory Committee because we know that there are certain concerns regarding the participation of the states in certain governance models like ICANN.

But we are sure since we are a subject of the Internet community and international law, our role and recommendations of the GAC -- of the advisory committee we are a part of has to be respected, notwithstanding the procedures used by those involved, because we represent the general interest of our community. We take this opportunity so as to make an energetic call to the Board and all

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countries in this advisory committee so as to preserve a multistakeholder approach when decisions are made.

In the case of the resolution issued by ICANN's Board on May 15 regarding the .AMAZON application, it is clear that we are finally breaking apart the multistakeholder model, and the interest of one of the stakeholders is being benefited. This is in the detriment not only to the advice given by the GAC to the Board but in the voice of eight states that represent approximately 350 million people. And they have systematically opposed the final resolution of the cooperation without reaching a mutually acceptable solution between the corporation and the countries in the Amazon region.

The .AMAZON case is not an isolated case. It is a serious proceeding for the multistakeholder model. And we are interested in Internet governance, and this is why we are gathered here today.

It is opening the door for similar situations in the future for other geographical regions around the world. It is not recognizing legitimate claims in which the state interest should prevail above the other stakeholders in the systems.

So we are reaffirming our commitment to strengthening not only the GAC but the role in the defense of the interest of all states

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within the ICANN environment. This is why we request the Board to follow the recommendations made by GAC.

Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Colombia.

GORAN MARBY: One more comment, please.

Just one more comment. ICANN is not the place to make a decision if Amazon is a region or not. We have been asking for legal international law, international agreement that Amazon has this status.

We are not. And that's why we always, we always have external organizations that make those decisions.

Take the two letters, for instance. We are not making any decisions about the names of -- what the names countries are using for their CCs. We always let someone else decide that because ICANN as an organization should not be part of foreign policy.

So in this deliberation we have several times asked that questions. Please point us to an international treaty, international law that points to Amazon as a region.

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We will be happy if there were one. It will ease our minds a lot. And until then -- and that's why according to the Applicant Guidebook that you have agreed upon, this is not a geographical name. We would have another discussion if this was deemed to be a geographical name according to the application guidebook.

We might, as individuals, have different opinions about how we feel about this, and I respect, and you know that I respect the intentions from the countries surrounding the river Amazon. That's why the Board was very keen on not to treat this as any commercial -- any commercial new gTLD. And that's why the PICs and the rules surrounding this is not something that is looks like something that an ordinary string. And Amazon the company has given assurances to make sure that this is handled differently.

And so we have tried to do this in the best face. And I think the Board, at least one of the resolutions said already in -- already in Barcelona, say that we do this because we have the greatest respect for the people who lives in these regions.

Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran.

We have two more requests for the floor. We have four more -- five. Six. So let's try to keep it short.

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So I had a request for the floor. From Peru. Yes, please, go ahead.

PERU:

Peru speaking. Thank you. I'll try to be as brief as possible.

This is such an important issue, and at the same time, it is so difficult.

I think that we need to show goodwill because if we just stick to our personal ideas or strictly to legal considerations, I think that we won't be able to make any progress.

We need to bear in mind that reality goes over legality. That means that not everything that is legal is in line with reality. So I would like to disagree with the previous speaker.

All over the world, geography experts -- I study geography -- all geographers speak about the Amazonian region. The name may change according to the language, but the Amazonian region exists. The pope speaks about Amazon, but it doesn't mean that because the pope speaks about the Amazon region, the region exists. But it has always existed. It is a domination for that region.

So unfortunately, I disagree with the previous comment because I think that here in this discussion there is no good faith in principle to reach a mutually acceptable solution that will serve everybody's interests.

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I am not an expert on ICANN-related issues, but based on information that I have received, the GAC's advice has not been followed by the Board. And I believe that this decision even goes against ICANN's roles. So I think that we need to bring here goodwill. We have to focus on reality, not on words on documents. We need to try to reach an agreement.

And I think that there is something very important here to take into account. Governments, countries exist, such as the Amazon region exists. And the Amazon corporation also exists.

So we need to reach an agreement, and we need to show goodwill and good faith. That is so important in order to reach an agreement; otherwise, I think that we may have a legal victory around this issue, but many decisions may be considered not legitimate because in order for them to be considered legitimate, they have to be seen as fair.

