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ICANN70 | Virtual Community Forum - GAC Meeting with the GNSO  
Wednesday, March 24, 2021 - 9:00 to 10:00 EST

GULTEN TEPE:

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Finally, this session, like all other ICANN activities, is governed by the ICANN Expected Standards of Behavior. In the case of a disruption during the session, our Technical Support Team will mute all participants. The session is being recorded, and all materials will be available on the ICANN70 meetings page. With that, I would like to turn it over to the GAC chair, Manal Ismail.

Manal, over to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden, and good morning, good afternoon, and good evening everyone, and welcome to the GAC bilateral with the GNSO Council. And I would like to start by welcoming Philippe and all GNSO colleagues. So Phillip and Tatiana, all colleagues, welcome to the room. With special thanks to Jeff Neuman, and Jorge Cancio, GAC point of contact and our Swiss representative, we have today four topics on our agenda. We are trying something different this time, Philippe, so we try to compile our questions and share them prior to our meeting. Again, thanks to both contacts from both sides. And the questions are meant to structure our discussion and also let you know what we would like to bring up during the session. That

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said, and before we get started with our discussion, let me hand it over to you, if you would like to make any opening remarks.

PHILIPPE FOUQUAR: Thank you, Manal, for your kind words and as usual for welcoming us in your room, be it virtual, always a pleasure. We will try something slightly different this time with the preparation and indeed, I want to echo your thanks to our liaisons to our respective bodies. Those four topics extremely important to both communities.

I suppose you will provide introduction based on the material you shared and hand it over to the liaisons for the answers to your questions. Appreciating there are elements that are, as you would know, ongoing, including updates later today on the council call, so we will set as much as we can without stepping over the responsibilities of that meeting, and the fact that as we generally say, this is a council, we can speak as much as we can on our own behalf, but the [indiscernible] also have their prerogative within the GNSO. Thanks again, and back to you.

MANAL ISMAIL, GAC CHAIR: Thank you, very much, Philippe, and so the four topics on our agenda today are EPDP Phase 2a, DNS abuse mitigation, accuracy work stream and the approval of the (indiscernible)

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recommendations. So let me go through the questions one by one. Again, listening from both sides, from the side of GNSO but maybe follow-up comments also from GAC colleagues should they wish. So under EPDP Phase 2a, for example with this in mind, data suggests that only around 11.5 percent of domain names may belong to natural persons subject to GDPR, while contact data from 57.37 percent of all domains were redacted.

So a question, does the GNSO support a more transparent domain name registration system where non-personal data would be publicly available. And if yes, what concrete measures would the GNSO support to achieve this goal?

PHILIPPE FOUQUAR:

Thank you, Manal, and maybe I will start off and see whether my fellow -- the figures, as a preamble of those questions, actually prevail during our approval of initiating an EPDP back in October and we are well aware of the benefit to sort of restore the usefulness of WHOIS to some extent. We believe at this point, and that is subject to, as you know, a report from both the liaison myself and Keith Drazek, the chair of the EPDP council, later today so I don't want to prejudge or announce anything that wouldn't be -- although the slides have been shared already -- that would be a surprise. This is not a council meeting, but I think the EPDP Phase 2a is making good progress, I think across the board

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recognition of that. Still a work mark as to how that would develop in terms of a mandatory or voluntary mechanism moving forward. But I think there is good progress being made and pending questions to [indiscernible] so I think we're all optimistic.

On the way the questions were phrased, I think was more on the principle rather than the quote unquote position from the GNSO which we wouldn't be in a GNSO to state given that all agencies would be their own views on this, and this is part of the exercise within PDP Phase 2a, but that being said, I think the next milestone is certainly the readout of the report to council later today and the initial report in May. So this is at this point what I can offer to your questions. I would like to turn back to our councilors to see if anyone would like to add anything on this topic. Okay. Thanks, Manal, happy to address any follow-up you might have.

MANAL ISMAIL, GAC CHAIR: So any follow-up remarks from the GAC side? Or GAC topic leads?  
So Kavouss, go ahead.

IRAN: Good morning, good afternoon, and good evening, and good morning, Philippe, very happy you are there, I know you [indiscernible] very knowledgeable person there and certainly

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knowledgeable as well in the GNSO on the ICANN issues. What I want to say, that is to say, we should understand that we should not put the cart before the horse. I'm not asking you but asking ourself. For instance at this meeting we will raise the issue of natural versus legal. There is a process ongoing in GNSO. Yesterday Keith Drazek published a document indicating the way forward for that, suggestions and so on, so forth, the issue under discussion, and we should not rush to any conclusion and asking anything that still has not yet been decided. Thank you.

PHILIPPE FOUQUAR:

Thank you, Kavouss, if I may just -- it was more of a comment than anything else, I think, and I'm glad we can talk, Kavouss. And if I dared, I'd speak French because I know you do, but I'm not sure there is an easy handover with our interpreters here but happy to see you here.

