

MARRAKECH - GAC: Communique Drafting (1 of 3)  
Wednesday, June 26, 2019 - 13:30 to 15:00 WET  
ICANN65 | Marrakech, Morocco

MANAL ISMAIL, GAC CHAIR: Sorry to keep you waiting. The power is on now.

So I suggest that we start by a quick reading of the communique, especially that we don't have everyone yet in the room so it's better not to finalize anything until we have everyone in the room. So meanwhile we will do a quick reading of the whole communique. So under introduction the governmental advisory committee of the Internet corporation for assigned names and numbers met in Marrakech, Morocco from 24-27 June 2019, [reading] [refer to slide Under inter constituency activities and community engagement [reading] [refer to slide].

And then this is the part that staff was asked to draft as a summary of the .Amazon discussions. During the meeting with the ICANN Board, several GAC members took the opportunity to express their concerns about the recent Board decision to fine the Amazon corporation proposal of 17 April 2019 acceptable and directing the ICANN org to continue processing of the .Amazon applications according to the policies and procedures of the new gTLD program. Several members referenced the follow up on

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previous GAC advice expressed in the ICANN60 Abu Dhabi GAC communique in which the GAC expressed the need to find a mutually acceptable solution in the case of the Amazon gTLD application for the countries affected and for the Amazon corporation. The comments to the Board reflected concern that the solution not yet achieved. I think I will continue reading -- do we have everyone in the room? I just don't want us to repeat the discussion again.

KAVOUSS ARASTEH: A mutually acceptable solution has not yet been achieved or reached.

MANAL ISMAIL, GAC CHAIR: The last line?

KAVOUSS ARASTEH: Not yet been achieved.

MANAL ISMAIL, GAC CHAIR: Okay. Has not yet been achieved. So as I said, we will leave this highlighted and come back to it at least when we have actual member countries in the room. Moving on to meeting with the at large advisory committee [reading] so this is directly from the agenda. We have agreed that Ana will be providing us with one or

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two sentences on the collaboration opportunity with identified at the end of the meeting regarding subsequent procedures in specific, so maybe yeah, just a placeholder that this is -- okay.

Moving on to the meeting with the country code name supporting organization, the ccNSO [reading] then meeting with the GNSO, the GAC members with members of the GNSO council and discussed the expedited policy development process, EPDP for temporary specification for gTLD registration data Phase II, the ICANN legislative tracker initiative. One intervention raised a call to GNSO to create formal framework for legislation tracking which will reflect the national regulatory applicable to the ICANN operational procedures and updated in cooperation with states. And I have been told that this is text that has been proposed by Russia.

KAVOUSS ARASTEH:

I think no problem, we can come back to all of this with respect to GAC ALAC, two issues, but I don't understand the last portion, national regulations, and so on, so forth, what was said at that meeting was to have to have a substitute term for regulations and legislations. It was agreed by the chair of the council that yes, the [indiscernible] government to propose something and I proposed something to him and to you and later to Cherine and [indiscernible] that perhaps we should say legal procedures to

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avoid legislation and avoid regulars, but I don't understand that we get into the issue of national legislation, this is something we should avoid. One cost that whatever we say at the end, that should be consistent with national law of the country but that complicates the matter. If you go to the 192 national law and make this consistent we will never get out of that, so we have to discuss this issue, not opposing what Russia had but we have to discuss, this is very, very sensitive, I propose not use regulation or legislation but legal procedure for ICANN to act a centralized controller, but if you want something of national legislation, it's a very complex issue and we have to be quite mindful of not repeating a discussion we had at [indiscernible]

MANAL ISMAIL, GAC CHAIR: Thank you, and to colleagues just entering the room we decided to quickly read the factual parts at the beginning of the communique. Any new text has been highlighted in yellow and we will go back and discuss the new text again thoroughly, just waiting for everyone to be back in the room. Thank you. Kavouss.

KAVOUSS ARASTEH: For ALAC, the first issue is continued collaboration with ALAC concerning the issues of common interest, we have to clearly mention that, and second was capacity building, we ask that whether international organization engaging in capacity building