In my intervention yesterday I said that those that have the greatest interest in reaching a mutually acceptable solution are those who are part of the Amazon corporation, and I also listed reasons. But if that is not considered, well, we will have to challenge the decisions that are made, and we will have to bring some legal actions. We will have to resort to the press. We will have to mobilize opinion groups because if we believe that this is unfair, we will have to take that kind of action. And I think that it

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is extremely dangerous for Internet governance not to take into account the interests of the states, the interests of the peoples, because I think that this should be the result of a mutual agreement. It is not enough to say that the Amazon corporation respects all this. It has to reach an agreement with involved countries.

I could say more, but I will stop now so that others can take the floor. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Peru.

GORAN MARBY:

I have no problem -- the problem we have, of course, is we have an application guidebook that is actually agreed with the GAC that we have to follow. So we are trying -- I think in all of this I hope that you see we have been trying to follow the rules and the GAC advice as were written. You might not agree with it, and that's fine. But it's up to you then to change.

We are now going into a sub pro process. If there are things you would like to change in the future in the application guidebook, I don't have a say in that.



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I think you all agree with me, if I didn't follow the rules set by you, we would have a problem.

My point about international law is we have been looking for an international law. We asked the international law to recognize this because, frankly, it would make my life much easier.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran.

So we are at the hour and we have five requests for the floor. So I appreciate if Board members can wait with us for, like, five more minutes. And I appreciate if GAC colleagues could keep it brief.

I have Iran, Argentina, Switzerland, Portugal, and India. Again, I do apologize if I messed up the order.

But, Iran, please, go ahead.

IRAN: Thank you, Manal.

I don't think the issue referred to applicant guidebooks as a pile of books. It is applicant guidebook. We are guided by the bylaw, and bylaw is GAC advice. So we should not refer to that one.

We should not either refer whether there is international law or not on the geographic name. That is diversion of the question.

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The key point is what China mentioned. The GAC advice was Board facilitate discussions among the concerned parties in order to arrive as a mutually satisfactory solution. Where is that mutually satisfactory solution? Was it done? And then Board based itself on that resolution or no?

Please kindly indicate where is that mutually agreed satisfactory solution by all parties. It is not.

So I don't agree with you referring to the guidebook. I don't refer to .PERSIANGULF. That was an incorrect reference. That was another issue, another situation. I don't agree with that one. Let's come to the point.

Mutually agreed solutions, there is no. If there is, please show us. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss.

Argentina.

ARGENTINA:

Thank you, Manal. Argentina. Olga Cavalli from Argentina for the record.

My comment is somehow aligned with this "seek for the mutually aligned solution."

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In reference to the applicant guidebook, it also established that in the case of a doubt, if it's a name, if it's geographic and it's not included in the list, the applicant should consult the interested parties. That is also included in the applicant guidebook.

There may be gray areas in the applicant guidebook; and this is why we have the GAC, we have the GAC advice, and we have all the stages to establish a positive dialogue.

And as I said the other day, our delegation have dedicated a lot of time in chairing groups -- working groups within the GAC and now with Work Track 5 in trying to find this way to find a mutually acceptable solution. So this is why we are talking about this with you, the Board. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Argentina.

Switzerland.

SWITZERLAND: Thank you, Manal. Jorge Cancio, Switzerland, for the record.

I agree very much with what Olga just said. And I feel that we should not start digging any ditch because in the end what you do in a ditch is to die in a ditch and that's not really constructive. I

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think we still have time to go to that solution which in the end has to be a compromised solution.

And facilitation means to exhaust all the available means. And probably there are still some ways and means to do that and to avoid that we follow on this process of digging ditches and having a conflict, which I think is not good for anyone.

MANAL ISMAIL, GAC CHAIR: Thank you, Switzerland.

Portugal.

PORTUGAL: Thank you very much. Well, let me see what I wrote here.

So you said that ICANN don't have competencies on foreign policy. It's so good to hear that, but I'm afraid that you don't know exactly what it means.

So you invented -- ICANN invented these very strange markets of gTLDs. And it brought into question sovereignty and culture of countries and cultures.

And I must say that many governments are looking into this situation to see what has to be done to stop this because you went too far. You don't understand anything about institutional and what is sovereignty.

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Now, the trend is to say that, well, sovereignty is something that we have to change because of Internet. Come on. You cannot say such a thing because we have nations and we have states. So you have to see international law as well.

So a lot of things are very, very strange, very danger. And we are in a path that we have to stop this trend of what ICANN is doing. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Portugal.

I have India next.

GORAN MARBY: Thank you, Portugal, for the comment. So we do agree there is no international law. And the answer to the question might be international law.

And when I use the word "competence," I don't mean that we don't know anything about it. I mean it's not in our mission or bylaws to form foreign policies. That is actually for you in your countries.

