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ICANN72 | Virtual Annual General Meeting - GAC ICANN72 Communique Drafting (2 of 5)  
Wednesday, October 27, 2021 - 14:30 to 16:00 PDT

GULTEN TEPE: Manal, may I leave the floor directly to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden, and welcome back everyone. I hope we already have everyone back in the room. And I do apologize for asking you to use the break to enhance the communique language. If we can have the communique on the screen. Thank you. And if we can scroll down to advice part. Any new language that has been submitted? If not, let's go to the advice part. I see Kavouss' hand.

KAVOUSS ARASTEH: Yes, Manal, thank you very much, new hand. Sorry, you may not like my intervention but that is your decision. We are not going to bow down to the European Commission on the position of advice. In my view this is not advice. If you foresee to advise, first of all, it should not be GAC consensus advice, because I strongly object to that. According to [indiscernible] it would not be GAC advice. But in order to reach that point you need to go through the whole thing to see who is in favor, who is against and who are

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abstention. If the abstention exceeding the number supporting or opposing, that will not go further, will be dropped. I suggest that we convert that to [indiscernible] communication, -- if you want it to be advice, we should have voting. Otherwise, simply convert that to comments, views, communication, important issues for GAC, and so on, so forth. I'm very sorry, please don't be bothered, I am not going to grieve you at all. But please consider that the government will not bow down to a particular group of countries --

[ overlapping speakers ]

MANAL ISMAIL, GAC CHAIR: I don't mind your intervention, by the way, I respect your views, but we have -- and you always talk about the tone of our communique and how to be constructive and how to choose our words.

KAVOUSS ARASTEH: Please do not categorize me as not constructive. It is not GAC consensus advice because I oppose. Do you agree with that or not?

MANAL ISMAIL, GAC CHAIR: I need to explain my opinion as well, Kavouss. Two parts. The tone, which I do not accept, and the content which is subject to

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discussion. I'm happy to discuss the advice and if consensus not achieved, we will see how to handle it. So far, we're starting, we haven't had except one reading of one section, and we still have four sessions to go. And normally we don't vote, we strive to reach consensus. If there is you know objection, we will handle the objection. So far we are still discussing.

KAVOUSS ARASTEH: I formally suggest that this is not GAC advice. This is formal.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, but the advice not yet there, we are still discussing. So once the advice is final, if you don't agree with the advice we will take it from there. For now, the text is still under discussions. So we cannot conclude without concluding the text. But thank you for flagging this for everyone's attention, and now let's go to the advice. I see -- and thanks to everyone for working during the break, reading the new advice. -- undertake as matter of priority the follow-up actions within its remit needed to support the swift implementation of the final SSR2 review team report and to inform the community about the corresponding timeline. Yes, Kavouss, please go ahead.

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KAVOUSS ARASTEH: Distinguished Chairlady, Mrs. Manal Ismail, you should not have any position. To say you agree or don't agree, the people at the meeting should -- but not the Chair. I'm sorry, the Chair shouldn't have a position --

MANAL ISMAIL, GAC CHAIR: Not with the tone, Kavouss. I never share a view on the substance. I facilitate the discussion of the members. But when it comes to respecting each other, I have to interfere, and I can disagree with the tone. And that is why I said two things in your intervention, the tone and the substance. The substance I have said, it's up to the discussion when we finish, we will definitely consider your views. But it's a bit early. As for the tone, I said I did disagree with the tone, and I hope when you give it a second thought, you would appreciate my disagreement. Any comments on the new language that is on the screen? Kavouss, I believe this is a new hand?

KAVOUSS ARASTEH: Thank you very much, I don't have difficulty with the language, but it is not advice, it is normal communication, not advice, undertake as a matter of priority the follow-up action within its remit -- good -- needed to support the swift implementation of the final SSR2 review team report and to inform the community about the corresponding timeline. I don't think you should talk about

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inform the community. Inform GAC. We are not a spokesman of the community, we are a spokesman of GAC and -- and notify the GAC about the corresponding timeline, not the community, we are not a spokesman of the community.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. I think this makes sense so we can say inform the GAC or make available to the community, but if using inform, I agree it's better to say inform the GAC. So I'm reading it again: Undertake as a matter of priority the follow-up actions within its remit. Needed to support the swift implementation of the final SSR2 review team report and to inform the GAC about the corresponding timeline. Are we asking here for -- is this meant to provide further information to the GAC regarding the implementation of the recommendations that the Board's scorecard considers as already implemented, including the corresponding timeline? Or are we asking something different here? Kavouss, new hand?

KAVOUSS ARASTEH: Distinguished Chair, I let you continue and then I come later that unfortunately I cannot agree that is advice, it is communication, views, and comments. Thank you, I hope you have taken that.

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MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Sometimes we advise the Board to keep us informed about a certain process.