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with a particular subject could be consulted or could be approached. These are two separate things and should be reflected separately.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, and I don't see Ana in the room and she promised to provide some text. So obviously she sent the text, so we will get it -- oh, okay, it's already on the screen. And the text reads GAC and ALAC agreed to continue to expand the focus group on capacity building, on cooperation, policy areas of government and end users' interests, it was agreed to jointly discuss a new possible run of gTLD. This discussion will take place in the GAC focus group on subsequent gTLDs to optimize resources and not proliferate the number of working groups. Yeah, maybe we need to fine tune the text a bit. I would rather do this when Ana is in the room because she sent the text but she's not here yet so let's not finalize this without her. Let's keep moving. So meeting with the GAC work party of the third accountability and transparency review team, I understand this will takes place tomorrow, right? So the GAC met in plenary session with members of the GAC work party of the ATRT3. [reading] [refer to slide] so this is mostly from what we understand is the agenda of tomorrow's meeting so should be again factual and we're not reflecting anything from the discussions because we haven't had the discussions yet. Then

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again, we will have tomorrow, meeting with the global commission on the stability of cyber space. So the text is coming. And again, another meeting with the universal acceptance steering group. On cross-community discussions, [reading] [refer to slide].

Again, those are the cross-community sessions we had here in the meeting. Two of which are to be held tomorrow. On internal members, GAC membership, there are currently 178 GAC members and 37 observers. On GAC working groups, there is the GAC public safety working group, I understand they will be providing us with text and also the GAC human rights and international law working group, the text reads: [reading] [refer to slide]. I just have a question, Rob on the number of members. So we mentioned one participated remotely. Have we counted Suada?

ROBERT HOGGARTH: We have not, and that's one of the questions [indiscernible] Kobe, in which you recognized Nigel remained remotely and reflected that in the communique. Here is slightly different situation, wasn't a GAC observer but an actual member who participated remotely so the question was how do we reflect that. The key in both instances, participation is actual presentation to the GAC. How would the GAC like to treat, if at all, the remote participation

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by those actually in the zoom room and whether that's something you would like recorded now or in the future. That gets into issues of quorums and things like that, fortunately, I think you have a very direct set of guidance -- in person, the key for the quorum is in person participation but if the [indiscernible] wants to open up participation remotely, these are a couple of questions that need to be clarified. A very small amount right now but in the future may encourage more or less remote participation depending on the circumstances. Thank you.

MANAL ISMAIL, GAC CHAIR: So I think it's a good series of questions, first of all whether remote participation counts, and I think it counts and second, whether the remote participation should count in the quorum, and this is a question to all of us but at least at this point in time we either count both or remove both, right? Because I understand there has been one counted, and you mentioned that Suada was not counted, from Bosnia and Herzegovina, the co-chair of human rights.

ROBERT HOGGARTH: Correct, if you look at the draft language, the count of 66 is how many checked in here in person and then we note one GAC member participated in the meeting remotely, that's Suada's participation. So she's accounted for in this draft, I just wanted

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that to be clear to everyone for purposes of recognizing who that was, and you may recall in the Kobe communique, in that case Nigel the other, but it will be reflected in the minutes and in the appendix that lists all the members that participated, this is more of a communique question.

MANAL ISMAIL, GAC CHAIR: Fair enough. Thank you, Rob for the clarification, I misunderstood that the one person who participated was [indiscernible] so we are good. Tomorrow we have GAC internal matters discussion so maybe a point we need to discuss tomorrow during our internal matters, how remote participation is counted, and the quorum calculated. So Fabien, if we can go back to the working groups, and the following working group is GAC underserved region working group, the working group completed its pre-ICANN the GAC will endorse the underserved region [reading] what do we mean by to complement the GAC operating principles?

[indiscernible] it's not part of the operating principles but on the side, won't be part of the operating principles.

Okay. So let's move on. Kavouss.



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KAVOUSS ARASTEH: If you want to add something which is not part of the operating principle, it's not complemented, it's supplement, supplement [indiscernible] I have not been discussing that or involved but what does it mean -- if you want to use a term, it's supplement but not complement.

MANAL ISMAIL, GAC CHAIR: And frankly, I think the first is to review the whole thing, not just to supplement or complement the missing thing.

ROBERT HOGGARTH: I don't want to steal Benedetta's [indiscernible] thunder, they have started working on the guidelines first, not modifying the principles yet. Once through and they have a set of guidelines they believe all GAC members can support, then that will be used to recommend changes to the operating principles, so an excellent debate about whether supplement or complement. At the moment, depends ultimately on what the ultimate decision or recommendation of the working group is.

MANAL ISMAIL, GAC CHAIR: Thank you, and we will be making a second iteration, focal group [reading] [refer to slide] GAC leadership elections [reading] [refer to slide]. GAC operational matters GAC briefed by GAC support staff on upcoming elections, new membership management,

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attendance taking at GAC meetings, effort to facilitate participation in GAC working group and implementation of new privacy policies of the ICANN org. And I believe this would read GAC Working Groups, and I believe this is in anticipation of tomorrow's agenda.