And I know that the discussion about Amazon as a region has been discussed for many, many times. And it doesn't matter -- I call the area Amazon as well using the Greek word for it. I guess

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that before the conquerors came there, the native people used a completely different word for it. I don't know that, but I would love to hear it. I probably can't pronounce it anyway.

The point of the matter is that ICANN is an organization who shouldn't deal with foreign policy issues. And we are often faced -- I'm not saying this time. But if you're trying to use ICANN for -- to create foreign policy, that we should take a stand on that. And we often end up with those discussions here, which I think is unfair to the institution.

The new gTLD program was something that the community together with the GAC formed. It's not ICANN org or ICANN Board. It's the ICANN community which the GAC was a part of. That's something you all agreed upon to do.

So if you think there are mistakes made in that, please engage in the work that the community is currently doing in the sub pro because there, there are going to be updates to the application guidebook. There are going to be changes.

If the community made mistakes in that one, we are not the ones who are going to say that. It's in the dialogue within the community where the GAC is a very important part of.

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But I am happy that we reached one of the conclusions, is that it's a hard case for ICANN as an institution being the holder of the identifiers for the Internet to be part of foreign policy. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran.

Portugal will respond very quickly and then India. Sorry, India, to keep you waiting. Portugal.

Okay. We will go to India first.

India, go ahead.

INDIA: Thank you, Chair. Rahul Gosain, government of India for the record.

In the event of striking a constructive note in this gathering, first of all, I would like to thank the ICANN Board for having kindly consented to extend the time of the meeting with us.

So what I want to say in this matter is that whatever conclusions are reached in the Amazon case, it's also a shout-out to what Goran has earlier been saying, that this should not be considered as a precedent for future applications in the new round of new gTLDs.

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And it is quite essential that we revisit it and for the successor and to restore the trust and faith of the authorities in the next round of the new gTLD program.

The policy for prior authorization or nonobjection from the concerned authorities for the respective geographical names and other terms having cultural significance or which are objected to or otherwise determined to be sensitive be extended to all such future applications in order to achieve greater predictability and certainty for the applicants as well as to restore faith in the eyes of the other stakeholders involved in the process, such as the relevant public authorities who represent the interests of their constituencies.

This is the short point I wanted to make about issues such as this.

And regarding the two-character codes, while we appreciate the development of the notification tools for the two-character codes and without prejudice to the established end of the government of India in this matter, I would like to point out that the efficacy of this tool in addressing the concerns of the countries, while it is still being evaluated, we have made some suggestions and we have shared those with ICANN org. And we urge that enough energy and effort continue to be invested in this in order to make this tool effective and useful and measures that have been taken continue to be meaningful and not simply a check box.



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So while -- what I'm saying in my last sentence, while it applies to the tool but it also applies to the other actions which we may take in future. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, India.

Okay. Very quickly, please, Portugal.

PORTUGAL: Just to add to Goran, that this is a business-led entity. So it is -- ICANN is a business-led entity. Governments are advisers. Where in the world are governments are advisers in an entity? Nowhere.

So we are full of stories that put in evidence that you don't understand governments. So this has to have a solution. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Portugal.

GORAN MARBY: Can I make a small comment on that?

I think it's important for the record to say that ICANN is a nonprofit organization. We have no businesses whatsoever. I think a lot of this discussion is how serious we take GAC advice.

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We presented a paper which we can resend again when we went through all GAC advice coming after the new gTLD program where you can see how we dealt with GAC advice and how much we actually took it into account; that in the end, you were actually able to change the whole process.

So I think it's important to say we are not a commercial entity. We are a nonprofit organization. The funding we receive is only to be able to support you in your work. And the Board and myself, as you know, is taking all GAC advice very, very seriously not only because we think it's important but also for the fact we think it's according to our bylaws and how we should do things.

So there was a decision in this room when you gave us that support. It was based on the historical evidence that you think that we treated you fairly.

And after the decision, we put special things in to make sure that we always listen to you.

And that's why the wording in the advice is so important and not the discussions behind it because we are really committed to it. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Goran.

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We are 15 minutes over time. So I think we need to wrap up here.  
Any final remarks from you, Maarten?

MAARTEN BOTTERMAN: Yes, please.

We have -- I just want to make clear we have considered all advice. What we have done with it is what is in contend here. But we also visibly helped to have the parties come together as recognized at times by involved parties also on the record. And that's not anyone's fault.

We are sorry partners did not manage to come together. We are. We would have loved that to be the solution.