MANAL ISMAIL, GAC CHAIR: I am trying to put something in the chat which I was trying to work on during the break: Provide further information to the GAC [reading] I can see that I haven't taken care of the timeline things to maybe -- Olivier, please, go ahead.

EUROPEAN COMMISSION: Thank you, Manal, I think your point is rather on the second advice on point B than point A, A is all the points where the Board has said more work needed, org needs to engage with the shepherds, with other members of the community to assess further the recommendation and decide on the next steps. For us it's really important because there are so many of them and they consider so many important recommendations that it seems very important to have a proper follow-up and a proper reporting about all these pending actions. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olivier. Indeed, I confused both and took a wrong paste from the document I was working on. Here is my initial trial to find a compromise between the initial language and what Kavouss mentioned to try to be -- to the point and use

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simple language. It reads: Establish a channel to keep the GAC -- and again, debatable which we would like to include other parts of the community or as Kavouss mentioned, we should be speaking only on behalf of the GAC -- well, informed on actions in the scorecard in the final SSR2 review team, including a timeline, of course, if this is missing. And I see your hand is up and then down, Olivier, are you seeking the floor? And Kavouss?

IRAN: Thank you, Manal, I suggest number one we say GAC views on board scorecard to SSR2. GAC views on Board scorecard or GAC comments on board scorecard to SSR2 report. I have no problem if you put that, but the title shouldn't be advice. Thank you.

MANAL ISMAIL, GAC CHAIR: Is this a proposal to move the text under issues of importance to the GAC? I mean, this is the advice section. So if this is not advice, it has to be moved elsewhere.

IRAN: Yes, agree on the text that would remove it later on. It is not advice. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. I see Nigel in the chat agreeing to keep it go under advice. I assume European Commission as well. I see Jorge's hands is up and then Nigel.

Jorge, go ahead.

SWITZERLAND: Thank you so much Manal. And just wanted to comment on how I understand this wording. I think that it has different elements. The first element is really to ask the Board to take action so that the implementation of what the Board can do about supporting the implementation is really a matter of priority for the Board, so we are asking them that.

And secondly, we are asking them to inform the GAC and, in my understanding, that would include the community because we don't use closed channels, we use open champions of communication. And thirdly, we are asking them to provide us with a timeline. So it is really three things we are asking. At least in my reading of this new text.

And regarding the characterization of this, at least when we are asking the Board in such a hopefully clear fashion to do something, normally this has the character of an advice. So I



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would be curious to know why this is not an advice and beyond opinions, I would really welcome rash rationale --

MANAL ISMAIL, GAC CHAIR: Thank you, Jorge, very helpful, and indeed this is the way the Board parses the GAC advice. It breaks it down. And I'm wondering whether it would be helpful to do the same and break it down into three -- because I'm not saying that the Board will not follow the GAC advice. But if they decide not to follow one piece, they should be able to accept the rest. So if it is easier to break them into implementable chunks, maybe we can do so. Nigel, please. Sorry to keep you waiting.

NIGEL HICKSON: Thank you very much, Manal, and no problem at all. Good evening. As we have said in the chat, we take the view that this is advice to the Board. I mean, whether it's acceptable advice to the Board is of course another matter, and Kavouss is quite right in that if he or others think it's not right, then obviously its place has to go somewhere else, presumably into the section that we had above in terms of considerations we have made.

But in our view, this is new advice. We're picking up specific actions from the discussions we have had in relation to the SSR2 and we're giving advice, I agree with Jorge, we need to break it down, perhaps make it clearer, but in our view perhaps by doing

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that we can end up with something that is acceptable to everyone because we think this is important. Thank you

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. I see Kavouss' hand up.

IRAN: Distinguished Chair, people joining us in [indiscernible] should be aware that advice with capital A is a very high level of action. It doesn't go to any public comments. Highest level of importance. It is not a recommendation of GNSO or others that go to one or two or sometimes more than two public comments and so on, so forth. We should be careful categorizing everything as advice would decrease the importance of that.

The people say even the GAC was to drink water, put GAC advice to the Board. No. Let's keep advice to the most highest important level. This is a reminder. It's not advice, this is a reminder to follow up action. Read the text. Undertake as a matter of priority or agency the follow-up action. It seems follow-up might be some sort of previous advice. So it is not a new advice. We have told this many, many times. So please kindly, do not consider me as objecting anything. I have always been grown-up with logic, with rationale. I have never accepted something which I don't believe. This is not advice. This is a follow-up action. Perhaps to call them follow up actions but not advice.

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MANAL ISMAIL, GAC CHAIR: So I stand to be corrected. Have we provided advice on SSR2 report before? I think this is the first time we provide advice since the report was issued, right? But again, I stand to be corrected.

