
ICANN76 | CF – GAC Communique Drafting (1 of 6)
Monday, March 13, 2023 – 16:30 to 17:30 CUN

JULIA CHARVOLEN: Welcome everyone to the ICANN76 GAC Communiqué session on Monday, 13 March at 1600 local time. Please note that this session is -- 1630, yes, 1630 local time. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. During this session questions or comments submitted in the chat will be read aloud if put in the proper form. If you wish to speak, please raise your hand in the Zoom room. Once the session facilitator calls upon you, please unmute yourself and take the floor.

Remember to state your name and the language you will speak in case you will speak in a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. Please make sure to mute all other devices when you're speaking. You may access all available features for the session in the Zoom toolbar. With that, I will hand the floor over to our GAC vice-chair, Francis Cubahiro. Please, Francis.

FRANCIS CUBAHIRO: Thank you, Julia. Francis speaking. Good afternoon, everyone. This is the Communiqué drafting session and Fabian will then start with this session. The committee has to work and we think that with Fabian you may follow the process, the policy work, and then we will invite all GAC members to submit their contributions. So Fabian, you have the floor.

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.

FABIEN BETREMIEUX:

Fabian speaking. My name is Fabien Betremieux from the GAC support team and I will quickly remind everybody of the process. So this was discussed during the opening plenary session so I do not intend to repeat all that was said but just to situate where we are in the process and we are at that arrow here highlighted in red. This is our first day of consideration of the Communiqué of the Cancun Communiqué.

At this time, you have the link to the shared document of the draft Communiqué. You are welcome to provide input directly in the document and we will proceed during the next few sessions tomorrow and Wednesday and Thursday towards the completion of the drafting of the Communiqué and you may recall that at some point during this process, the direct contributions in the document may stop. Thank you.

And we will then move to a mode where you would add towards the end of drafting if needed you may need to communicate text to us so as support staff and at any time, please feel free to reach out to us with any text that you would like for us to assist with in terms of checking references or terminology to ensure that the text of the Communiqué is as accurate and precise and clear as possible.

Unless there are any questions on the process, I suggest we move on to looking at the Communiqué itself. Currently at the top of the document you see this timeline which is just a reminder sort of a text version of the process so we are in between those two bullets here where at this time we expect that GAC members, GAC working groups, topic leads, consider continue to identify issues to be discussed in the Communiqué as well as potential text.

And I'll note that we still do not know exactly at what time the drafting of the Communiqué will end. Once that happens, we will then enter into the 72-hour review period which will determine what will be the actual date of the Communiqué, the publication date of the Communiqué since we only proceed to publication after the review period.

As a reminder, when you provide input in the Communiqué document, make sure for everybody's information to identify yourself when you provide your edits you can do that in a comment window that pops up in the shared document and do not -- so please provide who you are or the group which you represent because sometimes the text is drafted in a group and so that gives an indication to every other GAC members and to ourselves also of who suggested any given part of the text and do not forget to hit reply it happens often because we would not see your identification in in such cases.

When it comes to the Communiqué text, I propose that we go through the structure of the Communiqué just to remind everyone of how the Communiqué is structured and what each section contains and then Francis under your chairing we can then go and look at what content we have in those sessions and try to identify whether there are pending consideration of topics or topics that are already identified that we can include in the document at this time. So I will proceed with a run through the document again to explain the structure of the Communiqué for those who may not be familiar with the GAC Communiqué.

The first section introduction generally provides identifies the meeting during which the Communiqué was drafted and discussed and drafted.

It indicates the number of members and observers attending the meeting. Then section two the inter constituency activities and community engagement section is where the Communiqué reflects the engagement that the GAC had during the meeting with other community groups and we generally as a practice list the themes that were discussed in those engagements. We generally do not go farther than describing the topics. So you can see that here for ICANN76 there will be a discussion between the GAC and the ICANN board, the GAC and ALAC, the GAC and the GNSO and you've already attended the discussion with the contracted parties house of the GNSO and in fact we have a typo that I will fix right now.

