ICANN80 | PF – GAC Communique Drafting (2 of 5)
Wednesday, June 12, 2024 – 15:30 to 17:00 KGL

DANIEL GLUCK: Hello and welcome to the ICANN 80 GAC communique drafting session on Wednesday the 12 June at 13:30 UTC. 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 chat will be read aloud if put in the proper form. Remember to state your name and the language you will speak in case you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. And please make sure to mute all other devices when you are speaking. You may access all available features for this session in the Zoom toolbar.

With that, I will leave the floor over to GAC Chair, Nico Caballero.

NICOLAS CABALLERO: Thank you very much, Daniel. Welcome, everyone, to this second GAC communique drafting session. This session will go till 05:00 p.m., so we have a good 90 minutes to deal with the intricacies of the communique drafting.

So let's get straight to section five, which is GAC consensus advice to ICANN Board. We already have text there. Let me read it for you, and then I'll pause for any fine-tuning, any editing. needed. So the text

reads, "GAC consensus advice to ICANN Board. The following items of advice from the GAC to the Board have been reached on the basis of consensus as defined in the ICANN bylaws. 1) Applicant Support Program. A) The GAC advises the Board [(i)] to take final decisions on successful Applicant Support Program ASP applicants who applied within the twelve month time period at the conclusion of that period, as opposed to a first come, first served basis. This would mean that no preference is given to applicants who applied earlier in the twelve-month period and will help ensure underserved regions are not at a disadvantage through the ASP."

"2) Invite qualified members of the community to monitor and participate in the ASP application evaluation process, which will result in final decisions on ASP application outcomes. The GAC signals its willingness to fully participate in this process.

"3) To initiate a facilitated dialogue involving representatives from the GAC, GNSO and the ALAC to assess the feasibility of leveraging, including contracting and financing the services off a platform to which new gTLDs supported through the ASP could move to eventually operate their own backend services."

"4) To develop a report outlining the results and outputs of the engagement and outreach plan according to the stated timeline. May 2024 launch awareness campaign, including priority outreach to underserved regions. June 2024 ICANN 80 stakeholder consultations. Conduct stakeholder consultations to gather feedback on the ASP's design and eligibility criteria and engage with potential applicants to

understand their needs, challenges and expectations regarding the ASP."

Can you scroll down, please, or that's the end of the ...

UNIDENTIFIED SPEAKERS: [inaudible]

NICOLAS CABALLERO: And let me read the rationale. I'm sorry—

UNIDENTIFIED FEMALE: There's one more line.

NICOLAS CABALLERO: There's one more line there, yeah. "Use feedback to refine ASP guidelines and communication materials."

So I'll stop there before I read the rationale in order to see if there are questions, comments or edits in the room.

And I have the CTU. Nigel, go ahead, please.

NIGEL CASSIMIRE: Thank you, Nigel Kasimir. Roman numeral two. I think just in terms of reading, where we have "to invite qualified members of the community to monitor and participate in the ASP application evaluation process, comma, which will result," I think it would flow better, after "process,"

to remove the comma and say "that will result in." So "In the process, that would result in final decisions."

And I guess a small typo as well on roman numeral three at the end of the parenthesis. I don't think there is need for a comma because we are leveraging a platform. There is no comma there. Thanks.

NICOLAS CABALLERO: Thank you very much for that, CTU. Is that an old hand? Nigel, is that an old hand?

NIGEL CASSIMIRE: Yes.

NICOLAS CABALLERO: Okay, I have the UK.

UNIDENTIFIED FEMALE: Thank you. Just to thank our colleague from the CTU for those really useful changes. It certainly improves readability. Thank you.

NICOLAS CABALLERO: Thank you, UK. Any further questions or comments? Switzerland?

JORGE CANCIO: Thank you, Nico. Just to understand and to prevent long questions from the Board for clarification, for instance, on Romans ii we talk about to invite qualified members. What do we mean by qualified? Perhaps Ross

can elaborate or we can give some sort of criteria to avoid long discussions on what that means. Thank you.

NICOLAS CABALLERO: Thank you, Switzerland. UK?

UNIDENTIFIED FEMALE: Thank you, Chair. I think that's a really useful observation for our colleague from Switzerland. This was a word we were considering for a while amongst some members of the small team to really show that we wanted to value members of the community with specific expertise in this area. So perhaps I could suggest to invite members of the community with relevant expertise. Thank you.

NICOLAS CABALLERO: Thank you for that, UK. I was going to suggest experts, but your suggestion is better than mine, so I'll be happy to include … What was your wording? "Ex-members of the community with expertise"?

NICOLAS CABALLERO: "with relevant expertise." I think GAC staff has captured it. Thank you.

NICOLAS CABALLERO: Perfect. Thank you, UK. So I'll read numeral two again: "to invite members of the community with relevant expertise to monitor and participate in the ASP application evaluation process that will result in

final decisions on ASP application outcomes. The GAC signals its willingness to fully participate in this process."

So there we go. Are we happy with this wording? Any strong feelings?

I don't see any hand. That means that we can go back to you, Fabien. Please go ahead.

FABIEN BETREMIEUX: I'm scrolling down the document. We have the rationale to read, I believe, on this piece of advice. Right?

NICOLAS CABALLERO: Okay, so I'll read the rationale. "1) the ASP application submission period is twelve months. In that time period, applications that are compiled and submitted earlier in the process should not be given an advantage over applications submitted later in the process. Giving applications submitted earlier in the window an advantage in terms of earlier evaluation could detrimentally impact organizations applying from underserved regions, who will likely take longer to prepare applications due to the need to access enhanced services—for example, translation services, into their native languages, like in languages other than the six official United nations languages. It will also take longer to raise awareness of the ASP and its benefits with those without existing connections to the ICANN community. The GAC wants to mitigate against a scenario where places for "successful applicants" have been filled before applicants from underserved regions have had an opportunity to apply in the time period advertised."

