
ABU DHABI – GAC Meeting on the Empowered Community and ICANN Bylaws (1)

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GHISLAIN DE SALINS: Thank you, Thomas. We have been discussed this for some time now, almost two years ago in the [indiscernible] meeting. During the last meeting in Johannesburg, we still faced disagreement so we decided to create a drafting group on the meeting that I chaired. Several countries participated to the work of the group and I would like to thank them all and I'm very happy to announce that after three meetings and a lot of e mail exchange we managed to reach consensus on the document. So you can see the document on the screen now.

Of course, it's open for fine tuning, but we think it's a good consensus, but we're still open for some comments, either now or later on an informal basis.

So I think it's possible and even probable the GAC adopts these documents during the Abu Dhabi meeting, so we can move forward. But of course, we will give some days to the GAC members to thoroughly read it and make comments on it. And just for people who would like to comment or share some views, just keep in mind that the document really reflects a carefully

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crafted compromise, achieved from a hard work from all parties. So of course, we can fine tune it, but I think it's a really good basis to move forward. So after that, I would like to open the floor for general comments and then I think we can maybe scroll down the document section by section so we can get some comments, some specific comments.

Before we do that, and since I know there are around 50 newcomers to this meeting, I will maybe ask Tom to give some information about what the Empowered Community is because it might not be obvious for every GAC member if it's their first meeting. Thank you.

TOM DALE:

Thank you. Yes, the newcomers to the meeting have my sympathy, you're not only dealing with the apparently intractable problem of maintaining an Independent Secretariat and very specific issues like second level domains, but you've also now got a particular structure which is created by the ICANN bylaws to consider.

The need for the GAC to adopt procedures to participate in a thing called the Empowered Community goes back to the IANA transition, in which one of ICANN's core functions dealing with IANA, the oversight for that was transferred from the U.S.

Government to ICANN or to the community, in fact, and as part of that arrangement, new arrangements for making ICANN more accountable were developed and agreed, including agreed by the GAC. Part of that was a mechanism called the Empowered Community which consists of those community supporting organizations and advisory committees who choose to be a part of it, to exercise the powers that the bylaws give those members who make up the Empowered Community.

The GAC decided to become what it's called a decisional participant in the Empowered Community, along with the other major bodies that make up the ICANN community, that is the addressed supporting organization, which deals with the numbering part of the ICANN's name, names and numbers, the country code name supporting organization, the generic name supporting organization, and the At-Larger Advisory Community and the GAC; those are all the decisional participants. They participate to make decisions in the Empowered Community. This is all a structure created by the ICANN bylaws, so they have legal effect.

And the Empowered Community is a mechanism to allow certain powers to be exercised. Now, those powers while they're summarized in the document, they do tend to be, not redefined, but described in different ways from time to time,

including on the famous ICANN website, but at the present time, the powers in the bylaws that the community, including the GAC have, are: to reject budgets, particularly those for ICANN and the IANA function within ICANN, and also ICANN operating and strategic plans to reject amendments to standard bylaws that the Board may wish to put through, to reject certain governance actions for a things called Public Technical Identifiers, which is effectively the IANA operator now.

To approve changes to fundamental bylaws and to ICANN's articles. To recall the entire Board; and recall means to get rid of them. To appoint and remove individual members of the Board. And to require the Board to review certain rejection actions relating to reviews of the IANA function. And also to initiate requests from the community for particular decisions to be considered or mediated. And finally, certain rights of inspection or investigation with regard to ICANN.

Now, all those powers operate within a framework of escalation. They start out with an opportunity to raise a concern and then to escalate that through consultation, discussion, to attempt to resolve the problem, having a Community Forum, and then if that doesn't work, to exercise certain powers which could include some of the ones that I've just run through.

So the administration, the Empowered Community administration, finally is the body which is collectively the five decisional participants of which the GAC is one. The GAC representative on the administration is the GAC Chair, and they provide the mechanism for all of these things to happen. It hasn't done much since the bylaws were changed. It has approved a bylaw amendment and agreed to a couple of nominations from the ICANN NomCom, and that's about it. So the need for procedures, for decisional participants to have their own procedures is specified in the bylaws, and what you see here is the latest effort of a long running exercise by the GAC to try to reach some agreement on what those procedures should be.

I think that's the best introduction I can give. Thank you.

GHISLAIN DE SALINS: Thank you very much, Tom. Before we start scrolling documents down and maybe getting some comments on each section, I would open the floor for general comments about the document for those of you who were able to read it. I see Thomas as the Chair wants to take the floor, so I'll give the floor to Thomas.

THOMAS SCHNEIDER: Thank you. Just to be remark one thing that may be misunderstood is regarding the nominations for Board members.

It is not that the Empowered Community administration has a function in the election or the choice of Board members, it only has a function in transferring the choices of the GNSO, or ccNSO, or the NomCom to the Board, so it's not that the GAC through its participation in the Empowered Community has anything to say about who is becoming a Board member or not. Just to make that point very clear.

And the second point is that this whole Empowered Community mechanism, the powers are not to be confused and the GAC's participation are not to be confused with the role of the GAC as an advisory body on public policy issues and issues of International and national law to the ICANN Board.

So, the Empowered Community is an accountability mechanism that has been developed in parallel with the IANA transition and with the, let's say, empowerment of ICANN as a consequence of that transition, so it's about the GAC's participation in an accountability mechanism and in different steps, but it's not in any way changing the advisory role of the GAC as an advisory body to the ICANN Board. Just to make that very clear for those who have not been participating in this intense process from 2014 to 2016. Thank you.

GHISLAIN DE SALINS: Thank you, Thomas, absolutely. So really, a new mechanism for GAC, which is not about providing advice to the Board, and because it's so new, that's really why we needed to draft these guidelines to know how the GAC is going to participate in the Empowered Community. So now, I would like to open the floor for general comments before we start to scroll down the document. I see the European Commission and Argentina, so I'll give the floor to the European Commission and Argentina. Thank you.

EU COMMISSION: Thank you very much. Just very briefly, I would like to express support for the draft text prepared by the small group of GAC volunteers. I think that the group has really worked in a pragmatic way to produce this text, which I think provides a good basis in terms of criteria, principles, and processes to allow the GAC to effectively and constructively participate in this new mechanism. So I just would like to state my support for the text. Thank you.

GHISLAIN DE SALINS: Thank you very much, European Commission. It's always good to have positive support. Now I give the floor to Argentina.

ARGENTINA: Thank you, Vice Chair. I would like to thank France, especially Ghislain, for his outstanding work. I think he managed the situation very very good, so I commend you for that. And I would like to thank all the other colleagues for their constructive work in the small group that we had. Thank you.

