
ABU DHABI – GAC Communique drafting
Wednesday, November 1, 2017 – 13:30 to 18:30 GST
ICANN60 | Abu Dhabi, United Arab Emirates

CHAIR SCHNEIDER: Okay. I see there's something happening here. I'm told I should formally start the meeting and see what happens. So this the formal start of the meeting.

And, yeah.

MARK CARVELL: I think, Thomas, I should actually take over at this point, even though I'm leaving ICANN after this meeting. But every -- every ICANN meeting is a significant event. Every GAC meeting is a significant event. It's a coming together of many diverse people from different backgrounds from all over the world, and these meetings, these processes, these committees require leadership to get us through all the work. And the extra significance of this meeting is that we are saying farewell to Thomas Schneider who has led the GAC -- how many years, Thomas? Is it three? Three years. Seems like a lifetime, actually.

[Laughter]

No, I mean not -- no reflection of how you've managed the work.

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.

CHAIR SCHNEIDER: We will discuss this later, Mark.

[Laughter]

MARK CARVELL: But it's been tremendous, all the close working with you. That's why it seems like it's been much longer, because you have been an inspirational and exemplary chair of the GAC.

You have built on the success of your predecessors. The GAC has evolved in many ways over the last -- well, certainly during my time, in the last nine years or so. And you've carried it forward, really, in an exemplary way because you have extended the bridges that we needed to reinforce with the rest of the community. You've been able to engage so effectively with stakeholders from business, from civil society, from the technical community in such an effective way because I think what has been so inspirational from you is that you have been able to exert such an effective command of so many issues that have come before us in the GAC so that you've been able to steer us, as an ever-larger committee. What are we now? 173 members, 35 observers. That's a huge responsibility with an ever-increasing roster of issues to deal with. And of course under your stewardship, we've had the transition, the IANA

stewardship transition. You've been the steer for the GAC to get through all of that work in such an effective way.

It's been a challenge. It's been hard work. There have been stress points. In particular, number 18 was -- was particularly challenging, but that's -- that goes with the job. And you knew how to handle it and how to manage the processes so that we're all confident. We knew what we were doing, we knew what we had to get through, we knew what the tight, often very challenging deadlines were. You kept us all on track.

So on behalf of the committee members, I wanted to express that deep appreciation for all your diligence and commitment to the work, working all hours, and at a time when you had increasing responsibility within your administration in Switzerland. You got promotion to Ambassador, and at the same time you were having to do conference calls at all hours with us in the committee and connect with the rest of the committee and with the Board.

So I just wanted to express that appreciation for us, on behalf of all of us on the committee. And working in the leadership team, it's been a privilege to work with you as such an effective chair, as I say, in command of all of the work and getting us through it. And working with the support staff, our independent secretariat,

ACIG. It's been a great team, collegial effort, and it's been that because of your inspiration.

So that's enough from me. I just wanted to express that on behalf of the committee. But I now turn to Lousewies, I think, who is going to speak on behalf of the Board to say a few words.

Have you got a mic there? Okay.

LOUSEWIES VAN DER LAAN: I do.

MARK CARVELL: Okay. I'll switch off here then.

LOUSEWIES VAN DER LAAN: Lousewies Van der Laan. I would like to say I'm speaking on behalf of the Board but I have not actually vetted anything I'm saying, so I'm going to say it out of my own heart and then hope the Board doesn't fundamentally disagree, but I'm sure I will hear about that later.

I'd like to say, Thomas, that I have no idea how you did what you did, because being a GAC chair --

CHAIR SCHNEIDER: Neither have I. That's another...

LOUSEWIES VAN DER LAAN: Being a chair is a full-time job, being a Swiss civil servant is a full-time job, and being a board member is a full-time job. So there must have been three of you because you managed to do all three of them and still smiling, friendly, enthusiastic, and all of these things. So it's been really a privilege to serve with you on the Board.

What you probably all don't know, of course, because most board meetings are closed is that every now and then Thomas had to speak quite forcefully to the members of the Board, especially those who don't understand the full importance of the role of the governments, and explain yet again to us that governments are an extremely important and valuable partner. And sometimes that was done through sheer force of will, but I think most of the bridges and understanding that has been built between parts of the community, through the Board but also through your direct bridges, has been through the force of your personality. To work on substance, to be respectful, to be inclusive, and to make sure that everybody understands what is going on.

And in my short two years on the Board, I have seen the mood in the community change in a way that I think the understanding for the positions of governments, the role of governments within

ICANN has improved dramatically. And I think this is a credit to everyone, of course, in the GAC, but it happened on Thomas's watch. And I know his personal leadership has contributed quite a lot to that.

So you will be sorely missed. I know that Manal will do a wonderful job to replace you, but it has been an incredible pleasure to work with you.

And for those of you who were not there last night at the Aloft, on top of all the amazing talents that Thomas has, he is also an amazing singer and guitarist and everything else. So can you at least promise us that for those of us who will be in Geneva at the IGF that we can see you perform one last time, at least in that context. And just because you're turning into a very formal and important stiff ambassador, we can still listen to your rock and roll.

Thank you very much.

[Applause]

CHAIR SCHNEIDER: Thank you, Lousewies.

MARK CARVELL: Thank you. I forgot to mention his extracurricular activities which have added so much to our times at ICANN meetings.

There are a couple more speakers. I know Thomas Rickert wanted to say a few words. Wolfgang, maybe Markus. Did I -- And Manal? Yeah.

So Thomas, do you want to start.

CHAIR SCHNEIDER: Just to be clear, this is not -- this is not text that will go into the communique, so even though it's formally about that.

THOMAS RICKERT: Thanks very much, Mark. My name is Thomas Rickert, and I've asked for a minute or two to talk about Thomas because we go back a couple of years. We became friends at ICANN meetings, and we could passionately fight over substance, about the governments' positions and the positions in the GNSO. I think we enjoyed those fights which we had privately as well as at conferences.

But although we had numerous disagreements over the years, I think there are three themes where we were always perfectly aligned, and I think that those qualify Thomas's approach to his work. And that is, number one, take your work and the subject

that you're working on very seriously, take the people that you're working with most seriously, but don't take yourself too seriously.

So he brought that extra piece of humor, and I think he always provided for a very amicable atmosphere in GAC sessions. And that, I think, is a footprint hard to fill, but I'm sure that Manal will do an excellent job. We're looking forward to working with her.

And for Thomas, I think my message is along the lines with Lousewies's.

We hope that we're going to see you in these fora. Keep smiling, and keep playing the rock and roll.

Thank you so much.

CHAIR SCHNEIDER: Thank you.

[Applause]

MARK CARVELL: Okay. Markus? Yes, thank you.

MARKUS KUMMER: Yes, thank you, Mark.

Well, Lousewies has said everything I was going to say on behalf of the Board. I think Thomas's presence there was really felt and very much appreciated.

Thomas and I go back a long way when I worked for the Swiss government, worked together in the WSIS delegation. That was, what? 15 years ago, I think, and Thomas joined the civil service, and we have been in touch ever since. So we can consider ourselves personal friends beyond just being colleagues.

We entered the Board together and we are going out together, so there was maybe a Swiss overrepresentation but now we are maybe underrepresented.

But in any case I will be short and wish you all the best for your future career. And let's stay in touch.

Thank you.

CHAIR SCHNEIDER: We will. Thank you, Markus.

[Applause]

MARK CARVELL: Manal?

Wolfgang, sorry. Wolfgang Kleinwaechter, please.

WOLFGANG KLEINWAECHTER: Yeah, thank you. Wolfgang Kleinwaechter. I remember a moment a couple of years ago when EuroDIG had its meeting in Stockholm, and the evening reception was in the Natural History Museum and there was a huge statue there from King Gustav Adolf, and this was the perfect background for the Thomas Schneider Elvis Presley Revival Band. And when they played "Blue Suede Shoes," I was thinking, my goodness, Switzerland and Sweden. This goes together. This is fine. This is from the '60s. In the '60s I myself was a teenager. There was the Cold War and Sweden and Switzerland were neutral countries and helped to save peace.

The late Swedish Prime Minister Olof Palme chaired the Global Commission on Disarmament, and Switzerland hosted the Soviet-American SALT negotiations Geneva in the Avenue de la Paix.

So 15 years later nobody could expect that the most controversial outcome from the information revolution, ICANN, is now chaired by a guy from Sweden and the GAC is chaired by a guy from Switzerland. So thank you for contributing to cyber peace. And when yesterday some people mentioned the IANA transition, and Goran and Larry and Fadi and Steve, all this is

true. But as many have said, you know, without Thomas, this would have been probably not went in this way as it did.

Thank you for saving cyberspace at least for the moment, and good luck for the future.

CHAIR SCHNEIDER: Thank you, Wolfgang.

[Applause]

MARK CARVELL: Okay. I have a couple of GAC members who want to say some brief words. Palestine, I think? Yes. And then Pakistan, and then I'll turn to Olivier Crepin-Leblond, and then I think Manal. Because there's a little thing that's going to happen over there as well. We don't want to delay too much going over to the corner there for a little surprise.

Okay. So Palestine, good morning, please.

PALESTINE: Hi, good evening.

Honestly, what is well-known about ICANN staff and that they said -- said it all, and they did not leave anything for me to say.

I am a new old-comer for GAC but, honestly, I have enjoyed working with Thomas, and I witnessed the best-ever governance for this committee. And now I would like -- now I object him and I want suggest to add this paragraph to the communique session.

Thank you.

MARK CARVELL: Thomas. Did you --

PAKISTAN: Thank you, Mark.

I appreciate Thomas (indiscernible) as the GAC chair. He always open to listen to all others and as has been proved from all. Kind and have ability to the resolve the differences of opinion, proactive approach, and put the government issues in the form of GAC advice in front of ICANN for the welfare of the community.

Best of luck, Thomas.

Thank you very much.

CHAIR SCHNEIDER: Thank you very much.

[Applause]

Olivier.

OLIVIER CREPIN-LEBLOND: Thomas, I haven't had a chance to work with over in ICANN circles because I was ALAC chair between 2010 and 2014. So I worked with your predecessor. And I do know with Heather Dryden how much work, how much an enormous incredible amount of work being GAC chair is. Not only the work, but also the load on one's shoulders. You have the pressure from the community. You have the pressure from countries around the world. You have to fix everything, and it's not easy.

But I have had the chance to work with you on other issues, EuroDIG, for example. You're the chair of European Dialogue on Internet Governance. I'm one of your board members. You've been a great leader.

And I don't know if people around the room know that, with all your different hats, you also have a private life. And I've certainly heard and seen the pictures of your car collection, your Citroen lemons. That's the one. Citroen.

And I have no idea how you manage to have a private life with all the things that you do at the same time. But I guess it's probably Swiss time precision being able to go and multitask so well. So I've been really happy to ---

CHAIR SCHNEIDER: Thank you very much, Olivier.

[Applause]

MARK CARVELL: Okay. I have Moctar next, and then we must turn to Manal for a final word. Moctar.

MOCTAR YEDALY: I will speak in French and then in Russian.

CHAIR SCHNEIDER: Well, perhaps, we may do that.

MOCTAR YEDALY: I will not take too long, because a cake is waiting.

But you have been excellent. It has been a pleasure meeting you.

You have a fabulous way of being, of acting, behaving. So you have achieved a lot being the GAC chair, particularly for us, for developing countries. And this has been really great.

I wish you all the best. Thank you very much.

MANAL ISMAIL:

Thank you, Mark.

And I cannot agree more with everything that has been said, Thomas.

It's been a real, real pleasure working with you throughout your years of service on the GAC, first as a GAC colleague and then as a GAC chair and now on the GAC leadership together.

It's been a pleasant and learning experience to me. You've always been very pleasant, cheerful, easygoing, relaxed despite your very busy agendas. Despite the tough discussions we're having, you've always kept the room very calm and very -- you eased all tensions and took us through so many contentious discussions.

You'll be sorely missed. And I hope I'll be able to build on what you've done.

You've took us through many things through substance, but also the process that's in place right now is also a great achievement that you have done.

I cannot promise to keep what you've done with the rock and roll thing. But, hopefully, on other things.

And I hope we'll stay in touch in other capacities. So thank you, thank you. And you'll be sorely missed. Thank you.

[Applause]

CHAIR SCHNEIDER: Thank you, Manal.

MARK CARVELL: Right, Thomas. We have to steer you to the far corner, unless you want to say a few more words or --

CHAIR SCHNEIDER: I don't know what the plan is. But maybe --

MARK CARVELL: I'm not sure either.

CHAIR SCHNEIDER: First of all, I need to warn you, there's something that I have in common with Roger Federer apart from nationality. It's not necessarily my tennis skills, but -- I'm quite a strong person, but, when I get overwhelmed by positive emotions, actually, I may have tears in my eyes and a faint voice. So this may happen.

So, having said that, it's really amazing to see the feedback that I get. In particular, those who know me a little bit more on a personal level have known that I've never, ever in my life planned to work for something like a government. I've never, ever thought for a second before somebody asked me to be a candidate for the GAC chair. And, actually, I've not really planned anything in my life so far.

I've always known, however, no matter what I do, how it should feel that it should make sense for myself and, ideally, also make sense for the rest of the people around me that are affected by what I do.

So since -- and this is something that is, basically, one element of allowing me to have done what I have done in the past few years, I haven't been alone.

So I'd like to thank a number of people. I may forget hundreds because I didn't have time to really prepare for this.

First of all, my family. I do have a family. I do have friends at home. They see me sometimes.

My older boy has just texted me this morning that he has had a bicycle accident in a local subway at the train station and sent me a photo of a bike and said, "Well, it's just a bike that is broken. Don't worry."

So there are issues that I'm dealing with.

And my family is extremely flexible. Otherwise, this wouldn't have been able -- I wouldn't have been able to do this. And so -- yeah, without that. So this is the background that you need have. Otherwise you can't do things like this.

And then, of course, I'd like to thank my government. In particular, in the sense that, when it was clear that some people would -- some people proposed me to become the GAC chair, we had a quick discussion up until the top of the government. And they said, "Well, if you can be useful, then -- and if they want you, we won't campaign. Either they want you and then you don't need to campaign. And, if they don't want you, you don't need to campaign either because you don't get elected. The only thing that you need to do is stick to our values of being fair, trying to fight for equal opportunities, good governance, transparency, accountability, and so on and do what you see fit at any moment."

And they never, ever told me what to do or asked me even, like - - so they just let me do my work, which is something I think that is remarkable.

And, of course, Jorge has been with me throughout this time and has been a fundamentally important person for me because he was the one working with me the closest.

And we have also had some fights. We were trying to be very clear about the separation of roles, that he's the big Swiss GAC rep. And I'm trying to neutrally steer this. And I would like to thank you for this and the rest of this delegation, including Stephane.

Then the support team -- Tom, Julia, Olof at that time, Rob, Gulden, Fabien -- you were all amazing. And thank you for this.

And then the vice chairs, Markus, of course, has been the one I know the best because we've known each other for a very long time, worked in different environments. And it was a pleasure and also personal pleasure to work with all of you.

Then there's a bunch of other people I'd like to thank. First of all, Wolfgang Kleinwachter, because he's probably my biggest inspiration in all of them in the Internet governance framework.

Other people from the Board like Lousewies. Jonne, because he's as weird as I am when it comes to some things like spending night times on rusted metal and somehow feeling good about it, which most of the people understandably don't understand.

And there will be many, many more that I hope I will be able to say thank you in person in case I may have forgotten you now.

And what I learned during these three years is something that I feel very privileged with what I was able to get from where I grew

up and the environment, which was an innocent, small town Switzerland far away of everything that is important, environment where I learned to have values, to fight for them, not fight for myself necessarily, but fight for what we believe is important is maybe a contribution to the development of our lives and to be flexible in how you do what you do, but never lose respect. And, knowing that you're a small person from a small country, you will never be able to impose things on others. The only way to get what you want and maybe hope that the others -- or help the others to get what they want, too, is to talk, listen, think, and try and convince others of your ideas or be convinced of their ideas and then together go for what seems to be the best way forward in a particular situation.