Roman two: "Given that members of the community have continued to express a high level of interest in the delivery of an ASP that facilitates global diversification of the new gTLD program, the GAC is of the view that applicants through the program and the program itself would benefit from having non-conflicted members of the community, including the GAC, monitor and participate in the ASP application evaluation process." The Board has issued several useful questions to the GAC on the GAC's previous ICANN 79 advice to 'explore the potential of leveraging, including contracting and financing, the services of a platform to which new gTLDs supported through the ASP could move to eventually operate their own backend services.'" In order to develop a response to these questions with completeness and duly considering the views and expertise of the wider multistakeholder community, the GAC proposes engaging in a dialogue with representatives from the GNSO and ALAC to assess the feasibility of this and to potentially develop a proposal in a timely manner for a way forward."

Numeral four: "The GAC appreciates the publication of the New gTLD Program next round engagement and outreach plan, which included a high-level plan for outreach on the Applicant Support Program. The GAC looks forward to receiving the itemized costs, detailed scope, and clear metrics of success, including specific targets to accompany the plan. In that regard, the GAC appreciates the key performance indicators published that will be used to assess program success after implementation and looks forward to receiving associated KPI targets that will be used to measure ongoing progress in real time as the program is implemented. We believe that such an approach can only be of positive benefit to the success of the ASP and would allow for course

corrections as deemed necessary during implementation, as opposed to waiting until the end of the program to conduct an assessment."

And let me pause here in order to see if we have any feedback.

So I don't see any hand in the room, I don't see any hand online, which means that we're okay to move forward. Fabien?

FABIEN BETREMIEUX: So then, on private resolution of contention sets, we're still expecting text. And there's been a proposal for advice regarding potential governments' imposed restrictions. I apologize. I'm not sure what country suggested the changes, but yeah … Okay. Is it Mauritania?

NICOLAS CABALLERO: Okay. All right then. Three potential governments imposed restrictions. The GAC advises the Board. "1) The GAC invites the Board to identify any existing or, or potential restrictions (financial, technical or otherwise) that are or may be imposed by any GAC member governments and that may represent a hindrance to ICANN's mandate. The GAC intends to facilitate collaboration between its members and ICANN Org to alleviate these restrictions."

Mauritania, will you be providing rationale for this?

UNIDENTIFIED MALE: I wasn't planning on doing that, because it is obvious. I mean, I can provide you with a justification for why I put it there, but this is a fundamental collaboration between ICANN and GAC, I guess. And if I

had time, I would have looked into the bylaws or participation of GAC members to make sure that it is already there.

So for me, it is more of a reminder to all of us and an experience that we newcomers sometimes have to go through on small items. And typically, I might provide you with that clarification verbally here, but I don't believe that it is necessarily the best way to write it.

Some of us are unable to receive their per diems when they're supported by ICANN to travel support, to attend to this meeting, for example. This is my second participation, and it happened to me twice. I know other GAC members are suffering from the same. And despite the tremendous work that staff support have been doing in making this happen, we have to go through extended procedures and sometimes not easy procedures to be able to get to that result. And it is probably due to some financial or otherwise restrictions that are imposed by some members.

This is only related to our individual case. The problem could be even wider when it gets to applicant support, for example. Are there countries that have more target restrictions? Or what kind of restrictions? Basically, this could be a much broader issue than the example that we have lived so far as a GAC representative.

So that's my rationale behind this. And so I would assume that it is not an issue to start with. And so I'm putting it out there to remind all of us that if there are things that any of our respective government could do to facilitate the mandate of ICANN, we should do so. Thank you.

NICOLAS CABALLERO:	Thank you, Mauritania. So in any case, I would greatly appreciate if you could provide some … I mean you don't need to do it now, but maybe for tomorrow, for the third or fourth session, it would be good to have some rationale behind this because otherwise I see some sort of clashing or problem there in terms of our ability to deal with other kinds of potential restrictions. as you … What I'm saying is in this case we're advising the Board that the Board should identify any existing or potential restriction (financial, technical or other) that are or may be imposed by any GAC member government.
	Are you referring to sanctions? Are you referring to … What specifically are you referring to? And sorry to insist on this because otherwise if we don't get it right, I see some sort of a problem there. Would you elaborate a little bit more on the idea behind …
UNIDENTIFIED MALE:	Yes, of course. In this particular case, in my particular case with travel support, most of the financial transactions that are US-dollar-denominated are on US restrictions, and any bank is not allowed to do any of that without some kind of justification imposed to it by the US government.
	So you made me identify by name some of my colleagues here, but I mean, this is reality that we are facing today. We fall within the scope targeted by the restrictions of the US government, and so we are paying the price for that. And these are some of the small things that any of our government can work with ICANN to alleviate. Thank you.

NICOLAS CABALLERO: Thank you, Mauritania. Well noted. I have India, the UK, and the Netherlands. India?

SUSHIL PAL: Are we not agreeable to this language? First of all, it appears as if some governments are there to work or deliver on the ICANN's mandate, which is not the right picture. And secondly, it is the GAC representatives' jobs to bring out any conflicting issues between the various government policies and the ICANNs mandate.

NICOLAS CABALLERO: Thank you, India. I have the UK.