GHISLAIN DE SALINS: Thank you very much, Olga. I see Iran is asking for the floor as well, so I give the floor to Iran.

IRAN: Thank you, Chair. We echo the views expressed by the two previous speakers. As the Chair of the GAC mentioned, this document is in no way talking about the change of the position of GAC. It is a fundamental bylaw; if somebody wants to change a fundamental bylaw, should proceed with the change of a fundamental bylaw, it is foreseen that that change should only be made by the ICANN Board, put it to the people and the community agrees or not agrees. So I don't think -- it's very clearly mentioned, we should not touch upon that matter.

What you are discussing, how to present it for [inaudible] appreciate how the exercise of the power that community to which GAC is on, a part of that community, could be performed. And that is a good idea how to proceed with that, and that is

something that we were not given so easily. We spent a lot of time, and in fact, let's make it quite clear, some or many of the other parts of the community did not like even to give us that power. They said, "Leave it as it is, advisory with nothing." But we have discussed and we have this possibility, how to use it, it is what you've prepared, to use that when and in cases that are necessary, and we are grateful to you to use it to prepare this document to see on what area we have to use it and how to proceed with the various steps, and this [inaudible] is mentioned in the bylaw and you have summarized it and we have to proceed with that to see something.

And just one point that I have to emphasize again and again that it was mentioned that the consensus to agree or not to participate is something of an internal matter in the GAC, it's not something that the bylaws mention, it's internal to us to decide in what area we have to participate, how to participate, and so on and so forth, that is up to us to discuss and decide in anyway case by case, or general case, and so on and so forth.

And that is the situation that we have to consider. For the time being, we are grateful to you and we continue to be grateful to you, but I hope that we can have some discussions because sooner or later we will face these situations. Thank you.

GHISLAIN DE SALINS: Thank you very much, Iran. Are there any more requests for the floor to make general comments about the document? I see the UK. UK, please.

UK: Yes, thank you, Ghislain, and thank you very much for all the work you've done in coordinating this important piece of work. I do need a day or so just to go through it line by line. At this stage, I just want to pick up on one point which was relating to public policy relevance. And I'm aware that there was some discussion about this part, and you can see amendments to the drafting and so on that reflect that discussion. And the point that struck me was that we can envision situations when this Empowered Community process is enacted by others in the constituency on matters that don't directly relate to public policy issues, that do not appear to us as Governmental representatives to be honing in on a situation of public interest, but the consequences of such action may be destabilizing for the organization and may have wider ripple effects, if you like, across the whole community.

So I'm just focusing on that under, what is it, 2.1 originally, now 1.5, where the reference is primarily when the matter discussed as public policy issues; I read that as not excluding the case where there may be the subject of a petition originating elsewhere in the community, which does not have immediate public policy

implications, but as I say, the consequences of that petition, if it were to escalate, may raise matters of concern to the Governmental Advisory Committee. So that was the point that I just wanted to focus on at this stage, but as I say, I'll submit comments over the next day or so after further reflection. Thank you.

GHISLAIN DE SALINS:

Thank you very much, Mark. Well indeed, it's a question that is in part two of the document, the part on the conditions. Some countries wanted to be very specific and restrict these conditions for a limited number of policy issues, whereas other countries wanted to include what they call indirect public policy implications, but in the end, what we realized after discussing it in the group is that it was maybe better to leave it open and to let the Leadership Team make a proposal about it and then to let the GAC analyze the merit of petition on a case by case basis, so that we remain as open as possible, because as you can understand, some countries might see policy implication in some cases while some others might not. So we thought it would be just better to leave it open and leave it to the Leadership Team to make a proposal for the GAC.

I think the U.S. is asking for the floor as well. So I will give the floor to the US. Thank you.

US: Yes, and I won't take too much time because I'm actually very much looking forward to going through this document section by section. But I do want to say, I think we have some experience under our belt now, as they say in the United States, and I just hope that we take that under consideration as we go through particularly stages one through three, since I think we've proven that we can operate under this new paradigm and I just want to remind folks of that. Thank you.

GHISLAIN DE SALINS: Thank you very much, US. I have Egypt.

EGYPT: Thank you, Ghislain, and thanks to the working group. I would just like to give reference to the version we should be looking at. I'm afraid I don't have the right version in front of me, and I'm not sure which version we should be looking at. Thank you.

GHISLAIN DE SALINS: I think Tom sent you an email early this morning with the right document. It's not in the briefing, it's in the separate email that Tom sent you.

TOM DALE: Yes, that's correct. Yes, that's the one.

EGYPT: No, I mean it was circulated today? Okay, I'm sorry then, I overlooked this, thank you.

THOMAS SCHNEIDER: That leads me to a small comment; this is why I'm advocating that on every document a date should be on it, as simple as it is. I know that whoever has drafted this, in the end may simply have forgotten it, but this is why it's so important to have a clear denomination of documents because it helps you to be more efficient. Thank you.

GHISLAIN DE SALINS: Thank you, Thomas, indeed. So I don't see any more requests from the floor. Oh sorry, Iran, please.

IRAN: If someone else has asked me for it, let me give it to that person, if not, I would like to refer to what was mentioned by Mark. While I agree with him, I don't want that we create something in French called [indiscernible] for us not to get rid of this because of the

definition of public policy issues. There is no International agreed generally that we put everything within that framework, go in public policy like the airport that you put your suitcase, a small handback suitcase in that area; and this fits, this does not fit, get out. So there is nothing for that, it is a case by case as you mentioned, and that is up to us to decide and to make not only the letters, but only the [inaudible]; both of them are important to see what is public policy issues.

That should not create any obstacle for us, to prevent us from exercising our very right on that matter. I think we are quite capable. I come to that point because it was raised by one of the people looking for that something I don't mention now, saying that this issue was not public policy. It was not up to that individual to say what is public policy, what is not public policy. It is up to us to say what is public policy. That people in the comment mentioned, "No, no, no, this was not public policy for GAC, so we don't agree." Let us not to create some problem for ourselves. We understand the message of Mark, but we have to be quite careful to put it in the proper context and not create something to prevent us from exercising our rights. Thank you.

GHISLAIN DE SALINS: Thank you very much, Iran. I have Switzerland.

SWITZERLAND: Thank you, Ghislain. I will be very brief. I just wanted to comment, both Ghislain and the other members of this small working group which I had the privilege to be part of, for making this compromise proposal, which I think reflects all different points of view we have been listening to since Marrakech, so I think we are ripe for adoption, I hope, during this meeting. Thank you.

GHISLAIN DE SALINS: Thank you very much, Switzerland. I, also hope we can adopt the document during this meeting. And I'd like to thank all the countries that expressed support for this exercise and for the compromise solution that we see on the screen.