IRAN: I don't know whether Jorge pushes to be an advice or Nigel, but I don't think it's advice. I'm very sorry, go to the text. Clear the text, we come back to the title afterwards. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, and I was just trying to make a point that we could not put it up follow-up because we have not provided advice on the report before. But thank you. James.

NIGERIA: Thank you very much, Manal. I just want to let us look at the semantics of these words and now the effect of what we're putting in there. Now, if you want to say view, views semantically does not come with any actionable point, and in the same manner, if you look at comments, comments do not come with actionable points, so it's the same. But if it's a piece of advice, it comes with some actionable point. So if we look at the comment now, it says on that as a matter of priority the follow-up action. So without even going further, we can actually see that there are activities involved. So in a way, advice is more semantically

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appropriate in this context. If you put view, it's the just a matter of perspective and it doesn't come with action. [indiscernible] so that is the way I see it. Thank you, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigeria, noted, and we will leave it to for you. Just wondering whether we can replace the follow-up actions by follow-up actions without the -- are we talking about specific follow-up actions or just advising the Board to undertake follow-up actions? So I'm wondering about the article D. I see Susan's hand up, please, go ahead.

UNITED STATES: Thank you, Manal, and hello colleagues. I'm just hoping to offer maybe a few questions to help clarify and help us advance here. I think that Jorge's suggestion of identifying -- if I look back in the chat -- if we wish to advise the Board to undertake action as a priority to inform the GAC and then to offer a timeline, something that I'm presently struggling with in the text that has been suggested is identification of the actions that we want the Board to move on. So if it's possible for the proponents of the text to help further clarify -- and I have added a comment on the second suggestion on advice on this issue, I think it would help advance the discussion and help hone us in a little bit more. Thanks.

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MANAL ISMAIL, GAC CHAIR: Thank you, Susan. I see Velimira's hand up, please, go ahead --

VELIMIRA GRAU: Thank you Manal and Susan for the intervention. When I was working actually on your comment, I have taken part of the rationale that was under the second piece for of what we call for now advice. And I'm afraid your comment disappeared together with it. So I don't know whether the amendment you made was responding to your question, but if not, I'm afraid I will need your help to have again your comment, because I have deleted it by mistake and could not retrieve it afterwards. But possibly you can first have a look into the text as it stands now and see whether this is clear and if I understand correctly, this refers to the second advice. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira. Yes, Susan. Go ahead.

UNITED STATES: I apologize for not understanding, but would it be possible for Velimira to explain to help clarify the difference between the ask in part A of what is proposed in the advice and part B? While I do have some understanding that there is a difference between the shepherds of the SSR2, the action that the shepherds take, rather, and follow up by the Board. Perhaps if you are able to explain the

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difference between the two asks, that would help clarify, thank you.

MANAL ISMAIL, GAC CHAIR: Velimira, go ahead.

VELIMIRA GRAU: Sorry, Manal, I realized I have not raised my hands. So to clarify on Susan's question, so basically in advice, as Olivier mentioned, we are asking for a number of points that I see Jorge has put in the chat and some points which is really about follow-up action on each of the restrictions that the Board gives to different parts of the community and asking that clear follow-up action in process is made clear to the GAC and the community and asking for doing this according to a given timeline which is, for the time being, missing in the Board's resolution. And corresponding scorecard.

When it comes to the second point, the accent here was much more put on the different interpretations when it comes to some recommendations. So basically there were a few recommendations in scorecard where there were recommendations put forward by the SSR2 review team, saying that the action was needed there and providing some suggestions of how to proceed. Whereas the Board was saying in the scorecard that in their view this recommendation has been

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implemented. And then from the perspective we find that this is quite some gap, because we don't see why the interpretation is so different from the SSR2 review team and correspondingly the shepherds and then the Board on the other hand and therefore the second advice is much more focused to suggest to the Board to work on this particular issue of clarifying the understanding, basically, around in recommendations where the interpretation of fair needed implementation seems to be different.

I hope this clarifies the difference between the vote and why the first is more global level and the second more focused on a few recommendations but where we believe it's worth clarifying because this would give further insight into what are actually the recommendations and corresponding actions problem prioritized by the Board and the community. Thank you, Manal. I give the floor back to you.

MANAL ISMAIL, GAC CHAIR: Thank you Velimira. Yeah, indeed this WSIS my understanding. So B is focused on things the Board already said they are already implemented, whereas -- so they don't belong to the follow-up actions mentioned in advice section A.

If I may ask, do we know the result of the Board discussions with the shepherds, meaning that did the shepherds agree to the

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Board's interpretation that those recommendations are already implemented? Velimira, please.

VELIMIRA GRAU:

According to exchanges that we have had, it was not so much clear where there is this different interpretation. Of course there is nothing which is public in this domain so I will not be able to put in the chat a resource or something, but indeed, we have tried and sought clarification on this question before proposing the second piece of the advice. This is what ICANN offered as response. We know there is also the so-called caucus group and work going on but what we understand this is for the time being very high level and nothing specific foreseen and especially not in relation to these recommendations were there are some contradictions. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira. And I was asking because if the shepherds are in agreement with the Board, then the advice doesn't make sense. But if they don't agree with the Board's interpretation, then the advice is in place.

