
ICANN67 | Virtual Community Forum – GAC: Plan for Communique Drafting
Tuesday, March 10, 2020 – 16:00 to 17:00 CUN

GULTEN TEPE: Hello, everyone. This is Gulden speaking. Welcome to the GAC ICANN67 GAC communique discussion call. Being held Tuesday 10th of March, 2020 at 21:00UTC. With that I would like to keep it short since this is the last session today over to you. Manal.

MANAL ISMAIL, GAC CHAIR: Thank you. Gulden.. and thank you everyone indeed this is our last session today. It's scheduled for 1 hour. And we will be discussing the communique drafting so during this very first session on the communique I think we need to confirm again our plan for the communique drafting identify topics that are potential for the communique, and ultimately start discussing what messages we need to convey through the communique, and assign pen holders, and I see our wonderful support staff already at have the communique template on the screen so Fabien would you like to take us through the communique. The current structure.

FABIEN BETREMIEUX: Sure. So we'll scroll down to hello everyone this is Fabien Betremieux from the ICANN GAC support team. So if you don't mind scrolling down to the first page of the communique. Those are the guidance that we usually include that you were seeing before in terms of scheduled but I guess we will discuss that right now. So in terms of the communique right now what's highlighted in red is our

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attempt to reflect the fact that the meeting is held virtually so you might want to consider those, and how you would like this to be reflected on the communique. So the introduction is the usually introduction. Section to ... and community engagement includes only 2 items mainly. Meeting with the ICANN Board and meeting with the at large advisory committee tomorrow, we've already populated the topics that are discussed there. And in terms of cross-community discussions we might want to refer to... that remains to be determined. Moving on to section 3 internal matters, we've maintained the sections the usual sections about the GAC membership which we've updated with members here. GAC operational matters if there is any to reflect and in terms of GAC working groups the PSWG met this week and has had some activity so we might get a report on that from the PSWG leaders, and as far as the underserved region working group we may want to reflect here in this section the work achieved in the capacity building workshop subsequent rounds of new gTLDs and so finally, we come to section 4, other issues, and section 5 consensus advice with the ICANN Board, and here I guess this is where most.

GULTEN TEPE: Fabien, we received a comment in the chat box from our satisfies chair, Luisa Paez. Fabien, can you go slower, please.

FABIEN BETREMIEUX: Thank you. I apologize for going too fast. So we were getting to the last parts of the GAC communique, that is the section 4 other issues, and section 5, consensus advice to the ICANN Board. So far we've only

reflected in the other issues, 3 main topic that we've -- that the GAC has discussed, and which GAC members and the GAC may wish to convey messages so -- but we have reviewed the communique so far, and Manal, I will give control back to you. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabian. So let me now open the floor for any comments or questions? Or suggestions? So first of all are we all on the same page regarding the process. I mean we agreed to -- by the end of our meeting on Thursday we will allow Friday for everyone to review the communique in their time zone before posting it the following Monday, and actually, I received the follow-up on the request to confirm this from Japan this morning yeah morning Cancun time so just to confirm that we are all in agreement here. And there is a question from Finn in the chat asking how many GAC members are participating in this meeting? I leave it to staff to respond, but I'm not sure we will be able to give an accurate number until the very end of the meeting especially for those remote meetings, remote sessions we keep getting a changing number every session, but -- Rob please, yes go ahead.

ROBERT HOGGARTH: Thank you, Manal. This is Rob Hoggarth for the record. I hope you can hear me. Yes what we're doing is Gulden admonished all just about every session to courteously put GAC next to your name. Many of you have also identified your individual countries, or observing organizations and so we appreciate that very much. We've been trying to follow along on session by session basis, based on the input that