Under issues of importance to the GAC, IGO protection it's, the GAC notes a discussion between representatives of the GNSO [reading] [refer to slide] the following items of advice from GAC to the Board have been reached on the base of consensus as defined in the ICANN bylaws. [reading] [refer to slide]

MANAL ISMAIL, GAC CHAIR: To reach a mutually acceptable solution as is required for the .AMAZON to move forward in accordance with GAC advice. The rational in 2014, when the Board accepted advice on the .AMAZON application that they should not proceed, the Board recognized that the decision is without prejudice against Amazon and members of the GAC to pursue dialogue on the relevant issues. GAC advice from Abu Dhabi recognized the need to find a mutually acceptable solution and called for the continuation of the process admitted under the GAC Durban advice specifically with the view allowing the parties to reach the necessary acceptable solution. After the GAC adopted the Abu Dhabi advice, the Board gave a clear indication it was understood. The GAC's

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default position on the .Amazon application was they should not proceed unless a solution was reached. Except to address the need to find the mutually acceptable solution for the countries affected and the Amazon Corporation to allow for the use of .Amazon as a top-level domain name. Anything else on the communique? One last thing is the follow-up on previous GAC advice and this is on two-country character codes as second-level domain. We have the text originally agreed which reads the GAC remains concern that GAC advice on the procedure for the release of the country codes at the second level under new gTLDs was not taken into consideration as intended and advises meaningful steps were taken to ensure this doesn't happen in the future. I see new text in read. The GAC recognizes steps already taken in this regard and encourages the BGIG to explore further meaningful steps to further include GAC Board communication. The GAC also notes the provision of the search tool by ICANN. However, it would like to highlight that the efficacy of the tool is still being evaluated. The GAC urges ICANN to continue to engage with concerned members of the GAC and ensure their concerns are addressed. So, this is new text. Switzerland. Anything else that has not been read once? And the next meeting is in Montreal, Canada scheduled for 2-7-November 2019. With this quick read, I think we will go back up to the text highlighted. Olga, please?

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OLGA CAVALLI: Was an update about the track five? Did it miss it? It was an update. Do you want me to do the text? I can send it to you.

MANAL ISMAIL, GAC CHAIR: Excellent. Thank you, Olga. So anything else missing in terms of the structure or the titles we have in the communique? Kavouss, please?

IRAN: Would you send the draft kindly? Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you. Again, now that we have a complete room we will start again from the beginning because we highlighted the new text that needs to be agreed by everyone. Fabien, this is a simple count of the GAC members who attended, and I don't think this is controversial. We can un-highlight it if you want. I have been told the text is highlighted for us to agree whether we want to remote participation or not. Kavouss?

IRAN: I think remote participation is important. It is good that their views be considered. In particular, ICANN has a good facility for remote participation with other organizations they don't have, and they push on that. I think that is good to count. With respect

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to the quota, I am not sure we have a moment to talk about this in the GAC. Usually we have the GAC advice on consensus. We never have both teams to see if there is a quota or not. Quota is people attending at the physical meeting. This session, next session may be less.

MANAL ISMAIL, GAC CHAIR: Thank you. In terms of count, then remote participation counts. Do I see any objection to counting the remote participation? I see none. In terms of a quorum, I think this is a separate discussion and it is in the GAC principles we need a quorum of 1/3. We have an internal discussion tomorrow where we can decide how to count and with the GAC operating principles group and whether anything needs to be changed. Rob and then Iran.

ROBERT HOGGARTH: Just looking for clarification on what you want these numbers to reflect. We have had the internal staff discussion about the difference between the communique and the minutes and what level of detail goes into that but for purposes of this, we could reflect an additional count of remote participants versus in person. I am just looking for your specific direction on that. We are still, you know, going through the attendance list and meeting time tomorrow. I want to make sure we are doing the appropriate research this evening. Thank you.

MANAL ISMAIL, GAC CHAIR: I am not clear what is being asked. I think everyone is OK with what is on the screen. Is this specific to GAC members?

ROBERT HOGGARTH: The only additional piece would be the remote participants who did not make presentations. This reflects that Swada made a presentation. There are others who participate in the zoom room from time to time in different sessions and the question is do we want to reflect that count?

MANAL ISMAIL, GAC CHAIR: Did we have any at this meeting?

ROBERT HOGGARTH: Yes. I am asking for the principle. We will do there count as to how many signed in and submitted comments. I think submitting a comment is an appropriate line of distinction.