This has helped me a lot doing what I'm doing, actually, everywhere I am. Because, if you don't take things personal that are not meant personal, if you take, as Thomas has said, the issues that you're working on, the people you're working with very serious but you also never forget that you are just a human being, you are not perfect, neither are the others. We all make mistakes, that this is something -- if you accept that with yourself and with the others, it's actually not that difficult, because you don't have much to lose. The only thing is you do whatever you can. You give your best. And then it's up to the

others to decide whether that's enough or how good or useful that has been.

And so I've been very fortunate that I had, actually, very few sleepless nights when I had the time to sleep, and just tried to do my best. And I hope I will leave some traces in terms of helping improving good governance in ICANN, improving diversity, improving mutual understanding between the different governments, the different cultures, different stakeholders. And -- yeah.

I'm going to end with referring to Thomas. I was also extremely lucky that -- given the fact I did have less and less time to talk about cars at home because I wasn't there. So I had Jonne for the car part thingy.

And I had Thomas to actually combine my passion for loud, noisy, and high energy rock music, or whatever it was or is, to combine these with my job here. And it was an amazing pleasure. And it's something that also, of course, adds to the energy that I have had the luck of having combinations of people around me and of moments that I cannot say but it was perfect from that point of view. There's nothing more that I could have imagined as a whole set.

So, Thomas, I hope you will make it to EuroDIG and to other places where we will continue to play together.

And, yeah. Thank you for everything.

I will not completely go away. As I've already indicated, in my new role, I will continue to be responsible for the Swiss representation in ICANN at the level that I am.

And we'll see you in other spaces, of course. I try to be back in ICANN whenever my portfolio allows it to me.

I have another small task that is actually keeping me quite busy, as you may have realized. Whenever I'm typing like an idiot on my computer, it may have been something to do with the preparation of the IGF, which we're happy to host -- this is an official advertising spot -- on 18-21 December in Geneva. We are really enthusiastic about it. Working on the very high constraints in terms of time and resources and everything. Because that wasn't planned either.

But we're very happy to see you all at the IGF. We are very convinced that it's going to be a very good meeting. And so we'll all see you there.

And just my personal thing is I just need to survive the 21st December. And then I will have more of my life back than I used to have in the past moments. So really, thank you for everything. And yeah. See you wherever whenever. Thank you.

[Applause]

I'm not used to this, but thank you very much.

MARK CARVELL: I think, Bertrand, did you want to have the very last word? Is that right? No? Okay?

Thank you. Okay.

CHAIR SCHNEIDER: That person is another of my key inspirations, just so I've said this in public.

MARK CARVELL: Okay. There is a little bit of cake and some refreshments over there, if you want to go over there over the next hour or so. But, if you want to go now, Thomas --

CHAIR SCHNEIDER: I don't know what the plan. Should we go over there? Do you want to go grab something and restart the session?

MARK CARVELL: We better restart.

CHAIR SCHNEIDER: The order from Julia. Everybody just goes -- do we need to work? Are you sure? Do we have consensus about this?

MARK CARVELL: I thought you were the Chair.

CHAIR SCHNEIDER: I told you it's teamwork. Let's go to the cake and whenever -- individually.

Let me give the floor to Tom, our -- one of our brains of the leadership team to go through the communique. Thank you.

TOM DALE: Thank you, Thomas. You referred to being overwhelmed by strong and positive emotions. I can't think of anything better than a GAC communique to settle you down.

[Laughter]

Any tears in my eyes have long dried since I've just looked at the screen.

So let's -- and I'll take the opportunity now to wholeheartedly endorse everything that was so sincerely and honestly and accurately said about your personal qualities and what you've done here. It's been great working with you as a secretariat, but

also sometimes also as what the French would call your chef de cabinet.

And it's been quite an experience. So -- and a job like no other, and you've been an absolutely critical part of it. So thank you.

All right, GAC. Here you are. I've circulated not long ago an updated version of the communique. Again, my apologies for multiple versions being sent to you today and over the last few days.

But I think, to newcomers, this is just how the communique is put together. It is an iterative process and one that, while members contribute text and ideas, sometimes they're busy with other things. So it's -- there will be some further discussion as the afternoon goes on.

Possibly in the evening.

I'll read through the document as is traditional. I'll note the sources of particularly important text. And there are some where work is still continuing. So there will be another version later on.

But my understanding is the usual purpose of this first reading, if you like, is to identify areas of particular concern for further work during the session. So the introduction is standard. So I won't go through that.

We then have a section headed, "Interconstituency Activities and Community Engagement."

Firstly, we have meeting with the ICANN board. The GAC met with the ICANN board and discussed next steps with regard to the IRP final declaration on applications for .AMAZON and related strings, resolving potential conflicts between GAC advice and the final recommendations of the GNSO PDP on IGO, INGO access to curative rights protection mechanisms.

Resolving apparent problems with access to WHOIS data in light of the general data protection regulation.

Two-character country and territory codes at the second level and communications between ICANN org and the GAC.

The, "temporary pause" requested by the Board with regard to the security, stability, and resiliency review, SSR2, and lowering barriers to participation in ICANN processes.

The second heading concerns our meeting with the GNSO where the GAC met with members of the GNSO council and discuss the reconvened PDP dealing with Red Cross/Red Crescent protections, current PDPs and options for more effective GAC engagement, implementation of recommendations of the GAC-GNSO consultation group, the appointment of Mr. Julf Helfingius as the new GNSO liaison to the GAC, the election of Dr. Heather

Forrest as the next chair of the GNSO council, and lowering barriers to participation in ICANN processes.

The meeting with the ccNSO. The GAC met with the ccNSO and discussed geographic names as gTLDs. Progress with the PDP on -- that should read retirement of ccTLDs. My apologies. That will be fixed. And, thirdly, lowering barriers through participation in ICANN processes.

Meeting with ALAC. The GAC met with ALAC and discussed country and territory names as TLDs. Community-based applications. In preparation of a joint GAC-ALAC statement on lowering barriers to participation in ICANN processes.

There is a section below on follow-up -- headed "Follow-up of Previous Advice and Other Issues." We'll come back to the joint statement with ALAC there.

Meeting with the NCUC. And the GAC discussed there the work and general policy views of the NCUC, ICANN jurisdiction, geographic names, and balancing law enforcement and privacy considerations.

GAC met with the ICANN Multistakeholder and Strategic Initiative staff -- this is table of service now. We've reached the table, never had before -- and discussed current and pending specific and structural reviews including timelines, structure,

team selection, scope of work, and problems with simultaneous reviews.

Meeting with the CCT review. The GAC was briefed on the work of the Competition Consumer Trust and Consumer Choice Review Team by members of the team. GAC members will continue to follow the work of the team as it finalizes its recommendations.

And, finally, in this section, cross-community discussions. GAC members participated in relevant cross-community sessions scheduled as part of ICANN 59. And, of course, that's a deliberate error so that you can correct me. It should read ICANN60.

I'll just pause there. That was just a statement of cross-community engagement. I'm assuming that there were no particular issues GAC members want to flag on that section because it's factual reporting.

Nobody says, so let's move on.

On internal matters, GAC elections. The GAC elected Manal Ismail from Egypt as chair, and the GAC elected as vice chairs Guo Feng from China, Ghislain de Salins from France, Milagros Castanon from Peru, Cherif Dialle from Senegal, and Par Brumark from Niue.

The GAC expressed its sincere appreciation to Thomas Schneider for his valuable service as GAC chair since 2014. On his guidance, the GAC has made major improvements in its working methods and successfully dealt with a series of challenging issues, including the IANA transition.

The GAC working group updates are still incomplete because a number of working group chairs are still dealing with preparing their reports of the meetings they had here.

I'll -- The GAC Working Group on Human Rights and International Law has reported as follows: They received an update from the human rights subgroup of the cross-community work group on accountability on the progress on developing the Framework of Interpretation or FOI, and considerations relating to the human rights core value in the ICANN bylaws, including reference to the U.N. Guiding Principles on Business and Human Rights.

Some of these sentences are getting very long, if I can just observe. as I'm not coming back. Henry James is the author who comes to mind.

An information exchange on implementation efforts of the FOI was held with the Cross-Community Working Party on ICANN's corporate and social responsibility to respect human rights. Information was also provided by ICANN's senior vice president

on strategy concerning actions being undertaken by ICANN org to implement the framework in its operations and activities.

With regard to the BGRI Working Group, this is text provided by Manal.

The BGRI met with the -- WG met with the GAC, adopted a definition of what constitutes GAC advice and agreed on a continuing program of work focused on oversight of how ICANN tracks and implements GAC advice.

With regard to GAC operating principles, the GAC discussed options for reviewing its overall framework of operating principles and will engage with ICANN staff intersessionally on further development of approaches.

And finally in this section on GAC internal matters, the text is: Independent GAC secretariat. The GAC noted with regret that its relationship with ACIG Propriety Limited to provide an independent secretariat function will cease from 30 November 2017 due to funding uncertainty.

Now, the section on enhancing ICANN accountability has only one -- one item on this occasion. Normally if there were issues that were active in the empowered community, this is where the GAC would record them, but there are no -- as far as I'm aware, there are currently no activities in the empowered community

so the section deals with procedures for GAC participation in the empowered community. And this was provided by France because Ghislain convened the small working group on this matter. And it reads: The GAC agreed to adopt guidelines for its participation in the empowered community. These guidelines will be available on the GAC website and reviewed periodically in the light of experience.

The next section is headed "Follow-Up on Previous Advice and Other Issues." You may recall at the last meeting the idea of this section was agreed on by the GAC to include things that were important but did not seem to fit anywhere else.

The first section deals with some draft wording on the .AMAZON issue. This wording was provided as firstly an initial draft from myself to those GAC members who were interested in working on the issue from a couple of days ago. There was some comments provided by Brazil which I have attempted to incorporate with some minor changes to adjust the English, with all due respect.

So I'll try to explain that to you. It reads: The GAC met with representatives of Amazon.com and discussed developments regarding their applications, particularly in the light of the Independent Review Panel final declaration, and noted a proposal aimed at providing a mutually acceptable solution vis-

a-vis the objections previously expressed by the Amazon Cooperation Treaty Organization, or ACTO, member states. The GAC took note of statements made by ACTO member state representatives to the effect that they would submit such a proposal to their competent authorities.

The GAC also discussed the request from the ICANN Board pursuant to Board resolutions 2017.10.29.02 and 2017.10.29.03 in which the Board asks the GAC, 1), if it has, i), any information to provide to the Board as it relates to the merits-based public-policy reasons regarding the GAC's advice that the Amazon applications should not proceed; or, ii), any other new or additional information to provide to the Board regarding the GAC's advice that the Amazon application should not proceed. And, 2, the Board also asks the GAC if the GAC has any such information to provide it to the Board by the end of the ICANN61 meeting.

So I've included two alternative texts here after some discussion with some members who thought both should be there. The first wording was submitted by Brazil, and the second one was drafted by the secretariat. The first section reads some or several GAC members expressed concern about elements contained in this Board decision which might set a worrisome precedent both in terms of process and substance. In that context, no decision was made in regard to how to react to the

Board's request, which should be further considered. However, and without prejudging how this should be linked to the Board's request, the GAC converged on the interest of providing additional information.

Now, what follows in the next square brackets was the original text circulated to the group which simply reads: The GAC will consider this request and make every effort to respond within the suggested time. The first, more substantial bracketed text is from Brazil, and there have been no other comments from that group.

The final section of this element reads several GAC members expressed serious concerns about both the process followed to date in this matter and the merits of the applications from Amazon.com. A statement from the governments of Brazil and Peru summarizing their concerns in this regard will be incorporated into the record of the meeting. The GAC draws the attention of all parties to the final transcript of the relevant sessions where these issues were discussed. These will be available here. And a hyperlink will be included.

Do you want me to pause on that issue, Thomas, or just keep going?

Okay. This is not a long document so Thomas has asked that I go through it and then come back.

The next section deals with ICANN jurisdiction. It includes some original text from the secretariat and some additional material that was requested by Russia to be included. The GAC noted the most recent outputs of the CCWG Accountability subgroup on jurisdiction and participated actively in the cross-community session on jurisdiction, which hasn't happened yet, of course. That's tomorrow.

Several GAC members expressed major concerns to the report with final recommendations prepared by the subgroup on jurisdiction.

And this is the text provided by -- by the delegation from Russia. These members consider that the report falls short of the objectives envisaged for Work Stream 2 by not tackling the issue of ICANN's subjection to U.S. jurisdiction as well as leaving untouched the unsatisfactory situation where U.S. authorities can possibly interfere with the activities ICANN performs in the global public interest.

These members also considered that the recommendations do not address expectations for the solution of ICANN jurisdiction challenge and might only partly mitigate some risks which makes the adoption of such recommendations unacceptable.

And this final paragraph was drafted by the secretariat. It reads: GAC members will continue to engage with development of

relevant recommendations from the CCWG Accountability process including through the public comment process.

The next session deals with two-character country and territory codes at the second level. Several GAC members expressed their strong concern that the ICANN CEO's response to previous GAC statements on this issue has not addressed the specific matters raised. This concern was discussed at the GAC's meeting with the ICANN Board. The GAC will monitor further efforts by ICANN org to address operational concerns relating to this issue as well as initiatives to improve communication between GAC members and ICANN org.

And to be quite clear again to newcomers to the GAC, ICANN org is a term that has been adopted by ICANN, the organization, under the term of the current CEO to distinguish ICANN the organization from ICANN the Board and ICANN the community. I don't think ICANN the musical has any place in there.

Red Cross and Red Crescent protections. This text was submitted a couple of days ago. You've had this for a while, by the UK, Switzerland, and I believe the secretariat to the International Red Cross movement.

It reads: Following its most recent advice adopted in Copenhagen and the communique of Johannesburg, the GAC welcomed the progress made by the GNSO's reconvened PDP

Working Group on the protection of IGO/INGO identifiers in all gTLDs tasked with reexamining the GNSO's past recommendations on the protection of Red Cross and Red Crescent designations, names and identifiers, particularly of the names of National Red Cross and Red Crescent Societies.

The GAC noted that the acronyms of the International Committee of the Red Cross, ICRC, CICR, MKKK, and of the International Federation of Red Cross and Red Crescent Societies, IFRC, FICR, are defined to fall outside of the remit of the reconvened GNSO working group, and recalled its advice in the Durban communique of 2013 that these acronyms be made to benefit from the same cost neutral mechanisms to be worked out for the protection of acronyms of IGOs.

New gTLDs subsequent procedures PDP. The GAC with the co-chairs and members of the GNSO PDP on new gTLD subsequent procedures and had a useful exchange of views on applicant support and community-based applications. The GAC and the PDP Working Group will continue to explore ways of more efficiently capturing GAC input to the PDP work.

The review of rights protection mechanisms PDP. The GAC received a comprehensive briefing on the GNSO PDP to review all rights protection mechanisms in all gTLDs and related issues. Members noted the public-policy implications of this work and

the value of engaging with relevant expert government agencies at the national level.

And in relation to lowering barriers to ICANN --

WIPO: Tom?

TOM DALE: I'm sorry; Yes. Apologies.

Yes, Brian.

WIPO: Sorry; this is Brian Beckham from the WIPO.

If I may offer a small suggestion to the text on rights protection?

TOM DALE: Yeah, Brian, I've been asked to continue to the end and we'll come back to it section by section but we've noted that one you want to make a change to so we will come back to it. Thank you.

Quickly, some new text has been circulated after this was prepared from ALAC concerning lowering barriers to ICANN participation. I'll come back to that in a moment. That's a little bit further down.

Next high-level governmental meeting in Barcelona. The GAC was briefed by the Spanish government on arrangements for the high-level meeting to be held as part of ICANN63 in Barcelona, including possible agenda topics.

Finally, the section on GAC consensus advice to the Board reads as follows. The section on IGO protections was received from the OECD around lunchtime. It reads: The GAC recalls its longstanding advice on the topic of IGO protections and is closely monitoring the ongoing PDP on IGO/INGO access to curative rights protection mechanisms. We remain open to working with the GNSO to try to find a mutually agreeable resolution to this issue. The GAC also recalls the values of openness, transparency and inclusion that are enshrined in ICANN's bylaws. The GAC advises the Board to review closely the decisions on this issue in order to ensure that they are compatible with these values and reflect the full factual record.