you've shared and right now we're right around this is not part [inaudible] so many of you have delegations of multiple people, but right now we're up to a count of about 50 GAC members, and 5 observing organizations who have so far participated in the meeting in one session or another. We aren't doing a count that Finn participated in 5 sessions and Manal participated in 8 sessions or anything like that but that's our running count of participation in the meetings so far. You'll recall that we do something similar in the face-to-face environment where we circulate a paper during every day, and we collect the attendance that way either by the pen and paper or the iPad, so we're doing it somewhat virtually this time Finn and so that's where we are in terms of the numbers at present. We're going to continue as Manal notes to do that again tomorrow, and then on Thursday, and then we will have a final count that we will be able to put in the communique. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much. Rob. So now any questions on the structure that was displayed by Fabian of the communique and if not would ask that maybe we could go again down to the potential topics and see whether there are -- there is agreement on those topics and if so, if we have volunteers and holders who start drafting communique language and sharing it either in the Google docs or in [inaudible] so we have acquisition of PIR the .org we have subsequent rounds of new gTLDs, and we have domain name registration directory service and we have protection. So is there agreement on those 3 topics being potential for our communique? I see no objection and I take silence as agreement.

And I see Giacomo in the chat confirming, so anything missing that we need to add?

GULTEN TEPE: Manal, this is Gulden speaking.

MANAL ISMAIL, GAC CHAIR: Yes.

GULTEN TEPE: Gulden ... from the Egyptian delegation stated in the chat saying I wonder if you could put in the introduction a clarifying for the purpose why this meeting have remote, just for the record. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much. I think we can do this any objections? If not, I see Vincent's hand up so Vincent -- France, go ahead.

FRANCE: Yes. Hello, can you hear me?

MANAL ISMAIL, GAC CHAIR: Yes, there is a little bit of echo, but we can hear you, yes.

FRANCE: Okay. Thank you very much. I would just like to say that, that regarding the acquisition of PIR I would be in favor, and I think I'm not the only one of putting it into the GAC advice section. That is something I -- I talked about yesterday, the -- that's -- it would be a good idea to try and have some consensus advice despite the quite

peculiar conditions of ICANN67. I know that some of the GAC colleagues are not necessarily in favor of trying to reach some consensus advice, but I believe that if there is one topic for which it is worth trying to reach a vice it would be the acquisition of PIR and if needed, I am in -- I am totally ready, with some colleagues I know, are also ready to do so, to draft some potential advice. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Vincent, and thank you for volunteering to be a pen holder for this as well. So any objection to moving this to a consensus GAC advice again as a trial until we receive the text and see whether we can agree on it or not? I see Vernita's hand but before this just to Feng's question in the chat, confirming whether or not we are producing GAC advice this time, so this is the current discussion Feng, so we, we thought to remain flexible and now we are discussing how to proceed, so Vernita please, sorry to keep you waiting. Go ahead.

UNITED STATES: Thank, Manal. So we have as we stated yesterday -- it would be very difficult for us to reach GAC consensus advice on PIR. I also -- I didn't say this at the beginning of our meeting either, but I think it was -- would be difficult for the U.S. to reach consensus -- to have GAC consensus advice for this entire meeting. I do think that the communique should summarize our discussions but reaching GAC consensus advice would be very difficult for us and challenging and so just to go on the record with that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Vernita. So, any other comments or views on this? And thank you Jorge for the reminder for everybody to have GAC and name of the country beside their names. It helps a lot, so -- owe Olivier please European Commission.

EUROPEAN COMMISSION: Thanks, Manal. Just a question of procedure because we have had had from Vernita but also from Paul yesterday from the U.K. that since this is a virtual meeting we might not be able to reach advice. Is there any procedural limitation or it's just something we would decide now among ourselves?

MANAL ISMAIL, GAC CHAIR: I don't think there's procedural limitation. I stand to be corrected by staff of course but I don't think there is any procedural limitation so it's basically the latter. We are deciding this right now. And before giving Kavouss the floor, I see a comment -- a question, I'm sorry, from Luisa regarding process, do we have enough GAC quorum stated under our GAC operating principles? So I think the quorum should be 1/3 the membership? Again I stand to be corrected by support staff, and irrespective of the number of participants to this meeting, GAC participants to this meeting, I think we'll we were trying to overcome the quorum issue by having the communique circulated over e-mail, and leaving it for 24 hours or maybe even more for GAC colleagues to review so I hope this address is your in infection job. Kavouss, please, sorry to keep you waiting.