No, it's actually -- sorry my apologies, it was correct. And we also reflect the cross community discussions which were planned during the meeting and to which GAC members attended and in this case is the one entitled looking towards WSIS+20. I'm continuing down the document we're getting to the section three internal matters. In this section we generally reflect any, so we first reflect the current membership of the GAC at the time of the meeting. We reflect election results which we expect will be the case in this at this time. We then we generally along with election considerations can make it clear to the audience of the community who are the members of the GAC leadership team.

We then also have a subsection GAC working groups where each working group can report on its activities. And GAC operational matters that are different than all these topics that we've just discussed that we may reflect in this section as well. So these sections, all sections prior above the GAC working groups, so before GAC working groups we

generally as support staff provide the content which you will be invited to review through the process.

Generally, the GAC working group sections is populated by working group chairs or participants who provide the content for this section and then we move on to the section of the communiqué which as GAC member you directly draft. The first of such section is the issues of importance to the GAC which is used to reflect positions that the GAC would like to state in the communiqué. We will come back to what's already identified.

We then have the GAC consensus advice to the I can board section 5 so when there is a GAC consensus advice this is in this section which is usually structured as the text of the advice and then a rationale of the advice that explains that provides the rationale for the advice. And the final section is the follow-up on previous advice where here the purpose is to refer to previous advice generally is in the most concise way possible to avoid difficulties in understanding the follow-up on the previous advice. And we just have a final section actually which is for the reference to the next meeting.

With that, we propose maybe to identify whether there are in each of those substantive sections of the communiqué any identified topics that should be added so maybe we can start with issues of importance. Currently we have proposed text for subsequent rounds of new gTLDs as an issue of importance and maybe we can open the floor to see if there are any other such topics identified at this point for this section of the communiqué. Francis, I give you the floor.

FRANCIS CUBAHIRO: Francis speaking. Thank you very much Fabien. As a matter of fact, we're going to start with the new gTLDs. And so I don't know if there is any commentary question. Can you please say your name? It's the European Commission, isn't it?

UNKNOWN SPEAKER: My name is [inaudible - 00:12:32], I'm representing the European Commission. I was just going to say are we going to discuss the specific text that was proposed already or we are addressing the topics in general?

FABIEN BETREMIEUX: We certainly have the opportunity to do this and we can do this now if you would like. I think we are waiting for Nico Caballero's arrival since Manal is not available for this session to do this. But if our idea was that we could review the sections if we've identified any additional topics to be put in the communiqué, note that and then we can come back to each of the sections and discuss the existing text.

UNKNOWN SPEAKER: It's better because the text on SubPro is of course important. There is this issue of closed generics. We haven't had time really to look into it. We thank a lot the topic leads for providing the text but it might be better to delay a bit the concrete discussions on the proposed text to tomorrow probably, if that's okay. Thank you.

FRANCIS CUBAHIRO: Francis speaking. Thank you very much European Committee.

KAVOUSS ARASTEH: Yes, thank you very much, thank you, Fabien. I think we should be very careful on this structure whenever we have a topic under which we have issues important for GAC, we should not have GAC advise on that because they are almost mutually exclusive. So I understand that for subsequent round if we don't have any GAC advise that's okay. But if we have GAC advise we could not have issues important for GAC and then GAC advise. They some sort of overlapping and so on so forth.

So first I request you whether we have received any particular subject for GAC consensus advice at this moment. If not, you can go to this issue important for GAC with the provision that if you have GAC advise on the same topic, we don't have both in the document. We have one of them and that's the GAC advise at the top. Otherwise, the importance will be degraded.

So the board should really know whether we are talking of GAC importance issue for GAC or GAC advise. I understood from the previous session that we would have GAC advise. I don't know maybe Chris or Lauren or colleagues from USA could clarify that whether on that very important issue we have a GAC advise. If yes, then we have to at least raise a flag this is a topic and then asking those people involved and go to and find something. I understood that for the IGO we have GAC advise. So if that is clear one of the advice. So we have to see apart from that what are the other topics for which we would have GAC advise. Thank you.

FRANCIS CUBAHIRO: Thank you. Nigel, please if you don't disagree, I will give the floor first to the United States.