Now, again, for the benefit of newcomers to the GAC, GAC advice -- GAC consensus advice to the Board is required under the bylaws to be accompanied by rationale. The rationale for that advice reads: Although the ICANN community is still awaiting the final report of the PDP on IGO-INGO access to curative rights protection mechanisms, preliminary communications indicate that the working group's proposal will conflict with GAC advice on the issue and GAC input to the PDP as well as the comments

of over 20 IGOs who submitted comments to the working group's draft report. The Board plays an important role in ensuring the proper application of the ICANN bylaws and the GAC expects that a basic safeguard will be a close Board review of GNSO policy recommendations, especially where such recommendations directly contradict GAC advice.

The next section of advice relates to enabling -- what was -- has been referred to in a shorthand term as lowering barriers to ICANN participation. It's now headed "Enabling Inclusive, Informed and Meaningful Participation in ICANN." I understand from Thomas that some changes or suggested changes to this text have been received, again, after this was done so we may have to put up a revised version later but I'll quickly read what it says now because it is a shorter version. Yeah. Sorry, Thomas, just read it. The GAC advises the ICANN Board to develop a simple and efficient document management system that allows also nonexperts to easily and quickly access and identify documents, starting with defining minimal requirements that ensure every document has a title and date or reference number, identifies the author, and indicates its intended recipients, makes reference to the process it belongs to and explains the acronyms used in the document.

And, secondly, produce easily understandable executive summaries, key points and synopses using, for example,

infographs, videos, and other innovative ways of presenting information for all relevant issues, processes and activities so that also nonexpert stakeholders will be able, a), to quickly determine if a particular issue is of concern to them, and, b), if yes, to participate in the policy process easily and effectively on equal footing with other stakeholders. This should be done at least but not only before putting issues up for public comment. Attention should be paid to using plain English and, if possible, translations into other languages in order to allow non-English native speakers to understand the issues.

The rationale for the -- this advice is given as this advice is part of a joint statement with the At-Large Advisory Committee which will be published separately. One of ICANN's core values is to seek and support broad informed participation reflecting functional geographic and cultural diversity of the Internet at all levels of policy development and decision-making, to ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest, and that those processes are accountable and transparent. There's a bylaws reference there.

In the view of the GAC and ALAC, it is not only among ICANN's core values but also critical to ICANN's legitimacy to act in the global public interest to allow nonexpert stakeholders to meaningfully participate in ICANN's processes and make their

voices, their needs and interests heard and duly take them into account in order to act and take decisions that are, in fact, in the global public interest. These proposed measures will go some way to address this.

Now, before leaving that section on GAC advice we are expecting text on one more piece of advice to the Board. That concerns the GDPR and WHOIS issue. At the time of circulating this document I had not received text but I understand that it was being developed by, amongst others, United States and the European Commission.

So GDPR and WHOIS still to come as draft GAC advice.

And finally, the next face-to-face meeting is noted. That's the first read through, Thomas.

Thank you.

CHAIR SCHNEIDER:

Thank you very much.

So we've had a first reading or hearing of this text, and there's one more piece to come. Now I suggest that we may be start with the advice section to identify and not go too much into wordsmithing but identify areas where we may not have an agreement. We may need further -- further work. So to identify

where we stand. And then once we've done that, we do a first quick reading of the rest of the text and see whether we get the missing element and how to -- how to -- and give us some time to rework the text accordingly and see how to -- how we go through a second reading.

If I may ask you to go to -- are you already there? Yeah. Okay.

So questions, comments on this particular piece of advice regarding IGO protections.

WIPO.

WIPO:

Thank you, Thomas. I sent to Tom some proposed wording. Basically the idea was to mention, picking up on Chris Disspain's comment yesterday, reference to the GNSO operating procedures to dovetail on the reference to the bylaws here.

TOM DALE:

Sorry. If I can clarify -- are you saying this is something we received after the first text?

WIPO:

Yeah, exactly. I sent about 15 minutes ago. I can read the wording, or it's just a few words to reference the GNSO operating procedures as we do the bylaws here.

THOMAS SCHNEIDER: Just read it out.

WIPO: Sure. So at the sentence which begins, "The GAC also recalls" after the word "inclusion," it would be "and representativeness and process integrity, that are respectively enshrined in ICANN's bylaws and GNSO operating procedures." Then in the rationale section the sentence beginning, "The Board plays an important role" after the word "bylaws" and "GNSO operating procedures."

CHAIR SCHNEIDER: Okay. That will be put in the next version so everybody has heard. Other comments on this advice part? Shall we integrate WIPO's comments? That will be distributed in the next version.

Then let's go to the second element. So we have two elements for the time being that this one is about enabling inclusive, informed, and meaningful participation in ICANN.

So what we did is taken the key elements out of the document that you've received in a revised version during lunchtime and provided for a short rationale. And the rest will be part of a joint statement in more -- in a longer explanation. Yes, Iran.

IRAN:

Thank you, Tom, for preparation of these materials.

With respect to this title, I remember that it was discussed how to convey the message to the Board. It was mentioned that it could be in some sort of message or statement. And then by the chair of the GAC yesterday mentioned, yes, but we could also cross reference that in an advice. Advice with a capital A.

The reason that I suggesting that is, if we put in all these elements in the GAC advice, it will be scrutinized word by word and even linguistically comma by comma and full stop by full stop, including rationales.

We suggest that there is no need to put all of this in an advice to the Board.

We put this element in other parts of the communique, then cross reference that to this part, which is advice. And advice of the GAC to the Board would be the Board advice is -- the GAC advises the Board to consider elements relating to the title and take necessary action as appropriate.

All of the wording in this would be subject to maybe several discussions. So I do not see any necessity to put all of these details in the GAC advice.

The first thing that we have to do to see element by element whether there is public policy or is not public policy, whether

there is consistent with bylaw or not consistent with bylaw, and many other things we have to do, whether there is human rights or not human rights or this is the GAC advice in future to be considered as such.

So this is the suggestion that we make. Not to touching the details of that, except if colleagues have elements for comments. But transfer the body of this to the other part of that communique and cross reference that in a very short GAC consistent advice. Thank you.

CHAIR SCHNEIDER:

Thank you.

I think we've already -- we've also heard -- when was it? Tuesday, I think, when we had the presentation with the -- about the GAC register of advice. We've learned that whatever advice we give, we try to create concrete, identifiable action items. So we advise the Board to do, A, B, C or whatever. And so this is what we've tried to do with this so that there's nothing about human rights or whatever. This is a very simple straightforward two bullet points where we ask the GAC would ask ICANN to develop a simple and efficient management system including naming documents and giving them a date and a number and things like that.

And the second point is also very straightforward to provide for relevant issues, processes and activities, provide for executive summaries and key points that are easily understandable. That's it.

So I don't really see a problem. But let's give the floor to others. We've really tried to create very concrete clear action items.

Netherlands, thank you.

NETHERLANDS:

Yes. Thank you, Thomas. I think I agree with you. This is not -- basically not, let's say, public policy directly affecting advice.

This is advice which is really meant for more inclusive, more participation.

So, in that way, I think I have read it and I don't see also -- nothing which is contentious. And I think it will be a very good, practical way of going forward with methods for more inclusiveness and transparency and participation. Thank you.

CHAIR SCHNEIDER:

Thank you. Other comments? So do I understand that people think that this is useful and acceptable and that we would leave it in this text? These two bullet points? Okay.

Thank you.

The rationale is a short version of what -- a very condensed version of what is in the text. One is the reference to the bylaws, and the other one is explaining why we think that the action proposed or asked for above is not the only -- is not sufficient but that are measures that will go some way to address this as it's formulated.

Any question or comment?

Problems? Okay.

Any questions or comments on the next face-to-face meeting?
No? Okay. Then that's agreed as well.

So now let's go to the rest of the text. Tom will propose you a way to go through starting from the more potentially contentious stuff to the more fact-based or just descriptive parts of the communique.

So, Tom, please go ahead.

TOM DALE:

Thank you, Thomas. I'm assuming at the moment that there are no more proposals for major changes to the text dealing with the meetings that the GAC has had or GAC internal procedures. But that might be an incorrect assumption.

GAC internal procedures or meetings -- we can leave those to the very last, assuming they are almost certainly non-contentious and agreed. I was going to suggest that the section headed, "Enhancing ICANN Accountability" could be noted next, Thomas, and see if there are any concerns.

As I said, the wording was provided by France by Ghislain to reflect the discussion that the GAC had several days ago, Saturday, on this matter. For the purposes of the communique, it simply notes the adoption of guidelines that will continue to be reviewed.

So I'll leave it to -- if there in any comments on that section firstly.

And there are none. They don't appear to be any.

That brings us to the section on the -- dealing with follow-up on previous advice and other issues.

The first element of that which I think members will want to comment on concerns the wording on the .AMAZON applications. So how do we want to handle that? Ask for comments.

Do you want to do it or -- I can see the Netherlands has been quite patiently waiting with their hand -- yes, please, Netherlands.

NETHERLANDS: Yes. Thank you, Tom.

I have an addition which I sent out to the GAC list and to Tom. Merely -- I'm not discussing the substance itself.

I just made an addition to really reflect and also respect all the interventions made during the presentation of the Amazon corporation. So the addition reflects the -- let's say also other opinions, interventions, which were made next to the countries which had very serious concerns with the .AMAZON application. Thank you.

TOM DALE: Thank you. Yes. As people may realize, it's not possible to immediately translate emails into the text while we're up here. But that's noted as received and to be included in the next version for you to consider. Thank you. Are there any other comments at this stage on the text on the applications for .AMAZON?

Yes, please, Brazil?

BRAZIL: Thank you. Are we discussing just the first part or the full section? Because my comment refers to the very last paragraph on that section.

TOM DALE: We can go straight to that paragraph, then.

BRAZIL: Okay. So it's more a point of clarification because this was language coming from the secretariat. We did not touch on this.

But it is not clear to us, when you say a statement from the governments of Brazil and Peru summarizing their concerns in this regard will be incorporated into the record of the meeting. Are you referring to the draft GAC advice or something else that should be elaborated and not touched? Because what we discussed at the meeting was the proposed -- the draft GAC advice we had tabled. No added text was discussed at that time. So just for clarification.

TOM DALE: Thank you. Yes, that's the text that is being referred to, the one that was circulated by Brazil and Peru some weeks ago.

I'd included that reference because I thought at the discussion there was a view that it should be reflected on the public record

somewhere if it's going to be reflected anywhere. Not in the communique. Then that would need to be in the minutes of the GAC, which are published. So that's the intention of it. That's the only text that I'm aware of that wouldn't be put on the public record. Because to date that has been circulated only within the GAC as draft advice. So it would go on the GAC Web site and in the minutes of the meeting. Does that make sense? Thank you.

Going back up. Are there any further comments on the section dealing with the Amazon -- yeah. Thank you, Thomas.

Let's go back to the beginning.

First section, "Whereas, the GAC met with representatives of Amazon.com and discussed developments regarding their applications."

Now, the Netherlands has indicated for that paragraph that they would propose the inclusion of some additional comments in here indicating that other members present had slightly different views concerning the proposal from the company. But, in addition -- but apart from that, are there any other views in that paragraph?

Luxembourg, please.

LUXEMBOURG: Thank you. Only to mention we support as well the modifications to bring to the text later on brought on by Thomas. Thank you.

CHAIR SCHNEIDER: Can we have it on screen, maybe? Just for clarity.

TOM DALE: Okay. I can do that from the -- I can do that now. I'll type it in, if that would --

(Speaker off microphone).

That's the one. Several GAC members. Just to check where would it go, please?

At the end.

Thank you. So that now reads, "Several GAC members expressed the need to find a mutually acceptable solution in the .AMAZON gTLD application both for the countries affected as for the Amazon corporation." That's what the Netherlands said. Yes, Ukraine and then Netherlands, please.

Yes, Ukraine.

UKRAINE: Could you add such Members expressed need to find a mutually acceptable solution (indiscernible) regarding the issue. There was a statement we should also take into account this just historical and cultural background of the .AMAZON issue.

TOM DALE: Would that text work? So it reads, "And keeping in mind all cultural and historical considerations." Yes, I recall the intervention Thank you. Netherlands and then Brazil. Thank you.

NETHERLANDS: Thank you. And two remarks. I wasn't clear about where to insert this text as a proposal. But I think it would be better when it's inserted after -- in the section I think the -- not the last one, but before the last one, in between the last and the pre-last one.

Because it's -- yeah. Okay. The second point I think --

TOM DALE: Just pause that thought for a moment. I can move it, I think.

NETHERLANDS: Okay. The second point, I appreciate the intervention from Ukraine. But I think it narrows it down the solution. While the solution can be encompassing many other things. So I would

think -- prefer to be neutral and have solely talking about a solution.

Because then you will make it conditional on certain things, which is, I think, premature to do this. Thank you.

Put in brackets.

TOM DALE: Brazil. Thank you.

BRAZIL: Thank you. Yes, more or less in the same sense, the first part stating several GAC members. I think that's okay. I think we could even maybe say the GAC as a whole. Because I think all those who spoke in favor of finding a mutually acceptable solution for the countries affected and as for Amazon corporation.

But the insertion by Ukraine, I think it's a different thing. As we have said at the time, first of all, it does not reflect, I think, what was stated in plenary that was not stated by several members or the GAC as a whole. It was an expression of one member.

And it was opposed even in plenary.

Because I expressed and I maintain the position that at this very late hour and since we are looking to some kind of solution and

agreed to some process in that regard, it would not be helpful to add new historical, cultural -- I don't think it belongs here.

I think, if the Ukraine wishes to put it on record, we should say one member. But I certainly would not suggest that could be a good way. Because, anyway, I think that would introduce in the GAC's record something that is really not helpful at this point in time. Thank you.

CHAIR SCHNEIDER: Thank you, Brazil.

Ukraine, can you accept Brazil's proposal?

UKRAINE: So his proposal was to state that this was suggested by one member, correct?

BRAZIL: The proposal to the first one is to delete. We can say one member.

CHAIR SCHNEIDER: We don't usually put in statements by single members in the communique. That is not something that I remember having done.

Luxembourg.

LUXEMBOURG:

We had, in the formal session, several member states that expressed the wish to find an agreement between parties. And I think the first part of the sentence, like it was put before, should be kept in this clear message because cultural and historical considerations will be somewhere incorporated in the passages that follow. And it should be left away in this paragraph because the message from the few GAC members was different one. Was like it was put before.

Thank you.

CHAIR SCHNEIDER:

So just to make sure that we understand you correctly, you also would not want to see the reference at this -- at this sentence, the reference to cultural and historical consideration. But would you be fine to say that not just several GAC members but actually the GAC as a whole would like to see a mutually acceptable solution or is that also something you would like to go back? Because it actually makes it stronger if we say the GAC as a whole would like to find a mutually acceptable solution, unless somebody does not share that view of course.

Iran.

IRAN: Thank you. If we retain the initial beginning, "Several GAC members expressed need for mutual -- mutually agreed solutions," it give the impression that several other GAC member do not believe that there is a need to have mutual satisfactory solutions. So this is seem a little bit awkward to say "several GAC," because immediately those people say, okay, several other GAC member are thinking that there's no need to have mutual acceptable solutions.

So I just try to describe the situation a little bit to the people who (indiscernible).

CHAIR SCHNEIDER: So any opposition to using the GAC as a whole? What we could think about is whether the "needs to find" -- I think -- yeah. It's strong, but if we're -- Makes sense. So if there's no opposition to expressing a need that we find mutually acceptable solutions, I think that's a good statement, personally, but it's up to you, of course.

So any opposition to the sentence until "Amazon Corporation"?
Brazil.

BRAZIL: Maybe we could, even to address the points that were made by Kavouss, because when you say a "need," it's something very important to you. Maybe you can say, "The GAC as a whole expressed interest in exploring mutually acceptable solution."

CHAIR SCHNEIDER: Netherlands.

