
ICANN73 | Virtual Community Forum – GAC Communiqué Drafting Session (4 of 4)
Thursday, March 10, 2022 - 14:30 to 15:30 AST

[RECORDING IN PROGRESS]

GULTENE TEPE:

Welcome to the ICANN73 GAC Communiqué Drafting Session followed by the GAC Wrap-Up on Thursday, 10 March at 14:30 UTC. We will not be doing a roll call today for the sake of time, but GAC members' attendance will be available in the annex of the GAC Communiqué and Minutes. To ensure transparency of participation in ICANN's multistakeholder model, we ask that you sign in to Zoom sessions using your full name. You may be removed from the session if you do not sign in using your full name. If you would like to ask a question or make a comment, please type it by starting and ending your sentence with <QUESTION> or <COMMENT> to allow all participants to see your request.

Interpretation for GAC sessions include all 6 UN languages and Portuguese. Participants can select the language they wish to speak or listen to, by clicking on the Interpretation icon located on the Zoom toolbar. When speaking, please state your name for the record and the language you will speak if speaking a language other than English. Please speak clearly and at a reasonable pace to allow for accurate interpretation, and make sure to mute all your other devices.

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

Finally, this session, like all other ICANN activities, is governed by the ICANN Expected Standards of Behavior. You may find the link in the chat for your reference. With that, I would like to leave the floor to the GAC Chair, Manal Ismail. Over to you Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden, and welcome back everyone, we will use the coming 90 minutes to finalize the Communiqué. We have a few pending things from last night, and then we will start our wrap-up session. And during the wrap-up session as mentioned yesterday at the opening plenary session, we will have a guest speaker from the NomCom for a short presentation on ICANN's leadership positions which the NomCom is recruiting for. So without further ado, let's finalize the few things remaining for the Communiqué. I see the Communiqué already on the screen.

First, noting that the date is Monday's date when the Communiqué will be issued and the highlight would go by then. And also the highlight on no objections once the 72-hour time frame passes, the highlight also would go. Scrolling down, the numbers will be inserted, number of GAC members who attended and GAC observers, again, accumulated by staff count throughout the sessions of the week.

In light of yesterday's discussions and agreement by GAC members, we added one sentence welcoming the Board's resolution which reads: The GAC welcomes the ICANN Board's resolution. Allocating emergency support for continued access to the Internet, with footnote

to the full resolution. Comments? Okay. If not, if you can continue to scroll down, please. And I think nothing changed here from yesterday. Let's scroll down until we find any changes from yesterday. We have here obviously a footnote, footnote 6 was inserted and I see footnote 7 and 8.

FABIEN BETREMIEUX:

Manal, just to mention that we had indeed added a series of footnotes on this text which we had troubles with originally, so this is why there were delays so we have inserted the footnotes that were proposed by topic leads along with this text. And I'll just note that there was also a slight edit made to the text. At the bottom of the second paragraph, I believe that is the last, penultimate sentence. So just wanted to be sure to give you context for the edits.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Fabien. So the last sentence reads: The GAC would encourage a more exhaustive application of the GPI framework in the ODA for the new gTLD subsequent procedures Operational Design Phase. So just deleting going forward. Again, with footnote 10 as well here. So we will be discussing the number of footnotes in this Communiqué, we have hit a record here. This is another discussion that we may take later.

So let's keep scrolling down, and I see no requests for the floor. Please if there is anything you would like to comment on, raise your hand. Otherwise I think -- any changes here? Sorry.

FABIEN BETREMIEUX: Manal, this is to confirm here on the accuracy of registration data, we have made I believe one edit that we see on the screen, and this is just to address the text in consideration of, so these were quotes and we just made sure we could track the source of those quotes and this led to a few edits here reducing the length of the first quote and expanding the second one and making sure the appropriate words were used. And also we had added a footnote 13 here, that is visible I believe lower on that page which just links to the source of those quotes. So this was done in coordination with the original topic leads who visited us.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabien, for the context and the fine tuning of the language to match exactly the language of the source since we are quoting here. The sentence now reads: Accuracy should also include consideration of the recent EPDP identified purposes for which the data are collected such as the ability "to allocate" a domain to its owner. So I will give it another try, not to confuse everyone.

Accuracy should also include consideration of the recent EPDP identified purposes for which the data are collected such as the ability "to allocate" a domain to its owner. And "to contribute to the maintenance of the security stability and resilience of the domain name system in accordance with ICANN's mission." Any comments to this fine tuning? It's just to stick to the original text as we are quoting from a source here, Chris, please.