Since I don't see any more requests from the floor, I would propose to scroll down the document if possible. The document is divided into four parts. The first part is the introduction, but Tom did an excellent job in explaining what the EC is and what the GAC role in the EC should be. So the first part of the document is general principles for the GAC participation. This is really about the principles that we want to be reflected in other parts of the document. So what do we value for our procedures in the Empowered Community?

So there was quite some discussion about this part in the group. Some countries wanted to get rid of it because they did not see big added values and the majority in the end pledged to keep this part on principles and so we retained three principles that for us are very important. The first one is flexibility because, as you know, the EC is quite a new mechanism, largely untested, so we need to be able to be flexible and adapt it in the light of new exercise of the powers.

And the two others are predictability and transparency, and this relates more to the relationship of the GAC with other parts of the community. And just to make sure that the way we would decide on our participation is transparent, we will need to document our future decisions.

So is there any comments from the floor on this part one? Yes, Iran, please.

IRAN:

Thank you, Chairman. If we are dealing with the concept, we have no problem, but if we are dealing with the wording, there might be a need for some refinement. So we don't want to defer that it isn't a largely untested mechanism, we don't want to put it in a negative connotation. We want to put it in something that is recent, is sufficient, but not untested. Everybody knows that

nothing is tested, the whole Empowered Community is not tested, so we would not like the first one saying that is untested and put a negative output on that.

We have no problem to say that GAC is noting, or whether you said noting or recognizing that since the Empowered Community has recently adopted or recently agreed or recently available, the GAC will -- I don't think that also we say that we will adapt. We should never say that we will do that, that GAC is expected or should adapt it, but it will not adopt it, so we need a little bit of refining in the wording. But the concept I have no problem, but put it in a positive way. Thank you.

GHISLAIN DE SALINS:

Thank you very much, Iran. I've just been told that we cannot do drafting right now because of technical reasons, but I will take into account your suggestion. I think it's nothing too controversial, so we could probably update the document and take your editorial suggestions into account. Thank you very much.

Okay, I see nobody else asking for the floor, so I would propose to move to part two of the document.

So part two is on the conditions under which the GAC should participate in the Empowered Community. As you might

remember, it was a wording from the Marrakech communiqué about the GAC's role in the Empowered Community. Actually, the issue was already mentioned by Mark about the definition of public policy relevance, should we restrict the GAC participation or should we be more open and let the Leadership Team and the GAC as a whole decide on each case, on its merit, to see if each case has public policy implications or not.

So now I'm going to open it to the floor if you have any comments on points 2.1, 2.2, 2.3 and 2.4. And the reason why it's in yellow for 2.2 and 2.3 is just because it changed from the last document we had before because of some comments made by one GAC member.

I see -- yes, please, Canada and then Australia. Thank you.

CANADA:

Thank you very much. We'd like to thank France for leading the effort intersessionally to make progress on this important issue within the steering group which we do believe warrants consideration by the broader GAC, so I think it's really helpful that we're going through it together. We think a lot of good work has been done on this document and we're close to reaching agreement, however, as I noted in the steering group, we do have

some remaining concerns with condition 2.2 and some of the procedures.

As you can see on the screen, condition 2.2 states that as a matter of principle, the GAC intends to participate in the escalation process. And we do believe that the word "intends" here presupposes that the GAC will always participate in the escalation process whereas working towards de-escalation within the Empowered Community is just as important.

It was pointed out to me during the intersessional discussions, as you noted, that the word "intends" may stem from the GAC Marrakech Communique, however, after referring to the communiqué, I know that it states the GAC expresses its willingness to take part in the envisioned Empowered Community mechanism as a decisional participant under conditions to be determined internally. So we would propose replacing the GAC "intends" here with the GAC "reiterates its willingness" just to align the text a bit more closely with the agreed Marrakech language. Thank you.

GHISLAIN DE SALINS: Thank you very much, Canada, for sharing your view, it will be put on the record, of course. I think if it's about changing "intends" to "reiterates its willingness", I think it's acceptable. It's mostly an

editorial change. And just about the escalation process part, I think what we mean by participate in the escalation process, also means de-escalate when possible. It doesn't mean we will try to escalate each time, but it also means that when possible, we will try to de-escalate the issue as well. So I have Australia on my list. Australia, please.

AUSTRALIA:

Thank you, Chair, and thank you to all colleagues who have been involved in drafting this work. I think Canada has just covered off everything I would have said. I just wanted to raise a question about the word "intents" as well, but I think that's been covered now. Thank you.

GHISLAIN DE SALINS:

Thank you very much, Australia. Would anybody oppose changing "intents" into "reiterates its willingness?" Yes, Iran, please.

IRAN:

Thank you, Chairman. It depends on how much drafting you want to agree at this meeting. If it is slight, no problem. But if it's extensive, I don't think that we could have that luxury at this big meeting to do; perhaps we should do some preparatory work.

I think there is something that we could put in the introductory part; the instance, the case by case issue in the leading paragraph, and then perhaps we need something, for instance in my view, when in the second line it says "where appropriate", perhaps it should go at the end of the paragraph and the part that should be changed [inaudible] process and exercise all of nine powers of the Empowered Community where appropriate or where necessary. There is a little bit of, I think, adjustment; I said here linguistic or whatever, but it depends how much you want to do at this meeting. Please give us a guidance.

I'm sorry, I have not been able to participate, I was busy in some else's PDP and the jurisdiction and others, I had little time for this. I apologize for that in advance, but we have something that -- because I, like many of you, have been involved in how it was developed in the Work Stream 1, so perhaps we should also contribute on that.

But it's up to you to decide and up to the group as a chair to decide how much edits you want to accept at this meeting. Or perhaps you would have something a little bit [inaudible] who called them offline discussions those who are interested. But I have no problem to go through that quickly to see whether there are general comments, and then come back to see how to

proceed. It may be difficult to do everything at this meeting, at this session, sorry.

GHISLAIN DE SALINS: Thank you very much, Iran. You're right, we don't have a hand on the document right now so we can't do drafting, but if it is really minor amendments that are not controversial, I can just note it and try to come up with another document later. But as you said, if there are more comments or suggestions to add any text, we can meet in an informal way later. But I don't plan to do a lot of drafting for this meeting. It's really about your general comments on each part and if you can agree on the ideas.

Nigeria, please.

NIGERIA: Thank you very much. And I hope I'm not dragging you back. 2.1, where it says, "GAC will participate in the Empowered Community primarily when the matter discussed has public policy implications." Now, the way this is written implies that when it doesn't have public policy implication, GAC will not participate. So that's one.

And two, who determines what has public policy implications? I would suggest that what, you know, you may have been trying to

capture here would be the decision GAC will take when this Empowered Community is involved, whether going one way or the other, will be based on its severity or, you know, its implication on public policy, but not that we will only participate when it has public policy implications. Thank you.