NETHERLANDS: Yes, thank you. Now we are basically going from the statements from the several to a kind of watered-down general statement, and I think -- at least I didn't only express the intent to have exploration. To say, no, I think several members really said it's a need.

And of course there are a lot of other -- there are a lot of reasons why it was stated in a harsh way, because, for example, I stated also that this is something which the multistakeholder model is at stake when there's not -- where we do not get to an acceptable solution. So I think the need is quite important, at least for us.

Thank you.

CHAIR SCHNEIDER: UK.

UNITED KINGDOM: Yes. Mark Carvell, United Kingdom.

Yes, very much in sympathy with the Dutch position there.

Thank you.

CHAIR SCHNEIDER: Switzerland.

SWITZERLAND: Thank you, Chair.

I guess that perhaps a middle ground between the two ways of wording this, and that would allow us to keep the GAC as a whole, is that we express the idea that any solution that is arrived at should be an agreeable solution to all parties.

So it's a bit of reversing it. Said that we say that it would be desirable to arrive at a mutually acceptable solution, we say, okay, the result has to be something acceptable to all interested parties.

TOM DALE: Do you want me to try?

CHAIR SCHNEIDER: Would that help? Yeah, maybe we -- France, Norway. France and Norway.

FRANCE: France speaking. Chair, I support what my colleagues have just said, because I believe this is a constructive approach that could lead us to a solution. The solution that is found should be acceptable to all parties.

I think this is a good compromise solution.

CHAIR SCHNEIDER: Thank you, France.

NORWAY: ...expressed the need to find. I think it's clearer, it's simpler, and it's plain, and it's good.

Thank you.

CHAIR SCHNEIDER: Brazil.

BRAZIL: Just to clarify that my intent was not to dilute but rather to reflect what was actually said. What I said and what I think

others said was that we will make a best effort to -- and we think it would be in our best interest, Netherlands best interest. So there is a strong preference for this, and we are willing to explore.

I think there would be maybe a nuance to say a need, that we said there is a need. We didn't say it. We said we will explore it, we will do our best effort to achieve that.

And I understand maybe others want to retain a "need." Maybe then we should go back to "several members" because that would reflect there.

But I stand by what we said that we are prepared to make an effort in that direction. The question is how -- which expression is right. I don't think exactly that would correspond to a need but to the willingness to explore to the fullest extent, something of that.

Thank you.

CHAIR SCHNEIDER:

Thank you.

So we have basically two diverging views. One is those who say there's a need to find a mutually acceptable solution, and then

maybe it's only -- it's not the whole GAC, and the other one say we can say the whole GAC, but then there's not a need but we should work towards, or the GAC may express -- or expressed its willingness to work towards a mutually acceptable solution. Maybe that would be a way forward.

Manal, Egypt.

EGYPT:

Thank you, Thomas. Yes, actually, I was going to suggest the same wording Brazil already suggested. I was going to see if the GAC as a whole expressed willingness to find a mutually acceptable solution. Would this be acceptable by...

I mean, is this factual and describes what happened at the session?

Thank you.

CHAIR SCHNEIDER:

So then your proposal would be to maybe also delete "as a whole," because the GAC is a GAC. If it's not written otherwise, then the GAC expressed its willingness to find a mutually acceptable solution for both, blah, blah, blah.

That's something that may be acceptable to all.

Argentina.

ARGENTINA: What happened with the text you just deleted? I was going to support it.

There is GAC advice and it is the GAC advice already, as far as I understand, in place. So we don't know if there will be an acceptable solution with this new resolution. So the text proposed by Brazil I think reflects more the present situation and the uncertainty of the future in spite of the fact that we all want it to be solved, but we don't know.

So I would prefer the text as before.

CHAIR SCHNEIDER: The willingness is also, that's not anticipating the outcome. It says we will do all we can to find a mutual solution.

BRAZIL: Thomas.

CHAIR SCHNEIDER: Yes.

BRAZIL: May I just, because we are too much concerned about the nuance of the word, but then we can go along and say, "The GAC expressed the need to find." We think it's okay.

Reflecting -- I think that would reflect, for the record, our best efforts to achieve that, then. I think if we can say the GAC as a whole or the GAC expressed there is a need to, we can go along that.

CHAIR SCHNEIDER: In fact, that means also that any solution that is not acceptable to both sides will not happen or should not happen. So that's actually also quite a strong statement.

So should we stay with the GAC expressed the need to find a mutually acceptable solution? Because anything else is basically not acceptable.

Okay. Let's...

Okay. And then we delete the brackets, because we haven't heard support from others -- other members or observers for that. So that would then be the sentence.

Okay. UK.

UNITED KINGDOM: Yes, fine. I think the English just needs tweaking, but we can do that later.

CHAIR SCHNEIDER: You sure?

Go ahead, Mark.

UNITED KINGDOM: Well, I would suggest taking out "both" and "as for." Which doesn't quite work, actually. So the need to find a mutually acceptable solution. I think we have to talk about it as a case, in the case of the Amazon -- .AMAZON gTLD application for the countries affected and for the Amazon Corporation. Yeah.

Yeah, in the case of, I think.

Delete both. Acceptable solution for the countries affected and for the...

CHAIR SCHNEIDER: Okay. That's a shorter version of the same, after Mark's native English check (laughing). I'll miss that, I guess. You will find somebody else who does that.

Nigeria.

NIGERIA: Thank you. The way it's been placed now is fine, but you need to introduce two commas. So the GAC expressed the need to find a mutually acceptable solution. There should be a comma. And then when you define the case at the end of application, you put another comma.

So what you are actually expressing is a need to find a mutually acceptable solution for the countries. So the case that you're defining, you need to put into commas.

CHAIR SCHNEIDER: Thank you. I suggest that we don't go too much in -- You may be right. The native speakers and from different islands are not yet come to a mutually acceptable solution on the commas, but they will. So let's note that the commas will need to be looked at. But if that is the only problem with that sentence, I would consider it agreed, if you agree.

Okay?

I think we should go to the bracketed text above because that's -
- Is the rest above that -- nobody has a problem. Maybe we just recap.

So this is a factual description of what we have done. We've discussed, and so on, and the GAC discussed the resolution, then

it's a quote of the resolution. So there's no issue with that text, if I understand right.

So we would go to the first bracket and see, but that may actually have an effect on the text that comes after.

Brazil.

BRAZIL:

Thank you. Just to explain the text we propose, it is quite extensive text, but we try to reflect exactly what took place in plenary. I think those were the elements that were brought to the -- as we recall the discussion. So we try just to put on paper something that would actually reflect our discussion. There is no, let's say, (indiscernible) for that because we understood there were very strong concerns and even if I recall exactly, we didn't -- it is not even clear what we decided we should do between now and ICANN61 because at some point it just said so let's -- let's forget it now. Let's come back to this in 61, which I think we should maybe develop some intersessional procedure, because otherwise we'll come to 61 without any kind of decision. To the extent I could recall, that's why I propose an alternative to what was proposed by the secretariat.

Thank you.

CHAIR SCHNEIDER: Thank you. Your views on this?

Iran.

IRAN: Thank you. Whatever text is proposed either of these two, the part in this text which talk about putting a precedence or a strong -- a dangerous precedence or precedence, worrisome precedence in terms of the process and the substance need to be included in any text we send because our concerns is this. I think should not put -- we should not set any precedence in future, that because this case goes back to GAC, other cases should come back to GAC. We do not agree with that.

So we should mention this even now, before the GAC 61, that we have a clear reply to the Board. So this part should be included in any of the two text, whichever agreed by the people.

Thank you.

CHAIR SCHNEIDER: Thank you. So is that okay? Should we take this text that is in brackets?

So that would mean that the first bracket would replace the second. Ask that would be the text.

Okay. All right.

Iran.

IRAN: I think you have to decide. We could not say some/several GAC members. We have to decide on that.

CHAIR SCHNEIDER: That is clear. I'm not there yet. I'm just trying to see whether the idea of the text in general is accepted, which seemed to be the case. Now we need to decide between some and several.

As we usually just say some -- we use both. I'm told we use both. So you have the choice. You can vote between "several" and "some."

Iran.

IRAN: Thank you, Chairman. I have difficulty with the last part, "The GAC converged on the interest of providing additional informations." We have not come that yet. Maybe in future. So we do not need to say it now.

CHAIR SCHNEIDER: Brazil.

BRAZIL:

Again, my recollection is there were some concerns whether we should provide additional information, referring to the ICANN Board, because then we would validate or condone the idea that we are part of a process of reconsideration.

But I think the idea that we should provide additional information, even we said to make the transcript available, that kind of thing. I recall the Chair said that even if (indiscernible) GAC members could come forward.

so I think the notion that it would be in the interest of the GAC to have some more information provided, not necessarily attached to the wording of the GAC Board but to make it -- but that's why I tried to differentiate and I said without prejudging how this should be linked to the Board's request.

But my recollection is that at the end, there was an overall agreement that it would be in our interest as the GAC to provide some information.

But I stand to be corrected, of course.

But I stand to be corrected. Of course.

CHAIR SCHNEIDER:

Thank you, Brazil. Maybe the second sentence in that context, "No decision was made in regard to how to react" and so on,

why don't we just say, "In this context, the GAC will further consider how to react to the Board's request" and leave the -- because if we further considered, it's obvious we haven't yet made a decision. But it sounds less incapable or negative or whatever you want. That would be my alternative. "In that context, the GAC will further consider" or "will consider further," whatever is English, "in regard to how to react to the Board's request."

Or "with regard." I don't know what. Or just "how to react."

And then stop after "request" and delete the rest.

It says the same thing just in a more clear way, clearer way.

Can we go with this? Then what I would lead us with an important question. Everybody want "some" or "several"?

Yes, Iran.

IRAN:

Thank you. It might have some contradiction with the last part. In one part we're saying that the GAC will consider further how to react. And then in the other part we're saying that we can very soon provide information.

CHAIR SCHNEIDER: Yes. But Brazil's point was we can provide information independent not linked to the Board's request. So that's Brazil's point. It may be useful in any case to provide further information. Whether this is formally in response to the Board's resolution or not is something that is left open. So it leaves all the options open. It, basically, says we are looking further into this.

Taking into account some -- that's what I understand the paragraph should say. Thank you.

BRAZIL: That's my recollection of the actual discussion that took place here.

CHAIR SCHNEIDER: Is that okay? Can we go forward and go to the "several/some" discussion?

So Brazil, what is your preference?

BRAZIL: I put both. Because, to be very frank, I could not recall the number of -- if there were two or three. So that's why -- that's the only reason I didn't make a choice. Because I didn't want to

say "several" and this could refer to one or two. It's not a major thing, I would say.

CHAIR SCHNEIDER: Tom says that we used "several" in the communique, so we should stick to it. Can we take the decision based on Tom's advice, Tom's consensus advice to the GAC? Okay. Thank you.

The last one. That shouldn't be too controversial. I assume so -- no objections. Okay.

Next, Tom.

TOM DALE: I'm sorry. Manal.

MANAL ISMAIL: I'm sorry. Just before proceeding, I have a question in terms of the structure itself. We normally get response on GAC advice to the Board. So do we expect a response also to the follow-up advice part? Or -- because I find that "follow-up" and "other issues." So we're mixing two things together. So, if we're expecting response, then I'd rather we split the other issues from the follow-up on previous advice.

But, if not, then I'm flexible.

CHAIR SCHNEIDER: Thank you for raising this. I think in this case, it is a simple piece of information that we -- what we did and what we intend to do in the coming periods. So we don't expect the Board -- but it's clear that the Board expects us to take a decision to provide for information or not.

Yes, Tom.

TOM DALE: Thank you, Thomas. The Board's practice at the moment is to -- when it formally responds to the communique, it has now adopted a practice, apparently, of responding only to GAC advice to the Board. You will notice in the Johannesburg communique response, that it's very brief. And that's because the GAC's advice, formal consensus advice is very brief. The Board did not respond in any way to anything that was in any of the other sections.

Having said that, I would imagine that the Board or ICANN org would respond to correspondence from the GAC which says other parts of the communique, ones on which any views of the board would be appreciated or something. It's just that it's a board practice as well which has linked itself to formal consensus advice only. Whether that's a good thing or bad thing

is not for me to comment on. But I'm sure there are ways to write it, to communicate to the Board other than simply in the text of the communique.

Thank you.

CHAIR SCHNEIDER: Does that clarify your question, Manal? Okay. Let's move on to the jurisdiction part.

TOM DALE: Thank you. My apologies if this section has become a little unclear. But I was doing my best to incorporate some draft text from Russia. But also to balance that against the record of the -- or my record of the discussion as well. So it may need a bit of improvement. So my apologies as these things tend to get drafted in a hurry.

At the moment it reads as follows: "The GAC noted the most recent outputs of the CCWG accountability subgroup on jurisdiction and participated actively in the cross-community session. Several GAC members expressed major concerns to the report with final recommendations prepared by the subgroup on jurisdiction."

Then it goes on to say -- and I've added some comments -- those words in brackets, which are said in my email that I hope that was reflecting the intention that Russia had, that when the next paragraphs relate to some members or these members who have expressed concerns with that report from the subgroup. And it reads, as you see there, that "These members who have expressed concerns with the report consider that the report falls short of the objectives envisaged for Work Stream 2 by not tackling the issue of ICANN be subjection to U.S. jurisdiction, as well as leaving untouched the unsatisfactory situation where U.S. authorities can possibly interfere with the activities ICANN performs in the global public interest. These members also consider that the recommendations do not address the expectations for the solution of ICANN jurisdiction challenge and might only partly mitigate some risks, which makes the adoption of such recommendations unacceptable."

So my understanding -- and, please, Russia may wish to correct if I've misinterpreted their text. But my understanding is that those three paragraphs that you see on the screen are meant to stand together. And they're talking about only those GAC members who are described as "several" here again, only those GAC members who are specifically opposed to the recommendations of that jurisdiction's subgroup. Thank you.

So are there any comments on that?

CHAIR SCHNEIDER: Canada, please.

CANADA: Thank you very much, Tom.

As we noted during Friday's face-to-face meeting of the Cross-Community Working Group on ICANN Accountability, we support the open multistakeholder process by which the recommendations on jurisdiction were developed.

And we consider that -- you know, considering that there was so much divergence within the subgroup when this discussion was started, we think that a lot of progress has been made, actually, to come up with concrete and practical solutions which the ICANN community will have an opportunity to consider.

So we'd like to see a bit more balance in this text. And we would actually propose adding a new second last paragraph.

That would read as follows: "Other GAC members support the open, multistakeholder process by which the recommendations were developed and believe the recommendations warrant consideration."

And then we would propose removing the square brackets as you note -- since that is not a GAC position that is reflected. Thank you.

CHAIR SCHNEIDER: Iran.

IRAN: Thank you, Chairman. Whether or not you maintain this -- the proper balance with the -- when you say the "others," that means that you put the first one in minority and the other in majority. The balance would be we do not mention neither majority nor minority. Saying some and some others. I would not say other GAC members.

So -- the balance always in previous GAC communique or whatever was that some members saying this, some other members saying that. This is complete balance.

And then I don't know whether you want to retain all the paragraph in the square bracket or not. But at least I am in favor of the last square bracket, this one, the one starting "consider that recommendation do not address expectations." So I am in favor of this paragraph. Thank you.

CHAIR SCHNEIDER: Brazil.

BRAZIL:

Thank you. I -- well, I want to thank Canada for that proposal. Because I think it's important, as Canada has said, to portray the discussion we had in maybe some more detail in a more balanced way.

So I think -- but, on the other hand, I think the Canadian proposal has two aspects -- the process and substance. Our objection is to the substance of the report, not the process that was followed.

So the first part of the Canadian assertion that GAC -- other GAC members support the open stakeholder process by which the recommendations were developed, we can fully subscribe to that. And I don't see -- maybe I'm wrong, but I think the GAC as a whole would support that. And maybe that should be the opening statement in regard to that session, that the GAC support the open stakeholder process by which recommendations were developed. We are fine with the process. What we object or to have concern is about the substance. So the second part we cannot subscribe and believe the recommendations warrant consideration because, according to the rules, if we subscribe to the recommendations, we are subscribing to the whole report. And we are objecting that.