MANAL ISMAIL, GAC CHAIR: Sorry for taking time to understand. I will give you the floor, Iran, just to reiterate that we have the physical attendance. We have been counting remote participants who made presentations, questions to the GAC, question to the GAC is whether those who followed through the Zoom and we just saw their name but there

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was no actual participation, whether those count? This is the question.

IRAN:

I don't think we should go that far. If I ask for participation whether I present something or not doesn't matter. I benefit from the discussions. If I don't have anything to say, why we want to push the people to say something? They agree with that. Number two, we have to separate the issue of remote participation at this very meeting and remote participation in general. With respect to the participation in general, the counting of the remote participation is being considered under the amendment. I participated in many comments and I didn't comment. Why I should need to make a comment? I agree with the people. Why should I waste the time of the people?

MANAL ISMAIL, GAC CHAIR: I think the proposal now is anyone who joined remotely, whether doing a participation presentation, intervention or just following the meetings should count in our attendance in the communique. I don't see objections. As Kavouss said, we can have a discussion, again, tomorrow, basically at the internet matters but also most importantly in the Working Group. This is one discussion I haven't expected but moving on. This is the text provided based on

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direction from GAC members during the earlier session. This is a summary of the .AMAZON discussion. I will read it once more:

[Reading from the screen]

MANAL ISMAIL, GAC CHAIR: Kavouss?

IRAN: We just expressed our concern. That is number one. Number two, in the third line, you are directing the ICANN Board. We don't direct the ICANN Board. We request, invite, but don't direct them. We invite the ICANN or request the ICANN but not directing them. Thank you.

MANAL ISMAIL, GAC CHAIR: Two comments. One to delete took the opportunity and just say that several GAC members expressed their concern. And second proposal is to change directed, directing ICANN Org. Inviting. Replace directing by inviting.

ROBERT HOGGARTH: Excuse me, Manal. That directing refers to what the Board was telling ICANN Org to do, so I don't know if you want to make that change. The reference, and it may not be clear in the sentence.



MANAL ISMAIL, GAC CHAIR: This is basically the Board directing Org to continue?

ROBERT HOGGARTH: Correct.

MANAL ISMAIL, GAC CHAIR: So it's not the GAC that is directing Org. Let me read it once more.

[Reading from the screen]

MANAL ISMAIL, GAC CHAIR: This is the Board directing Org.

IRAN: If that is the case you don't need and. When you say, and it goes back to the GAC directive. We should linguistically correct.

MANAL ISMAIL, GAC CHAIR: Any objection to deleting and? Meanwhile, I will read the following sentence as well.

[Reading from the document]

PAR BRUMARK: I don't think you can delete the word ask -- and. The Board found the Amazon corporation acceptable and then directed the ICANN

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Org. My recommendation, if you want to treat with the issue about who is saying what, maybe you can do a bullet to say concerns about the recent Board decision to and then bullet one found and directing. I don't think you can delete Org. OK.

MANAL ISMAIL, GAC CHAIR: Can we put back the and please? I have Iran.

IRAN: It is not wrong, but I don't think it should say as to all parties to exhaust all. All parties to make every effort and so on but not to exhaust. I don't think that we need to have that one. All parties have to facilitate reaching a compromise solution. I don't know. On one hand we are talking about mutually acceptable and now compromised solution. I don't think that we need this last sentence. It is not wrong but contradicting the previous sentence. The mutually acceptable solution and now talking compromise. Doesn't mean it is mutually acceptable. Do we need really this last part? Thank you. I am asking a question. Thank you.

MANAL ISMAIL, GAC CHAIR: I think it was meant to carry good intentions for a constructive way forward, but I will leave to it GAC members to decide. Switzerland, please.

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SWITZERLAND: Thank you, Manal. As I propose this last sentence, I don't have any problem in replacing compromise solution by mutually acceptable solution, but the thing is the rest of the text looks back and this sentence looks forward and reflects the call made by several members of this committee, me included, that we, that all parties especially us and the Board, should take any feasible steps to facilitate this compromise/mutually accepted solution. I am agnostic on the specific language, but I think that sentence should be there.

MANAL ISMAIL, GAC CHAIR: Thank you, Jorge for the clarification. It seems working. I have U.S., Brazil, and Iran. U.S., please.

UNITED STATES: Thank you. I think what is missing here is that there was another part of this conversation that is not yet reflected and that was the Board's response to the recommendation. I recommend adding a sentence about ICANN responded to that reviews. I am happy to write something up along those lines.

MANAL ISMAIL, GAC CHAIR: I think, yeah, it would be helpful if you could provide text, Ashley, thank you. Brazil please.