IRAN: Yes, I'm sorry, I missed a part of the meeting. I see the section 4 other issues. What are the -- what are the titles of the GAC advice. How many advice we have. Yeah, so GAC advice to the Board, yes.

MANAL ISMAIL, GAC CHAIR: So, Kavouss, this is the structure of the communique we have just discussing the structure and we have 3 potential topics that were identified to be potential topics for the communique. The discussion now is whether -- so the 3 topics as you may have seen are subsequent procedures .org and domain name regions services there was a proposal by France that we remove the ... to and there was an objection by the U.S. in principle, in having any GAC advice out of this remote meeting given the unique set up of this meeting and the benefit from discussing face-to-face so Kavouss if you want --

IRAN: Yes, I think we would like to find some middle ground. Not taking this side and not taking that side, I think we should avoid the chair's objections and so on so forth. This is an initiation of polarization. We should avoid that. We should see what we can do. Maybe we could say that it is early to have advice on the PIR but we do not have only advice to the ICANN Board. We have communication. We have way to express concerns. If you -- not you -- operating principles therefore several ways of communicating our views to ICANN Board although we don't have as such recommendation ... because that's for the GNSO and others nevertheless we could still express our concerns. So we should not keep silent on the org but we should express some concerns as you say questions not in the form of the advice to have a

difficulty whether it consensus advice or non-confidence census advice but I don't think that we should keep totally silence. We have received communication from France, support of Germany. Support of Switzerland and support of few others and maybe some others so I don't think that one or two distinguished colleagues would object to that. This is a something we we should avoid that. I don't think -- clear thank you.

MANAL ISMAIL, GAC CHAIR: I'm sorry, I have to be clear, so no one mentioned the term object. I did mistakenly, so in lack of another word. It's approaching midnight. I may have mis-chosen my words, but just to be clear Vernita did not use the term object. And she didn't object. She said in principle we shouldn't be providing GAC advice out of this meeting. So I have Jorge's hand up, and also a comment in the chat, or a question, in fact, from Nigel. Does anything prevent France et al from proposing draft text as a summary of discussion or as draft advice? And the answer is no, I mean nothing prevents any one from proposing draft text to the communique. And I think Vincent already kindly volunteered to be a pen holder, so I assume we will be receiving text anyway irrespective of where this should go. So Jorge, please, and then Olivier.

JORGE CANCIO: Hello. Do you hear me okay?

MANAL ISMAIL, GAC CHAIR: Yes Jorge.

JORGE CANCIO: Hello everyone. Good evening, at least in Europe. On this question of GAC advice, be it on the .org or be it on any other issue that people would feel pressing, I think that for the time being we could remain flexible and open, and consider first the text that is proposed toward the GAC by the interested GAC members so that at least would I at least would be very interested in seeing what is really the substance and whether that is GAC advice or its a different kind of communication. And on process, I think that its good to remember that we have delivered GAC consensus advice to the Board inter-sessionally in the form of letters of the GAC chair, which have gone through written procedure through e-mail, in the GAC list, so if we have done that in the past I don't see any problem in doing that now. I think it's a question of giving it sufficient time to allowing everyone to express him or herself, so I leave it by that, and I'm looking forward to seeing the text from colleagues.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge. So a proposal to remain flexible, and should this go into a GAC advice, we allow more time for review so noted Jorge. Olivier, please go ahead.