My suggestion would be to take the first part of the very important proposal made by Canada and maybe move it upwards and open that section with this. Making a positive statement that the GAC as a whole supports the process. And then we can, in a balanced way, reflect the different approaches in regard to the substance. That would be my proposal. Thank you.

TOM DALE: Is that correct, Brazil? Is that what you had in mind? So now the section --

BRAZIL: If I can, just to be fair to the point raised by Canada, if we want to have some balance here, maybe -- and I leave this to Canada and others, we need to expand a little bit the language of those who support the substance recommendation. Because, otherwise, we'll have extensive -- two or three paragraphs addressing the concerns and only one line say that others support -- so maybe -- but I leave this to those who support the recommendations.

TOM DALE: Denmark. Thank you.

DENMARK: Thank you. And thank you to Brazil to try to make this balance which we, from the Danish side, think is important.

We are at least one of the members who think that they have been making good progress. And we can support the recommendations. So, in order to have that balance, we could have a new paragraph saying something like this: "Other members of the GAC welcome the recommendation on jurisdiction and stress the importance of industry having a menu approach to choice of law and venue for contracts with ICANN."

Thank you. I can repeat it.

TOM DALE: If you can repeat it, I'll ask that you do so, thank you. And slowly.

DENMARK: Other members of the GAC welcomed the recommendations on jurisdiction and stressed the importance of industry having a menu approach to choice of law and venue for contracts with ICANN. Thank you.

CHAIR SCHNEIDER: Iran.

IRAN: Thank you, Chairman. I have no problem to establish a balance. But I don't think that we're talking, first of all, about industry.

And, second, we don't need to go into detail of the choice of law, venue of law, and recommendation. We don't need to go that at all.

Coming to the leading paragraph, I don't think that we should say that we support the open consultation or open -- this has already been supported by GAC as a charter organization during the established CCWG. So we don't need to go back two years ago to say this is -- in this paragraph we support the open stakeholder process. We don't need to say that. It was already supported by us. That is why CCWG was established.

That doesn't help at all. I have no problem if, after this, with the Russian statement that we support most of it, there would be another part as a balance. Some, some others. But I don't think that we need this first paragraph.

CHAIR SCHNEIDER: Thank you. The question is we don't need. That is correct. The question is do people want it? Apparently, some do. Then the question is do we share the support of the open multistakeholder process or not? So far I haven't heard anybody

who does not share -- does not support the open multistakeholder process by which your recommendations were developed. Iran.

IRAN: Chairman, we have already supported that two years ago. We don't need to say it again.

CHAIR SCHNEIDER: Yes, yes, some people want to say it again. That's what I'm saying. But express yourself, Brazil, Netherlands.

BRAZIL: I don't know. Thank you. I would concur with Iran that something -- we are working in a framework that is already agreed upon. And we are working in good faith in this multistakeholder approach.

However, and I would ponder with my good colleague from Iran, sometimes politically it's important to express some things, even though it is well known. Particularly because, in the course of this process, for example, those who object as ourselves to the report do sometimes, this position can be interpreted as being against a process as such. So I think it's important to reaffirm that, in regard to the process, we are completely fine

even though maybe it's a repetition or redundant. But I think, politically, it is important. And then we expressed our differences.

But I think -- I would even dissenting from the report, I would strongly favor that we retain the support for the process. I think -- but I take the point made by Iran. It's a relevant point. But I think maybe at this juncture, it is important to reaffirm that. Thank you.

CHAIR SCHNEIDER: Thank you. Netherlands.

NETHERLANDS: Yes. Concerning the addition of Denmark and the remark of Iran afterwards, I think what is the position is from other GAC members should not be questioned, for example, by Iran what they want to say in their position. I think this is not for a matter of substance but for a matter of respect. I think the position of these several countries should be conceived and literally put by themselves.

Thank you.

CHAIR SCHNEIDER: Thank you, Netherlands. Well, in the end, every word in the communique is agreed by consensus, but I think we should be flexible in letting those who express something in their own names as part of the GAC, let them express what is important to them. But formally, everything can be discussed.

Thank you.

Canada and then Iran.

CANADA: Thank you very much, Mr. Chairman.

I just wanted to say that we agree with what was said by Brazil. We would like to retain the text, expressing support for the process. And particularly because this was one of the points that was challenged or questioned during Friday's face-to-face discussion.

Thank you.

CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Thank you, Chairman. As I mentioned, we have no difficulty with the open multistakeholder. If you want to say it again, at least the sentence you should say is GAC reiterates its support because we have given our support three years ago, but not now.

You said that you want to say it again, put it in the proper context. GAC reiterates its support or confirm support, but not -- support was already given.

CHAIR SCHNEIDER: Thank you for this precision. I think we can all accept that precision; right? Okay.

So the rest of what we see on the screen is fine, if I understand?

Then we go to the other GAC members section. Maybe we can turn this into one paragraph as well instead of...

Okay. Iran.

IRAN: Thank you, Chair. I have no difficulty with what's said by our colleague from Netherland, but the beginning of sentence should be "Some other GAC members" to remove any imbalance, inequality of the two parts. Thank you.

We do not count the heads. Some people say C, some people say the other things.

Thank you.

CHAIR SCHNEIDER: Well, if we use several in the beginning, then we should say "several others," I would say. If we want to have the balance right, we need to use the same word.

Brazil.

BRAZIL: Thank you, Thomas. It's another point. It's more a point of clarification on -- I think it's okay the way it reads, but I recall the recommendations. There are two sets of recommendations, one addressing the choice of law, choice of venue, and the other addressing OFAC. Is there any particular reason why it is only stress the recommend -- set of recommendation related to choice of law and venue and no reference to OFAC? Is that on purpose or do those who support the recommendations wish to convey, maybe, in a more balanced way their support for both recommendation. It's more a question for those who are in support of the recommendations.

CHAIR SCHNEIDER: Thank you. I think that's a fair point. Maybe we could say several GAC members in particular welcome the recommendations, if you want to highlight this. But make sure that it's not misinterpreted. So add "in particular."

BRAZIL: No, I just say "in particular" should come after "stress." And stress in particular the importance, if they want to highlight.

CHAIR SCHNEIDER: If that's okay.

All right. Is that acceptable? I don't see any objections.

The last thing, I don't think that that is critical in the sense that it's disputed. Okay. Let's continue, then.

Tom, please.

TOM DALE: Thank you, Thomas.

This next section dealing with two-character country and territory codes at the second level was drafted by myself based on discussions within the GAC and with the Board.

It reads: Several GAC members expressed their strong concern that the ICANN CEO's response to previous GAC statements on

this issue has not addressed the specific matter raised. This concern was discussed at the GAC's meeting with the ICANN Board to address operational concerns relating to this issue, as well as initiatives to improve communications between the GAC members and ICANN org.

Are there any comments on that entire paragraph?

Iran, please.

IRAN: Yes. I don't believe that we need "operational." "Address concerns relating to." Because all of the concerns may not be operational.

TOM DALE: Thank you.

Are there any other comments on the paragraph?

The Netherlands, please.

NETHERLANDS: I just have a problem with referring to "the specific matter raised." I think this is -- if it's not specified, nobody will understand what it means.

Thank you.

TOM DALE: My understanding was that the -- as far as the matters that are being raised, it is that the concerns remain from several GAC -- from several GAC members in regard to the notification process and specific consultation between ICANN where countries have expressed a concern. Could we include that or any members have any other suggestions on how to specify it?

CHAIR SCHNEIDER: Argentina.

ARGENTINA: It was GAC advice in our last communique about this. Maybe we can make a reference to it. I can find the text, if you want.

CHAIR SCHNEIDER: There was no GAC advice on this in the last communique, but there was on the other. We can look that up.

TOM DALE: If -- To respond to what Argentina said, we can -- I can reference the relevant section of the communique rather than the advice section so that it's clear. There's a paper trail will.

CHAIR SCHNEIDER: Manal, Egypt, please.

EGYPT: Just very quickly. And this was why I was raising the part on my question on structure before, because, I mean, we -- if this is a part that we expect a response to, then we have to know this and to make it clear to put it in the advice. But if we're calling it follow-up on previous advice but then we do not accept -- expect response to it, and then we reference it -- I'm just flagging that we need to be clear on our expectations on this part. If it is something that we need the Board to look at and respond to, then we either put it in GAC advice to the Board or make sure that we agree with the Board that they respond to us on both sections.

Thank you.

CHAIR SCHNEIDER: Yes, thank you.

It may actually be a good idea to advise the Board to not just reply to the advice section but also to take note of the other section and continue to the follow-up on previous advice, because -- also just to tell them that it's -- the idea is not that they just read the advice part and not the rest. So that they take note of this part and -- and undertake appropriate follow action

to paragraph advice, that is not -- something like that so that we are clear that the advice -- that they should look at the whole part and action may be required also on that one.

EGYPT: Yes. Just to make my point clear, it is -- the follow-up on previous advice is not as trivial as for the info part on activities, but we do not accept the concrete response like the GAC advice to the Board.

I mean, whatever we -- we need to be clear among ourselves here and make sure we have common understanding with the Board.

Thank you.

CHAIR SCHNEIDER: Absolutely.

Pakistan and Argentina.

PAKISTAN: Thank you very much. I think the matters linger on for many months. We should give some clarity to this issue and add some words that ICANN could prioritize this matter.

Thank you.

CHAIR SCHNEIDER: Thank you. Argentina.

ARGENTINA: Yes. Section 5 of GAC communique from Johannesburg, Follow-Up on Previous Advice and Other Issues. Two-character country codes at the second level. With respect to the two-character country codes at the second level, GAC Copenhagen communique advice, blah, blah. The GAC welcomes and appreciates the decision made by ICANN Board, (indiscernible) the president and CEO of ICANN or his designees to take necessary actions for satisfactory resolution of the concerns raised in that advice and welcomes the announcement made by the President and CEO of his intention to create a task force to resolve the concerns mentioned in the other communique. In this regard, the GAC proposes that the mandate and working methods of the above-mentioned task force be determined in consultations with GAC leadership, GAC members, and other interested parties.

As far as I can recall, we have never responses -- response from the Board about this particular issue, and there is advice about it. So we would like it to be reflected in the communique.

CHAIR SCHNEIDER: I think it is reflected now with the addition that Tom has made.

But I think Manal's point is we need to make sure that they read this and they understand that this means follow-up action also for them.

Manal.

EGYPT: Yes, exactly my point because we had it in follow-up to GAC advice in the previous communique, and we're repeating the same thing again this time. So we might still not receive a response to it.

This is exactly my point, that they might not be taking this section as serious as the section on GAC advice to the Board. So we either clarify this with the Board or make sure we put it again in this -- the advice part.

Thank you.

CHAIR SCHNEIDER: Okay. We noted this, and let's use the next break to think about how to make sure.

One option would be to give advice, the advice to the Board to also read that part and react to it, blah, blah, blah. Formulate this in a nice way. But let's continue to -- to look at this.

Iran, is it on the text itself?

IRAN:

Yes. I suggest that in the third line from the bottom of the text, instead of "will monitor," GAC expect further effort, but not "monitor." We are not monitoring the station to monitor what they are doing. We expect further efforts. And then to address the issue raised by our colleague from Pakistan, to address with high priority concerns, if I properly understood what he wanted to say.

Thank you.

CHAIR SCHNEIDER:

Brazil.

BRAZIL:

Thank you, Thomas. And I recall that in our discussion, and also in the meeting with the Board, the point raised by Olga and others was very clearly emphasized; that we were reiterating, I understand as GAC, the interest in having that task force or any other interaction mechanism with the Board. And I recall that particularly in this meeting, we discussed the need for that task force to look into the existing situation into the future.

So, one, I'm not sure if this was duly captured in previous advice as such, and I share the concern by Manal. Maybe it's not sufficient to -- to insert those concern in that section. We need something, some reflection in the advice part, particularly in regard to what is, I think, an understanding that the (indiscernible) should look both into existing and future work.

I think this is maybe a message, a strong message that could emanate from this meeting and that might otherwise be diluted if we just, for example, mention section 5. I think we need to have specific language and maybe think about having in the advice part some text reflecting this.

Thank you.

CHAIR SCHNEIDER: Thank you. U.S.

UNITED STATES: Thank you. I just wanted to respond to one thing that Brazil just noted, and it had to do with respect to what our expectations are for this task force. And while the U.S. completely agrees that the task force is intended to work to address the concerned countries' concerns, what I don't think we have agreement on is that this task force will be looking at how to address other issues beyond that, because it's not clear, to at least the United States,

that it's appropriate for a task force to look at these issues because it's actually of interest, I think, to a broader group of GAC members.

Thanks.

CHAIR SCHNEIDER:

Thank you.

Brazil is nodding.

Okay. So we agree that the text, per se, is fine; we just want to make sure that follow-up action is undertaken. Is that the basic idea? The question is then how do we make sure that this happens.

Can we take this for the time being and -- Yes, Brazil.

BRAZIL:

I agree with the U.S. Maybe some of the things we have envisioned are not appropriate to be done by the task force, but I think we should send a very clear message of what we want to the Board. And again, we do not object to the language there, but I am not sure this is sufficient to convey the concern we have and to prompt also the Board to respond to us. We should not forget that we have been asking, making our views known, and we did not get sufficient responses. And this is maybe

something we should think together in another reading of this. But I fear that if we restrict ourselves to this, we may not get, again, a response. And I concur with U.S. Maybe we should not refer to the task force but that we need -- want to engage with the Board to have some mechanisms for engagement that would allow at least the concerns to be discussed, explored, something like that.

Thank you.

TOM DALE:

I was suggesting to Thomas a structural change in this part of the communique that might address the concerns that are being raised.

We created the section at the last section, as you'll recall, on the run as we always do in drafting communiques, and it became a bit of a -- a repository of things that did not fit in anywhere else.

My suggestion would be to break the current section into two sections of the communique, one dealing with other matters that, again, we can't work out where else to put them but they need to be on the public record, and a separate section on follow-up to previous GAC advice, and that would -- and that would have a general statement at the beginning of it indicating that the GAC specifically requests the Board to -- to respond to

the GAC statements about these previous -- the previous GAC advice. So that would not be formal consensus GAC advice but it would be a specific request of the Board saying these matters, which would include the two-character code issues, Red Cross, Red Crescent, and so on. These do have a history. The Board knows about it. The GAC would like an update, please, on what is being done to -- to close the issue because the GAC has included them in this section because they believe they are not closed.

That's a suggestion which is a drafting one and a structure of the communique one, which would be attempting to fix not just the two-character code follow-up but follow-up on anything that the GAC thinks needs to be included if it's previous advice that it believes is still open.

Thank you.

CHAIR SCHNEIDER: Yes, Iran.

IRAN: Thank you, Chair. Perhaps not to refer to the task force. Maybe the third line from the bottom to address, we put insert "through appropriate mechanism" and continue the sentence. Third line from the bottom after "address" to address, comma, through

appropriate or by appropriate mechanism, comma and -- so we leave it this mechanism could be -- the task force could be anything. Thank you.

CHAIR SCHNEIDER: Okay.

We'll get this in the next version. So Red Cross/Red Crescent. This is the next one. Okay.

Questions, comments?

TOM DALE: Again, to remind you, as I said before, that this was submitted by the U.K. and Switzerland and the committee of the International Red Cross.

CHAIR SCHNEIDER: If there are no problems with it, then I suggest we go to the next one.

TOM DALE: I'm sorry. To explain the section on the new gTLDs subsequent procedures is simply to note the two specific matters that were discussed and, for the record, and the recurring commitment

from the GAC and the PDP to try to work out how to make better use of their time.

CHAIR SCHNEIDER: Okay. No questions or comments. Can we go to the next? Rights protection --

TOM DALE: Thank you. In relation to the RPMs, I believe WIPO had some text to suggest. So, while we're here, we might as well try it. So, if WIPO could help. Thank you.

WIPO: Thank you, Tom. With the second sentence "Members noted," after the word "expert," the suggestion is to make that plural, "with relevant experts, notably WIPO, and government agencies at the national level."

TOM DALE: Thank you. Are there any comments on that change? No? Seems okay.