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**BRAZIL:** Brazil will suggest having heard the Swiss representative explaining the purpose of the paragraph if it would be possible to add after the referenced parties, a short sentence which would reference specifically the ICANN Board, so that the text would read some GAC members urged all parties, including the ICANN Board, to exhaust all means to facilitate a mutually acceptable solution. Thank you.

**MANAL ISMAIL, GAC CHAIR:** Thank you, Brazil. I have Iran and then UK.

**IRAN:** I have no problem with this text proposed by Brazil and Switzerland and I thank Jorge for the consistency of retaining the mutually acceptable. I have no problem with this one because it is just reflecting the discussions and as it was proposed by some other person that they have another -- some other people say that. I have no problem. No difficulty of the vision. I think exhaust should be taken out. Thank you. Thank you, Iran.

**UK:** Thank you, chair. I think that's the quotation here from Dubai. It is actually a quotation from a rational from our advice. I would like to suggest two small edits to the sentence.

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MANAL ISMAIL, GAC CHAIR: Sorry. Can you speak closer to the mic?

UK: I am sorry. I think the quotation here from Dubai is not from the rational. Perhaps we should say several members referenced the rational just to be accurate. At the end where it says the GAC expressed, perhaps we should change that to the GAC recognized which is the actual word that's used in the rational for Abu Dhabi. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you. Kavouss, you suggested we delete exhaust. If you have a proposal, please let us know. Rob, please.

ROBERT HOGGARTH: Thank you. It was pointed out on the sentence that begins some GAC members urged all parties and the recommendation including the ICANN Board expressed that the ICANN Board is not necessarily a party to the negotiations, I guess. Instead of trying to find an alternative. So it doesn't suggest that the ICANN Board is a party to the application negotiations. Thank you. Iran?

IRAN: I tend to agree with Rob, we should not mix up the ICANN Board with the parties. ICANN Board was asked to facilitate. They are

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not parties. They are intermediaries. I have no problem to find something, but I still believe that if you want to quote, we quote the GAC advice but not quote the rational. Since you said as quoted, if possible we go to the advice given that that meeting and quote what advice was given rather than referring to the rational. Rational is the support material for the advice. I don't think we have the same weight or same value as the advice. If you want to refer to advice, please go to advice and quote advice. Thank you. Brazil?

BRAZIL:

I see in the Abu Dhabi communique, we title the session where we place our GAC advice as GAC advice to the ICANN Board and within that whole section we have a response part which there is a specific direction to the ICANN Board and a rational. All this belongs to GAC advice to the ICANN Board. In my having said that, perhaps I wonder whether it would be necessary to add to the text that the UK suggested. The first point is whether rational is separate from the GAC advice itself. I don't think it is. The second point is that in the language of the advice neroli understood which I think is the understanding of the United Kingdom. The advice part of the GAC Abu Dhabi communique, the narrow definition of advice, I am using here, there is also the expression mutually acceptable solution. The GAC recognized the mutually

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acceptable solution was necessary. Having said that, I leave it open to consideration from other members.

MANAL ISMAIL, GAC CHAIR: Thank you, Brazil. Sorry, did you have your hand up? I have Switzerland.

SWITZERLAND: Yes, thank you, Manal. I think in the end if we want to quote the Abu Dhabi advice it is a very short one, so we can quote everything. Both the advice, the operational part and interpretation or explanation of the advice which is the rational. I don't see any problem in that to quote both things.

MANAL ISMAIL, GAC CHAIR: I think it as a good clarification. Rob?

ROBERT HOGGARTH: I pulled up the Abu Dhabi communique and would like clarification. Page six. This is the quotation. It comes from a section entitled section five follow-up on previous advice. It wasn't in Abu Dhabi doesn't indicate the communique, I am looking on the GAC website, doesn't have a rational. I just wanted to point that out. I am sorry, Jorge.

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SWITZERLAND: Thank you, Rob. I would need to pull up the complete communique but at least what I have in front of me is a piece of advice and a rational.

MANAL ISMAIL, GAC CHAIR: I am looking at the schedule. We will be having a break at 3:00. It is now 2:36. I think we can park this text as-is since we need to check the communique and consult and maybe come back with a more agreed language. Yes, Fabien?

FABIEN BETREMIEUX: I think I want to note there were additional edits that were suggested to the text. They are highlighted here. Correct me if I am wrong. I think they are coming from India. Those edits are highlighted here. I wanted to make sure this is clear as this might need to be discussed and confirmed. Thank you for flagging this.  
EUROPEAN COMMISSION?

