
PANAMA – GAC: Communique Review
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MANAL ISMAIL, GAC CHAIR: So welcome back everyone. If can you start taking your seats, we will be starting in a minute, thank you. So welcome back everyone. This is GAC session on agenda Item 12 regarding the communique review. It was originally scheduled for 30 minutes. Unfortunately I think we have about 20 minutes now before our joint meeting with the CCNSO. So if you can please take your seats. And Tom over to you for the communique.

TOM DALE: Thank you Manal good afternoon everybody. The at this point it would appear that the three main elements of potential GAC advice to the board to the communique for this meeting will be on three topics. One is GDPR in some form or shape. Yet to be determined. Secondly, is potentially the issue of two character code at the second level. And thirdly, the issue of IGO protections, which you may recall was the subject of some significant GAC the communique, will as usual, have material of factual nature in it. Those are at this stage appear to be area where members have flagged the importance of some types of advice from GAC to the board.

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My understanding of the status of those three items at the moment is in relation to IGO protection some work is going on possible takes involving offices of YPOL and a number of other delegates and members of (indiscernible) that is in hand. In relation to character code and in relation to GDPR issues because there are many of them, at the moment, there is no responsibility assigned within the GAC that I am aware of for preparing possible takes on communique so that's where we are at the moment. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Tom. As Tom mentioned the aim of the session is to start our communique exercise. First of all, identify what should be reflected in communique. First of all, we need to confirm those three issues. We need to check if there is anything else that needs to be reflected in the communique. And finally we need to assign each topic to interested GAC members to provide language for the communique. If possible by tonight. Kavous please.

KAVOUS ARASTEH: Yes thank you Tom, thank you Manal. I ask a question whether the issue of EPDP is related to the GDPR, could be covered under that or not. The second question is that do we need a new GAC

advice or follow up action of previous GAC advice? Because in all of these issues we have some advice already.

Not to start from scratch but perhaps we should consider whether we should take it as a follow up actions in the following course of work. Those that we expect some actions like the two characters. And those that we need to just continuation of action with respect those advice that were not yet treated, replied. And so on.

This is the issue, I think it might be more simpler to have follow up action other than starting a new text, new wording. So on and so forth. Because Jack has spent time in previous meeting to maintain those languages as it is. And then we talk about this follow up action. This is a question, Manal I raise to you, and distinguished colleagues. We did that and it worked well. Starting a new round of discussion and new round of pros and cons and all of these other eventually happening. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Kavous and to your first point I am assuming that yes the EPDP would fall within the scope of the GDPR in general. So when we say GDPR, we meant to cover anything that has to do with EPDP with the temporary specification and with the accreditation model as well.

In response to your second question then yeah, I mean definitely when we formulate GAC advice here we need to be guided by discussions and developments that took place here as well as our previous GAC advice to the board as well. So yeah, I am looking to GAC colleagues to see how they would like to structure our GAC advice here. I mean we can defer to certain elements but I mean there are also some developments that happen here and maybe weigh in views on unified access model. This was not out in San Juan, so this maybe a new part that we need to weigh in views. Kavous please.

KAVOUS ARASTEH: I agree with you, follow up doesn't mean any new. This is live discussion and it would be good in one or other type of language. The more to be mentioned or emphasis. I fully agree with you. Thank you.

MANAL ISMAIL, GAC CHAIR: Perfect. Thank you Kavous. Again let's take them one by one. Any other topics to be reflected in the communique other than IGO, GDPR and two character codes.

KAVOUS ARASTEH: A question that I raised briefly yesterday. And that stems from discussion in last physical meeting of CCWG2 was as very briefly

mentioned and perhaps in the statement of the culture. It was some suggestion that the organization that this meeting, sign up for these issues and as I would say representatives or members of the CCWG2, GAC would be difficult to decide at this meeting. There are about 100 recommendations. And also the GAC colleagues need to consider them carefully and yesterday I suggested that perhaps we should take maybe topic by topic. And for some topic we may not have major problems.

For some other topic we may have to mention something. I would say for instance those that mentioned something is jurisdiction group, subgroup. Framework of interpretation of human rights. And SO/AC accountability. This does not mean that the other issues are not important but other issues may not have difficult with respect to diversity and so on and so forth. There was an issue with respect to ombudsman. The issue was discussed in CCWG and the recommendations were reworded or slightly modified, and I agree there. This is why I suggest, perhaps they should at least mention one way or other that we will consider this matter but we need time to reflect on the issue. Because after this charter organization expressed their views it goes to ICANN Board for final considerations and so on.

At this, many people may not (indiscernible) of the issues. They may express some preliminary views but not signing up. And I mention that GAC because of the situation it will be more

practical to decide when GAC is in session rather than between the two GAC meetings. It may be some difficulty. Otherwise you have the (indiscernible) or virtual meeting. Some people may not participate. It will be good that we discuss that similar what we did in work one. Twelve recommendations and only comments on two comments. The remaining didn't have to say we have no comment or agree with them. This is just to trigger the discussions thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Kavous and definitely an important topic. My question to you would be is this something reflected for the communique for the info or do we have concrete ask to the board? And just a couple of comments and I will give you back the floor. We have a session on Thursday with one of the co chairs of the CCWG2 and get briefed on what took place here in Panama. But again I have to say this session is taking place after the communique because we didn't foresee something that is coming out as this is a simple brief to the GAC.