NIGEL HICKSON: Thank you Mr. Chairman. I just wanted to comment on the text and I think you've (thank you very much) slightly sort of elaborated on the point that you're trying to make. At the moment, I think, because the language is fairly broad, when someone reads this without quite understanding the rationale (and that's why our chairman said a rationale is perhaps useful), I think one will get the impression it's about restrictions that a government may impose perhaps on its registrars or registries or some element of the domain name system that might affect ICANN.

Now I don't think you're getting at that at all, but I think if you read the text in the broader sense it says "may or may not be imposed by any GAC member governments and they may represent a hindrance to ICANNs mandate." So this is the sort of language that sometime is used

when perhaps a government imposes a national requirement which affects ICANN's mandate. So that, I don't think, is what you mean, but I'm just pointing that out. Thanks.

NICOLAS CABALLERO: Thank you, UK. Netherlands?

MARCO: Thank you Mr. Chairman, but I think my Australian colleague also had his hand up before I raised my mind. But to the point, I think my UK colleague already gave what I was to say. I still find it hard to understand what exactly the problem is. It's very broadly written right now. The rationale that was just given and the example specifically was concerning, I believe, travel reimbursements, which in my view would probably be more something to mention as an operational matter for the GAC rather than GAC advice. Like my UK colleague already said, I think we need a bit more time here to understand the rationale and elaborate a bit on how far this will fall into the mandate of the GAC or the ICANN Board. Thank you.

NICOLAS CABALLERO: Thank you Netherlands. I have Switzerland.

JORGE CANCIO: Thank you Nico. So I'm trying to understand the issue, and I thank our colleague from Mauritania for the explanations which give more color to what is at stake. And I understand that these are very important

issues, especially if they affect how you can participate effectively in the meetings.

At the same time, I was reminded in the break that we have a certain process rule that provides that we only put, in the communique, things that we have discussed during the sessions, and as far as I'm aware, we haven't discussed this in the sessions, in the agenda of this week's meeting.

So considering the importance of this issue, I would suggest that we take this on intersessionally, that we do some fact-finding on what are the issues we look to together with ICANN Org, what can be done, what are the possibilities to avoid any hindrance, any obstacles, and, if need be, we include this at some point of the agenda in Istanbul to further discuss this. But yes, I've been reminded we shouldn't include new things during the communique sessions themselves. Thank you.

NICOLAS CABALLERO: Thank you for that, Switzerland. As per usual practice, we shouldn't include anything that we haven't discussed. But again, I have the Russian Federation and then Australia. Russia, please go ahead.

VIACHESLAV EROKHIN: I want to say a couple of words. I will speak Russian. Possibly, my short remark will shed some light on the situation that is here in this text. We've mentioned some restrictions that were related to trips, business trips, and visas.

But I would like to remind you that currently we have a much more serious restriction that is the result of sanctions that have been imposed by the United States. Currently, the Russian registries are unable to transfer money to ICANN due to financial sanctions. Currently, we have a moratorium in place, and we are grateful to ICANN leadership for their flexibility on this matter. We are not trying to escalate this matter. However, we do recognize the issue. This example that I am voicing out now demonstrates that this is a much more serious problem than just trips and business trips. This is why we keep raising the issue of ICANN jurisdiction. I recognize that this topic has not been discussed during this GAC session. However, as per request of our chair who wanted some examples, I would like to clarify again that this problem exists. Thank you for your attention.

NICOLAS CABALLERO: Thank you very much for that, Russian Federation. So, again, in order to address that problem, I wouldn't have (and I guess nobody would have) any kind of problem in organizing an intersessional session before Istanbul and addressing the problem properly. All I'm saying is that I wouldn't recommend including language, text, or any paragraph about issues that have not been discussed during the sessions here in Kigali. Again, nothing precludes the GAC from discussing all those issues you mentioned, Viacheslav. So again, thank you for that.

I have Australia, Argentina and the UK. Australia?

IAN SHELDON: Thank you, Chair. Really, at this point, after a number of interventions, I'd just like to lend support to your proposal that we park this language

and return to it intersessionally. It is indeed quite a complex and multifaceted challenge, and I just don't think we have the time or the bandwidth to discuss this as we draft the communique. So perhaps my suggestion would be to follow your sage leadership and park this issue for now.

NICOLAS CABALLERO: Thank you very much for that, Australia. Greatly appreciated. I have Argentina.

UNIDENTIFIED FEMALE: Thank you, Chair. Well, yes, I go along with the idea of addressing this intersessionally, and I feel honestly that if we decide to make a specific session for that, this topic that has been discussed or presented by the colleague (the one related to the financial constraints or all the process that has to go through) could be easily solved by adding a phrase between hyphens, limiting the scope of which kind of obstacles or hindrances are faced by the governments or the delegates of the governments that put those obstacles. Thank you.

NICOLAS CABALLERO: Thank you for that, Argentina. I have the UK next.

UNIDENTIFIED FEMALE: Thank you, Chair. Really just to lend support for your expertise, really conscious of the protocols we've developed in the GAC and which you have so graciously reinforced and held us to. And I think in that respect,

it's just really to lend support for that this hasn't been discussed at this meeting and therefore it doesn't appear appropriate to appear in this communique. Thank you, Chair.

NICOLAS CABALLERO: Thank you, UK. So again, to my distinguished colleague from the Russian Federation, again, nothing precludes your right to organize a full GAC meeting and to address all those problems you described. We can do that intersessionally before ICANN 81 in Istanbul or even have a session or in Istanbul, or both things: have an intersessional meeting and deal with the issue during the Istanbul. Would that be okay with you, Russia?

VIACHESLAV EROKHIN: Yes, we can do it in Istanbul.