EUROPEAN COMMISSION: It seems we have moved the last bullet points in the first section to point two in the second section which I think is a good idea. I have question about the word's contention. I think it is vague and negative. We could be a bit more specific. What are we talking about? I think we are talking about strings that have a public



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interest dimension. I don't know how to phrase that, but I think we should be more specific?

MANAL ISMAIL, GAC CHAIR: Any quick remarks before we move on? Brazil and UK.

BRAZIL: It would be a suggestion to try and express what was proposed by the EUROPEAN COMMISSION. The language for that would be strings that the GAC has flagged as raising public policy concerns. Thank you.

MANAL ISMAIL, GAC CHAIR: Is it accurately reflected on the screen now? Cases of delegation of sensitive strings that the GAC has stressed. I am sorry. Who is -- for all GAC colleagues it is very challenging to discuss the text as it changes real-time. Please, at least for the sake of our discussion, if you have suggestions, this is what we are discussing here or send it offline and we will try to incorporate it. European Commission?

EUROPEAN COMMISSION: I agree with the comment of the United States I think this is right. This reflects the points that were made by their GAC representatives in the discussion, but I think we should have the

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other side as well. It is very important, also, because the Board took the time to reply so we should reflect that in our report.

MANAL ISMAIL, GAC CHAIR: Thank you, European Commission. I think the U.S. promised us text and UK apologies to overlook your request. Please go ahead.

UK: Thank you. I don't really understand number two. So I am just looking for some clarification. Perhaps during the break somebody could explain it to me. In particular, because it is number two, it suggests that this comes from the Dubai communique and I can't see anything in the advice or the rationale from the Dubai communique about precluding the possibility of similar cases. Maybe it is just the layout on the screen? Or maybe I have misunderstood but I would be grateful for some clarification on what number two means. Thank you.

MANAL ISMAIL, GAC CHAIR: Let's park that text for now. I think all points have been made and we need to get the Abu Dhabi communique, compare, and see where the factual information or whether we are going to put everything Jorge suggested as well. We will be taking a little bit longer break to accommodate for coffee and drafting but for now let's move on. Iran?

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IRAN: Just a presentation. If you refer to something, it is better to say as contained in and below that put whatever was there in italic and at the end put the end quote. Having said that, I don't think we have to distinguish between the main text of the advice and rational. Rational is part of advice. They are not different. I don't think we should make such a hierarchy. The rational is part of that advice. If advice is not in the rational, it is not acceptable.

MANAL ISMAIL, GAC CHAIR: Iran, Trinidad and Tobago, and Argentina.

TRINIDAD AND TOBAGO: I do agree with the UK intervention as far as the first paragraph. The prelude, which again doesn't come out of the communique, the advice, is an issue. I would have restructured the first part and removed the ask. Basically, agreeing to three things. Three things come out of the first part. It says one, two, three. I would put semi colon and -- I could speak to this more offline. It would make more sense. I think as it is it is a little con vu -- convoluted. I rarely intervene because I thought you were parking this and I wanted to add something to the underserved Working Group. If at any time, that's possible, I had text that we discussed, and I would like to share to include. That's when you finish with this item which I thought you were but let me know when.

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MANAL ISMAIL, GAC CHAIR: European Commission, India, and I am sorry -- I had Argentina first. European Commission and India.

ARGENTINA: I would support what Switzerland said in quoting it all together because both parts are related with each other. Facilitating negotiations and mutually acceptable solutions so maybe we can quote it in all two paragraphs. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Argentina. European Commission?

EUROPEAN COMMISSION: I think as we have one and two there are three issues in that. Actually, three paragraphs. The first paragraph is what can be replaced as Argentina said with the exact quotation. The second is about some GAC members, it is a completely different notion. This is not in the part. It is not part of the quotation. The third is precluding the possibility, Etc. There are three different notions that are there. Only the first refers to the GAC communique.

MANAL ISMAIL, GAC CHAIR: Thank you, European Commission. Noted. India?

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INDIA: Government of India for the transcript. Just to follow up on the point made about the other parts are forward looking and this is looking in the past. Including the possibility of outcome of Amazon becoming a precedent in all future cases is also something that points more to the future. Maybe as a solution, we may decide to punctuate it and moving the colon to express their concerns about and maybe move the recent Board decision to the next because it is only the first point which points to the recent Board decision. There were several concerns raised. One was the recent Board decision to find the Amazon corporation proposal acceptable, directing the ICANN to continue processing according to policies, and precluding the possibility of the outcome in Amazon case becomes a precedent for similar cases of contentious strings in the next round. Am I getting it across?