SUSAN CHALMERS: Thank you kindly, Susan Chalmers, United States. Apologies I'm not in the zoom room so I don't know if I'm hopping the line. I'm sorry, Nigel, if I scooted in front of you my apologies. So to respond to our colleague from Iran his comments the US doesn't have any specific proposals for GAC advice at this time but would like to suggest within the issues of important section, a section on DNS abuse, a section on registration data and then also a section on transparency in GNSO participation again within the issues of important section. Thank you.

FRANCIS CUBAHIRO: Francis is speaking. Thank you so much United States. Nigel.

NIGEL HICKSON: Sir thank you so much. Good afternoon. Yes, and totally agree with the topics the US has suggested. I think this is quite difficult for this first meeting because we haven't had the meeting with the GNSO yet. We haven't had the meeting with the board and thus it's possible that someone although we I think probably have an understanding of the type of issues that ought to be raised in the Communiqué whether they go in GAC advice or whether they go in issues of importance I think rather depends on the discussions. I think the UK would be minded at the moment to put the to have the transparency issue the statement,

the discussion we had yesterday on transparency of what individuals statement interest should include.

We are minded that that should be GAC advice but again perhaps it others will have different views so we will be discussing this in due course. There's also the issue of accuracy although I I'm sure that accuracy perhaps would be taken up under the issue of registration data and our esteemed European colleague mentioned I think closed generics. I didn't hear all your interventions sorry and I mean that that should be an issue of importance I think indeed but I think it's very positive to identify a number of issues and then we might be taking them out or adding to them depending on our bilaterals. Thank you.

FRANCIS CUBAHIRO:

Francis is speaking. Thank you, Nigel. I see Kavouss and then the European Commission.

KAVOUSS ARASTEH:

Yes, thank you. I think the subject referred to as issues important for GAC has different status than GAC advice. If you go to the board, board will treat them differently. The GAC advice is specifically referred to in the bylaw and it should be followed as such. Issues important for GAC does not have the same status. So what I suggest I agree with Nigel that we need to wait our discussion with GNSO and also with the board to see what comes out of that but for the time being under the GAC advice if I am not mistaken we have GAC consensus advice A, IGO and BCD to BD to be developed.

If they have nothing, we will delete them. If we would have something we will add them. So at least we put a placeholder for those things to see what will happen but I'm sure that issue of the transparency is important, is not GAC advice at this stage. Registration data and accuracy, I don't know whether is GAC advice or not GAC advice but we heard from Chris and the others in the previous session that we might have GAC advice on that. So for the time being just we have one topic on the GAC consensus advice and that is IGO with some possibility for some editing and so on and then go with the other issue that at least we have a text for that.

Issue important for GAC and people mentioned some elements and so maybe not the simplest but the something most available we go to the issue of the transparency to see whether we have a text, if we have a text and we see whether we have something to add to that one and go to the remaining. So I suggest that chair or vice-chair we concentrate on at least identification of area that we have to work and in the meantime meeting with the board member and with the GNSO may result that we have another issue or subject to act the matter. Thank you.

FRANCIS CUBAHIRO:

Francis is speaking. Thank you so much, Kavouss. Your comments have been duly noted but before I give the floor to Mr. Betremieux, let me make a clarification. I will first give the floor to the European Commission.

UNKNOWN SPEAKER: Thank you very much, just very briefly just to support the issues identified by Susan, United States and just to clarify that closed generics should of course be part of the SubPro discussion and text that colleagues have provided. Thank you.

FRANCIS CUBAHIRO: Francis is speaking. Sorry for the delay. That's because of the interpretation. Does Mr. Betremieux have any comment to make on this?

FABIEN BETREMIEUX: I do not have a clarification going down the Communiqué to continue identifying the various issues. So we now understand that we have subsequent rounds of new GTLDs as one issues of importance with some text that can be discussed at a later time. DNS abuse, registration data, transparency in GNSO participation. It would be useful if the drafters of text on these various issues can be identified. So potentially we understand United States, the UK possibly and any information you can provide as to when you expect to have text would be helpful. In terms of GAC consensus advice to the ICANN board, we do have IGO protections indeed identified with some text proposed.