NICOLAS CABALLERO: Okay, perfect. Or before Istanbul. That way there, there would be absolutely no problem in including it in the communique. So thank you again.

Any other comments, thoughts, questions at this point?

UNIDENTIFIED MALE: Mauritania.

NICOLAS CABALLERO: Mauritania, go ahead.

UNIDENTIFIED MALE: I think, Chairman, I am the author of this language. Thank you.

NICOLAS CABALLERO: So, Mauritania, you mean you're the author of this language, which means …

UNIDENTIFIED MALE: I thought your suggestion should have been addressed to me because I'm the one proposing this language to have an intersession before the Istanbul meeting or at the Istanbul meeting to solve the issue. I think the Russian Federation supported the language, but I think I'm the one who proposed it. Thank you.

NICOLAS CABALLERO: Perfect. Thank you for that, Mauritania. Well noted.

Any other comment? I don't see any hand up. I don't see any hand in the room. Fabien, back to you.

FABIEN BETREMIEUX: Just wondering, what is the decision with the text? Is it staying? Is it moving? Is it removed? I'm not sure. I just want to know.

NICOLAS CABALLERO: No, no, we have to remove it. We have to remove it. It was not discussed, so unless the full GAC tells me that it should stay there, we should remove it. It hasn't been discussed as explained before, so we can't

include it in the official communique, with all due respect to our esteemed colleagues.

Comments, questions? the floor is open.

And again, I don't see any hand up. I don't see any hand in the chat room, which means we can move on with the next section. Fabien, back to you.

FABIEN BETREMIEUX: And I believe that the next available text is follow-up on previous advice on the Applicant Support Program.

NICOLAS CABALLERO: Okay, so I'll read the section six follow-up on previous advice. "The following items reflect matters related to previous consensus advice provided to the Board. 1) Applicant Support Program. The GAC stated in its ICANN 79 San Juan communique advice on this matter that the communications and outreach strategy for the ASP 'must include details on building awareness of universal acceptance and internationalized domain names and must leverage community connections to ensure underserved regions are reached.' Therefore, the GAC looks forward to receiving detailed plans on these core aspects of the ASP by mid Q 2024; August 2024."

"The Board also accepted the ICANN 79 GAC advice for ICANN to undertake an assessment of the appropriate budget to support the ASP and the associated communications and outreach strategy. As part of this [outfit's] scrutiny, the GAC requests that ICANN provide specific

budgetary figures matched with planned activities for the ASP communications and outreach strategy, not necessarily including the estimated fees ICANN will use for the public relations firm it will hire to support ASP outreach, clarifying ICANN 79, Aiii advice."

"Additionally, the GAC requests a session with the relevant ICANN Org ASP and outreach and engagement and communications leads to discuss the communications and outreach strategy and the financial plan that will support the ASP by mid Q 2024; August 2024. This should be arranged well before stakeholder mapping is finalized and a grassroots campaign is launched so that the GAC has an opportunity to comprehensively review and provide feedback on these plans ahead of implementation."

Let me pause here in order to see if we have any feedback.

And again, I don't see any hand up in the room. No comments? Okay, I don't see any hand in the chat room either, which means that we're okay to move forward. Fabien, back to you.

FABIEN BETREMIEUX: Sorry, I was just recording the fact that this was read and agreed. I believe we're still waiting on text in follow-up on previous advice for urgent requests.

So let's maybe scroll back up all the way to the introduction where we have open discussion or open items related to the CEO and organizational changes at ICANN.

So, originally, there was a suggestion by Swift Switzerland to insert text regarding the new CEO nomination. But I understand that Switzerland may have worked with the US subsequently to integrate that aspect into the section on ICANN organizational changes, which is here. So I'm not sure which is the final text. So here we had an original piece of text proposed by Switzerland and the UK, but I believe the latest text highlighted here, proposed by the US and Switzerland, I understand, is meant to replace the initial text. Is that correct?

UNIDENTIFIED FEMALE: Yes. Thank you, Fabien. And during the break, we had a discussion, and we came to the agreement that the second sentence could be moved up to the new sentence that introduces the CEO because indeed we're wishing to raise this with new leadership. We reached this compromise, considering that this issue has not been discussed during this meeting. This issue has not yet been discussed with the Board. And so, based on that, we thought that this would be a nice compromise.

So the second sentence ("The GAC, looks forward") I would just suggest be added following the new sentence recognizing the CEO, and we delete this section.

FABIEN BETREMIEUX: So, if I understand correctly, this section is removed, and then this new text, those two sentences, go in the introductory part of the communique. Is that correct?

UNIDENTIFIED FEMALE: Thank you. Just the last sentence of that new paragraph, since you've already provided the kind of perfunctory language for recognizing an outgoing CEO and an incoming CEO. So the sentence here would accompany that. This sentence is meant to acknowledge the concerns and the spirit of the text provided by Switzerland. So we would move that text that you have highlighted up in the document. Thank you.

FABIEN BETREMIEUX: So if we go then in the introduction, I'm going to reflect the proposed change.

NICOLAS CABALLERO: Thank you for that, USA. I have Mauritania, Egypt and the UK. Mauritania?

UNIDENTIFIED MALE: Thank you, Chairman. I'm not aware that any of the two issues related to ICANN Org or to the nomination of the CEO were the subject of discussion within the GAC. And so, per your rule earlier, these should not be included in the tax year. Thank you.

NICOLAS CABALLERO: Thank you, Mauritania. You're absolutely correct. But there's a caveat. We normally do this every time there's a new CEO appointed. We did this back in 2016, if I recall correctly. Is that correct, Fabien? And even before. So it's … Go ahead, Fabien.