CHAIR SCHNEIDER: With regard to the next, I have -- okay. Fine. So that's gone away.

Next level, next high-level governmental meeting. Barcelona.
That's not very controversial either.

Okay.

So this is it.

TOM DALE:

Before we conclude for a break and produce another version, just to clarify, if anybody could help -- and I'm looking in the direction of the European Commission and the United States, is there going to be any draft text concerning advice to the Board on the GDPR WHOIS issue? Please, help us. Thank you.

EUROPEAN COMMISSION: Just to reply, we just sent you the text.

TOM DALE:

That's a very good answer. Thank you very much very much.
Thomas.

CHAIR SCHNEIDER:

So that means we have a break. It is nicely 4:00. So it's a good moment to have a break. How long do we need? Half an hour? So we'll reconvene at 1630.

And, with regard to the joint statement with the ALAC, you have received a next version earlier today. So the proposed process is that we give you time until something like tomorrow at noon. And, if we don't receive any problems, then we would sign this with the two chairs at this meeting what has been simplified. So the only -- so you have the -- what we have now as accepted as advice for the GAC is the bullets in the beginning. And the rest is a more expanded rationale to these studies jointly signed by the GAC and the ALAC. So that's the logic.

Okay. This is the break. Let's meet at 4:30 here. Thank you. And you may all take a glass and a little piece of cake, if there's some left. I don't know whether there's some left. Those who haven't done yet. So thank you.

[Coffee break.]

CHAIR SCHNEIDER: Okay. We seem to have a new version out. It's not final in everything. But let me give the floor to Tom to explain to you what has been done to the previous version. So thank you, Tom.

TOM DALE: Thank you, Thomas.

If we deal with the section on GAC consensus advice to the Board to begin with, there are two changes to the proposed GAC advices, if that's a correct plural, to the Board.

Those changes are as follows: There is some new material from the -- as promised concerning GDPR and WHOIS. And there is -- and that is in the version that I circulated to you by email. And there is some new text concerning the .AMAZON applications, which is not in the version I sent you because it just arrived about a minute after I sent out the email. These things happen.

So the suggestion, which the Chair has agreed with, is that the first thing that you should consider is the new draft advice, proposed consensus GAC advice to the Board concerning the .AMAZON application.

So, if that's okay, I'll read that out and put it up on the screen for you.

And it reads as follows. It's in track changes. My apologies. "Applications for .AMAZON and related strings, the GAC advises the Board to continue facilitating negotiations between the Amazon Cooperation Treaty Organization, ACTO, member states, and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the use of .AMAZON as a top-level domain name. The rationale provided for this advice is the GAC recognizes the need to find a mutually acceptable solution for the countries affected and the Amazon corporation to allow for use of .AMAZON as a top-level domain name. The GAC considers that the Board could continue to offer its good offices to facilitate the negotiations between the parties."

And that proposal has been submitted from Brazil.

So the floor is open for comments.

Yes, please. Iran.

IRAN: Thank you. We have no difficult for that. But in the previous one we had some sentence about the seeking information. It's not this one. Okay. Thank you.

TOM DALE: No, this is a separate section all together. Thank you.

And the previous one remains.

IRAN: We support this proposal.

TOM DALE: Thank you. Any other comments?

The Netherlands, please.

NETHERLANDS: Thank you, Tom. Just a point, maybe because of my Denglish speaking language. What is "good offices"? What does it mean? Thank you.

TOM DALE: This is where great responsibility relies on the English speakers in these forums.

The term using "good offices" means for someone to act not just in good faith but also to use the positive aspects of their role, that is, someone who is respected and who has something to offer and someone who is seen as bringing something positive to any process. So using the good offices means a respected player who will act in a responsible way.

Thank you.

I always have to confirm that, being an Australian English speaker with the U.K. But there is no final authority. Thank you.

Iran, please.

IRAN:

Thank you, Tom. I don't see any difficulty with that. But usually we don't use that term. "Good offices." Sometimes some countries say I refer to always bon official. Good officer. I don't think that here we have to do it. Let's take the text. I think it's more or less in a way that always be put in our communique and advice. Thank you.

TOM DALE:

If Brazil has any suggestions, we could refer to it and continue to assist in facilitating. Would that work? I'll read -- and this is the rationale rather than the advice. The Board could continue to assist in facilitating the negotiations. Is there any comments on those wording?

Thank you. If there are no further comments on that section, I'll move to the -- I'll assume that has been agreed and move to the new wording, which is rather a longer concerning the GDPR and WHOIS issue that this was submitted by the European Commission and the United States, amongst others, as I understand it.

So allow me to scroll up to the top of that section. This is -- this -
- again, is in the section GAC consensus advice to the Board.

So I really have no option but to read it out to you.

So -- "The GAC advises the ICANN board that the 2007 GAC WHOIS principles (attached)" -- so the principles will be attached to the communique -- "continue to reflect the important public policy issues associated with WHOIS services. Accordingly, ICANN should take these public policy issues into account as it moves forward with its planning to comply with the European Union's General Data Protection Regulation, GDPR. In these principles, the GAC has notably recognized that WHOIS data (also known as Registration Directory Services) is used for a number of legitimate activities including, A., assisting law enforcement authorities in investigations and in enforcing national and international laws, assisting in combating again abusive use of Internet communication technologies; B., assisting businesses, other organizations and users in combating fraud, complying with relevant laws and safeguarding the interests of the public; C, combating infringement and misuse of intellectual property and; D, contributing to user confidence in the Internet as a reliable and efficient means of information and communication by helping users identify persons or entities responsible for content and services online.

Accordingly, the GAC advises the ICANN board that, as it considers how to comply with the GDPR with regard to WHOIS, it should use its best efforts to create a system that continues to facilitate the legitimate activities recognized in the 2007 principles, including by: 1, Keeping WHOIS swiftly accessible for security and stability purposes, for consumer protection and law enforcement investigations, and for crime prevention efforts through user friendly and easy access to comprehensive information to facilitate timely action;

2., Keeping WHOIS swiftly accessible to the public (including businesses and other organizations) for legitimate purposes, including to combat fraud and deceptive conduct, to combat infringement and misuse of intellectual property and to engage in due diligence for online transactions and communications.

"In order to promote the public interest and in response to the ICANN CEO's invitation to contribute questions pertaining to legal advice on the interpretation and application of the GDPR, the GAC also advises the ICANN board to pose the following questions to its outside counsel tasked with providing guidance on GDPR issues:

1, what paths are available under the GDPR to preserve the lawful availability of WHOIS/RDS data for consumer protection and law enforcement activities? In particular, are there changes

to policy or the legal framework that should be considered with a view to preserving the functionality of the WHOIS to the greatest extent possible for these purposes and others also recognized as legitimate? This question includes tasks carried out in the public interest and tasks carried out for a legitimate purpose, including preventing fraud and deceptive activities, investigating and combating crime, promoting and safeguarding public safety, consumer protection, cyber-security, et cetera.

"2, what paths are available under the GDPR to preserve the lawful availability of WHOIS/RDS data for the public including businesses and other organizations? This question includes tasks carried out in the public interest and tasks carried out for a legitimate purpose, including preventing fraud and deceptive activities, investigating and combating crime as well as infringement and misuse of intellectual property, promoting and safeguarding public safety, consumer protection, cyber-security, et cetera.

"Finally, the GAC also advises the ICANN board that it is urgent to address these issues and that the GAC should be fully involved in the design and implementation of any (including interim) solution and requests that ICANN practice transparency vis-a-vis the multistakeholder community in its GDPR activities."

The rationale given for this advice is that, "This advice reflects the view of governments that the continued and lawful availability of WHOIS/RDS data for consumer protection and law enforcement activities is a vital public concern and that ICANN should strive to explore all possible mechanisms under the GDPR to ensure that this data remains available for legitimate activities that protect the public and promote a safe, secure, and trustworthy online environment."

Before I go back to the beginning, and say -- I don't know if the authors of the draft advice want to add anything to it, or are you happy to hear comments? Argentina, thank you.

ARGENTINA: Thank you, Tom. From my Spanglish ignorance, what is swiftly? What does it mean? It's two times in the text.

TOM DALE: Swiftly. Oh quickly.

ARGENTINA: Oh, can we use quickly? I think it's more common.

TOM DALE: Let's find it first. The, firstly, as a general point, I think the simpler language is usually preferred. So "quickly" or "easily"

would be better when we get to it. We can do that. Thank you.
We can go through it para by para, if you like.

Yes, Iran.

IRAN: If you're talking about swiftly, yes, you use that in many cases. But now say something to the people rapidly. Thank you very much for your swift reply. So -- but you can change it to other words. No problem.

TOM DALE: Thank you, indeed.

Yes, that's Trinidad and Tobago, I believe. Thank you.

TRINIDAD AND TOBAGO: Yes, hello. Karel Douglas from Trinidad and Tobago. I just had a quick question. In respect to the word "paths." So the word paths is used twice. What paths and in what paths, and then lower down in the rationale it has what mechanism.

So the question is are we asking or suggesting that the question mean what path? Or is it what option? What is being asked? So I don't know whether -- and I'm relatively new, so I don't know whether the use of the word "path" is an accepted term in such a case where it has been used in the past, or whether you really

mean that you are asking what options. And then you link that to the mechanism.

So just a matter of clarity as to whether the -- because you're asking a question. The question is, you want a response, so you're asking somebody what paths do I take.

TOM DALE:

Thank you. That's a reasonable question, but can I suggest we approach it, as with the previous text, para by para now that we've gone through? There's been a couple of issues signaled from the floor which is helpful, but Thomas was just suggesting we start with para by para.

So the advice section firstly starts the GAC advises the ICANN Board that the WHOIS principles continue to reflect important public -- public-policy issues, and it reads as you see it on the screen.

So that first paragraph, are there any comments on that?

I'm keeping an eye out very carefully for the words "paths" and "swiftly" as we go through these para by para.

Are there any comments on that opening paragraph of the advice?

UNKNOWN SPEAKER: It just seems to be a little repetitive, if you go to the third -- second line continues to reflect the important policy issues associated with its services, and then you come back and say again ICANN should take these public-policies into account. Could you make it "these issues"? Make it simpler?

TOM DALE: Right. Does that work for people?

Right. Good.

Unless there are any other comments on that opening paragraph, we'll move to the specific issues, which is those statements A, B, C, D are examples of legitimate activities of the use of WHOIS. So are there any comments on those?

A, assisting law enforcement authorities in investigations; B, assisting businesses; c, combating infringement and misuse of IP; and, D, contributing to user confidence.

No?

Okay. So the second part of the advice is, accordingly, the GAC advises the ICANN Board to use its best efforts, not good offices but best efforts to create a system that continues to facilitate legitimate activities recognized in the 2007 GAC principles. Those are GAC principles, by the way. Including by keeping

WHOIS. Can we have a suggestion for replacement of "swiftly"?
Easily accessible? Quickly accessible?

UNKNOWN SPEAKER: Can we suggest "readily"?

TOM DALE: That's as good as any. Thank you. Unless people have major issues.

The United States. Thank you.

UNITED STATES: Thank you. We appreciate the recommended language here, but actually "readily" changes the intent; that the point that we're trying to convey here that it's important that it's quickly accessible or it's swiftly, is what we used originally. Because that's really what the issue is here, is that it's one thing if it's accessible or even easily accessible, but quickly. It's the speed of the ability to access it that's really important.

Thank you.

TOM DALE: Thank you. And I think "quickly" focuses on speed, but if people have other suggestions, of course we'll do those. Thank you.

So looking at it, there are two specific pieces of advice there for the Board to ensure compliance with the GAC's principles on WHOIS from 2007. Are there any comments on those?

They're about speed of access. No?

The GAC chair should feel free to advise on the running of the meeting as he sees fit.

Thank you.

If there are none, we can move down to the next section of advice. Whoops.

The GAC -- the substantive part is the GAC also advises the ICANN Board to pose the following questions to its outside counsel. Perhaps external counsel might be a better term. But this is -- you will recall in briefing from the Board and others, this is the firm the GAC -- the GAC -- who the ICANN Board specifically engaged for advice on the GDPR issue, and so the recommendation here is for the Board to frame particular questions to counsel.

The European Commission. Thank you.

EUROPEAN COMMISSION: Thank you, Tom. Sorry.

And thank you for the suggestion about the word "path." Maybe we should use the word "options," what options are available. I think it makes it clear.

Thank you.

TOM DALE: Thank you. I'm sorry; I was distracted so let me find out where it is. Here we are. What options. That had been raised before.

Yes, please, Iran.

IRAN: Just a question. When we say that to preserve -- okay. I will wait until you finish. To preserve the lawful availability. That mean everything is available now; we just want to preserve that? Or you want to make available something else?

So when you say preserve, that means it is already available. You want to maintain that.

So those who drafted this.

TOM DALE: I'm looking at the authors who are nodding. I believe that's usually an affirmative statement. So the answer to your

question, I think, from the Commission is yes, that is what is being intended, and that is its meaning, I believe, as I would read it.

Jamaica, I think.

JAMAICA:

Thank you very much. When I look at the particular formulation of the sentence, it presupposes that there are options available under the GDPR. It's actually almost suggesting to them already that they are options. If that's the case, we need to rephrase it. However, I think the real intent is for the attorneys to answer the question whether or not options exist.

So I would propose if we are removing the word "paths" to indicate whether options are available under the GDPR to preserve the lawful availability that allows the attorney to, one, indicate if there are options, and then if there are, in particular to explain whether or not there are changes to policy and the legal framework that should be considered.

TOM DALE:

Thank you. Again, I'm looking at the authors of the document to -- if we say whether options are available, I think that addresses the point from Jamaica.

The United States, please.

UNITED STATES: Without getting into our interpretation of GDPR, which that's probably best for the European Commission, but our view is that there are options. Thank you.

CHAIR SCHNEIDER: So if you agree that there are options but this is an interpretation, then I would send that signal that they should see and find them, basically.

So if everybody thinks there are options, it's just not so trivial, but there are options, then I think you should say that.

Yes, Iran.

IRAN: Yes, I think we should be quite careful. If you present this saying whether option are available at the end to preserve the lawful availability. So what are available, what is availability. So we are talking of -- So we have to quite be careful what we saying. This is advice and we're going word by word.

That the term availability the first time and the term availability the second time.

CHAIR SCHNEIDER: Thank you. We may change the first word "available" to something that means the same but is a different word in order to not create confusion, because the availability of the data is something else than the availability of the options are there. So does that help? That makes it -- Jamaica.

JAMAICA: Thank you very much. Not to belabor the point, but if we are taking the comment from my colleague from the United States that there are options available, then the statement still doesn't say that. It still asks the question what options are available. So it doesn't suggest that options are, in fact, available.

So we would need to still change the word "what" to something more definitive if it is that we are trying to convey that options are, in fact, available under the GDPR. If not, I would still suggest that we leave the question open for them to determine whether options are, in fact, available.

CHAIR SCHNEIDER: U.S.

UNITED STATES: We are certainly open to some alternative language here but the intent is we're seeking legal guidance. So that's why it is phrased the way it is.

But if anyone has another alternative way to propose. But we're asking this question because we are aware that there are options, but we're seeking guidance from the legal experts here to identify them definitively for us.

Thank you.

CHAIR SCHNEIDER: Jamaica.

JAMAICA: Then we could say whether -- we could then actually rephrase it to say whether the options available under the GDPR will preserve the lawful availability of. So you could make it a definitive statement if you want to do it that way since you are saying that options are, in fact, available.

CHAIR SCHNEIDER: Thank you, Jamaica.

I think what they are trying to say is it's -- the thing is we don't know these yet. Everybody assumes or interpret. This is also a question of interpreting a piece of law, and it's interpreted

currently by those that have looked into this that there are or should be options. And so this is a statement that also guides the legal people that will look into this that they -- but these options are not there yet. It's not that we have options and we can look if they guarantee the availability. This is not it. It's to find options to make sure that this data is available. That's the point.

So the goal is the availability, and the purpose is to identify these options that will preserve the availability. It's not that the options are there and we need to look into them to see whether they preserve the availability.