EUROPEAN COMMISSION: Thank you, Manal. I think -- I mean, an advice on this might be, might be interesting. I mean we have heard the Board in the previous session on the questions we have asked. I think we have heard

reassuring replies that public interest will be taken into account, that they will ask questions to PIR to make sure this is the case, that all options are open, so in a way, we could try to find a way to support them in the -- in their assessment. Assessment work so one way might be to, might be to via high level advice at this stage and then possibly more specific, specific comment or advice at a later stage, as Jorge was proposing through this written procedure, but there are points we have discussed yesterday, and we have reflected in the questions which indicate that I think we should, we should raise around the need to engage with the community, around the need to have sufficient safeguards that the public interest is preserved, in particular through the PICs. So I think that might be elements that we want to put in a high level advice, but in any case, I agree also with what Kavouss was saying, maybe the best is to have a text and to see where it fits best.

MANAL ISMAIL, GAC CHAIR: Thank you, European Commission. So again, a proposal to see the text and then decide, and remain flexible, and also should there be some draft there it needs to be high level and I cannot agree more because as we can see everything is still under discussion, we cannot be asking specific asks at this point in time I'm sure, so thank you. Kavouss, please go ahead.

IRAN: I think the reason that we could not have advice is not that we don't want to have advice. The reason is that still we have several questions. The questions we raised with the Board in the previous sessions is an indication that we still need for information, however, if

not instead -- we could in place in lieu of advice have some two other categories of way to expressing of our ideas, one is opinion, and the other is views. So we could have GAC views, or we could have GAC opinion, and in GAC opinion we should start that GAC ... and express concerns with the view to the fact that there are several still, still several questions yet to be answered and so on so forth. Not to be totally silent. Not to do the GAC advice because there are not 3 or 4 of the questions yet to be answered as we need time but we have to take some intermediate. We don't call them initial advice. We don't call them potential advice. But we call them GAC views or GAC opinion. Both of them are correct. And it's always for instance the legal unit always could express his views or express his opinion so I suggest that we take GAC opinion or GAC views on then put the subject and explain the situations, concerns and also some of the question that need to be answered, and some of the concerns yet to be met so that is what I suggest if colleagues. I think that is a way of doing the two. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. So next I have Paul U.K., please.

UNITED KINGDOM: Thank you. Yes, just very briefly to repeat what I had said yesterday really, we think that GAC consensus advice in the communique will be prepared in an inclusive way and it's a great we have this remote participation, but it really it's only good if you speak English, it's good if you have a good Internet connection, and good if you don't live in the Asia Pacific region, and many people are excluded. And I think

circulating it by e-mail is a good idea, but it doesn't really overcome that problem. So I think we would agree there are other ways for us to make our views heard. We could have some text in section 4 on this. We could have a letter from the chair of the GAC, and perhaps France could prepare something like that. But from our point of view we doesn't think it's appropriate to have consensus ... in communique in these circumstances. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Paul. I have Vincent next France please, go ahead.

FRANCE: Yes, thank you, Manal. Well thank you all for your very interesting arguments. Thank you Paul for your intervention, and also thank you Kavouss for what you said. But I would like just like to point to one important element which is the calendar because the new deadline for the ICANN Board's decision is now March the 20th which is in only ten days. The new deadline of April the 20th has not been granted. At least so far. So it leaves only a few days to take a position. So we understand that indeed the circumstances are far from optimal, and there are other ways indeed for the GAC to express itself on the matter, but we believe in France that we should try to give this communication on PIR, on the sale of the .org. The greatest DIGNITAS as we can give it. And we believe that it would require the form of a GAC advice. The deadline is approaching fast, and the GAC -- if the GAC does not express itself well. We all agree that the GAC must express itself and that's something great but we believe that the GAC

must express itself rather strongly, otherwise it will be considered to have endorsed in advance the decision from the Board which it will -- which it should normally take within ten days. So that's what I wanted to draw your attention on. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Vincent, and thank you for flagging that deadline issue. So if I may suggest that we receive the text and then continue our discussion because I think it would help also to see the text and then decide how we would like to convey this text. Would this be acceptable? I see Kavouss's hand up. Kavouss, please.