GHISLAIN DE SALINS:

Thank you, Nigeria. I think your question really matches the question that Mark raised a bit earlier. As I said, some countries wanted to really restrict the ability of the right to participate in a very narrow definition of public policies. Some other countries wanted to be much more open and then GAC participates when there were direct or indirect public policy implications. And the wording you see here is really a compromise between these two views.

My advice would to not reopen the issue because it would just bring it backwards. But basically, what we do here [inaudible] to part 3, is we really rely on the expertise of the Leadership Team because for each petition that would be submitted to the EC, the Leadership Team will examine it and propose a way forward and explain why or why not the issue has public policy relevance. And then of course the GAC would discuss that, but that's really about part three, so I would come back to that later in part three.

Thomas, please.

THOMAS SCHNEIDER: You don't have to stop the phrase just when I raise my hand. I'm willing to be in the queue like everybody else, just to make that clear. Thank you, Ghislain, for doing this in a very good way. I think this is to see the sense in the room; are there major problems with the text, with the compromise proposal? So far I have not heard, the way I understood it, any major problems; there are some twists and tweaks, that if we can, let's not put these two offline and then the next meeting and then the next meeting. We'r working on this also since Dublin I think at least, so two years. Let's try and get this agreed.

And wherever we have dissenting views -- we will may have these dissenting views probably in one year or two years' time, so let's agree on the middle ground that leaves enough space for us all to develop, and also in particular with regard to the definition of public policy issues, I think the agreement in the room is that we are fine on looking at this more closely on a case by case basis, which in my view makes sense because things may change, something that you consider today purely technical may become a public policy issue at a later stage because a technical consequence may have other consequences.

Whereas other things that may be considered highly political now become very simple, technical, economic issues that lose their political aspects. So this is a world that keeps developing, so I think it makes sense and thanks to the group for this, too.

To give some direction by saying primarily we'll focus on this, but to give it some flexibility that we may use because we don't really know how the future will look like, and so to give a little bit of flexibility, I think, makes perfect sense. So I would suggest that you continue to take comments on modifications or amendments, and as long they are like not changing the essence, but rather trying to refine it, let's collect these modifications and then we try to finalize this document in one of the coming days. So thank you for continuing what you started.

GHISLAIN DE SALINS: Yes, thank you. Absolutely, Thomas, I'm collecting the comments and I will, I guess, come back with an updated document with three minor editorial changes. It doesn't change anything about the substance, as you said, and hopefully we can agree to adopt the document before the end of the meeting.

Okay, so I have USA on my list, and then Iran.

US: I answered my own question, so thank you.

GHISLAIN DE SALINS: So Iran, please.

IRAN: Thank you, Chair, I agree 99.9% with Thomas that we should give it -- the 0.1% is just something that always we have -- sometimes on technical, some on legal. Now it is my technical issue, 0.1%, you can't have an absolute perfect thing. Chairman, quickly, there is no major difference between willing to and intent. Intent, to have in mind as something to be done. This is willingness, I don't think that we should go to depths, whether we say willingness or intent, it's the same. I don't think that we should go too much on that level, and so on and so forth. We are not drafting the U.N. charter for Chapter 7, putting countries under sanctions or punishment, and so on and so forth.

So I think that I take the advice of Thomas and not go into too much detail to see whether there is -- we put in good words that have been used for years, major objections. If there's nothing, the details can be worked out, so I think that is something you could do.

And I think the way you put it is quite correct, primarily or in particular is good. You go [inaudible], but preliminary area, there's probably a policy issue. But do not go to the definition of what is public policy issue because you cannot get rid of it. If you dig something, the hole will be bigger and bigger and bigger. Thank you.

GHISLAIN DE SALINS:

Thank you, Iran. You are absolutely right. The idea is really to get a feeling of the room about if there is consensus on the ideas, but not to go too much into drafting for this session. So thank you very much, Iran, for that.

I have a request from the floor. You can please take the floor and identify yourself. Thank you.

SWAZILAND:

Thank you, Mr. Chairman, I'm Andreas from Swaziland. It's just a small question on 2.1. The word "primarily", can it not be used by someone else in another constituency who doesn't want the GAC to be involved in a matter, to preclude the GAC from participating in that if they want to interpret it as not primarily public policy?

GHISLAIN DE SALINS: Well, thank you very much, Swaziland. As it was said before, the reason why we put the word “primarily” here was to give some flexibility to the GAC leadership and to the GAC to decide if or not we want to participate in the EC process. But to answer your question, there's absolutely no way for another SO/AC to tell the GAC what to do. This is really an internal matter for the GAC, this is internal principles that would be adopted by the GAC, so in my opinion, there's no risk of another SO/AC using it to restrict the ability of the GAC to participate. Please, Thomas, and then I have the US.

THOMAS SCHNEIDER: Thank you. In addition to what France has said, which is absolutely right, the GAC defines about every SO and AC defines about their rules for participating. However, one thing that we should keep in mind and maybe this is good for the new comers to know because we haven't mentioned it today, is this thing called caveat of the GAC.

It's long gone since we used this, but it's an important thing, if the Empowered Community mechanism is triggered based on a decision of the ICANN Board that has been taken based on -- I think it also says primarily or something like that -- on GAC advice, that means we are not able to participate, at least not I think in

the decision making part of the Empowered Community model anyway.

So the question is then, who decides whether the ICANN Board decision is based on GAC advice? Probably the ICANN Board itself. But just to remember, if a decision by the Board is challenged by the Empowered Community and that decision is based on GAC advice, this won't apply anyway because we won't be part of it, at least not of the final steps.

Just for those who are new, this is an important thing because there's a high risk that we give advice and public policy issues and so that this is something that we need to keep in mind. The so called caveat is something that may apply to things that we care. Thank you.

GHISLAIN DE SALINS: So I have US on my list, and then Iran.

US: Before I get to my primary point, I just wanted to chime in on Swaziland's question, which is in our last experience with the creation of a new Board committee, we were actually told by a Board member that it had no public policy concerns associated

and we as a GAC still found ourselves that there were, we participated in that, so just something to note.

But also going back to the question of intents or willingness. From the United States' perspective, there's actually a very big difference in those two words. We are prepared to agree in principle to what's here if willingness is adopted as opposed to intends. But I just wanted to make sure we articulated that willingness is willingness, whereas intends is "we will do something". Thank you.

GHISLAIN DE SALINS: Thank you, US, it was a different level of the word, "intend" versus "willingness". I guess we can understand that. I have Iran.

IRAN: Thank you, Chairman. Although we are not English speaking like mother tongue, but we understand the meaning of the words. We have sufficient ability working many, many years in the U.N. family, we know what the word means. So we thank you for the comment made, but still [inaudible].