Anyway, let's try to dig further information, if available, and proceed accordingly. So shall we move to the next piece of advice? I'm reading --



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IRAN: Excuse me, my hand raised since ten minutes ago.

MANAL ISMAIL, GAC CHAIR: Sorry, Kavouss, it was not taken down, so I assumed it was old hand, apologies.

IRAN: Don't need apology. I suggest the following title on A. Please go back to A. I suggest the following title. Board's action relating to its scorecard on SSR2 report. That's all.

MANAL ISMAIL, GAC CHAIR: I'm sorry, where do you want us to put this.

IRAN: This is the title. A new title, alternative title.

MANAL ISMAIL, GAC CHAIR: We're not looking for an alternative title. If it is not GAC advice, it should disappear from this section and be moved to another section.

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IRAN: No problem. I put it. You don't take it. I said Board's actions relating to -- if you don't want to take it, don't take it but this is what I suggest.

MANAL ISMAIL, GAC CHAIR: I'm trying to understand. Is it going to be GAC advice on board's action relating to its scorecard on SSR2 report?

IRAN: It is the title I suggest.

MANAL ISMAIL, GAC CHAIR: This won't solve the problem. I mean, changing the head be, the subheading -- the GAC is called GAC consensus advice. So no matter what we call number 1, it's still going to be advice.

IRAN: No, it's not advice, it goes to important issue for GAC. It's not advice anymore.

MANAL ISMAIL, GAC CHAIR: Okay. Thank you. So this is exactly my point. If it's not advice, it's going to be moved from here to the issues of importance to the GAC. So we don't need to solve the problem through the title. So again, -- Velimira, a new hand?

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VELIMIRA GRAU: My apologies, Chair, no, it was an old hand.

MANAL ISMAIL, GAC CHAIR: Okay. And Kavouss, I'm assuming also this is an old hand. Okay. Great. So let's read B and we will make a third iteration, I'm sure, but we will not finish in one reading so let's keep it until we reach the consensus we're seeking.

So this one now reads: The GAC advises the Board to provide a detailed rationale and assessment on those recommendations which the SSR2 report called for implementation of Board, and where the Board have considered to be implemented. Work with the SSR2 shepherds with a view to developing shared views on the level of implementation of the SSR2 recommendations, especially those that the Board's scorecard considers as already implemented

I think we need rewording here. And I see Nigel's hand up first.

UNITED KINGDOM: Yes, thank you very much, Manal. Yes, I am the guilty party, I was trying to in light of the discussion on the rationale, which I think Velimira clarified substantially, I was trying to propose alternative text to the one we had to clarify what we are asking the Board to

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do. So perhaps we could come back to this exact text and ask for comments on it, I hadn't quite finished it, so I do apologize.

MANAL ISMAIL, GAC CHAIR: It's okay. So this is the text under editing now, so we can revisit later. Can we go to C maybe? The GAC advises the Board to plain how ICANN ensures effective monitoring, compliance, and improvements of contractual provisions with the purpose of tackling DNS abuse. And two, the GAC advises the Board to offer a rationale for the rejection of recommendations 14 and 15 of the SSR2 report.

And three, the GAC advises the Board to consider and inform on available ways and means to better make sure of current contractual provisions forward to incentivize and -- I see Kavouss' hand up. Assuming Nigel an old hand, but meanwhile I'm needing to offer a rationale for rejection of -- doesn't the table already include the scorecard? I thought the scorecard already includes a rationale for anything that has been rejected. But I stand to be corrected, and I will give the floor to Kavouss first.

IRAN: Thank you. I'm sorry, I don't understand the term explain. We are not boss of the Board to explain to us something. We could ask them to provide information but not to explain. They are not our subordinates so we can't do that. We could request the board to

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provide information related to effective monitoring. No one could ensure, ensure or assurance very strong words. No one could ensure that. This is the naivete of the people asking the word to ensure. No one could ensure anything.

Ensure is something with 100 percent of perfection. There is no such insurance. Maybe to ensure to the extent practical, maybe endeavor to ensure but cannot ensure that. So explain should be replaced -- to provide information, how it could effectively monitor the compliance, to inform how they could see effectively monitor the compliance. That is the language we could use. I don't know whether someone put it on the Board or --

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Let me try to take into account your suggestion. So your suggesting something along these lines: The GAC advises the Board to provide information on how ICANN --

IRAN: Effectively monitor -- how ICANN effectively monitor compliance and so on, so forth.

MANAL ISMAIL, GAC CHAIR: Okay.