I understand there may be some slight changes to the formatting to the way the text is currently proposed. I understand there may be some slight changes to the formatting to the way the text is currently proposed. At least not the text of the advice but the text of what's underneath the advice and in the rationale. I understand there may be some more changes to that. And this is the only and actually so thank

you. Now we do have another issue identified by UK which is transparency requirement. I suppose this refers to the SOI discussion or the discussion we just had under issues of importance. And in terms of follow-up on previous advice, there's also a proposal by the UK to consider following up on previous advice related to DNS abuse and subsequent rounds. So this is where we stand at the moment in terms of topics identified.

There was an earlier request, Nico, for your knowledge to give time for GAC members to consider the subsequent round text that's already in the document before it is discussed. So we've held off on that for now. And otherwise, we can open the floor for further discussions of the content of the communiqué.

Or Nico, we could also go through the previous parts of the communiqué and start taking stock of what's in there. Maybe before we go there, we could stop at the GAC working group portion which is also a portion of the communiqué where we expect input from topic leads and co-chairs, chairs of working groups. Right now, we do have text for the GAC Underserved Regions Working group. We are expecting text from other working groups. And I see a hand raised.

NICO CAVALLERO:

So let's go with Australia, please. Go ahead. Sorry, I'm covering for Manal Ismail. My name is Nico Cavallero, just in case. She had an emergency, so I'm covering for her. So please go ahead, Australia.

IAN SHELDON: Thanks, Nico. Ian Sheldon, GAC Australia. So I understand we had a written update. Sorry, I'm also the co-chair of the GAC operating principles working group. I understand there was a written update shared just prior to ICANN76 and we haven't had a verbal update. But just flagging that I'd like to include some text here in the working group update. I'm happy to drop it into the document or read it out at the appropriate time, whichever is better.

NICO CAVALLERO: You mean right now?

IAN SHELDON: I mean, I think we're going through the text at the moment or we're just flagging issues where we think we'll have text?

NICO CAVALLERO: Go ahead.

IAN SHELDON: Sorry, give me a moment. So just under the GAC operating principles evolution working group, the working group finalized its review of the preliminary analysis of the GAC operating principles. This will be used as a basis to initiate discussions and prioritize the review of the GAC operating principles. The working group will resume its meetings post ICANN76 and update the GAC of their intersessional work at ICANN77. Nice and brief. Thank you.

NICO CAVALLERO: Back to you, Fabien.

FABIEN BETREMIEUX: May I suggest you drop it in the document? Perfect. Thank you.

NICO CAVALLERO: Are there any other comments or suggestions? Seeing none, then Fabien, if we may. Go ahead. Sorry.

FABIEN BETREMIEUX: We do have hands raised in the Zoom room? Yes, I think. China, please. Go ahead.

UNKNOWN SPEAKER: Thank you very much. Just as my colleague Ian from Australia said, I just want to point out that the document now, what we have is a preliminary analysis provide a good basis for the discussion. Perhaps in this paragraph, perhaps I want to add one extra point, that all GAC members are invited to participate in the further discussion of this working group because in the next phase perhaps we really want to begin the substantive discussion around some of the issues related to the update of the current operating principle.

So we would want to call on GAC members, interested GAC members to join the discussion. Thank you very much. And take this opportunity I would like to thank Ian and also ICANN support staff, Benedetta, for their big efforts devoted in this working process. Thank you very much.

NICO CAVALLERO: Thank you, China. Well noted. Back to you, Fabien.

FABIEN BETREMIEUX: Thank you, Nico. So I think we've covered all the areas of the communiqué that are drafted by GAC members. We've identified a number of topics. So we can now look at the first sections of the communiqué which are drafted by support staff to bring the informational parts of the communiqué and otherwise any other discussions that you would like to have or members would like to have about the communiqué.

NICO CAVALLERO: So I suggest unless there are any questions or comments, my suggestion would be to start reading at least the first part. Would that be okay for my distinguished GAC colleagues? And I see some nodding. So Fabien, maybe we can start. I can do the reading if you want. But, if you can -- I'm okay now. So I'll start reading. I'll read the first part and then I'll pause right after the first. After the first page or paragraph, better. So if there are any questions or comments, you're certainly welcome to tell.