IRAN:

Yes, it is Manal. Rather than going to the title whether it should be view or opinion or preliminary position, perhaps we should work on the text. What we have to express, what we have to raise and to answer the Board. This ennuï come back at -- the text to see whether it would be an opinion or whether it could be a view, or whether it could be a preliminary position, or something like that. So let's us for the time being put in bracket all of these ideas, views, opinions, preliminary positions on the PIR and so on so forth. Go to the text and agree on the text and perhaps from the text we could come up with some, better title from those views pins or preliminary position but not at this stage advice because the several question does not justify to have an advice in if particular a consensus advice. We don't want to propose something to the Board saying that this is not yet the consensus but at least limit the situation to expressing our -- maybe

go to the text to see what you want to put from the draft that we have before us? Thank you.

MANAL ISMAIL, GAC CHAIR: We don't have text yet, Kavouss, so this is something that France was offering to provide, so we have yet to receive text on this. And I can see a question from Jorge as well in the chat asking support staff to confirm March 20th as the latest deadline at least so far so if there are no further requests for the floor, I would propose that we receive the text, and then we have other points in the agenda to continue our discussion. Any objections? Olivier and Kavouss, are those old hands?

EUROPEAN COMMISSION: This is a mistake. I will remove my hand.

MANAL ISMAIL, GAC CHAIR: It's okay, thank you, Olivier. So if there are no further requests for the floor, I would ask France to try to provide the text as early as possible so that we can continue our discussion on this, and meanwhile, if we can go back to the potential topics just to identify other pen holders, and so we have the subsequent procedures, do we have any volunteers for draft communique language? Kavouss, please?

IRAN: Yes on previous subject perhaps we to have France and any other persons interested in the matter to get together and provide something to us by tomorrow at 12UTC thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. So, yes, I hope France and interested countries would be able to provide us with text as early as possible, and preferably of course as Kavouss [inaudible] before we start our meetings. Text [inaudible] with Jorge and circulate to others, so thank you very much, Luisa, and Jorge, of course if this is okay with you? So, Kavouss this is an old hand right? Or -- is it a new one.

IRAN: Yes, it is old but also the new subject number 2. The subsequent round for the new gTLD. I don't think that we new to start from the scratch. We have some write some question to the Board. We have some other materials. Perhaps manage all those things we could draft something and put as a text -- preliminary text for this item. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss, and, yeah I'm sure Luisa and Jorge would benefit from what they have already compiled and shared with us. Of because at least this is agreed text now. So on domain name registration directory service and data protection, any volunteers? I'm not sure whether we have EPDP colleagues, the small group much the GAC small group here but I'm wondering whether they can help with drafting communique language here? Fabien, can you please check with them, and let us know, and of course any other interested GAC members are welcome to join of course.

FABIEN BETREMIEUX: Manal, this is Fabian speaking. I will follow up. I put this item here... considering the discussion in the slides that were discussed earlier today. I was hoping that either Laureen or Georgios would be able to speak to this. I see a check mark from Georgios at this very moment in the list of participants so I assume that this amounts to volunteering but Georgios who will support myself to co-ordinate with the others. Thank you.

MANAL ISMAIL, GAC CHAIR: Excellent. Thank you very much and thank you, Georgios, and all volunteers. So any other potential topics? And I'm looking at the agenda as well. We don't have anything new in the coming days apart from the ALAC meeting and I'm sure we will be reflecting our bilaterals as we usually do. The one with the Board and the one with ALAC after we have our meeting of course. So for now, anything else on the communique? If not, then Kavouss, is this an old hand? And thanks, thanks Giacomo for volunteering to help Jorge on subsequent procedures. Thank you. So if there are no further requests for the floor, then I'm happy to say we have finished early, so we are giving you back 20 minutes, thank you again everyone, this concludes our meeting for today, and many thanks for your active participation throughout the sessions, and for the wonderful support by our support staff, so tomorrow we will start in the same zoom room of course at 1330UTC. 8:30 Cancun time with the optional informal half hour exchange with those who may have missed our late discussions, and then we will proceed with our regular agenda starting with the PSWG update at 1400UTC, 9 am Cancun time. So with this, thank you

everyone. Have a good rest of the day, and see you tomorrow.

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