CHRIS LEWIS EVANS: Thank you, Manal, sorry, I'm just trying to follow the quotes. I think there's an uneven amount after and, so I don't know if it needs to be in accordance with ICANN's mission, not sure where the extra one needs to go but there are only three in there at the moment.

MANAL ISMAIL, GAC CHAIR: Sorry, Chris, I'm not sure I got your point if you can repeat please.

CHRIS LEWIS EVANS: Sure. In the sentence after and, I think there are three quotes. I don't think there are the right number of quotes to match up. Because there is an uneven number.

MANAL ISMAIL, GAC CHAIR: The quote before the sentence on the screen? Let's delete the strike-through quote so as not to confuse everyone, I myself got confused as well. But we were trying to make track changes so everyone knows what was deleted. Now counting the quotes, I think we're good. Is this okay, Chris?

CHRIS LEWIS EVANS: Yes, thank you.

MANAL ISMAIL, GAC CHAIR: Okay. Apologies for the confusion. So if there are no further requests for the floor, I think the only remaining thing is the text on Universal Acceptance. So this is the text that Nigel Hickson suggested yesterday that we include Universal Acceptance under issues of importance to the GAC, which made perfect sense, and asked that we finalize the text after our bilateral with the ALAC today. And thank you Nigel for being so prompt in submitting the proposed text, and it reads: During ICANN73, Universal Acceptance and the work of the Universal Acceptance Steering Group was discussed in a community session "achieving Universal Acceptance the way forward" on 8th of March at which GAC were represented and in a GAC ALAC joint meeting on Thursday 10th March. Although the discussion noted the significant progress that had been made in the last few years in the acceptance of non-Latin scripts, they also highlighted the work still to do. Such work to ensure that all domain names including long new TLDs and IDNs and email addresses are treated equally and can be used by all Internet enabled applications, devices, and systems, falls to many different actors including governments. In this vein, the GAC welcomes the proposal from ALAC for a collaborative initiative with GAC, and between brackets, not least to perhaps address where governments can do more with respect to their provision of services. The GAC also welcomes the offer made by Dr. Ajay Data, chair of UASG, to discuss the work of the UASG with the GAC at ICANN 74. And I see Nigel's hand up, so please, Nigel, go ahead.

UNITED KINGDOM: Yes, good afternoon, Manal -- Nigel Hickson, UK GAC -- and colleagues. This of course is a draft, and others may have comments they wish to make. Fabien has kindly pointed out that it's not usual to put dates into the text, which is fine, I mean the dates could be deleted. I just put them there for reference but of course they're not that significant. So thank you for the opportunity to submit this text.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. So let's delete the dates to be consistent. And I think we need to fine tune the commas at the beginning if my reading is correct. Then I think during ICANN73 comma, the Universal Acceptance and the work of the UA Steering Group was discussed. Right? Am I reading this right, Nigel?

UNITED KINGDOM: Thank you, Manal, absolutely. Yes. My English is not always that good. [chuckling]

MANAL ISMAIL, GAC CHAIR: Not at all, we appreciate the quick draft. I know we have just finished the session with the ALAC and I know you wanted to compile this after the session so very much appreciate that you managed to submit something that fast.

Okay. Any other comments? Do we need brackets? Can we remove the brackets? Again, achieving Universal Acceptance? Yes? I think we don't need the brackets but I stand to be corrected. Any other comments?

Okay. If not, Nigel, this is an old hand, right? Or are you seeking the floor?

UNITED KINGDOM: No, sorry, it's an old hand.

MANAL ISMAIL, GAC CHAIR: Okay. Then in lack of any other comments, thank you for accepting the text. We can accept changes now. And reading UNESCO in the chat, UNESCO is really pleased to see the Universal Acceptance work advancing, it is essential for multi-lingualism in cyberspace. So thank you, Oliveira. And Velimira, please, go ahead.

VELIMIRA GRAU: Manal, many thanks and apologies if I'm interrupting the reading. I just received some private messages in the chat in relation to accuracy, where actually the question asks whether we should mention the Board's statement in this relation. So I would very much welcome to hear what other topic leads think and also what you and the other colleagues from the leadership think. For me the statement was not received in the context of ICANN73 per se, at the same time it was discussed with the Board, this is correct, but for me, we are not taking a position on that particular statement here. So for the sake of transparency, I would very much welcome an eventual also exchange of views with Ryan, Laureen, Chris, and Susan, of course, on these topics. And apologies again.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira.