So the logic is the other way around. And I think the text is clear in that sense as a guidance. The goal is that there will be options, feasible, concrete, pragmatical ways to preserve the availability of data for these purposes. And so I think in that sense, if we can all agree to this language because I think the lawyers will understand, the legal people will understand what the purpose of this is.

The Netherlands.

NETHERLANDS: Thank you, Thomas. I'm pretty neutral to options or even solutions. I think it's clear that we're looking for creative solutions for this.

I think what I'm a little bit worried about is if you say "paths available" or "under the GDPR," it looks like the GDPR gives these paths. I think the solutions are being made by ICANN or us, and then they have to comply to the GDPR.

So I would say it's not something which is under GDPR, because that creates confusion. I think which path (indiscernible) are possible complying to the GDPR.

Thank you.

CHAIR SCHNEIDER: Thank you, Netherlands. Trying not to prolong this discussion, maybe we reframe the whole idea slightly because now we say we advise the Board to pose the following questions. That would mean like they would -- we would expect them to ask these questions verbatim. Maybe we tweak it a little bit and say we ask the Board to use this as -- to ask something like this. So it's not about the wording of the question that will -- is the point but it's the ideas behind it that we want -- that the legal people should find solutions for the purposes.

So maybe -- I don't know, Tom, if you can help me there. Which advises the board --

TOM DALE: I was going to suggest advises the ICANN Board to seek information from its outside counsel that addresses the following -- the following range of issues, or something like that.

CHAIR SCHNEIDER: So to take off the weight of every word in that question. Because what we're interested in is the answers, and it's not every word that counts. There should be some room for ICANN to then, themselves, ask the right question to the legal people. We're just giving some guidance if I understand this correct.

Yes, Iran.

IRAN: Thank you, Chair. Perhaps in the first line we should not talk about the options. Perhaps if we recompose this sentence saying whether under the GDPR, the lawful availability of WHOIS/RDS data for consumer and protection and for -- let me (indiscernible) -- and for data are preserved. You put are preserved at the end. Whether under GDPR. Again, we should not propose options. I don't know where these options come

from. Whether they're availability or preserve or not. Still, you talk of options. I don't know where these options come from. Why we say there are options?

CHAIR SCHNEIDER: If I may intervene, again, I think, if I understand the intent of those who wrote it right, these questions are not carved in stone. They're supposed to guide ICANN in asking the questions that they see fit to their legal people to find the answers. And the answer is not -- The answer that we want to find out is not whether or not there are ways. The goal is that there be ways to preserve this.

So we don't doubt that these people will find ways. So it's not whether there are options but we want to know what these options are. We don't see them yet. Nobody sees them yet, but we are all convinced that if you look -- maybe some people already do see them, but we want to know what these options are. And whether we use options or paths or whatever word, I don't think that matters. We want to send a clear signal that they should look into this with a view to find a solution. We think there will be solutions and we ask them to find them. That's the message.

I see the U.S. and -- okay, European Commission. They agree with what I'm trying to --

EUROPEAN COMMISSION: Absolutely, yes, I agree. Just a comment now that I see the text on screen. I'm rereading it. I would have a suggestion in terms of what we have there. To preserve the lawful -- the lawful availability of data. I would prefer to have "to ensure the lawful availability of data," because at the moment -- I mean, I'm not the right person to judge the current situation, but we have a number of letters from Data Protection Authorities saying that there might be problems in the lawfulness of how things are done now. So I would like to change as you did.

CHAIR SCHNEIDER: Thank you. I think that's the goal, is to ensure that whatever happens is lawful and useful and makes sense. So if we can go with this, I think.

Pakistan.

PAKISTAN: Thank you, Thomas. Can we write before the WHOIS/RDS data, accurate data we can write? Because accuracy is also the challenge. What options are there under the GDPR to ensure the lawful availability of accurate.

CHAIR SCHNEIDER: Any views about this?

U.S.

UNITED STATES: I'm just concerned here that we're starting to muddy the intent. It's not that we're opposed to accurate WHOIS data; in fact, we're very much supportive. But the issue that we're trying to get to here is ensuring the lawful availability of this information.

So if we could -- I urge you to try and keep us on the focus of what we're trying to achieve here, and that is ensuring that we're going to have access to this information, because that's of critical concern at this point.

Thank you.

CHAIR SCHNEIDER: Thank you. Can we maybe take out the "accurate" again and just, as the U.S. has said, the purpose is they need to help us find ways to ensure that there is lawful access to WHOIS/RDS data. That is the purpose. Let's try and not wordsmith this. I think this is -- If the lawyers want -- are paid to find solutions, they will read this text correctly and get our point. And the ICANN Board I think is also getting the point.

Thank you.

Yes, Iran.

IRAN: Thank you, chair. I'm sorry, the word "there" is confusing. What options are there? Where? Perhaps can consider what are the options under the GDPR to ensure? That's all. Like this. Make it simple English. I'm not English spoken but still I understand a little bit.

Thank you. Can you change it in that sense, please.

CHAIR SCHNEIDER: My Australian friend left of me says that this is the useful, normal good English the way it is. People say what is there that we can do for you, for instance.

IRAN: What are the options under the GDPR to ensure. What are the options, and then delete "are there" and go to the GDPR.

What are the options under the -- okay. Please delete "there."

Yeah.

CHAIR SCHNEIDER: Thank you. It's the same but if it makes people feel better, we're happy to change it.

IRAN: What are the option under to preserve the availability.

CHAIR SCHNEIDER: Okay. France.

FRANCE: France speaking. Thank you very much, Mr. Chairman. I would like to say that everything has to be fast and simple with data protection authorities. Because they said that, apart from having easy and quick access to this data, we do not have to consider many options or to our procedures or to include any other issues that may be more complex. So the access has to be simple and fast.

CHAIR SCHNEIDER: Thank you very much. If we want to be fast and simple, I urge you not to get into too many details. Because I think it's very clear for everybody what we mean with this statement.

So I think this works out perfectly well. So it is very clear for those working on this topic. So we should not insist and leave the text as it is.

I think that our goal is sufficiently clear. Do we agree? Thank you very much.

And maybe use the same formulation that we just had before.
Thanks.

European Union Commission.

EUROPEAN UNION COMMISSION: Just please also correct here to "ensure" instead of "preserve."

CHAIR SCHNEIDER: Thank you. Yes.

Trinidad-Tobago.

TRINIDAD-TOBAGO: Yes, thank you, Chairman. I saw earlier in the document the word "other organizations."

It's a family of words. You have the public, including businesses and then the word "other organizations." So I was going to ask why was the need for "other"? Is it just organizations you're referring to mor are you defining those organizations as other organizations as opposed to the earlier public and businesses?

CHAIR SCHNEIDER: I think the other one was about law enforcement and consumer protection agencies and so on. This is another aspect to it,

because the laws are different for -- in different situations. But maybe, if the U.S. and/or the EU want to clarify.

TRINIDAD-TOBAGO: Sorry. No what I was referring to was early. Not the earlier one paragraph. It was actually before these two paragraphs. It was defined as "other organizations." so the question was whether the need for the word "other." Why was it "other" as opposed to just organizations.

CHAIR SCHNEIDER: Thank you. U.S.

UNITED STATES: This is language that was pulled directly from the GAC WHOIS principles. That's why this text was chosen. It's been agreed to in the past. Thank you.

CHAIR SCHNEIDER: Okay. Thank you for this information. So I hope that helps.
Iran.

IRAN: Thank you, Thomas. I don't think that number two we need available in the first line. What are the options under so on and

so forth. We don't need available. Because we come back to the same available availability. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. Can we move on? Iran?

IRAN: Simply do we need to say, "Finally?" GAC also advises -- thank you.

CHAIR SCHNEIDER: No, we don't. But we could just because it reads nicely. For instance, because it's the last paragraph this is what sometimes people do. But I'm in your hands.

IRAN: We do many things, Chair. We don't need "finally." Thank you. But you can do, Chair, many things.

CHAIR SCHNEIDER: Whatever.

TOM DALE: If I can just note, as a drafter of many GAC communiques, the appearance of the word "finally" tends to make people happy.

But -- but I don't know if that helps or not. Thank you. I'll await the advice of the chair.

CHAIR SCHNEIDER: Well, I think that's a strong and convincing argument, if nobody objects. We could also say the GAC further advises, but doesn't really matter. So can we leave it? Okay. Thank you, Iran.

Okay.

All right. That's it, I think, for that part.

Mark. U.K.

MARK CARVELL: Thanks. Just sorry. Are we going to go on to the rationale? Or --

CHAIR SCHNEIDER: I mean for the advice part. So rationale.

MARK CARVELL: Yeah, I just note the rationale doesn't include intellectual property rights protection, which we've covered, of course, in the advice.

So perhaps under section 9, data for consumer protection, intellectual property rights protection and law enforcement activities, if everybody's happy. Thank you.

CHAIR SCHNEIDER: Other rights that we want to protect? No problems with the addition? Okay. Fine.

Other comments on the rationale? Okay.

Then that means that we're done with this part. Thank you.

That means we can go to -- other parts.

TOM DALE: Thank you. Miscellaneous parts perhaps. We'll -- so we have now completed the section of the communique dealing with GAC advice. And we have done so swiftly, I may observe, compared to --

CHAIR SCHNEIDER: Easily and quickly.

TOM DALE: Easily and quickly compared to many that some of us have been involved in. We're getting a bit giddy up here at the table. Calm down. This is a serious matter.

I'll go back to the changes that were made during the break insofar as I can remember them. I'm sorry. Even I'm getting lost in some of this now. And a number of members have said that there are a couple of minor changes they want to suggest. But, before I do so, Argentina.

ARGENTINA:

Thank you, Tom. I sent text about the working group on geographic names.

Oh, there's a fly.

And I also I would like to comment that, during that session of the working group, it was -- there was a proposal made by Switzerland that was agreed by the group that it could be good that at a plenary session like this one, for example, a group of countries could be assigned to be participating in the work track 5 of geographic names in the PDP of the GNSO.

This morning we had that session, starting session to draft terms of reference.

I had received several emails of GAC members that would like to join as members or observers.

So I would like to address this issue to the leadership team and see how would you like to proceed. Thank you.

CHAIR SCHNEIDER: Thank you, Argentina. Thank you for bringing this up. This is not something for the communique. It's just an agreement for us on how to move. On and I think we more or less informally agreed already when we discussed this earlier that we would also have you support it by other members from the GAC that would have a role in work track 5 like, I think, the ALAC or ccNSO. Others have done the same that they have appointed a number of members from their side to go there and look into the details of how this can be done.

But do I take it that we have an agreement that we'll designate a number of people from the GAC that will somehow be part of a team that will support Olga in her function as co-chair in work track 5? Is that -- can we put that in for the minutes?

Olga, yes?

OLGA CAVALLI: So should I sent this information to the GAC list and follow-up from there? Okay. Thank you.

CHAIR SCHNEIDER: Good idea. You can refer to this discussion and say you will take this further -- yeah, perfect. Thank you very much.

Mark, U.K.

UNITED KINGDOM: Thanks. Just on the attendance, does that include remote participation? Because I recall our colleague from Uganda participated remotely. Or did you want to refer to remote participation in addition to attendance?

TOM DALE: We would normally include remote participants as part of the total number, Mark. And they would be identified in the attachment that we put in the minutes. You recall the attachment indicates all attendees. Thank you. Yes, sorry.

UGANDA: Thanks, Mark. I'm around. But I just put a comment online. Thank you.

UNITED KINGDOM: Thank you, Uganda.

CHAIR SCHNEIDER: By the way, this leads me -- maybe for the next leadership team you could send out the message at some point in time that those

who can't make it to the meeting have the option to participate remotely. And that may be also the curation of the remote participants is something that be further be developed. Just as a reminder, that is something that may also enhance participation that people can also follow from their countries if they can't come to an ICANN meeting. Thank you for this input, Mark.

TOM DALE:

Okay. Thank you. Let's move on.

The meeting issues and general introduction have not changed. So moving to GAC internal matters. I'll fix some typos. We've added also the following sentence that, "The GAC also expressed its thanks to outgoing Vice Chair Mark Carvell" -- it would be helpful to spell his name correctly -- "United Kingdom, for his many years of exemplary service to and participation in the GAC." That's the gentleman there. I assume that would not be objected to by anybody.

The -- I'm sorry?

CHAIR SCHNEIDER:

We have somehow managed or wanted to manage to put in some thanks to you. That's coming later, so it's not coming there. All right. Thank you.

TOM DALE:

Thank you, Thomas. The sections dealing with working groups -- thank you to Argentina, to Olga, for sending that report through.

In the excitement of the many emails during the break, I have not included the geographic names name report. But it will be done.

There is a report included from the Public Safety Working Group there, which I'll let you read. I won't read it myself.

But these are factual reports from the working group rather than a cause for any action on any one's part. And, please, bear that in mind.

So that is what the Public Safety Working Group has submitted for their activities during this ICANN meeting as well as the GAC meeting. So I'm assuming that that's a factual matter that you would not wish to amend.

There's also a small section on the cross-community sessions that the Public Safety Working Group has been involved in this week. Some of them are still to come, of course.

So, moving, the additional working group material is still being provided. I apologize. It was not possible to put it in this section. But you will have a chance to -- as Thomas said, to have

one last look at the -- at those non-contentious factual reports before the communique is issued. And I think we're talking about it tomorrow. Thank you.

Some additional wording was included in the independent GAC secretariat section, which reads, "The GAC expresses its sincere appreciation to ACIG for the high quality of services delivered as the independent secretariat of the GAC since 2013. The devotion, competence, and rigor of its consultants, chiefly, Tom Dale and Michelle Scott-Tucker, have greatly benefited the GAC and contributed to the global public interest."

On behalf of our company, if I don't get another opportunity, thank you for the opportunity. It's been a good four years. It's been four years full time of my life, in effect, looking after the interests of the GAC and ICANN. And our company as well has appreciated the opportunity. Let's hope we can come back and do ICANN at some point in some form.

Because it's really interesting work. And what the GAC does is not just interesting but done in a fashion that is encouraging and occasionally fun. Occasionally fun.

I hope we leave the GAC in an improved state and that you've benefited from our professional services since all those years ago in 2013. Thank you.

If you want to change that or put anything detrimental, then you're, of course, free to do so.

CHAIR SCHNEIDER:

Thank you. By the way, maybe this is the moment to inform you that there are some members of the GAC who have realized the situation that they may actually not -- they will not have Tom and ACIG supporting us in the future. And they do think that this is a problem. So there are some efforts underway to maybe find a solution. And so this is something that -- and others who think the same and who may be able to -- part of a solution. Of course, we will hand over this -- or I will hand over this to Manal. And we'll look into this further. There may be ways, maybe under different arrangements. But not all the doors are closed yet, as it seems. For the time being, this is what we know, what the information that we have. But the future is not yet written. So Manal will keep you informed in case there is something that is definitely materializing in a way that we would -- or the GAC would be able to continue again from ACIG services.

Yes, I see Norway wants to take the floor.

NORWAY:

Yes. Thank you, Chair. Just not to make any conclusions of what you just said, I just wanted to say that Norway has

appreciated very much the work that Tom and Michelle has done from ACIG. You have provided the GAC with crucial support, especially in the time with the IANA transition, which has been very, very important for the GAC to be able to provide the necessary advice and involvement in this process in ICANN. So thank you very much for a job well done. Thank you.

CHAIR SCHNEIDER:

Actually, I also wanted to -- before we move on to the next one -- to use this occasion to formally thank Tom and the rest of ACIG's team, as I said already before. And I think it's amazing. Also we had phone calls at any time of his personal daily physical schedule. And the cooperation was amazing, and the quality of support was amazing. I think he deserves a standing ovation as well. Thank you.

[Applause]

TOM DALE:

Thank you, Thomas. That's very kind, but we do have a communique to finalize. It's in my DNA now that these things have to be done. After then I would not discourage anyone from buying me a drink. However, we're not quite at that point yet.

So let me move on. And, again, thank you for your kind thoughts. Michelle and Tracey say hello, by the way. They do

remember their time fondly at the GAC both at meetings and at many chair and vice chair calls at all hours of the day and night and in a lot of issues that -- and work that you may not see all the time as an average GAC member. But it's a bit like an iceberg. A lot of activity below the visible level.