FABIEN BETREMIEUX: We just referenced indeed the latest precedent, which was in the ICANN 55 Marrakesh communique. And so it was in that spirit that this was included.

NICOLAS CABALLERO: I have Egypt and the UK.

CHRISTINE ARIDA: Thank you. So on this, I was going to suggest to put somewhere that this is starting December, just not to sound as if we are speeding up Sally's departure.

And I have another suggestion regarding the high-level government meeting. But if you would like to continue on this part, I can wait till later. Thank you.

NICOLAS CABALLERO: Thank you, Egypt. I have the UK next.

NIGEL HICKSON: Thank you, Mr. Chairman. I had proposed a modification to the text that we originally had on ICANN's organization, and so I'm not sure where that text has gone now. Is that in addition to this, or has this been replaced? So what I had put … Yes, it's been crossed out, but I just want to explain what I had put. So rather than talk about ICANN's stability or anything like that, I just reflected on the organization and … Well, it's difficult. It didn't have anything about layoffs. I just … Are you trying to put me … I can't quite see the text I proposed, but …

UNIDENTIFIED MALE: [inaudible]

NIGEL HICKSON: Yes, that's right. The GAC noted with concern the recent decision from ICANN Org regarding their layoff of over 30 employees across different ICANN offices, not least as much of the work. Yeah, thank you very much, Fabien.

And would like to express his concern and interest in your … Yeah, so I deleted that bit and just talked about … Yeah, I'd have to go back and see the text I proposed because it's obviously gone. But the point I wanted to make was that this issue had been discussed. Now, I know it wasn't discussed during this meeting itself, but it was discussed in the call that led up to this meeting. And that's why I think some of us thought it was relevant, but it didn't talk about the stability. It just talked about the decision and that we rely on human talent. Thank you.

NICOLAS CABALLERO: Thank you, UK. So what specifically do you want us to do, Nigel, in this regard? To erase the whole party paragraph? To keep it there? What's your suggestion?

NIGEL HICKSON: Thank you. Well, I'd like to go back to what I proposed, but I don't want to delay the issue now, Mr. Chairman, so please go on and I'll reflect on this. Thank you.

NICOLAS CABALLERO: Thank you, UK. I have Denmark.

FINN PETERSEN: Thank you. I'm not sure what the UK proposal is in this regard, but to say that the GAC has noted with concern … I'm not sure that I am concerned because I don't know the background and the impact rather than that there seems to be a need for reduction the cost. So I would see that as is a management problem or issue for ICANN Org. And I don't think we as government should intervene with that as long as we assume that the organization still can function within the mandates and do the work. How they organize and how many people they are, I think, we should leave to a management decision. Thank you.

NICOLAS CABALLERO: Thank you, Denmark. UK, you have anything to respond to that?

NIGEL HICKSON: Yeah, perhaps we could move on and then we can read the full text overnight and suggest any amendments.

NICOLAS CABALLERO: Okay, thank you very much. Denmark, is that an old hand? All right, I have India and then Egypt. India, go ahead, please.

SUSHIL PAL: Thank you, Chair. Just a request. I mean, let's discuss those items which were discussed during the GAC meeting rather than those which [were] not. Maybe we can leave this for later.

NICOLAS CABALLERO: Thank you very much, Egypt.

CHRISTINE ARIDA: Thank you, Chair. Is it a good moment for the high-level government meeting? And my suggestion was going to be putting the paragraph on the high-level government meeting under the introduction just immediately after the paragraph starting with "The GAC met." And I have checked previously communiques reporting on the high-level government meeting. And I think in London, we have put it in the introductory section as well as, if I recall correctly, in Marrakesh as well.

                         So just to note that obviously there is no rule here, so it's up to us to decide. So I propose elevating the level of the importance and move it to the introduction if it's okay by colleagues.

NICOLAS CABALLERO: Thank you, Egypt. And again, based on precedence, right? Barcelona and Marrakesh, if I …

CHRISTINE ARIDA: Marrakesh and London.

NICOLAS CABALLERO: I'm sorry.

CHRISTINE ARIDA: In Barcelona it was in other issues.

NICOLAS CABALLERO: Okay. Thank you for that, Egypt. So, Fabien?

FABIEN BETREMIEUX: And I think those differences reflect the evolution of how the communique has been structuring over time. I recall that, around the time of the ICANN 55 meeting, the communique was less structured than it is now. And so I think this is probably why in the ICANN 63 Barcelona communique, that section moves into its own section under Other Issues. So in the end, it's a decision for the GAC in terms of what visibility that provides.

My sense is that the introduction of the communique over the last few years has been very neutral and insubstantial. And so I wonder to what extent readers of the communique would expect substance of that nature in the introduction. So that might be a consideration as well. But we could introduce a highlight in the introduction.

NICOLAS CABALLERO: But I guess she was precisely talking about some sort of highlights. Correct me if I'm wrong.

CHRISTINE ARIDA: Sorry if I was not clear. I was talking about the Chapeau paragraph, but then the details that Nico promised to provide under this could be, of course, under issues of importance to the GAC. And there could be reference in the introduction that more details are under issues of importance to the GAC. I think it was also … So I don't recall the exact meeting, but we mentioned the high level in the agenda of the bilateral with the Board and then referenced the details later in the communique. Again, it's a proposal, and I'm happy to discuss. Thank you.

NICOLAS CABALLERO: Okay, so there it is. We put a reference to the HLGM in the introduction, a short paragraph with sort of like the highlights, and then we provide a more complete sort of report under … Is it Issues of Importance? Does everybody agree with this? Are we okay with the with Egypt's proposal?