And afterwards and in response to what Brazil suggested we will have session for GAC coordination and how we like to proceed. So in light of all this I again repeat my question to you, whether you like to see this for input somewhere in the communique or do we have a concrete ask to the board? Please go ahead.

KAVOUS ARASTEH:

I don't think we need to put it to advice to the boards because we don't advice anything. Communique you were discussing when you are responsible for the communique has many elements, views or communication from GAC to the board we should mention that we have discussed this matter and so on and so forth. Just for your information I have been actively participating in four of these nine groups. Unfortunately I won't be here on Thursday with you. I have to leave because of some other engagement. Doesn't mean you could do whatever you want. But if I could at least share with my not concerns my information with respect to you participating it would be good to put them in one or two part of communique. Thank you.

MANAL ISMAIL, GAC CHAIR: If you have proposed language that we could discuss for the informational part please shares with Tom and GAC colleagues. Now for the drafting, we already have volunteers for the IGOs part and we need to know who will be drafting for the two character code. GAC advice to the board. If there are any yes Kavous please.

KAVOUS ARASTEH: I have not consulted with Brazil but discussed with Brazil and India. Perhaps if our colleague from Brazil could kindly agree to take action to two character without consulting them, just a suggestions that they may accept or not accept. With Brazil and perhaps also we said if we have the meeting with the board Brazil would concerns of those countries. Have material of the matter. Perhaps maybe Austin. Taking the lead to prepare something. Yeah thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Kavous. Is it okay or do you need some time?

BRAZIL: I must confess I wasn't following closely the discussion.

MANAL ISMAIL, GAC CHAIR: You are being volunteered for the two character code.

BRAZIL: Brazil is always open to discuss matters of concern with GAC members.

MANAL ISMAIL, GAC CHAIR: Yes I mean. If concern GAC members can get together and try formulate some language this would be great. Indonesia go ahead.

INDONESIA: As was mentioned, I had discussion with my colleagues from India. I think he will be more than happy to prepare, from my point of view, India has many similarities with Indonesia for example, many tribes, many people, many religions. If you say ID say Indonesia. IM is him. And so on. And so this, the two code is actually just two characters but it may represent a country global and also nationally will be quite important for countries like which has various cultures, beliefs, whatever.

MANAL ISMAIL, GAC CHAIR: Thank you Indonesia. Yeah I can see India also nodding. So we can count on India and Indonesia. Iran if you like to lend a hand? Brazil if you like? In light of discussions with the board maybe by the end of the meeting with the board we can formulate so yeah Kavous briefly because we have four minutes before our meeting with the

KAVOUS ARASTEH: I think many distinguished colleagues have commented. Maybe we leave it to them to find out together to have some sort of

coffee, tea or water at the corner and perhaps do something like that. The situations that they have contributed positively on the matter. Put together and talk together in order to at least accelerate some preliminary draft. Thank you.

MANAL ISMAIL, GAC CHAIR: Sorry was this for the GDPR? So yeah for GDPR we need also to identify GAC interested members who would volunteer to draft language for the communique?

EUROPEAN COMMISSION: You look at us, European Commission would be interested yes.

MANAL ISMAIL, GAC CHAIR: Okay I can see European Commission and the US I am sorry Switzerland. Okay. We don't have to name countries now but at least interested GAC members get together and try to send draft language for the communique to Tom, cc the whole GAC list. So any comments incorporated. Kavous you have the last word.

KAVOUS ARASTEH: I think as you mentioned because EPDP would be part of that perhaps we should take into account what we discussed yesterday and this morning that GAC has fundamental interest on EPDP and then I think there are sufficient expertise from all

aspects as Michele Neylon mentioned. Very familiar with the fundamental legal issues they could participate. I am not pointing to a particular group of person. European Commission has several background issues. They should be included in that important that we mention we want to actively participate. And want to contribute to that and we want to be if there is a membership you want to be member of that.

And we want to have as it was mentioned by Keith this morning not identical but cozy similar to what we had in ICG. Combination of the issues and I mentioned this morning that in addition to those colleagues so on and so forth because of the expertise sometimes may be invited to that one. And yesterday (indiscernible) mentioned that it might be some areas that the legal views are required and he mentioned that if such a thing happened it would be maybe necessary to go to the diversity, having more than one entity or one law firm. And I also mentioned that it may be good to have that diversity. That these two law firms would not be from the same continent or same country. Thank you.

MANAL ISMAIL, GAC CHAIR: So again please this is an open request for all concerned and interested GAC members to convene together at your earliest possible. We will be finalizing the communique tomorrow

basically. So we need this as early as possible. So thank you everyone and thank you for your cooperation. This concludes our review of the GAC communique for now. I can see CCNSO colleagues in the room. We will start immediately with the following session. Thank you.

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