And now we had to follow the rules that we as the multistakeholder community set together. So that's what we've done. And I think we've acted in good faith and not for our personal benefits, as Goran said.

So we do look forward to the GAC advice, the communique. And we will stand to respond to that in any GAC advice, consensus advice, that comes.

In addition, very last remark I want to point out, that there's an RFR under way, which is why also the PICs have not been published yet. And this will happen soon.

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Once it's published for public comment, please take note of that. And all involved parties should comment. And then after that, we will take a final assessment of feasibility.

MANAL ISMAIL, GAC CHAIR: So I have a final-final remark from Brazil. Please, very short.

BRAZIL:

Thank you, Madam Chair. It's actually a quick practical question.

We were wondering why the -- the reasons why the public interest commitment submitted by the applicant company in the .AMAZON applications were not posted for public comment immediately after the Board decision?

We understand that everyone seemed to be in a bit of a hurry in this process. And immediately after the Board adopted the decision, we were expecting the PICs to be posted since it should be the PICs that the company was discussing with the countries.

I understand also there is a Colombian reconsideration request pending which may have halted the process. But it was several weeks had elapsed until this reconsideration request was submitted. So there was, my understanding, enough time for the PICs to be published.

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We would be interested in knowing when we should expect them to be published.

GORAN MARBY:

Thank you. For the record, first, the Brazilian representative has the PICs.

Yes, it takes a couple of weeks to go through the process of a new application because there are several for this implementation phase. We were actually planning to -- we were just in the phase of actually publishing them for public comments when we received the reconsideration request from the Colombian government.

Our practice then is to take a pause. That's what we always do. And the reason why we do that is to give the reconsideration request an opportunity to think about how we should do the next steps. So they will have been published. If the reconsideration request would have come in just a couple of days later, we would have had the time.

Now we will consider, because we have to follow the practice of this, if they can be published before the Board has done the reconsideration request. Thank you very much.

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BRAZIL: Just for the record, if I'm not mistaken, about a month elapsed since the Board decision to accept the proposal presented by the company until the reconsideration request was filed. So I understand that there might have been a need for further time.

I'm just putting it on the record that time has elapsed since the Board decision saying that it accepted the applicant's proposal, stating it would publish it for public comment, which is the next stage. And it could have been published. But for some reason, it wasn't. It's fine.

I'm just putting on the record noticing that this hasn't happened. Thank you.

MANAL ISMAIL, GAC CHAIR: I have Colombia and I have Chris. Okay.

Kavouss, I mean, we need to wrap up. We're 18 minutes over time. So please very short. Colombia and Kavouss.

GORAN MARBY: I could talk about this all day. I don't have a problem.

COLOMBIA: Just very, very brief. I just want to let the record say that the answer that Iran made has not been answered. The answer was the GAC advice was to achieve a mutual, acceptable solution.

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There is none, and you are still proceeding. And the answer is still not with us.

MANAL ISMAIL, GAC CHAIR: Thank you. Colombia.

And Kavouss.

IRAN: Yes, Manal. We should avoid one-to-one reactions. Every one of us say something. Immediately, from the other side there is a reaction. We should avoid that. We invite distinguished Board members to come here and listen to us but not one-to-one reactions. It's not appropriate.

Switzerland made a very good point. It says that it is not end of the life. There is still room for consultations.

And my question has not been -- this is what we propose at the very beginning, that Board is kindly requested to facilitate discussion among the concerned parties in order to arrive at a mutually acceptable and satisfactory solution.

That solution does not exist on the table, and we are looking for that. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Thank you, everyone. I think the message is clear. Sincere apologies for going 20 minutes over time. Thank you all for your patience.

To GAC colleagues, please remain seated so we can proceed with our following session. Thank you. And thank you to Board members, of course, for your valuable time and for your patience. Thanks.

[ Break ]

## COMMUNIQUE DRAFTING RESUMED

[ Meeting in progress ]

MANAL ISMAIL, GAC CHAIR: ...whether or not we intend to provide GAC advice on certain topics and then agree who will be holding a pen or interested GAC members who can collaborate in the drafting exercise so that when we come after lunch, we are in a good shape to start.

Can you update us on where we you stand.



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FABIEN BETREMIEUX: You have received a link to this document, which is the draft communique. It's in shared documents where you can add proposed text in the advice section of the communique as well as the issues of importance to the GAC.

In the meantime, we have been working to complete the nonadvice and nonpolicy part of the communique.