Now, I'll give an example, changing the fundamental bylaw, is it public policy or not? People say, no, it is not public policy. Suppose a fundamental bylaw, or [inaudible], having some

impact on the GAC, its structures, article 11 and so on and so forth; could they say that, “No, it's not public policy, let's change it.” Budget, suppose it is decided to totally delete the fellowship and travel support of the GAC? Is it public policy or it's not public policy? I don't think that we should go to in that much level of detail. We will see bcase by case what happens. With the way you put it, we have no difficulty, maybe one word changing “primarily” or “in particular”, but the message is there.

About intended or willingness, that is something we could discuss and agree. I don't think that we should argue that now, who is right [inaudible] issue, Chairman, in this meeting and every meeting is not who is right, who is wrong. The issue is to agree on something and we are prepared to discuss and to negotiate with our colleagues. Thank you.

GHISLAIN DE SALINS:

Thank you very much, Iran. I think you are right, this session is not about defining different verbs in English, it's really to focus on the core ideas of the different paragraphs and the sense I have in the room is that there is agreement on the general idea contained in the paragraph. I have Netherlands, please.

NETHERLANDS: Yes, thank you, Ghislain. One thing which strikes me is that we are talking about intention of willingness while we are really drafting the conditions for our participation. So it looks like you're introducing something with willingness or intention which undermines really the conditions which we all are trying to get consensus on. So maybe it could just be deleted in the sense that you see these are the conditions under which the GAC will participate in the escalation process. Thank you.

GHISLAIN DE SALINS: Thank you, Netherlands. I think the idea was that the GAC will not restrict itself from participating. It was more a way to make sure that our participation is open and we don't reject one power over the others, for instance, because you have nine powers that the EC group could exercise. And in the beginning of our discussion some years ago, some countries said that only a few powers for instance could have a GAC implication. So it's really to make sure that the GAC is open to participate in most of the Empowered Community power and decisions.

So if there's no more comments for this part, I propose to move to part three of the document.

So this part is divided into three subparts. The first one is about stages one, two, and three of the escalation process. The second

part is about exercising the power, which is stage four. And part three is about GAC initiating a petition for the Empowered Community, which is another set of issues.

So the big issue we had for this part was a threshold for GAC to make a decision regarding the issues that were raised in the Empowered Community. Some countries wanted to keep the rule of full consensus that exists for GAC, providing advice to the Board, while some other countries wanted to use the principle we use to modify GAC operating principles, which is majority voting. And in the end, the drafting group managed to strike a balance between these two views, these two approaches, so for stages one, two, and three of the escalation process, the idea is that if we receive a petition from another SO/AC, the GAC leadership will examine the issue and propose a way forward to the GAC. So either support the petition, reject it or abstain.

And if there's no more than three objections by GAC members, this proposed approach by the GAC leadership will go forward.

If you have more than three countries requesting a discussion, then a teleconference would be organized to discuss the proposed approach by the GAC leadership.

And of course, as you might know, there is some very severe time constraints when the Empowered Community is implicated, so

3.5 is about the time constraints and so it will give seven days to challenge the proposed approach by the GAC leadership to the GAC.

So maybe if you can scroll down a little bit, I think there might be some other parts after that. If you could scroll down. I don't know who is in charge. Yeah, thank you.

Yes, scroll down a bit, again. Okay. Thank you.

Okay, I see Iran. Iran, please.

IRAN: Could you go back to the seven day issue?

GHISLAIN DE SALINS: Sure.

IRAN: Thank you. There might be some difficulty, I understand that seven days is in the bylaw, but the amount of difficulty just to go to the email, so it might be necessary, sometimes we have a sort of virtual meeting, but not email because of some particular situation, countries that may coincident with some other event of that country, that maybe not availability to the email situation. Perhaps we should put both methods, virtual meeting,

conference call, whatever you call them and/or email so to make it two possibilities depending on the situations. Put two possibilities. Thank you.

GHISLAIN DE SALINS: Thank you, Iran. Actually, the possibility you mentioned of having an Emeeting is already in the document, if you scroll a little bitdown, "If more than three GAC members request to discuss it, then a teleconference or E-meeting is organized. So it's not only for email, it would be also through teleconference or E-meeting if necessary.

IRAN: But that is two different things. Teleconference is something that also -- I am talking about the paragraph before that. You say email; suppose that the coincidence with the holidays of a country, sometime the New Year of a country, or religious holidays or religious things, I just put also in that one both possibilities, and/or, that would be helping the countries. Thank you.

GHISLAIN DE SALINS: Thank you, Iran. I see Switzerland, or GAC Chair, requesting for the floor.

THOMAS SCHNEIDER: Thank you, reply to my colleague from Iran. I see what you're aiming at, but the problem is, if you don't read your emails, you will not know whether there's a teleconference or anything either, so that won't help. So the thing is that if something prohibits you from following your email for seven days, that will not help. You may notify your colleagues or from within your administration or from other countries to reach you on the phone, but nobody will call through and we don't have a GAC mobile phone list that you can call.

So the thing is that --but I think it's not necessary. If somebody is not sure, he can just say, "I disagree, I want this to be discussed in a teleconference," and then the next step will apply. So the teleconference will come, but the first alert, there's no other way than email, so I hope I make myself clear. There's no alternative apart from running a mobile phone alert list which we don't have, so there's nothing else than an email to send something out, and then if there's opposition or questions or doubts, then people go for a teleconference. Thank you.

IRAN: Mobile phone works. For three years I'm attending all virtual conferences, but a single mobile phone is always available, but I

don't want to contest you on that issue. The problem is that if three asked, on that case even one maybe is sufficient to say that I prefer to have a conference call to listen to the others and so on, because a conference call is more live to discuss the issues, to listen to what other people are saying, to be convinced if somebody just objects by email it is not possible because email would be a series of exchange of emails, endless. We have at CCWG an endless exchange of emails without any conclusions, so I don't see any difficulty why you're not putting that. Thank you.

THOMAS SCHNEIDER: Just to say, of course you can participate in the conference call with your mobile phone, but you will not know that there will be a conference call unless you read your email, that was the point that I was trying to make. Thank you.

GHISLAIN DE SALINS: Thank you [inaudible] as well. The email procedure would start with the GAC [inaudible] proposal, which would really analyze the proposed issue and try to see if there is public policy implications; that would be pretty clear. And the other issue is we didn't want to overengineer the process, and if you add the possibility of a conference call, you need to organize a conference, you need to make sure most people are available, so it would really add a

lengthy process that is not necessary if everybody agrees on the proposed way forward by the GAC leadership. So it's why we put that condition that more than three GAC members request a teleconference to organize it. I hope it's acceptable for you. I have Canada on the floor. Please, thank you.