So GAC Communiqué, Cancun, Mexico. The Cancun communiqué was drafted and agreed in a hybrid setting during the ICANN76 community forum with some GAC participants in Cancun, Mexico, and others remotely. The communiqué was circulated to the GAC immediately after the meeting to provide an opportunity for all GAC members and

observers to consider it before publication, bearing in mind the special circumstances of a hybrid meeting. No objections were raised during the agreed time frame before publication. How do I go?

So I'll read the introduction now. Can you go down a little bit, Fabien, please? There we go. So one introduction. The governmental advisory committee of the Internet Corporation for Assigned Names and Numbers, ICANN, met in Cancun, Mexico, in a hybrid setting, including remote participation from 11th to 16 March 2023. XX GAC members, we don't have the numbers yet, so we'll complete that later on. NX number of observers attended the meeting. The GAC meeting was conducted as part of the ICANN76 community forum. All GAC plenary and working group sessions were conducted as open meetings.

If we can go down. So regarding inter-constituency activities and community engagement, the GAC met with the ICANN board and discussed new gTLD subsequent rounds, further developments, and I'm sorry, that's my phone. I'm sorry about this. Further developments on DNS abuse mitigation, including CCT review recommendations and contract negotiations, WHOIS disclosure system, including law enforcement requests and features to be built into the system, ICANN's emergency assistance program, EAP, framework for continued Internet access and curative rights protections for NGOs, for intergovernmental organizations.

As regarding the meeting with the at-large advisory committee, the GAC met with members of the ALAC and discussed a follow-up on the 2017 joint GAC-ALAC advice to the board entitled enabling inclusive, informed, and meaningful participation at ICANN, a joint statement by

ALAC and GAC. The WSIS+20 review and furthering the multi-stakeholder model plenary session and DNS abuse in the context of contemporary policy advancements, coordinating the multi-stakeholder approach. Do we have any questions so far? Iran, please.

KAVOUSS ARASTEH: Thank you, Chair. I was not in favor of WSIS+20 to be discussed in GAC. This issue is discussed in ITU. We don't want to overlap each other, and I was opposing to that when it was discussed and proposed by UK. We don't want to do the overlapping works, repetitions. Currently maybe now there is a WSIS forum in Geneva, and they do almost everything relating to that to the extent that they have. And we don't need to discuss that. We don't have sufficient material. We don't have sufficient information. We don't have sufficient background, and we don't have any detailed information which is in the ITU. So I am not in agreement to have WSIS+20 in GAC. Thank you.

NICO CAVALLERO: Thank you, Iran. Well noted. And I have the USA. Please, go ahead.

SUSAN CHALMERS: Thank you, Chair. May I make a suggestion on a procedural point since we haven't yet had these meetings. It might be best to I think we might reserve reading the text and discussing the text until we have yet had these meetings. And maybe give ourselves some time back today.

NICO CAVALLERO: Thank you, US. So you suggest we stop reading the whole thing until later?

SUSAN CHALMERS: Yes. That would be my suggestion since I believe we will revisit this text once we have had these discussions.

NICO CAVALLERO: So just let me see if I understand correctly. So you suggest we stop reading the whole document. So if there's agreement? I don't know if there's any other opinion. And I have Columbia here. Please go ahead.

TIAGO: Thank you. Tiago from Columbia. I agree with the U.S in this matter. And I think it's best for us to pause this exercise for this moment. Have everybody take the time to read it ourselves and have some thought about it for the next morning. Thank you so much.

NICO CAVALLERO: And I have the U.K. Please, Nigel, go ahead.

NIGEL HICKSON: Yes. Thank you very much, Mr. Chair. Mr. Chair-elect, thank you. Just to respond to the delegate from Iran, Kavouss, we had this discussion before. The wording here is perhaps not accurate enough. The idea of this small part of the meeting with the ALAC is to discuss the plenary session that is taking place in the next day. It's not going to discuss our

positions for the WSIS review. Of course, as Kavouss has said, this isn't our business. It's to discuss the plenary session. Thank you.

NICO CAVALLERO:

Thank you, U.K. Any other comment? Any other question? So if we all agree, we can pause here, as the US has suggested, and supported by Colombia and Australia, and apparently the UK as well. Do we agree on stopping here and continue the discussion tomorrow? Would that be for everybody? Then the meeting is adjourned. Thank you so much. Have a good evening.

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