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IRAN: And again, in my view, it's not GAC advice but if you insist it's advice, I object to that, it should not be consensus advice, it would be normal advice. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, and we're speaking to point number 1 now. Any comments on 1 as edited on the screen, please, Nigel. And Nigel, if you are speaking we cannot hear you.

UNITED KINGDOM: Sorry, I had meant to lower my hand.

MANAL ISMAIL, GAC CHAIR: It's okay. To going to number 2, I had a question and obviously Susan had the same question as well. We are asking if a rationale for the rejection of recommendations 14 and 15, and my understanding is that the scorecard includes all the rationale behind all the Board actions, whether rejections or pending or whatever. And I see Velimira's hand up. Please go ahead.

VELIMIRA GRAU: Yes. Thank you Manal. Indeed, I find it, points 14 and 15 makes sense because now we have changed the wording, it's a bit of a repetition of the scorecard -- wording -- I would suggest for the time being we take this out and possibly come back again to the

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text. Or if we find better wording, I would come back to it so that as it reads now, it seems like a repetition because it's obvious the scorecard provides the rationale and 14 and 15, even we would not agree on all the points why this can be rejected, the rationale is there. So indeed, let's remove this part. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira. So let's delete number 2. And if there is a concrete ask, I think it would be on the rationale and not on the recommendation itself. I think Fabien, you deleted 2 and 3. Yes. Thank you.

So 3 reads: The GAC advises the Board to consider and inform on available ways and means to better make use of current contractual provisions in order to incentivize and enforce responsible measures to prevent and combat DNS abuse. Any comments? I see Velimira and Kavouss. Are these new hands? Thank you.

IRAN: It's a new hand. Distinguished Mrs. Manal Ismail, I request of you why is GAC seeking and looking for confrontation with the Board always? Why not we get something to the friendship approach rather than confrontation? So explain, to say why you do this, why you do that, so on, so forth? What is the reason? Number one.

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Number two, for this number one and number three, which is not bad, consider, not a strong word. Why do we need such a long rationale? I think someone has good command of English language and put many things that he or she wants. But we don't agree with such a lengthy text of rationale. Rationale should be consistent with respect to text and should be proportional with the language of the text. We don't need rationale, so on, so forth, this is my request.

MANAL ISMAIL, GAC CHAIR: Thank you.

IRAN: I'm sorry, when I tell you thank you, that means my intervention finished. Once again, I have no problem you put advice but don't put it consensus advice but with the softened words, reduction of the rationale to the minimum necessary. If you read or take ten pages of rationale, that doesn't add anything to the text. Nobody reads that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. And it likes like you are ahead of us. We haven't read the rationale yet, but I fully agree to trying to be concise and avoid lengthy text. But I cannot help offering because we haven't read the rationale yet. But if colleagues can



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help shortening the text or reducing the text and still keeping the messages and the information inside, it will be very helpful.

I take this as agreement to number 2? And we can then -- and I see Velimira agreeing to shortening also. Thank you very much. So let's do one more reading of the GAC advice. With the rationale this time. Maybe we can try to finalize the text. If we can go to advice A again, please. Sorry.

And if there are any suggestions that we approach the thing better, please let me know, I'm just trying to reiterate and the GAC advice is the most sensitive part of the communique, that is why we're devoting more time to this part and I fully understand it's difficult to agree to the language from a first reading and why we keep iterating but if there is a better approach, please let me know. Luisa, please.

LUISA PAEZ:

Thank you. Luisa Paez from Canada. Challenging time zones and perhaps in the interest of time, as you suggested, Manal, and I think Velimira from the European Commission has agreed to perhaps shortening the text. I was thinking that it could be a good idea to perhaps either have those GAC members that are interested in shortening the text or perhaps have the European Commission take some time, perhaps ten minutes or 15 minutes and perhaps we could benefit from going to the next piece of

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advice. This would also give us a little bit more time to digest as well the rationale. But again, just thinking out loud here. But of course Manal, happy to follow your lead. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Luisa. Do we have any further advice? I thought it's only these three pieces of advice on SSR2. Apologies if we do. Sorry. So indeed, we have DNS abuse, and I do apologize for not noticing, and thank you, Luisa for the heads up.

So under DNS abuse, advice reads: The GAC advises the Board to take the necessary measures to ensure that registrar level abuse reporting is added to DAAR. And the rationale, such reporting will enable a more productive anti abuse dialogue within the community and thus will hopefully contribute to an enhanced understanding of the sources of DNS abuse. And I see Nigel's hand up and then Susan.