And I see nodding in the room. Anybody against? India?

T. SANTHOSH: Thank you, Chair. So there were vice-ministers also who attended the meeting. So I would mention ministers, comma, vice-ministers.

NICOLAS CABALLERO: Thank you, India. Well noted. Okay, so that's the way the introduction will be. Let me read the whole section so that we're all on the same page. "The Governmental Advisory Committee, (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Kigali, Rwanda in a hybrid setting, including remote participation, from the

10th to the 13th of June, 2024. X GAC members and X observers attended the meeting. The GAC meeting was conducted as part of the ICANN 80 policy forum.   All GAC plenary and working group sessions were conducted as open meetings."

"High-level government meeting. The GAC expressed its sincere appreciation to the Government of Rwanda for hosting the fifth high-level government meeting on the 9 June 2024. The meeting was attended by 81 delegations, including twelve intergovernmental organizations, and provided a valuable forum for ministers, vice-ministers and senior officials to address a range of issues, including the importance of multistakeholder model of governance of the Internet, the necessary cooperation between regulators and the technical community for effective regulation of new technology, challenges and initiatives to ensure digital inclusion and meaningful connectivity to the Internet."

"ICANN CEO. The GAC conveys its congratulations to ICANN for the successful conclusion of the selection process for the new CEO and likes to transmit its felicitations to Mister Eric "Kurtis" Lindqvist for his new role starting in December 2024, wishing him every success for this important position. The GAC looks forward to engaging with ICANN's new CEO to discuss means and ways towards continued efficiency and effectiveness in the fulfillment of ICANN priorities, as well as fostering excellence in the management of ICANN Org's human talent."

And I'll stop there in order to see if we have any reactions. And I have Japan.

UNIDENTIFIED MALE: Thanks, Chair. Japan proposed some very tiny edit in the paragraph of the high-level government meeting. And it is about … Where is this? Hold on. The sentence started … I mean, after the colon. "The issues including;" blah blah blah "and cooperation." We have some text to regulate the technology. Where is it? Oh yeah. For the effective regulation of new technology, I hear it as a little weird here. I mean, I would say it's better to have the governance, not the regulation because not all the countries or governments doesn't have … Well, maybe sometimes people shouldn't have the regulation of other technology. We have the regulation over the business conduct of those kind of things, but I think for this case, the governance is much better than regulation. Thank you.

NICOLAS CABALLERO: Thank you for that, Japan. Well noted. [Done]. Any other comment? Edit? Ae we okay to move on?

And I see nodding in the room, so let's move on. Fabien?

FABIEN BETREMIEUX: Well, in the introduction, we could read the ICANN CEO section, which I think is in its final form now.

NICOLAS CABALLERO: Okay, so I'll read again. "ICANN CEO. The GAC conveys its congratulations to ICANN for the successful conclusion of the selection

process for the new CEO and likes to transmit its felicitations to Mr. Eric "Kurtis" Lindqvist for his new role starting in December 2024, wishing him every success for this important position. The GAC looks forward to engaging with ICANN's new CEO to discuss means and ways towards continued efficiency and effectiveness in the fulfillment of ICANN priorities, as well as fostering excellence in the management of ICANN Org's human talent."

And I'll pause here again in order to see if there are edits or comments. And I see Mauritania. Please go ahead.

UNIDENTIFIED MALE: Thank you, Chairman. My comment is related to the high-level governmental meeting, and if I recall correctly, the call of cooperation was between policy makers and the technical community, not regulators, because regulators have a very focused mandate. Thank you.

NICOLAS CABALLERO: Thank you very much for that, Mauritania. Well noted. Fabien is working on the changes. So thank you again. Any other edits?

I don't see any hand in the room. I don't see any hand in the chat room. Fabien, we're okay to move on.

FABIEN BETREMIEUX: So I'm scanning the document to identify what is next. So I'll note in the internal matters, we've made a slight change in GAC membership. To

clarify, when a new GAC member joins the GAC, we generally acknowledge and welcome the country. And we apparently missed doing that for Libya and Bolivia. So we've adjusted the sentence Initially in the text we had proposed we were missing Bolivia, so we've made that change. Just want to make sure it's clear.

NICOLAS CABALLERO: Okay, so let me read that paragraph then. I'm just going to read the first paragraph (GAC membership) because I've already read the rest. So it reads, "GAC membership. Following the welcoming of Libya as a GAC member during the ICANN 76 Cancun meeting and the Plurinational State of Bolivia during the ICANN 77 Washington DC meeting, the GAC welcomed the principalities of Liechtenstein as a member during the ICANN 80 Kigali meeting. There are currently 183 GAC member states and territories and 39 observer organizations."

Any comment? Is everybody okay with the wording?

Okay. And I see nodding. Perfect. We're okay to move on.

FABIEN BETREMIEUX: So in this section, we're still waiting for the Public Safety Working Group report. I'm scrolling down. So here we'll let you know when we receive the text. On issues of importance, we have moved the text that was initially there in the introduction and have left a placeholder for potential additional text that would be relating to the substance of the discussions.

If we scroll down, we are waiting for text on DNS abuse.

UNIDENTIFIED FEMALE: [And there's a change in the SOIS [inaudible]]

FABIEN BETREMIEUX: And there's an edit here. Benedetta is calling our attention to "in transparency in GNSO, SOIs, and code of ethics." And this is a change proposed by the UK.

NICOLAS CABALLERO: So you want to read that one?

FABIEN BETREMIEUX: We might just want to confirm that the edit is fine with everyone.

NICOLAS CABALLERO: So is the edit proposed by the UK okay with the full GAC? Anybody against? Can we leave with it?