MANAL ISMAIL, GAC CHAIR: Yes, thank you. Thank you. So I invite all GAC colleagues who have comments on this part to get together during the coffee break and try to propose an agreed version. So can we move on to the following part. I had one comment on this, if I may. We are listing all the topics we discussed with the Board and we are specifying .AMAZON with the explanation and maybe we need more elaboration or to move this to a session that is topics of interest

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or issues of importance to the GAC. It may be better to move this whole section under issues of importance to the GAC because I think otherwise it undermines the other topics that we have discussed with the Board. I see the U.S.

UNITED STATES:

Thank you. Ashley with the U.S. I just wanted to note that while I think we are making progress here, I am getting a little bit concerned it seems we are moving away from what was kind of a factual recap of the conversation, and is looking more like what you said, a discussion of what the important issues are. Perhaps I am wrong, but I just want to make sure we stay on the course of making this a factual reflection of the conversation with the Board.

MANAL ISMAIL, GAC CHAIR: You are in favor of maintaining it under the section, under the heading meeting with ICANN Board? Again, it is --

UNITED STATES:

I am happy to consider anything at this point. I just want to make sure whatever is in this section is actually what was discussed with the Board.

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MANAL ISMAIL, GAC CHAIR: Fair enough.

IRAN: Yes, Manal. I tend to agree with you we have several bullets and we come to just talk about the last bullet. They have to be in a proper presentation. Either a simple sentence for each and say this one or otherwise means we have all those that we never had anything about all those. They have no problem. But I think with some of those we had. With two-character we had something, with respect to the capacity building, we had something. We have to mention it was a text read by some colleagues about the capacity building of the underserved countries and so on. So perhaps those people should add something here to that, but we should restructure this part. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. It is a suggestion for your consideration. Consider it while working on the draft

TRINIDAD AND TOBAGO: This came out of the Board discussion in respect to the capacity builder. I did send Fabien the text that the Working Group agreed to. It is not on TH .AMAZON issue. Should I read it now?

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MANAL ISMAIL, GAC CHAIR: Maybe we can have it -- it is not in the version on the screen right now, right? So maybe we can have it in the following round? You are putting it?

TRINIDAD AND TOBAGO: It's not long. I could read it.

MANAL ISMAIL, GAC CHAIR: I think it is easier for everyone to see the text if they want to comment. So reading it might not be as easy. Iran?

IRAN: Yes, I repeat my suggestions. This, we have one, two, three, four, five, six bullets. First, we list the six bullets. Then if in some of those bullets we have views such as .AMAZON or capacity building we say with respect to bullet three capacity bullet and put the text. With respect to bullet six, .AMAZON, bullet six. The entire text is not about one or two issues. First keep the titles of all those and come back to any of those. I don't know whether for the two-characters you had discussions and whether somebody want to add something. But I think we should say in respect to, in regard to, as follows and making separations mapping the title with the text. Thank you.



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MANAL ISMAIL, GAC CHAIR: Thank you. I agree with you, but I was trying to make our exercise easier instead of drafting under each and every one of the topics which might take some time and discussions, I was proposing maybe we move the .AMAZON thing elsewhere but as I said you can discuss this during the break. Meanwhile, I would like to move on to the following text that needs discussion. We have the text provided by Ana under our meeting with the lac.

[Reading from the screen]

FABIEN BETREMIEUX: We realize our name appears at the place where we make the edit so maybe we can suggest readers in the document try to avoid following the text with their cursor, so there is no interference with your reading of the text.

MANAL ISMAIL, GAC CHAIR: OK. We are all learning as you said, Fabien. The simple moving of the cursor brings up this anonymous sign which disrupts our reading. Kavouss?

IRAN: When we say expand -- does it mean the terms? The mandate? The scope of activities of the focus group to cover and so on? It needs a little bit to be amended.

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MANAL ISMAIL, GAC CHAIR: Ana, are you OK with providing a little bit of clarification to expand the focus group on capacity building in terms of what? We don't want to make it too much text but --

IRAN: To also cover? Or to include and say what is to be included.

ANA NEVES: I think the point here is these discussions, this joint discussion, on the possible new round of gTLDs, to be assigned at the focus group on the GAC --

MANAL ISMAIL, GAC CHAIR: Can you speak closer to the mic?

ANA NEVES: Sorry, sorry. I think that the point here is only to say that the joint discussion on new possible rounds of the gTLDs will be then and they are already existing GAC-focused group. It was agreed there would be discussion between GAC and ALAC on these issues. The point was not to have another Working Group but to use this already existing Working Group and focus group. I don't understand.