Like I said, it's been fun. And, as far as any continued -- the company is happy to consider any proposals. But I don't know that we'll be able to reach a definitive answer this week. But, in the meantime, I'll move on through this document. Otherwise, we'll never get home.

The section dealing with enhanced ICANN accountability has not changed.

Now, as foreshadowed in the earlier session, what we've done is created a new section solely dealing with follow-up on previous advice. And the substance has not changed. But it has a preamble here that says the GAC asks that the Board respond in writing to the issues noted by the GAC in this section.

So I'll pause there and see if people have comments on that. You'll recall the intention was to try to ensure that, if the GAC is mentioning previous advice, it's doing so for a reason. And it wants the Board to provide some statement. If the Board at the moment is solely responding formally just to GAC advice but nothing else in the communique, then this is an attempt to

signal very clearly that the GAC would appreciate a response to these matters as well as the formal advice. That's the intention of creating a new section.

So I'll pause there for any comments, if you think that does the job.

Okay. Well, it seems to do the job. I guess you won't know until I'm gone and the Board responds to it, but you can always change it later.

The communique is not -- Again, sorry to pause for the benefit of newcomers, and I've been doing that a lot this year. The communique is not -- The design of the communique is not set out in operating principles nor is it written in the bylaws or, indeed, in stone anywhere. It keeps changing. And the GAC has made a number of helpful evolutions, I think, during my time here. So it can always be improved. And bear in mind the communique is issued not to the Board but to the world in general.

So moving on. The text dealing with the applications for .AMAZON, which were discussed before the break, have -- reflect all of the changes that you agreed. And as far as I'm aware, nobody wants to add to that.

As you're aware, in a separate section dealing with GAC advice, we now have new agreed text, but that focuses on advice to the Board rather than the matters recorded here. But the Board would also be expected to read what is here as well and respond as appropriate. But that has not changed, so won't -- I won't dwell on that.

The section dealing with two-character country codes, to the best of my knowledge, has not changed either. It's just been put in this new section solely for previous advice. And the same applies to the text concerning Red Cross and Red Crescent protections.

Under Other Issues, ICANN jurisdiction, that's the text as it was agreed before the break, but I understand Brazil wanted to suggest some -- some further -- further changes. So Brazil, thank you.

BRAZIL:

Thank you. As we have been saying consistently, we think we should ensure that this action is rightly balanced. So my suggestions would be since we are noting the outputs, noting our participation in the cross-community session, reiterated the support for the process, so my suggestion would be the third paragraph to read, "Several GAC members, however," because it's kind of qualifying what you used before, "express major

concerns." And here I turn to either Australian English or English English. It would seem to me to be in regard to the report or on the report, so I leave it to you. But then we should refer to the draft report from the jurisdiction subgroup. I think that's the right title that has at least provisionally been used. Draft report from the -- that jurisdiction subgroup, full stop, and we delete the rest.

And -- Yeah. The draft report from the jurisdiction subgroup. Right. Again, I leave -- I do not know exactly what is the exact technology they are using, so maybe we want to check with them to make sure we...

But then the two following paragraphs, they refer to the same notion that there is objections some -- on the part of some. And in our view, having two paragraphs, and then after that one paragraph of those members that welcome, is not balanced. So my proposal would be to merge those two paragraphs, the one - the two starting with "These members." Maybe we can use the second paragraph. Delete the first and bring on board to the second some elements that are -- maybe we can say, "These members also consider that the recommendations do not address adequately the objectives envisaged for Work Stream 2." Something like that. And then we continue.

Maybe we can work out the language, because the idea is to merge those two to have one single paragraph. So it would start saying several GAC members, however, expressed major concerns to the draft report. These members also consider this, and this would be one single paragraph, and then we have another paragraph, and we conclude also with a positive paragraph by reiterating our intent to continue to engage. I think that would provide for a balanced overall section.

I can work maybe with Russia that propose and come up with you one unified language merging those three paragraphs.

CHAIR SCHNEIDER:

Thank you, Brazil. I think that's very appreciated, if that's okay for everybody. We give you some time to come up with a text that shorter and -- yes. Thank you very much.

Okay. So we will receive another -- a one paragraph for this whole section. Okay. Let's move to the...

TOM DALE:

The section on the new gTLDs discussion has not changed.

The review of the rights protection mechanisms includes the text that was agreed before, so that has not changed and neither has

the material dealing with the high-level governmental meeting in Barcelona.

And that's it, Thomas.

I'm sorry, there was an intervention there from -- Yes, thank you. Who is it?

CHAIR SCHNEIDER: Is this WIPO or -- yes, WIPO.

TOM DALE: Thank you.

WIPO: Hello, this is Ty Gray from WIPO. I'm just at the RPM, and it looks like we missed a comma after WIPO from the language we sent to you.

CHAIR SCHNEIDER: Where is that comma missing?

WIPO: I believe it's after the WIPO. Based on the information in our last intervention.

CHAIR SCHNEIDER: A comma and then and government agencies at the national level. Aha, because WIPO -- it's a detail, but -- okay. Got it. Thank you.

Okay. Life is hard sometimes.

All right.

So basically this means we are done with the communique apart from the text that Brazil kindly proposed to condense it into one paragraph. So we suggest that we make a 15-minute break, give them time to do that, and then put everything together for a final proofreading. That's the plan, if that's okay for you.

All right. So that's the plan thank you. 15 minutes break. We can make 16 minutes because then it's 15 past. Okay.

[Break]

CHAIR SCHNEIDER: Okay. Let me hand the floor over to Tom. He will show to you what is new in the text.

TOM DALE: Thank you, Thomas. We're nearly there, I promise. I promise, Thomas.

The version that I've circulated to the GAC just now via email contains only two sets of changes apart from the ones that you agreed on screen before. The two sets of changes are the agreed revision of the section on jurisdiction, which I'll scroll down to in a moment and you'll recall that that was to be settled between Brazil and Russia, and we have some new text for that. And the only other change has been the addition of some reports from working groups, which I don't propose to go through in detail because they're factual. So we have now the reports from all of the relevant GAC working groups to be included in the communique.

So the text -- the new text concerning jurisdiction is as follows. Bear with me. Here we go.

The intention, you'll recall, here was to consolidate some paragraphs and make -- and make the same point but rather shorter.

So the new text in the middle there, highlighted in yellow which I can't remove for some reason. Means that the whole section now reads as follows:

The GAC noted the most recent outputs of the CCWG Accountability subgroup on jurisdiction and participated actively in the cross-community session on jurisdiction. The GAC reiterates its support for the open multistakeholder process by which the recommendations were developed.

Now the following paragraph is a new one, replacing the previous one -- previous two. It reads: Several GAC members, however, expressed major concerns regarding the draft report from the subgroup on jurisdiction. These members consider that it falls short of the objectives envisaged for Work Stream 2, and that its recommendations only partly mitigate the risks associated with ICANN's subjection to U.S. jurisdiction which makes the adoption of the said report unacceptable.

The following two paragraphs are unchanged. So I'll leave the highlighted text for your comment.

CHAIR SCHNEIDER:

Thank you.

Any comments? Iran.

IRAN:

Thank you, Chair. Just a -- for precisions, are you really selecting among the five options for the choice of law the menu? There are five options. Here is those several members already option one of those five. Are you sure -- those member are sure? There are five options: the status quo, the (indiscernible) spoke, the menu. There are many things. These people already decided that they don't want those four others? Have they really in detail discussed this or somebody just propose menu? There are five. Look at the jurisdictions. There are five options.

I think we may reconsider that, not go too much detail. And now at this stage before going to public comments, before being finalized by the CCWG, before being taken by the ICANN Board, they say we agree with the menu? I have some doubt. That it is necessary to say that maybe people need to a little bit think it over. At least wait until. Because it goes many steps. Who knows what happen in the public comments? Maybe the menu will be totally deleted after public comments. Who knows ICANN Board agree or not?

So these are the things that -- just for reconsiderations. This is not mine because it's several others. I am not (indiscernible) those several others. Those who propose that need really think of that, not to take this one option out of the five options.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

Let me ask those who presented this language or feel represented by this whether you would want to react.

Denmark.

DENMARK: I think it was my proposal, and I can stand by the proposal. So I have no problem with it. Of course there will be a public hearing and things can be changed in both ways. So we'll see. But we stand with the proposal. And the indication here with the menu is a proposal which we really can support.

Thank you.

CHAIR SCHNEIDER: Thank you.

Okay. So I think, then, we doesn't need to change this at this stage.

Okay. So is that all that was changed? So of course we will correct typos and -- and...

But this we consider the -- the communique as finalized.

As I told you, we will tomorrow -- if we don't receive any comments on the joint ALAC/GAC statement, there's a slight inconsistency in the details of the wording of the first two bullets, but we consider -- but the addition in the statement compared to what we have in the advice is a longer rationale. If there's no objection, then we'll tomorrow sign this, because the ALAC has already signaled that it is fine for them.

Yes, Indonesia and Iran.

INDONESIA:

Yeah. Just small addition. In the one, in the above, you have the introduction of joint ALAC/GAC joint statement. ALAC/GAC. Perhaps will it be better if we write it down, something like, "Following the previous joint statement between ALAC and GAC in 2011"? I send you -- I found a statement and I phone to Thomas yesterday evening. Just following the previous statement, this as a follow-up, GAC and ALAC will make also another joint statement to complement the previous one, something like that.

So we know that we are making the statement, but we also are aware that previously between Mr. Leblond and Miss, Madam, Mrs. Dryden already also made a statement like that.

Thank you.

CHAIR SCHNEIDER: Yes, thank you, I'm looking at it, but that was on a completely different subject. That was on actually applicant support for new gTLD. So the substance of the statement -- So you're right, it's not the first time that we make such a joint statement but the substance has nothing to do with the substance here so I'd rather not make reference because that may confuse people. But you're right, it's good to know this is not the first time we do this. We have done this in August 2011.

All right. Thank you. Iran.

IRAN: Thank you, Chair. Having participated in the activities of the CCWG and jurisdictions for hours and hours in all meetings without exceptions, I suggest the following language. Even this sentence does not belong to me. I suggest for consideration of the people, after "industry" to "opt any options of choice of law, including menu."

And continue.

Just leave the door open that they do this. But not putting the finger on the menu. First of all, menu has nothing to do with the

venue. Menu is only to do with choice of law. You put both of them, and it is not correct. I'm very sorry. It is not correct. You can say opt any options of choice of law, including menu. So you leave the door open for their industry to opt for any option that they want.

Thank you.

CHAIR SCHNEIDER: Iran, this is what you're proposing? So we're back on the previous one.

Is that okay? Iran?

IRAN: Chairman, the word "having" seems not to be appropriate. "Considering," or "opting," or "to opt," any options for choice of law, including menu.

Not having -- they have. They have a choice. They want to select. They want to opt for something. So, instead of having to opt, any option for the choice of law, including menu. Thank you.

That is coming from the GAC. I'm a member of the GAC. I would like to go to the committee not being things that we don't

understand what is in the jurisdiction. So let us put in there proper context.

Still convey the message that they want. Thank you. To opt. Options.

CHAIR SCHNEIDER:

I think we want to close this communique. And I see people nodding. I think having options, I see no objection. I think the rest is wordsmithing that doesn't really change substance or matter at this time.

But maybe Switzerland has a different view. Not on this one. Okay.

Can we leave it like it is now? Any objections to what we have now on this text? Okay.

We'll leave it as it is. And we probably will not have a problem because of this in the future of our lives.

Okay. So, Switzerland, you wanted to comment on something else?

SWITZERLAND:

Yes.

And I'm very sorry to take the floor at this late stage. But it's for a good reason, which is the following: That I would urge that we put the sentence on the ceasing of the secretariat services on hold until we have some final conversations. Because there might be some actual possibilities to save this. Thank you.

CHAIR SCHNEIDER: Okay. What do you mean "on hold"? By tomorrow? Maybe we will thank you in a separate letter in a later stage in case the miracle did not happen.

SWITZERLAND: Well, I think it would be up to -- also up to ACIG to consider the latest data. And see whether this makes sense for all the parties involved.

CHAIR SCHNEIDER: Okay.

So the question is? I mean, can we leave it at this for this time that in case there's a chance that this will go on, we'll not put this in the communique in case that we will decide by tomorrow -- yeah.

But we see -- we have a quick discussion afterwards to better understand.

But, if there's a chance that we will continue with this secretariat, it won't be in the communique. If it's clear that it won't be continuing, then it will be put in the communique. We don't have to discuss this here. Am I clear what I say? Okay. I see people nodding, most of you. Okay.

Thank you for this information. So we'll take it out for the time being and have a look again.

Anything else? No? If that's not the case, then, as I said, we'll sign that joint statement tomorrow. This is one piece of information. The other piece of information is about tomorrow's plan for us.

We have a -- ICANN61. We have the auction proceeds CCWG meeting. We have the -- in parallel, partially in parallel, the cross-community session. I'm not sure whether my colors are right.

(Speaker off microphone.)

So, to cut a long story short, we have a session, a GAC session, foreseen in number 37 on WHOIS/RDS GDPR drafting in the case that something would pop up tomorrow in that General Data Protection Regulation section. But, given that we've agreed on advice, I don't think that tomorrow something will happen that will make us want to change what we adopted today. So is that

understanding correct? I see people nodding. So we don't need that session for the communique. And we don't need -- and this is the other thing that we have in our program. We don't need the tentative slot reserved during the public forum for the communique drafting, because we adopted it today.

So that, basically, means that we have no GAC session tomorrow. Silo session. There are cross-community sessions. There are other sessions. But the GAC itself does not meet. Am I correct? Could I get clearance from support staff and whoever that I'm not getting something wrong here?

Okay. Thumbs up. So that means -- this is it for the official GAC session.

Yes, Kavouss.

KAVOUSS ARASTEH:

Yes, I have one totally non-controversial issue to add to the communique. If you don't want to add it, at least I want to express it on my own behalf.

I express my sincere appreciation to the outgoing vice chairs for the services, devotions, and enthusiasm they have spent during the time that this was not included. And it is good to mention that in order to be quite fair with everybody. If it is included, so far so good. If it is not, please include that. Thank you.

CHAIR SCHNEIDER: Thank you Kavouss. We have thanked to Mark, because he is the only outgoing vice chair who is at the same time not an incoming vice chair, I.e., all the others will remain. So I think the practice has been done. So Mark, as the only outgoing vice chair is -- or should be -- maybe we double-check. But Tom confirms this is done.

So thank you. Thank you for this. So this is done. So that means, as I said, this is the end of this GAC meeting. We will meet tomorrow in various cross-community and other sessions.

And then on Friday morning there's the new leadership team and the old leadership team that we meet with -- to prepare the follow-up. That's it. So yeah. Let me thank you again for a very constructive communique drafting.

And, as I said, wish you all the best. And, in particular, let me tell Manal that I'm really happy that the GAC is in your hands. And I'm very convinced that you will do an excellent job. I've learned to know you for quite some years. And I think you have all the ingredients that are needed to guide this group and to build bridges within the GAC but also with the other constituencies. And just to tell you that you can count on my continued support whenever there is something you'd like to know, then I'm available. But I'm fairly confident that fairly soon you won't

need my support any more and that you'll do an excellent job.
So all the best for your continuation. Thank you.

MANAL ISMAIL: Thank you, Thomas. And thanks for the commitment for a smooth handover, which you have already been doing right now. I mean, you've been telling me everything since the very beginning of this meeting, which I truly appreciate. Thank you. Thanks.

CHAIR SCHNEIDER: Thank you. And, of course, I would like to thank our interpreters that also had a very intense exercise --

[Applause]

-- following us, trying to make sense of what we say. Thank you. And all the technical staff and whoever I forgot to thank, you're thanked. So this is it.

[Applause]

Yeah. Tom is available for drinks, he said.

TOM DALE: Maybe after -- maybe before the proofreading rather than after.

CHAIR SCHNEIDER: Okay. There's a proofreading we need to do. Okay. Have fun.
 Thank you, bye-bye.

[END OF TRANSCRIPTION]