UNITED KINGDOM: Yes, thank you very much, Manal. So I have suggested this text on the back of the text that we looked at earlier in relation to DNS abuse, the text in the other section. And I'm just wondering, given the discussions that took place over the last couple of weeks, -- in the ALAC session that happened last week and on the Friday Board session with those experts, notably in both of these sessions this was raised as if you like a quick -- as low hanging

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fruit, something that should perhaps have been implemented a long time ago but hadn't been, something that was largely non-controversial, something which I understand is already done on the [indiscernible] basis in some areas, so this would seem to be something that should be implemented. As soon as it could be. Thank you, Manal. I mean, others will have views, and as I say, it's just a suggestion.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. So one comment on the word -- the necessary measures. So if we know exact measures, then we can keep -- the -- if not, then maybe to take necessary measures without the article. But I'm wondering whether the Board alone can ensure. I mean, what -- and excuse my ignorance here but what -- what if the resistance coming from the registrars' side, Susan, please.

UNITED STATES: Thank you, Chair. It's not understanding that the community has already or on the precipice of actually effectuating this improvement, so based upon the outreach -- both the outreach session information that was shared in some of the PSWG calls -- I believe this is already happening. I think it's a neat idea to a neat suggestion maybe to add it to the advice section, but I don't think it's necessary because it's already happening. And so I may suggest that we remove it. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. I have Kavouss next. So any objections to deleting this from the advice section?

IRAN: I don't have any difficulty to delete that. But the current text means that we are sure that this registrar level abuse reporting is not added to that, are we sure it's not added? Or it's being added, instilling in the process? If we're not sure, it's better not to raise it. Having said that, I think the DNS abuse is an important issue and the rationale too light. Therefore I don't believe whether the previous whether advice or not advice, we need 20 lines of rationale, short, concise, precise, and understandable. So first what have of these actions already been taken. Can someone be sure no action being taken, then I agree we don't need to say these necessary measures. We say take necessary measures, [indiscernible] action to investigate whether the registrar level abuse reporting is added. Put a question rather than saying that it's not added.

So I support what Susan said. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan and Kavouss. Nigel, any objection to deleting the advice?

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UNITED KINGDOM: No, no, of course. If it's being affected already. I was under the understanding it wasn't, but I may well be wrong. So perhaps we can look into this and return to it tomorrow or whatever. But clearly, if it's a measure already been undertaken then it doesn't fit here in the advice section, I agree.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, for your flexibility. So unless between tonight and tomorrow we are able to have complete information that this is not already taking place and the reason why it is not, then let's delete this. And if we have the needed information, we can insert it back if we're solid about it. But for now, I agree with everyone, let's delete it.

Anything else that we haven't read before? I see follow up on previous GAC advice. So under follow up on previous GAC advice, we have Montreal communique, domain name registration directory service and data protection. And it reads: In response to the GAC's advice in its Montreal communique, the GAC appreciates the work that ICANN compliance has done to create a specific process to address complaints regarding failure to respond to and unreasonable denial of requests for non-public domain name registration data and publish reports on compliance with the current policy as part of their regular monthly reporting. The Board also accepted the GAC's advice to

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one, educate key stakeholder groups, including governments, that there is a process to request non-public data. And two, actively making available links to registrar and registry information and points of contact on this topic. Further, the Board agreed to, number, three, collaborate with the registry and registrar stakeholder groups to develop a voluntary standard request form that can be used by stakeholders to request access based upon the current consensus policy and actively making that request form available.

The GAC would welcome the Board providing an update on these three efforts. In particular, the GAC observes that information on how to make a request for non-public data does not appear to be promptly located or easy to find on the ICANN website. The GAC also recognizes and appreciates that the contracted parties have developed guidance on the minimum required information for WHOIS data requests and notes that relevant stakeholders would also benefit from the prominent display of this information in the relevant section of ICANN's website.

So we normally have less text when we are reiterating a specific advice since the text should have been provided before in a previous advice. So if there is a quote here, we need to pull the quotation. Otherwise, I think we will need to revisit the text.

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On number 2, it's Montreal, Cancun, and Hague communiques, the EPDP Phase 1 policy implementation. And if we can scroll down a bit, please. The GAC notes its previous advice within the ICANN 66 Montreal communique and follow up within the ICANN70 and 71 communiques with regard to Phase 1 of the EPDP on gTLD registration data and the request for a detailed work plan identifying an updated realistic schedule to complete its work. The GAC observes with continued concern that the Phase 1 implementation review team (IRT) lacks a current published implementation timeline and requests updates on the anticipated timeline within 30 days.

So I'm pausing here. I have my own concerns, but I see Nigel's hand up and then Kavouss. First Nigel please, go ahead.

UNITED KINGDOM: I'm sorry, that was an old hand. So sorry.

MANAL ISMAIL, GAC CHAIR: It's okay. Kavouss, please.