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MANAL ISMAIL, GAC CHAIR: Let's try to work this offline. During the break as well. Can we move on to the following highlighted part which is regarding the GNSO meeting? We are listing from the agenda, again, but the new text reads one intervention raised a call to GNSO to create formal framework for legislation tracking, which will reflect the national regulatory applicable to the ICANN operational procedures and updated in cooperation with States. Any comments on the text as it stands on the screen?

PAR BRUMARK: Can we go back to the ccNSO line meeting? I would like to add a line there. Because several times the connection between the ccTLD and ISO 3166 was emphasized.

MANAL ISMAIL, GAC CHAIR: You want to add something to the ccNSO section?

PAR BRUMARK: The connection between the ccTLD and the ISO 3166 was emphasized.

MANAL ISMAIL, GAC CHAIR: OK. Is this what you want to see? This is OK? Any comments?

Again, let me -- I think the legislative tracker initiative is an ICANN Org initiative. I am not clear here what are we asking the GNSO to

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do. I know we discussed with the GNSO and we tried to see how we can both cooperate in that respect, but I think the text as it stands on the screen it reads differently to me. Iran please.

IRAN: Two different things were discussed. The first was what was said by ICANN Board with respect to this EPDP one possible workable option would be that ICANN Org act as a centralized controller. For that, they suggested to have a regulations and legislations. This is something. The text you have here is another thing. I don't know. They are not the same thing. They are different things.

MANAL ISMAIL, GAC CHAIR: No, this is trying to reflect our discussion with the GNSO not with the Board.

IRAN: The GNSO? It was coming from the GNSO saying that? The key was they would have something regulation as legislation and so on and so forth. I don't understand with this one. I don't understand the mixture of the topics.

MANAL ISMAIL, GAC CHAIR: They didn't say they will have. They were referencing what ICANN already has. This is my difficulty here. I have Russia and then --

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RUSSIA: Maybe I will make comments to clarify the logic of these interventions and logical sentences. Even before GDPR, Russian contractual party had some problems with operational procedures of ICANN which is not compliant, fully compliant with Russian legislation. I want to say thanks to European Union after GDPR it was a good lesson. I can start to be more flexible in requirements of local legislation. We establish normal working dialogue with ICANN, but I think it will be useful if some formal framework or procedural work will be established in GNSO as, how to say, one of the core community, in ICANN will establish such procedural to take in account development and PDP and your analysis and documents and so on and so forth. It was the logic. We think it will be useful if such framework or procedure will be in place. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Russia. I think I am still having difficulty to find this as a request to the GNSO themselves but, again, let's discuss this. I have one last request for the floor and I would like us to have a break in order to get the opportunity to get some coffee and then we reconvene. But, please, first, and I am sorry, please introduce yourself.

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**BOTSWANA:** Thank you. Botswana for the record. During the discussion, with regard to the issue of legislation which may affect who because we are saying as much as you are dealing with the GDPR, we have to look at the legislation which may affect and that is why I have the issues of taking other legislation that came from during that discussion.

**MANAL ISMAIL, GAC CHAIR:** Thank you, Botswana. So I think -- Rob?

**ROBERT HOGGARTH:** As the day gets later, when you say Rob, it becomes less and less friendly.

It was pointed out to me in the suggestion by Russia that it is not the GNSO that's creating the formal framework but ICANN Org. So that may need to be adjusted but I just wanted to reflect that clarification. Thank you.

**MANAL ISMAIL, GAC CHAIR:** Thank you, Rob. And I didn't mean to.

Let's have a break and try to come back as friendly as we can. So, please, be back in the room at 3:30. If we can grasp the opportunity to resolve our differences and come back with as agreed text as possible.

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IRAN: Working also for the coffee break but I want to know how it works, a framework for legislation, and tracking with national regulations of 193 countries or 206 countries. How it works? This tracking of the framework? Thank you. Just maybe Rob could tell me.

ROBERT HOGGARTH: I will draw your attention to Nigel Hixon over here. Without being an expert on the issue, my understanding is the contract of this mechanisms is part of a larger initiative by ICANN Org to increase the connection and relationships with governments. The GNSO has its own particular interest in terms of what sort of tracking mechanisms and other vehicles exist for monitoring of government activity. This is part of is larger interest the ICANN Org has in increasing channels of communication. Please, again, I am not the expert. That's my full understanding of the issue. If you talk with members of the government engagement team and with Nigel they can give you more detail. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, everyone. I can see the coffee to my left in the garden here. So please enjoy the coffee and try to work on the text and we will meet back here at 3:30 and if we need more time for drafting provided that there is progress we will have some more time. Thank you.

[RECESS]