CANADA:

Thank you very much, Mr. Chairman. I just wanted to know with respect to 3.6 and 3.7, we're concerned that we seem to be creating a new process for GAC engagement in the Empowered Community here that's overly burdensome and complex and not really constructive by requiring GAC members to formally object in order to trigger a teleconference. So I think we'd suggest merging those two principles just to state more clearly that the proposal formulated by the GAC Leadership will be considered as adopted unless three or more GAC members request to discuss it, in which case there would be a teleconference that would be organized to further discuss and resolve the issue. Thank you.

GHISLAIN DE SALINS:

Thank you, Canada. Well, actually based on -- and thank you for your very valuable input. And based on this input actually, we changed 3.6 from formal objections to objections. And we also changed 3.7. So if more than three GAC members want a

teleconference, they don't need to object with this version. They would just need to say, "We want to talk about it in a teleconference." And then the teleconference would be organized.

And the other thing is if they object, then there's no adoption of the GAC Leadership proposal. So we tried to separate the issue to make it clearer.

Please, Canada.

CANADA: Yes, I'm sorry. Thank you for that clarification. I do see that now. Apologies. Thanks.

GHISLAIN DE SALINS: Okay, so if there's no more -- oh, I see the US, please.

US: Thank you. So at 3.7, and I've raised this concern in the past about identifying -- I think it was three last time, now it's more than three, so we're up to four objections required to start a discussion; I just wonder, you know, in this early phase, why it's necessary to have such a high bar for discussion? I think based on our most recent and first experience with our participation in

the Empowered Community, we were able to show that we were able to work under these time constraints, and there in fact was a situation -- I don't recall how many, but there were at least two GAC members who had concerns but refrained from objecting.

So again, four seems very arbitrary, it seems like a very high bar, and since we actually say in this document elsewhere that the GAC is free to amend these procedures as necessary, I would think that perhaps we kind of maybe start with a lower bar and test how we're able to function in the Empowered Community before going straight to four -- the need for four or more members to object before spurring conversation. And I'll stop there. Thank you.

GHISLAIN DE SALINS:

Thank you, US. As you might remember, we've been having this discussion for two years or something, and some countries would have preferred to use a majority voting or other threshold, like 80% of the GAC agrees on that, so this bar might be a bit arbitrary, but it's really the result of discussion and a compromise solution. So of course, you could put it higher or lower, but this is really the consensus that emerged from the discussion in the group.

Now of course, if your proposal is to just change 3.7 so that a teleconference would be organized if one GAC member requests

it, that's a possibility we can examine, but of course it would depend on what other GAC members or participants to the drafting group will think about that.

I see you request the floor again, so I give the floor back to you, US.

US:

Thank you very much. Yes, I am very aware that there's been quite extensive conversation with respect to how the GAC is going to participate at these early levels, and I completely agree that we need a bit more flexibility in these early stages since the intention is largely to try and de-escalate and find a way forward as opposed to taking more expedient actions. But I guess it's the four, that's quite a lot, particularly since we've already proven that we can operate under this without there being, you know, contention with respect to people objecting. And I'm not looking for absolute consensus here. I think, you know, one, even two; four just seems quite excessive to me, honestly.

GHISLAIN DE SALINS:

And you have to keep in mind that for stage four, that is full consensus that has been retained as a way for decision making. We really tried to just strike a balance and, you know, put a higher

threshold for stage four and a lower threshold for stages one, two, three.

I see the GAC Chair requests to have the floor.

THOMAS SCHNEIDER: Thank you. I think we should keep in mind at which stage we are and maybe think of concrete examples through; that may help to make it more understandable. Given that somebody brings an issue up and says, “I want to discuss this in the first steps of a -- we have a problem here, we want to discuss this.” So a petition comes, somebody invites the GAC, do we agree that we should move to the next level? For instance, we should discuss something in a Community Forum?

Then, if I understand this right, if the GAC leadership has then to make a proposal, say yes or no, we propose that the GAC should agree, that this is being discussed. We are at the stage of agreeing to discuss something, not later. So if for instance, the GAC leadership would come up and say, “Okay, we’ve got this petition, we’re invited to agree or not to discuss this in a Community Forum,” and the GAC leadership proposal may be to say, “We think that this should be discussed, the GAC should say yes to discussing this in the Community Forum;” that would mean that

in order to oppose the proposal from the GAC leadership to discuss something, this is the threshold.

For instance, if one GAC member could say, "No, we don't really agree, or we need to discuss in a teleconference whether we say yes to discussing this in the Community Forum." So we are at this stage. How many objections to a GAC leadership proposal agree to discussing something is needed to discuss the decision whether we are willing to discuss? So just to tell you where we are at in this stage, we are really in a very, very, very preliminary stage.

So in the end -- or the other way around, if the GAC leadership would come to the conclusion that it would propose to the GAC not to agree to discuss something in a Community Forum, then if only three or four say, "Yeah, but actually we don't agree, we need to discuss this because we want to discuss it," so if only three or four members disagree with the proposal not to discuss something. You see what I mean?

So we are whether it's three or four in the end is not really the important thing, the important thing is to try and be efficient at this low stage so that it is clear that the vast majority, whether it's all minus two, minus three, or minus four agrees that we should participate in a discussion, then we shouldn't need to discuss

whether we should participate in a discussion. I hope I'm making myself clear.

So this is the stage we're at. So just to say that at this stage, we are discussing about the procedures to having the GAC to accept that we discuss something. And then whether it's two or three or four, I don't think it's changing the world, so to speak. Thank you.

GHISLAIN DE SALINS:

Thank you, Chair. And just to add on that, the proposal would be engineered by the GAC leadership, which is already made of six people. So there would be discussions in the GAC leadership first. So the idea of this paragraph is really to try to not over engineer the process and give us some flexibility and a way to be efficient and participate if necessary in the de-escalation phases of the process.

Okay, I have Canada, and then Iran.

CANADA:

Thank you very much, Mr. Chairman. And sorry to take us back to my previous intervention. I did note that the word “objection” was removed from 3.7, but not from 3.6, and that’s what I was referring to previously. It seems like we are putting in place a very formal process just to go to a discussion. Instead of having to

issue formal objections, can we not just say if three or more members wish to discuss or request a discussion, let's discuss it. Thank you.

GHISLAIN DE SALINS:

So we removed the word "formal" to make it less formal, but the issue is, at some point, if you are opposed to the proposal of the GAC leadership, you have to object to it. If you just want to discuss it, you know, it's different; you can discuss it, but some points you have to say that you oppose the GAC leadership proposal, or otherwise it will go forward. So what we try to do is to really de-synchronize the two issues so we can discuss it and at the end of the teleconference, you can object to it. It's two different things to do.