So I will just scroll down to show you. We've listed here -- put input in terms of the meeting with the ICANN Board, meeting with the GNSO, ccNSO, ALAC, discussion with the GAC work party of the ATRT3.

We still have some text to provide here for -- two meetings tomorrow.

Cross-community discussions including those that are still to happen.

Internal matters.

MANAL ISMAIL, GAC CHAIR: Before moving further and back to what Kavouss said regarding the results of the bilaterals, maybe it's worth, Ana, if we add a sentence in the part reporting on the meeting with the ALAC on what we have concluded.

So we now have the agenda, if we can just add one sentence on the conclusion that we will work closely on new gTLDs in specifics.

For the ALAC meeting, yes.

Ana will be providing you with one sentence on this, right? Thank you. Please.

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FABIEN BETREMIEUX: So in terms of internal matters, we feel progressively the GAC working groups reports, we're still expecting some text. And we're working on editing. You'll see some of the text.

Actually, I am not seeing some of the edits here. We are working on the USR working group at the moment.

We've added a section here specific to the GAC focal group on subsequent rounds of new gTLDs. So you can review that in the document.

BGIG, GAC leadership elections and GAC operational matters. So this is still under review. But, hopefully, our target is that by the time we proceed with the formal communique drafting, this will be complete.

In terms of issues of importance to the GAC, we've identified with -- with the Brian Beckham from WIPO that there will be a proposal for discussing IGO protection in this part of the communique.

We are not aware of other suggestions of topic and text for this section of the communique at the moment.

In terms of consensus advice to the ICANN Board, we are again here not aware yet of proposals.

I just wanted to edit the numbering in here.

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In terms of follow-up on previous advice, we have the text that was suggested by Brazil on Monday and not aware of other topics at the moment for this section of the communique. And this completes our update at this point.

MANAL ISMAIL, GAC CHAIR: Iran, please.

IRAN: Yes. I think it is very important to also reflect the discussion we have just a few minutes ago, Board-GAC meeting. It was important to emphasize that many members of the GAC reiterated that the initial discussion was that to look for a mutually acceptable solution, GAC looking for that mutual acceptable solution. That's something, reflect the discussion that we are today. But not talking about so many other things which is international law on the geographic names. These are not to be discussed.

The only thing we should concentrate, that GAC advice was looking for mutually acceptable solution and GAC is still looking, whether that mutually acceptable solution has been reached or not. If, yes, where is it? Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss.

I think Brazil offered to provide text on .AMAZON. Yes? No?

So, I mean, there are current efforts to provide. Brazil, please. I understand, Colombia, you also said you had one option.

Brazil, please, go ahead.

BRAZIL: Thank you, Madam Chair. I understand Iran's suggestion is also for the communique to reflect the discussions that took place just now between during the GAC-Board session and also the discussions that took place during yesterday's session on the .AMAZON issue. And this is obviously without prejudice to having us provide suggestions for language for GAC advice.

This would be a factual description -- I understand Iran's suggestion would be a factual description of what took place where he noticed that there were a sort of general call for a mutual acceptable solution as the ideal scenario.

MANAL ISMAIL, GAC CHAIR: And this text should go under "meeting with ICANN Board"?

BRAZIL: Yes.

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MANAL ISMAIL, GAC CHAIR: Okay. And who would be willing to draft?

BRAZIL: I wonder if the staff could provide an initial draft, which would also be a draft for this session that just ended and also for the previous sessions, which I think is in your mandate, if I'm not mistaken. And I'm thinking specifically this is our point of interest about the .AMAZON session.

ROB HOGGARTH: We understand fully that you will carefully review it and make any suggestions for changes.

BRAZIL: Whatever text is finally adopted will be our text, meaning the GAC. Thank you.

MANAL ISMAIL, GAC CHAIR: So in terms of GAC advice, we only have .AMAZON and two-character code. Is this the case? Anything else that needs to be reflected in the communique?

Two-character codes and .AMAZON. Adviser for -- I mean, we don't have -- we have just the two-character codes in the follow-up. And I believe the .AMAZON will be an advice or is it a follow-up as well?

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BRAZIL: It would be a proposal for advice.

MANAL ISMAIL, GAC CHAIR: It will be a proposal for advice.

So any other communique language we should expect? Okay.

If not, then enjoy your lunch and see you back here in -- okay. We will be reconvening at 1:30. Thank you.

And to GAC leadership colleagues, the GAC leadership is meeting at Opal, in room Opal. Thank you, everyone. And thanks to the interpreters. Thank you.

[ END FO TRANSCRIPT ]