IRAN: Manal, I have a serious question. Why do we go back to Montreal? Is ICANN ignoring what he said? We didn't have any follow-up action from Montreal up to now? Why we're digging out something that goes back years? What is this process? Who is

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ineffective? GAC or ICANN? Did we raise action previously in regard to Montreal, which was many years ago? Or did ICANN ignore that? I think there is a document regarding follow-up actions of follow-up advice always provided by the ICANN Board and we have raised that. Why are we going this long back and asking what happened to Montreal and so on, so forth? I think we need to modify our approach. It is not a good approach. I'm sorry, the future GAC Chair needs to be very careful not to go along with these sorts of things and saying you have not done this in San Francisco, not done that in I don't know, Denver, why? We should go back one or two years but not so many years back. So I'm asking a question. I don't know who drafted that. I really don't know. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. So I see your concern regarding the old communique. I'm also reluctant to impose a certain timeline on the Board. Again, we're not used to doing this, and I see we're anticipating a timeline within 30 days, so again, this is a concern of mine. But first I see Susan's hand up, so Susan please go ahead.

UNITED STATES: Thank you, Manal, and thank you Kavouss. I think that we will take a look at the text that we suggested to see if we could streamline it in line with your guidance. But it really is just the text was also acknowledging the work that has been done and in



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response to that advice, perhaps that isn't necessary, but it's really just asking for an update, and that is the thrust of that advice with a suggestion that is germane to the implementation of that advice. But we will take a look at it and see if we can streamline it in line with the guidance that you have provided.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. Yeah, if it is a simple update, I think we can work on it. And we can even ask for this update and if not accounted to, we can put it in the advice section. But if it is merely an update, I think we can do it outside the advice part. Because if this is a new thing also, it doesn't qualify to be under follow up on previous GAC advice. This section, we have reference of the advice that we are following up on. And when it is a mix between an old advice and new text, of new advice, it makes -- it's challenging to those who are keeping records where exactly to log this advice in the registry they keep for all advice provided to the Board.

But anyway, so let's revisit this text also and see how we can enhance. Susan, is this a new hand? Okay, it's not. So any other text that we haven't red before, starting from issues of importance to the GAC?

Okay. I see that we have covered the first reading of everything. Then let's try to finalize the advice text or make another iteration.

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Again, we have -- yes, thank you. We have the first piece of advice under SSR2 report, the GAC advises the Board to undertake as a matter of priority -- I suggest follow-up actions. I'm sorry, I asked this before and I can't recall whether there was a good reason for -- the follow-up actions. Okay, undertake as a matter of priority actions follow-up actions within its remit needed to support the swift implementation of the final SSR2 review team report and to inform the GAC about the corresponding timeline. On a second read, does this limit the informing the GAC only to the timeline? I'm talking about the language. I think we're interested will go in the follow-up action slide. Kavouss, I see your hand is up.

IRAN:

Thank you, Manal. I don't know what time it is in Egypt, but in Europe, it is about 1:00 in the morning. And [indiscernible] not painful as it is here, and Asia Pacific 6, 7, 8 in the morning. What I suggest is as follows: Sleep over what we have. Ask the proponent of this advice to look at the rationale in two angles, one, to shorten the text, two, to soften the text. Avoid terms like violation and so on, so forth, which I have seen which I don't agree. Make it more concise, succinct and precise. Then we come back that. Either we take it as GAC advice or not, but I can tell you that I do not agree with any of the advice being the consensus advice. That is what I suggest. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss, for the suggestion. Indeed, it's a late hour, but, again, unfortunately this is the time zone for our meetings this time, and we still have the whole session after the break. So one more hour today that I would like to utilize with whoever is willing and capable. We will get back to the text tomorrow, but unfortunately tomorrow we have one hour and 45 minutes for the communique on two separate sessions. So not much time unless we are in a good shape today, or at least we are in agreement on what needs to be done between today and tomorrow.

If we're good with what is needed and people need the time to do the drafting, I'm happy to give you back the time for drafting purposes, either individually or in groups, and as mentioned earlier, we can avail separate Zoom rooms for drafting teams if needed and when needed. So please remember this or be reminded of this option. Kavouss,

IRAN: Yes, Manal. I'm very sorry, sixth of June 2021, was the 50 years that are working in international activities. I don't agree with consensus by exhaustion. This is torture. Torture is like this. You do not allow the people to sleep to say whatever we want. No. We have to end the meeting. This is communique, it's not normal activities. We have to sleep over it, you can deal with any other

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issues, any other part of the communique but not the GAC advice and not the rationale. Leave it to the people, they can sit down up to 3:00, 4:00 in the morning, no one preventing them, to shorten, remove all the aggressive words, violation, so on, so forth, and then we come back and deal with the remaining part of the GAC communique, this is what I suggest. Consensus by exhaustion, I can't agree. And torture -- this is advice, it's important for signaling outside the community, so we cannot say because of the time we did whatever we should not do.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. And first of all, we're not finalizing the text now. We will tomorrow, but we're continuing to go work on it. Second, tomorrow morning is going to be a late hour for someone else, and this is the problem with the time zone for virtual meetings. So it's going to be always a painful time for someone, and I do apologize for the painful hour, but nothing in my hands. Olivier, please.