I have Iran.

IRAN:

Thank you, Chair. The participation in the conference call, in the Forum apart from the participation and decision making is not prohibited; everybody could attend that, but does not make a decision.

So this position is for decisions, saying that yes, no, but that doesn't mean that there would be any preventions or

prohibitions of individual countries to participate, to listen to the discussions, to express their views, but when it comes to the decision making and that is the procedure you are talking about. So we would love to have that clarification. Thank you.

GHISLAIN DE SALINS: You're right, Iran. I mean, you could still object to the proposal if you don't participate in the teleconference. And everybody could participate in the teleconference. The idea would be really to discuss it and explain if some countries have concerns, but those concerns are not big enough to object for instance to the proposal and they might just want some clarification.

I see the GAC Chair, please.

THOMAS SCHNEIDER: Thank you. The world is sometimes complicated. At this stage, in order for an issue to be the content of a community forum discussion, you need to pass a threshold of SO and ACs to say yes or not opposed, I don't remember, but if the GAC says yes or no to something, to give space to discuss something in the community forum, if we are the ones that make the difference, it won't be discussed. So this is about -- everything that is below stage four is about whether we agree that something should be discussed, for instance, in a community forum.

So if we say no and others say no, too, more than one says no, then there won't be any discussion. If it's only yes and all the others say yes, then there will be discussion. It's not that everybody can say no to this, or if enough SO/ACs say no, there won't be any discussion, so this is about saying yes or no to a discussion in the community forum. To accept a petition, that's even the lowest step, but in the end, this is about, do we agree, does the GAC agree that we should discuss this?

And we need a procedure to having the GAC agree or not agree that something is discussed. And we are talking about the threshold for people objecting to the GAC taking a decision of whether something is discussed. I hope it's not trivial, but we are not talking about stage four and later, we are talking about the GAC saying yes or no based on the proposal by the Leadership Team that something is discussed in a Community Forum. This is where we're at. Thank you.

GHISLAIN DE SALINS:

Thank you very much, Chair. That was an excellent transition to part B of this part, so maybe if we can scroll down. Cause as you know, part of the compromise that was drafted in this drafting group was, we would have this relatively high for some countries threshold for stage one, two, three, but then in stage four you would require full consensus to exercise a power. My concern is

if we start trying to change the numbers in part A, then some other countries might say, “Well. it's not enough for us and we also question the full consensus in stage four.”

So if you can scroll down a little bit in the document to show part B. Yes.

So as several members said, stage one, two, three is really about discussing an issue with the community with a view to try to de-escalate it. If the case it doesn't work, then you would reach stage four, which is about actually exercising the power, and because it's really different from the other parts of the process, the drafting group agreed that for this specific stage we would need full GAC consensus to exercise the power.

So as you can see in 3.13, there would be a discussion on the GAC email list and any formal objection by a GAC member will trigger a teleconference. If no consensus is reached in the teleconference, then the GAC will abstain from exercising the power, or opposing.

So I will open the floor if there is any comment about stage four of the escalation process. I have Argentina and then Iran. No sorry, Argentina was actually telling me Iran wanted to intervene.

IRAN:

Thank you, Argentina, for pointing you toward me. Thank you very much. The 3.11, you put two qualifiers. One qualifier is that is feasible and appropriate within the time line specified in the bylaws. Yes, I agree with that, but appropriateness and feasibility, and sent to the [inaudible], so you put several qualifiers on that so I want not to make any exaggerations of the situations.

So if you or the GAC members will be actively told by the GAC Chair, very good, using both face to face meeting and the intersessional online communication. And then you put all of these under several qualifications. So I hope that that would not end to something that, yes, we've gone through that, but because of this it's not possible and because of that it's not possible, so we would like not to lose anything here. Thank you.

GHISLAIN DE SALINS:

Thank you, Iran I think the idea here is if there's so much time constraints that we cannot wait for a face to face GAC meeting, then we can use intersessional online communication. It's really to try to make the work of the GAC Chair and the GAC leadership more flexible. That's why we put this part of the paragraph in the end.

IRAN: It's not talking about GAC leadership, it's the GAC Chair only, one person decides. Thank you. It's dangerous.

GHISLAIN DE SALINS: Are there any other comments from the floor? Yes, Egypt, please.

EGYPT: Just a very basic question, and please excuse my ignorance, but I was preparing a few slides for the GAC Capacity Building Workshop this morning and I noticed that the stages we are referencing in our GAC documents are a little bit different from what's on the website for the Empowered Community, and I'm wondering whether those are stages that we are defining for ourselves or do they map somehow to the other stages that are on the website? Thank you.

GHISLAIN DE SALINS: Thank you, Egypt. Actually, I think stages one, two, three four were drafted just before the IANA transition happened, it would have been September/October last year, and since then, ICANN has been engineering a little bit more so they added, you know, some extra stages, but in substance, it's really the same idea. We have the first stages that are about discussing the issues in Community Forum into the conference, and then you have the

last stage which is about exercising the power. We can talk about it a bit if you want, but in substance, it's really the same idea so I don't think it would really change anything.

EGYPT: Thank you. It's noted. I think maybe in future versions we can maintain the same numbering. Thank you.

GHISLAIN DE SALINS: Are there any more requests for the floor? I see none.

So I would propose to move to part C of the document.

So actually it's another issue; what we've been considering so far is, if another SO/AC submits a petition to the Empowered Community, how should the GAC react? Now as you know, the GAC being a decisional participant to the Empowered Community, the GAC also can submit a petition. And so this part addresses a question of the decision making process in the GAC if we want to submit a petition to the EC.

So what we decided first is that only GAC members or observers could submit requests or proposals to the GAC to initiate a petition, who would be limited to those Representatives. Then we would follow the same process then for the other parts which is trust the GAC leadership into examining the request and the

GAC leadership would submit a proposal to the GAC saying either, "Yes, we think it's an interesting or a good request, and we shouldn't go forward with the petition. Or, no, we don't think we should go forward."

If you could scroll down a little bit.

So there we had some issues, so some countries wanted to have the same thresholds that what we have for the GAC reacting to petitions from other SOs/ACs, so that would be the GAC leadership proposal would go forward if no more than three objections are raised. And some other countries wanted to have a lower threshold because since the GAC in this case initiates a petition, they should follow the usual GAC working method, which would be a full consensus.

So there actually was really a last item on which we had strong disagreement in the drafting group. In the end, there was a compromise proposal that was made. There would be two objections. If two objections are raised by GAC members, then there would be a teleconference and it wouldn't go forward and it would be discussed in the next GAC meeting. If you have less than two objections, then the course of action proposed by the GAC leadership would be considered as adopted.

So now I'm going to open it for comments to the floor. I see no more comments. Oh, okay, our friend from the US, please.