Okay. There we go. Thank you. Fabien? Sorry. Switzerland?

JORGE CANCIO: I'm sorry. I was taking a seat back. It took me a moment to get to the mic. So I understand the point from the UK. At the same time, policy discussions is like not really a term of art here in ICANN. As I understand our processes, the requirement of transparency is really relevant and nowadays existing through the years of for the policy development processes. So I would guess that if we want to be precise and avoid

questions from the Board because they read our issues of importance, we might need to say "policy development processes." Thank you.

NICOLAS CABALLERO: Thank you, Switzerland. Well noted. Again, any other comment? US, go ahead, please.

UNIDENTIFIED FEMALE: Thank you, Chair. Just to note that I believe the …Now I haven't read the resolution, and I need to. I believe the intention is for the ethics policy to apply broadly. And so I just wanted to take a minute to read the text to make sure that's not necessarily constricting the broad application of ethics. But now I see that it does not. So thank you. Nothing further.

NICOLAS CABALLERO: Thank you, US. Any other edit? Any other comment?

I don't see any hand in the room or online, so let's move on. Fabien, back to you.

FABIEN BETREMIEUX: In the fourth subsection of issues of importance (registry voluntary commitments and public interest commitments in new gTLDs), I understand that Switzerland made some adjustments to the initial quotes in the Board resolution and reflected that in the text. Is that what it is? I believe [inaudible] we might just be able to confirm the changes.

NICOLAS CABALLERO: Switzerland, would you like to add anything here? No? Okay, so I'll just read that. Can you …

FABIEN BETREMIEUX: Somebody has selected the text. It's not us. I have no control over that. Sorry.

NICOLAS CABALLERO: Okay, so whoever selected the text, could you please … Thank you. Thank you so much. Now I can read it. So the text would read "The GAC notes that the Board resolved on the 8 June 2024 that per the ICANN bylaws, RVCs in new gTLD applications that 'restrict content in new gTLDs' will neither be accepted nor enforced by ICANN as part of its contractual relationship with registries. In this regard, in order to maximize predictability for applicants, governments and other participants in the community, the GAC requests that the Board, in consultation with the community, provide clear guidance well before the launch of the forthcoming round regarding what the Board will consider as RVCs 'restricting' content. Such guidance should include illustrative examples of RVCs which would and would not involve the restriction of content. The GAC also recognizes that other arrangements outside of the new gTLD registry agreements could be made between the registry and other parties which address content restrictions and their enforcement."

And I'll stop there in order to see if we have agreement on this. Any comments? Edits? Thoughts?

And I don't see any hand in the room, which means that we're okay with the text as it is. And I see nodding. Okay, so let's move on. Back to you, Fabien.

FABIEN BETREMIEUX: So then the next section (DNS abuse) is a section where we expect additional text—

NICOLAS CABALLERO: Sorry, sorry. I have. India. India., go ahead, please.

[T. SANTHOSH]:   Thank you, Chair. We have provided a test on DNS abuse. So could the test be put in here?

FABIEN BETREMIEUX: Okay, I was unaware that you had text on DNS abuse, so we'll look for it.

NICOLAS CABALLERO: Thank you, India. So bear with us while he's pulling the text.

FABIEN BETREMIEUX: Yeah. I'm sorry, I'm not finding text on DNS abuse. You've sent earlier text on WHOIS and registration data, which I understand was

potentially being discussed with other drafters. So I'm not sure. I'm not finding DNS abuse. Would you mind resending or inserting it in the document?

[T. SANTHOSH]:   Okay, so what we had mentioned during the session of DNS abuse, as well as WHOIS accuracy, is we had mentioned that WHOIS accuracy should be done at the earliest which can mitigate DNS abuse. This was mentioned in the session. So my first paragraph related to WHOIS accuracy could be put in into this placeholder under DNS abuse.

And there is a paragraph which we have sent related to implementation of DNSSEC, wherein the GAC representative from India has raised that issue with the GNSO also.

FABIEN BETREMIEUX: Just for clarity (I apologize), so are you thinking of DNSSEC as a specific section in each issues of importance or under DNS abuse? And the reason I'm asking is because the DNSSEC text doesn't refer to DNS abuse, and I believe it looks like the WHOIS accuracy text doesn't refer to DNS abuse as well.

[T. SANTHOSH]:   Sorry. I think DNSSEC should be part of the DNS abuse. I mean, that's what we think. And you can have a separate section for WHOIS accuracy, or we can have maybe one line connecting the WHOIS accuracy to the DNS abuse. I think either of us is okay with that. I understand that link of DNS abuse with the WHOIS accuracy is missing.

That formulation needs to come in, I think, but we're looking more at the content. I think it can either come in the same placeholder or separate. Doesn't matter.

NICOLAS CABALLERO: So anyways, I'll read it as it is and then I'll open the floor for comments or edits. So number five reads "DNS abuse/WHOIS accuracy. GAC also underlined the importance of accuracy of WHOIS data as it identifies the owner of the domain. Domain name accuracy of WHOIS data would be critical in building trust for the Internet users. GAC considers that adding accountability, particularly for registrars and registrants in this process, would contribute towards building a safe, trusted and accountable Internet. Therefore, GAC impresses upon both Board and GNSO to expedite the process for WHOIS accuracy."

"DNSSEC. GAC understands the importance of choice regarding DNSSEC for individual registrants. However, the use of DNSSEC by organizations, both financial and non-financial, should not be undermined as the content on said websites are accessed by various users, trusting its legitimacy. Therefore, GAC is of the view that ICANN Board should deliberate on the potential of making DNSSEC mandatory for organizations."