VELIMIRA GRAU: Thank you, Laureen. I do not have a proposal. Sorry, Manal, I see that Laureen's asking in the chat on the proposal. I do not have a proposal. Basically, I received a message saying that it would be fair to reflect this. So I'm very open-minded. I think if we have not been thinking about it here it's also because we didn't want to take a position, but at the same time we had not discussed this point. And again, apologies for raising an issue when we were so close to closing.

MANAL ISMAIL, GAC CHAIR: Not at all, Velimira. So let me maybe try to help out here. I understand that the text did not respond or did not satisfy questions by GAC topic leads. Maybe we can acknowledge receipt or welcome receipt and look forward to further discuss? Because I don't think it's that we concluded during the Board session. But I see Laureen's hand up, please go ahead.

LAUREEN KAPIN: This was more just seeking clarity about which Board statement we're referring to. I understand that you're referring to just our reference to the discussion with the Board with the back and forth about our questions and their perhaps answer I was just confused what the suggestion was for more context here.

MANAL ISMAIL, GAC CHAIR: Laureen, there was some context shared before our meeting with the Board and we considered it sort of an early answer to the upcoming discussion, but indeed during the discussion I sensed that this was not enough and did not satisfy all points or was not to the point intended by topic leads. So that's why trying to be factual. We can acknowledge and welcome the initiative but look forward to further discuss so it's not a case closed, if that makes sense. And I hope you're clear, Laureen, now about the text we're referring to.

LAUREEN KAPIN: Where exactly would this go? I'm sorry. Honestly, I'm not very clear.

VELIMIRA GRAU: No, Laureen, it's a very fair question. I'll try to be more precise. I received a private request in the chat. I don't think it's fair that I share by whom. And the question was would it be fair that we reflect the fact that the Board has taken a position on accuracy? And actually they have taken the position and made the statement which Manal distributed the first day of ICANN73.

So my question is -- because I do not want to decide on this on my own, my question is to other topic leads whether we should account for these statements or not, given that indeed, there was not a conclusion on this discussion and that we have not felt as topic leads the need to refer to it in the text that we have prepared together. So I don't know where to go and I don't know where they should go. It's just a question I received, and I prefer for the sake of clarity and transparency to discuss it with

everybody and I don't have at all a position on this. I think it just merits to be said because I don't want to keep this information for me.

MANAL ISMAIL, GAC CHAIR: Thank you again very much, Velimira, for bringing this up. And Laureen, if you need the text recirculated, I can get it out and send it in an email right now.

LAUREEN KAPIN: That would be great. Because otherwise, it would just help I think the discussion so we know exactly. Although it occurs to me just from how this is being described that -- I'm just thinking in my capacities as a member of the GAC small group on EPDP issues, maybe acknowledge there have been different perspectives shared between the Board and the GAC and we look forward to future discussions. That's where I sort of thought I heard you were heading, Manal.

MANAL ISMAIL, GAC CHAIR: Yeah, I was saying just being factual and even not rush into any deep discussions at this stage but just acknowledge receipt and look forward to further discuss or something along the lines so that we keep the channel of discussion open.

[typing] and I'm sorry it's taking me a while to dig up the text. I think I'm almost there. So I'm forwarding it again to the GAC mailing list so that everyone knows what we are talking about here. So I hope it will

reach you soon, depending on the connectivity on my end. I'm sorry, I see already a queue forming. I have Susan and then Chris.

UNITED STATES:

Thank you, Manal, and I will take a look at the email when it hits my inbox but I am just wondering would this constitute a statement? Would it be something that would go in the correspondence between the GAC and the Board? I'm just wondering if this was an official statement or if it was more of an email communication?

MANAL ISMAIL, GAC CHAIR:

Yeah, it was not an official statement, you're right. We need to find an accurate way to refer to the text. And maybe we can thank them for the information shared or... yeah, let's think how to formulate this but I don't want to keep Chris waiting longer so let me take Chris first and then we can discuss this good point, Susan, thank you.

CHRIS LEWIS EVANS:

Thank you, and two points. One was the same that Susan raised so that would be good, and the other point – and I know some people haven't had a chance to catch up with that text yet – is within the text from the Board it does say that the European Commission is committed to facilitate ongoing dialogue with the EPDP. We've not put in the accuracy text on here so if we do acknowledge this, I suppose my question for the European Commission colleagues is have they committed to that? Just to be careful to not overcommit on what has been promised or not. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Chris for flagging this. I don't think we're acknowledging the content, we're here acknowledging receipt and looking forward to discuss and does not mean we agree to everything that has been shared but I stand to be corrected. We can acknowledge receipt in specific if it would resolve the problem. Velimira, please go ahead.