EUROPEAN COMMISSION: I wanted to support your point. I mean, as Jorge puts in the chat, time zones always tricky to someone. I think your suggestion is the right one, is that we are not going to take a decision for what is tonight for us in the European time zone, and we will decide tomorrow. But I just wanted to signal that we have gone through the text, tried to shorten, and it would be good I think that we go

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through it. And then sleep on it or spend a day on it before we decide tomorrow.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olivier. So for this session we still have 11 minutes. Maybe during the remaining 10 minutes we can agree on the action needed for each piece of advice, and during the last session, I'm in your hands if you want us to mistake one more reading of the communique, it's okay. If you want the time to draft individually, I'm in your hands if you want the time to draft in teams, we can avail the Zoom rooms. But let's benefit from the remaining ten minutes in agreeing what needs to be done, and then we can agree how to do it.

So any problem the text of advice 1 A? Which reads: The GAC advises the Board to undertake as a matter of priority follow-up actions within its remit needed to support the swift implementation of the full time SSR2 review team report and to inform the GAC accordingly including about the corresponding timeline.

Thank you for working on the language. So anything needed from the pen holders between today and tomorrow? If not, then let's scroll down, and we all agree to try to make the rationale softer in tone and shorter in size. And we will leave it for the pen holders.

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Then I'm trying to see -- yeah, the next piece of advice, thank you, Jorge for the suggestion. It made perfect sense.

The GAC advises the Board to provide with a view to developing shared views, a detailed rationale and assessment on those recommendations which the SSR2 report called for implementation of and which the Board have considered to be implemented.

I see the marked language, and I would rather seek to provide further information rather than rationale? Anyway, I'm reading yet again: To provide with a view to developing shared views, a detailed rationale and assessment. Velimira

EUROPEAN COMMISSION: Yes, thank you, Manal. I hope what I say will be clear, given the hour and especially I wanted to possibly mainly recognize what I'm saying to Nigel. Nigel, I think there was actually overlapping in our work on this advice, and I think, and I think was taken out the reworded version of the advice that we were proposing. I would tend to think that what is currently taken out fits better with the rationale and with the explanation that I have provided like an hour ago possibly, I think, to Susan on the difference between advice A and B. So as we said, of course we will read this again tomorrow, but just to say that it seems to me that what is taken out reads like more in face with what we wanted to say.

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So I wanted to ask Nigel whether he is really now finished working on this and what he would think to revert back to the -- let's say to the text so that -- which appears like rejected. Nigel, apologize for the overlap of work. I very much appreciate -- I think otherwise it would make very difficult working again and again on the rationale and also, it would not be very well, thinking we were trying to fit. Thank you

MANAL ISMAIL, GAC CHAIR: Thank you, Velimira, so I'm happy to park this until tomorrow after we hear Nigel so that you know what is needed and everyone knows what we expect by tomorrow. I'm sorry, Kavouss, I will skip your hand to Nigel, and then I will get back to you, Nigel, please go ahead.

IRAN: Nigel the floor or --

MANAL ISMAIL, GAC CHAIR: I'm asking Nigel to respond --

UNITED KINGDOM: Sorry, Kavouss, I was just trying to help. If it's clearer, then please delete the text I imposed and reinsert the text which was below which I thought was the old text which I think was not to clear, I

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agree this text it difficult. I apologize, was trying to make the language clearer but there we are. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Nigel, sorry, Kavouss to keep you waiting.

IRAN: I don't know who drafted this rationale for point B, but I suggest the following: Delete the first two and a half lines of rationale. Could something temporarily delete that? And then start the text: With respect to diverging perceptions -- with respect to diverging perspectives by the Board and the SSR2 team, the GAC is of the opinion or view, no matter, that a follow-up assessment should be carried out by the Board in close collaboration with shepherd -- I don't like the word shepherd -- we are not talking of ships or - - I don't understand shepherds, this is not an English word, no one is shepherd of others.

[reading] clarify the -- carried out by the Board -- to clarify the matter, full stop. Or to clarify the divergence. And delete the rest. We understand the divergence of view within the Board and the SSR2 team and we ask or request or advise the ICANN Board to take follow-up action to remove or to mitigate or whatever -- full stop and delete the rest.



MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Any immediate reactions to this? And thank you for the proposal Nigel, I see your hand is up. Okay, it is an old hand. So let's leave it with the proposed deletions marked between square brackets, I'm happy to conclude later if people want to digest the proposal.

And we are at the hour. Please correct me if I'm wrong, I think this is the scheduled end time. And a very well-deserved break for everyone for 30 minutes, and we will be meeting again 1630 Seattle time, 2330 UTC.

Thanks.

**[ END OF TRANSCRIPT ]**