Let me stop here in order to see if we have reactions from the floor or online. And I have China. Please go ahead.

UNIDENTIFIED MALE: Thank you, Chair. The first paragraph, starting with "GAC also underlined the importance" …. On the second line ("building trust for the Internet users") the Internet can be capitalized. Thank you.

NICOLAS CABALLERO: Thank you for that, China. Well noted. The floor is still open. Any other comments or questions or edits? And I have the US. Please go ahead.

UNIDENTIFIED FEMALE: Thank you, Chair. The topic co-leads, as mentioned previously, who organized the session on DNS abuse, the focus of which was, of course, African perspectives on DNS abuse, which I don't see reflected in the text here, will be delivering text shortly for the section. So I would request that, before we begin to edit the text that we're just reading now, we consider this other text, which we'll have to you in just a few minutes. Thank you.

NICOLAS CABALLERO: Thank you, US. We can certainly do that. We can park this until we receive the text that will be submitted.

UNIDENTIFIED MALE: [inaudible]

NICOLAS CABALLERO: We won't have time to do it today, though, because we only have nine more minutes for this session. So we'll be discussing that tomorrow. Thank you, US. I have Japan next.

UNIDENTIFIED MALE: Thank you, Chair. Just echoing what [Michael and Susan] just said, for India, the proposal … In my memory though, on the second paragraph on DNSSEC, I remember that we had some intervention or contribution from India during the session. So in the communique text, we are happy to note the input from India.

But on the other hand, for the first paragraph on WHOIS accuracy, I mean, I totally agree with what this text says, but my recollection is that we have not discussed this far during the DNS abuse session, in my recollection. So I'm kind of confused how to deal with this text, but maybe [I'll ask for] advice from the chair and then the secretariat. Thank you.

NICOLAS CABALLERO: Thank you, Japan. US, is that an old hand?

Okay. So we're going to part this and wait for the new text, and then we'll see if we can consolidate one, two or three paragraphs or whatever the outcome is, if you agree, because in any case, we only have seven more minutes today. So unless you tell me otherwise, I think that would be the best way forward. The floor is open.

FABIEN BETREMIEUX: So for the last few minutes we have, maybe we can go through the sections on which we expect text to get a sense of when that text is forthcoming, to have a sense. Should I do that?

NICOLAS CABALLERO: Please go ahead, yeah.

FABIEN BETREMIEUX: So we were on DNS abuse in issues of importance. I understand there may be more on registration data for issues of importance. Do we have a sense of time that it will take to drafters of WHOIS text to provide?

UNIDENTIFIED FEMALE: Fabien, I believe it should be in your inbox. Thank you.

FABIEN BETREMIEUX: Okay, thank you. So that will reflect … Okay, received. So there's a substantial amount of text. So we'll reflect that. Yeah, [inaudible], we noted earlier that Nico, I believe, was going to provide some input.

If we go back on advice, I believe we have advice on private resolution of contention sets that is envisioned. Do we have a sense of when this text will be shared?

NICOLAS CABALLERO: Are we talking tonight? Tomorrow morning? Tomorrow … Yeah, go ahead, please, UK.

NIGEL HICKSON: Sorry, Fabien. I tried to look at too many things at once. So, yes, essentially I'll provide a text on this, but I just wanted to put this in context of the text that had been provided in issues of importance, which, of course, summarizes this issue in a very comprehensive and elegant way.

Essentially, why some of us, I think, thought that advice might be needed is that the Board will be considering their next steps on this issue as we have noted. The advice we gave before said that GAC thinks that private auctions or other ways of finding solutions to contention sets through monetary transfers should be strongly disincentivized or banned. The Board have accepted that they should be strongly disincentivized (I can never say that word), but the report, as we discussed before, that they called for provides evidence that this is very difficult to do through other means. Unless you actually put a prohibition on monetary ways of resolving contention sets and point to other ways of resolving them through such as what ALAC were discussing this morning or the ICANN-suggested methods, then they probably will still happen.

So in light of that, I think we should be following up with advice to say that unless a solution is found through this discussion process, monetary means, monetary ways, of resolving contention sets should not be allowed in this round.

So that's the thrust of this. So really it is a, to an extent, follow-up from our previous advice. Thanks.

NICOLAS CABALLERO: Thank you very much, UK, for that.

Any final words before we wrap up, Fabien? Can you walk us through what is still needed to be done?

FABIEN BETREMIEUX: Yeah. The last piece of text we're expecting is a follow-up on previous advice regarding urgent requests.

NICOLAS CABALLERO: We're almost there. We're almost there. So, any final comments, questions? Egypt, go ahead.

CHRISTINE ARIDA: Thank you. So I have the feeling (but I stand to be corrected, of course) regarding the follow-up on previous advice, if we can have it on the screen. We're asking for three new requests. Right? So would this be considered a follow-up to previous GAC advice, or are they actually new requests? I know we're referencing previous GAC advice. We need to know what exactly goes under this section. Is it anything that relates to previous GAC advice or is it just a follow-up on previous FAC advice that is not implemented yet or not approved yet? Because I have the feeling that each paragraph indicates a new request.

Anyway, I know we're out of time. I'm just flagging this and maybe we can discuss it tomorrow. Thank you.

NICOLAS CABALLERO: Thank you for flagging that, Egypt. We'll take it into account and we'll continue discussions tomorrow.

In the meantime, we need to wrap up the session and enjoy the networking cocktail that is starting right now, as a matter of fact. And we'll reconvene tomorrow at 9:00 a.m. Enjoy. Thank you very much.

[END OF TRANSCRIPTION]