US:

Thank you. So looking at 3.19 and 3.20. I could be convinced that in the earlier stages of the escalation process that a threshold is necessary and required largely because there is a time constraint. And it's also, you know, again, it's about discussion and trying to reach resolution on a subject. I do have much firmer concerns with this threshold as it pertains to a GAC petition and that's largely because we are dealing with the matter of substance here. If you go through like what would be the foundation of a GAC petition, it would be an issue of concern, of so much concern that we would want to invoke the Empowered Community and potentially a community power. So I see this very much along the lines of GAC advice and the need for consensus for a GAC petition to move forward.

If we think through some particular possible scenarios, I think it might be helpful for us to understand better kind of the issue of a petition and the importance of a petition and the types of issues that would be addressed in a petition and why consensus is really necessary here because it would be looking to seek action pertaining to ICANN and the Board. Thank you.

GHISLAIN DE SALINS: Thank you very much, US.

Just to clarify things, that would only be for the first stages, right? So it would be actually before the first stages, because it would be about initiating a petition. But even though the GAC could initiate a petition, then when it comes to exercising the power, which is stage four, then the full consensus will still apply. So we're not changing part B before. It's only to initiate the petition. And for instance, the GAC wanting to discuss a matter with the Board or with the rest of the community, so it's really to trigger a discussion. It's the earlier stages of the process.

If we go all the way forward to stage four, then the full consensus would apply. So I hope it can help mitigate your concerns.

About the duration of the procedure, three weeks, the issue is like, you know, so clearly you have less time constraints than if you have a petition coming from another SO/ACs, but what we thought is maybe, you know, a GAC petition might also be [inaudible] constraints because for instance you are anticipating, I don't know, like a budget to be adopted or a decision by the Board to be made, so we were trying to make it, you know, a little bit shorter and not to wait months and months, so we needed to

have some deadline. Basically, that's why we put three weeks, and it was agreed by the group.

Yes, Iran, please.

IRAN:

Thank you very much. What is the relationship between 3.19 and 3.20? 3.19 is okay, you could put it in a different wording, but it's okay. All that says is that if there is some need, you need to have support. You put it in a negative way, but that's okay. But what is the relation or a sequence of actions between 3.19 and 3.20? Thank you.

GHISLAIN DE SALINS:

Thank you, Iran. Actually, it's really the same structure as the one we had before. The thing is we envision a case; for instance, you could have countries that had concerns about the way forward, but were not ready to object to it. So if you have two countries that are concerned, then a teleconference is organized, we discuss it, and then if these two countries are still not okay with the proposal, they can object to it. That's really the idea, to try to, you know, to separate these two issues and to make it easier for a teleconference to be organized.

I have the UK first, and Nigeria, and then US. Thank you.

UK:

Yes, thank you, Ghislain. I'm just trying to envisage how this situation might occur for the GAC to submit a petition, or for the GAC to consider whether it should submit a petition. And I wonder if we ought to add some kind of prior conditionality that when the leadership examines a request by a GAC member or an observer, it takes into account whether the issue has been raised with the Board. I'm just mindful of our advisory role for addressing issues of public interest consistent with our mandate. And this course of action, which is to go straight to the community with an issue, if I understand the situation correctly.

So I just wonder, you know, somebody coming at this fresh will see this as a mechanism alternate to advising the Board and, indeed, interacting with other parts of the community on an issue of public interest and whether we ought to have a little bit of language here to say that this is not going to happen ordinarily, and that the issue would go to the Board.

And just one other minor comment on 3.19, I read that meaning one objection. In English should be fewer, fewer than two objections, that means one objections, yeah? If we stay with that, should we just say one objection? Or have I got that wrong? Thank you.

THOMAS SCHNEIDER: I think we have to wrap up this session because we are actually almost already 15 minutes beyond. Again, to not lose sight of the bigger picture of this; this is about giving the GAC the chance to raise an issue, to invite others to look at it and see whether they would be willing to discuss this. So for instance, silly example: if the ICANN Board in their financial plans says, "We have no more money to heat the GAC rooms, so they will be cold or they will put outside in tents, or whatever we had at some point in time, and we thus save 5,000 U.S. dollars a year," the GAC could then think about whether or not we would make this an issue for something to be discussed. Of course, we will not -- given the fact that we are not really overwhelmed with resources, we will use every other way before than going through this process to try and solve a problem, so I would not necessarily be too anxious about us overusing this procedure.

In case that we would think that this is something that the Board has ignored, our heating needs and so on, this is about what is the procedure for the GAC to say, "Okay, here's a petition that we'd like to invite the others to look at and see whether they want to discuss this with us in the end in a Community Forum."

And I was also confused with the less than two or fewer than two, but what this is trying to say is, if nobody or just one GAC member

objects, then the GAC leadership or the GAC Chair proposal is considered accepted and that will then be addressed as a petition to the other SOs and ACs. So if there are two or more, so not zero and not one, if there are two or more GAC members who have a problem with this, there will be a discussion. And if that doesn't help, then there will be -- and this is 3.21, there will be a physical discussion. That's it.

And we are still at the stage of if there's an issue that the GAC feels should be put forward to the other SOs and ACs and asked them, do you agree that we should discuss this in a Community Forum? This is where we are at with this part. This is defining the procedure for us raising an issue with the others in the framework of a community forum under the condition that they accept that this is actually an issue that they want to discuss. If two of them say, "Fine, did you come to us and want to discuss your heating problems, we don't really think this is an issue, we say no," that's the end of the story. So just to understand where this is situated.

We have to wrap up here, we can't continue, we may find another space because we need to quickly go through agenda item six, we are already 15 minutes behind, but I'm sure we'll find another moment to continue to discuss this. So if you agree, then stop here. I think there's lots of things to discuss informally about who is inviting whom to discuss what, to discuss what and so on, help

each other to understand these things better; and life is sometimes complicated, in particular [indiscernible] and ICANN, but this is something in the essence behind. It is not very complicated.

But there are clear steps that we need to separate from each other in order to understand how to engineer something that is workable, but still keeps middle ground between different concerns in one or another direction. So if that's okay for you, let's leap over it, maybe have a drink over it tonight, those who meet, and then come back on this later.

But I think we are close. I have not heard much, just some twist and tweaks and we will get there with Ghislain and his group.

I will quickly give the technical people three seconds. You can cut me as I speak, this is to bridge a silence that would otherwise occur.

We will move to the next agenda item in a few very seconds so that you can restart the recording. I probably have used 10 or 15 seconds. I will continue to talk for another 5 to 10 seconds by saying Tom will guide us through this issue. And I think now the time is over.

So this is agenda item six. And Tom, the floor is yours. Thank you.

[END OF TRANSCRIPTION]