VELIMIRA GRAU: Thank you, Manal. And thanks also to Chris for flagging this which also was one of the concerns when I received this message, not the only one. I'm just thinking given that [indiscernible] European Commission colleagues from the United States or UK with whom we work on these issues actually felt the need to put this under issues of importance. I cannot just recall how we are counting out specifically the words but possibly we could think what issues were discussed with the Board so we could say this statement was raised during our discussion which I guess would go more into the direction that Susan was saying, that it's not actually, we're not discussing the topic per se but it's part of our exchanges with the Board. It is just a suggestion, and again, depending on to what extent we think this is linked or not to ICANN73 we may also decide not to mention it at all.

MANAL ISMAIL, GAC CHAIR: So Velimira, sorry, were you proposing to make the reference in the section reporting on our meeting with the Board rather than –

VELIMIRA GRAU: Yeah, I was wondering whether there we could not say when we were listing the topics discussed with the Board [indiscernible] whether we're doing so, whether when you list issues in relation to WHOIS, we cannot say this statement was discussed at that moment.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira. I think this makes sense to me as well since this was the context that the text was shared in. And reading Susan in the chat, the text does not appear to come from the Board but from ICANN org. Frankly, yeah, it came from ICANN org in preparation for the GAC bilateral with the Board, so assuming this has been cleared by the Board before sharing, but again, it's a good point. I think yeah, the text was shared indeed by org but it was in the context of the GAC bilateral with the Board.

VELIMIRA GRAU: Apologies, Manal. I should have raised my hand again. First, thank you very much, Susan. Indeed you are absolutely right. I believe that we can just, you know, make this very concretely in the discussion even though the Board is saying – because saying that the content discussed was -- given the content discussed was in relation to it, I believe we can count under the topic discussed with the Board saying that the statement -- the communication made to the GAC by ICANN org was discussed in the context of this meeting and then I believe we're factually correct and we're not reflecting upon the context of the statement but in fact acknowledging the discussions on the topics therein that we had with the Board.

MANAL ISMAIL, GAC CHAIR: Thank you, Velimira. Indeed, if we want to add something we need to be as factual as possible. So it could be that we acknowledge the text or information received from org in the context of the Board bilateral. But I also see Laureen's hand up. Please go ahead.

LAUREEN KAPIN: Thank you. I finally took a look at the text. It just strikes me that it's on a different topic. So I'm not sure it really belongs here because I thought that information you are referring to from the Board was about this issue of whether ICANN has a legitimate purpose in receiving access to data, and it doesn't really focus on accuracy, that's not the thrust of it. So I guess I'm having trouble understanding why it's relevant to this text. I do see some comments in the chat about sticking to the text we have.

MANAL ISMAIL, GAC CHAIR: Yeah, I think we're more now converging towards if anything to be added it's to be added in the section reporting to the Board bilateral, not here. It definitely fits better within the context it was shared in which is the GAC bilateral.

LAUREEN KAPIN: I'm nodding my head, you can't see me but I'm nodding my head.
[chuckling]

MANAL ISMAIL, GAC CHAIR: Okay. Now seeing Finn and Pär in the chat asking that we stick to the text as is. We're sticking to the accuracy of registration data text as is. A question now is whether we add the factual acknowledgment of the text received from ICANN org in the context of the GAC bilateral with the Board. Would this be an accepted proposal or not? And if you are shaking your head or nodding, I cannot see [chuckling]. So typing in the chat or speaking up would be much appreciated.

Can we go up to the relevant section now? Because it's definitely not accuracy. Yeah, so Laureen, we always think alike. Let's go to the -- it's the GAC Board bilateral, I'm sorry if I was not that clear. Yes, thank you.

So meeting with the ICANN Board, the GAC met with the ICANN Board and discussed the listed agenda and then proposal is that the GAC acknowledges receipt of ICANN org's communication regarding whatever the topic is and looks forward to further discuss, for example, of course formulating in real time, I'm not sure this is the best thing but in principle is it okay so we can continue the discussion or not? Susan. Thank you. Go ahead.

UNITED STATES: Well, I don't know if you should be thanking me Chair, because I have a question [chuckling]. I'm just wondering if, generally speaking, it's best practice to reference statements that aren't publicly available? Or texts? I'm just wondering if -- I will just put that out there because I guess I think it's a relevant consideration for transparency purposes.

MANAL ISMAIL, GAC CHAIR: Thank you, Susan. And I was thanking you for breaking the ice and not necessarily having a solution. And yeah, I don't see a problem of putting it here. The text was addressed to the GAC or has been conveyed to the GAC and we're just acknowledging it here. So I don't think -- I wouldn't be concerned if we put some reference here. But in your hands, please let me know whether everyone is okay that we insert the factual acknowledgment here, noting it is from ICANN org and making sure the topic is not closed at this or we don't want to reference this here? Or at all? Brian please, go ahead.

BRIAN BECKHAM: Thank you, Chair. I don't know, this might be a slight diversion so if it's not useful question I apologize and can happily retract it. But I wonder if we have any indications whether from commission colleagues or otherwise whether ICANN's submission of questions to the European Data Protection Board is something that is likely to get a reaction, whatever the reaction might be, and whether -- probably it's safe to say that merely noting receipt of correspondence of the Board wouldn't be seen as the GAC endorsing or take a view on a view of ICANN org, submitting such a request to the relevant authorities, but I just wonder if the notion of sending this request is something that may benefit from further dialogue. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Brian. Any reactions or responses? Velimira, please.

VELIMIRA GRAU: Thank you, Manal. And thank you, colleagues, for the thoughtful discussion. Because I was the one who decided to put this public from what I received, I also propose to also take a way out. I think it was worth it that we discuss this and I think from the discussion it appears that neither we see an added value nor we see right now what the implications are of referring to this given the difficult topics that are at stake, so I would support what colleagues are putting in the chat that we keep to the text in both parts, Board [indiscernible] to the ICANN Board and to the accuracy text, such as they are, and I hope that we could see each other possibly in June and we can discuss this among ourselves over the margins of the meeting instead of over chats. But thank you, Manal, I think that it was worth discussing and I very much thank colleagues for the thoughtful consideration that they have given to it. And thanks to Brian also. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira. So it looks like we're keeping the text as is. Thank you for bringing it up and indeed, looking forward to progressing this discussion inter-sessionally. Anything else on the Communiqué? Or shall we declare it done? I'm reading Denmark in the chat. Finn saying, is it possible for staff to circulate today on the GAC list the different statements concerning Ukraine?

So are we ready with the -- I know everything is being compiled in one file. We were pending two translations. So if support staff can let us know where we stand on this? Rob.

ROBERT HOGGARTH:

Thank you, Manal, and I don't know and I will refer to Julia if we have the translations back. We have posted the transcript of the opening plenary session on the GAC web page so that is already there. Per your previous agreement, we are going to compile the English translations of all of the statements for the minutes of the meeting. Obviously those will still need to be produced after the meeting. But if folks are looking for the actual transcript of the session so they can collect those statements, you can do that now.

We had also been working just because we wanted to have everything together before the meeting ended, to collect the various statements. So we do have a draft Google document where we were appending them but again, right now that is still I think incomplete based upon the translations. Because some folks were very gracious to share with us their statements in their native languages. So we had to make that process. And thank you, Julia, for the comments in the chat.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Rob and Julia and Fabien. So yeah, I think Finn's request was, should the statements be ready earlier than the minutes, can this be circulated? As soon as ready, of course. So whenever the statements are ready, maybe we can circulate on the GAC mailing list

until the minutes are out, because -- yeah, thank you Rob for confirming in the chat. And I hope this addressed your point, Finn. So we are going to annex them to the minutes. The minutes take some time for compilation but as soon as the statements are all ready, we will circulate them on the GAC mailing list. Anything else? Yes, Fabien please, go ahead.

FABIEN BETREMIEUX: Manal, as far as the Communiqué is concerned, I believe there is no outstanding text to be reviewed or confirmed. So I believe the drafting is complete from our perspective.

MANAL ISMAIL, GAC CHAIR: Perfect. Then I see no further requests for the floor. So thank you very much for your understanding and flexibility in completing the Communiqué. So the Communiqué is now ready for formatting and so on. Please stay tuned to the adopted version that will go out on Monday. And once the 72-hour review period is over, you will be notified of the final version of course.

So with that, I think we can start our wrap-up session, so I will pause to give everyone a chance to change the slides.

[END OF TRANSCRIPTION]