To your point, that's what I said, do not lead to conclusion. I think the EPDP Phase 2a is making good progress. There is an element being on similar topics for over two years, certainly a long time, probably too long to say that we are leading to conclusions, but I think at some point people need to stand back and consider the - especially on the questions of liability, for instance. I think sometimes these things take time, especially for companies that consider they might be liable to certain things. And when I refer

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to mandatory versus voluntary approaches, there is an element to it as to whether we want to approach on voluntary basis as making that approach easier than jumping to a mandatory mechanism.

I hope I am being helpful with this but it's just a long, winding comment to say to say that I think I agree with what you said, Kavouss, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe, and please feel free to switch to French. We have interpretation, and to all my colleagues in the room, please make sure you set the interpretation to the language you would like to listen to. Laureen, please.

LAUREEN KAPIN: Thank you so much, and we are very appreciative of our colleagues in the GNSO on all these topics and mindful as Kavouss says of not putting the cart before the horse. And just to respond to your last comment, Philippe, about starting with voluntary measures, we always, to be clear, fully support our contracted party colleagues engaging in best practices and raising the bar on issues in order to promote Public Safety and law enforcement and consumer protection needs and also acknowledge all the great work currently taking place in that regard, the voluntary

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framework on DNS abuse, the new institute on DNS abuse, just to give a few examples.

At the same time, the GAC has been very clear in its views that our ultimate goal is for mandatory requirements, and that is with an eye not to good guys and gals who are abiding by the law but to really have an enforcement mechanism so that those who violate the contracts, engage in illegal practices or in this case not a question of legal versus illegal, a question of what information should be published because not protected under the GDPR, in this case we have as our goal mandatory requirements because those are the only requirements that can be enforced.

So while we fully support any contracted party engaging in voluntary measures, important to be clear our goal is to require this information that is not personal information and isn't protected under the GDPR to be published to benefit the public by allowing access by law enforcement, consumer protection, cyber security folks, and indeed the public so they can protect themselves and their online activities.

MANAL ISMAIL, GAC CHAIR: So thank you, Laureen, and thank you everyone. I think we need to move on. Just noting.



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PHILIPPE FOUQUAR: Just to clarify, obviously the jury is still out and I appreciate the school of thoughts Laureen just put forward, which is -- it's a point well taken. As to voluntary versus monitor, really up to the PDP to decide and ultimately to vote on. Certainly an option. It might be on a step on the road. I do not want to pre-- that is really substance and it's not up to the council to decide on the matter. But it's also our role to sort of frame a way forward, and that might be one. Again, I do not want to prejudge what the team will say, because that is really their prerogative, but I appreciate what Laureen said, and I think the enforcement element definitely an argument to be taken into account, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe, and assuming this is an old hand, Laureen? I will move on to -- just to note, as you mentioned, Philippe, we understand the council will be meeting today and that Keith will be presenting on the progress of the group, and the council will assess and decide continuation of the EPDP Phase 2a. So in light of this discussion, we will just reiterate the GAC's strong support to the continuation of EPDP Phase 2a.

Having said that, I think we're good to move to DNS abuse. If we can scroll just to make sure. Some DNS abuse. [reading] SSR2 final report highlighted the lack of progress made on mitigating

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DNS abuse. The GAC finds that most of the recommendations contained in the report, if effectively implemented, would help reinforce the security, stability and resilience of the DNS.

So what is the view of the GNSO on the general conclusions of SSR2 report on DNS abuse and in particular with regard to the following findings... and they are recommendation 8 and recommendation 9. I'm not sure if you would like to read them but maybe just to also take the following question whether the GNSO would support expedited short term measures including more robust contract enforcement to address well identified issues in parallel to launching a longer term policy process.

So two questions. What is the view of the GNSO on the general conclusions of SSR2? And what is the view of the GNSO in terms of having short term measures in parallel until the launch of longer term process?

PHILIPPE FOUQUAR: Thanks, this is Philippe here. And I should apologize, apparently I speak too quickly. I will turn to Tatiana, our vice chair.

TATIANA TROPINA: Good morning, good afternoon, and good evening, Manal. To the first question, the council is to yet to discuss the SSR2

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recommendations collectively as group. And I would like to highlight what Philippe has mentioned already at the beginning of this meeting today that we cannot equal GNSO to the GNSO Council. GNSO consists of stakeholder groups and constituencies and as the GNSO Council, we realize various stakeholders groups and constituencies can have various positions on the SSR2 recommendations, 8 and 9.1, 9.2, so we are still deliberating and to discuss it collectively as a group while it still resides with the ICANN Board and the council as a whole, look forward to seeing the outcome of the Board's consideration of the report.

However, that said, I want to link to the general issues of the DNS abuse because ultimately we think this report is linked to these issues. While first of all, as council, we want to reiterate that we do recognize the importance of the subject of DNS abuse to many in the community, be it the GNSO community or overall ICANN community. And we would like to recall that the SubPro group final report refrained from making DNS abuse related recommendations for all gTLDs, believing that the hostile [indiscernible] for all gTLDs. So we recognize the policy development on the -- might be part of the solution.

However, we also believe that before undertaking such a huge work, we need to scope it properly. We need to develop a common understanding, first of all, of what DNS abuse means,

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what are the gaps in the mitigation strategy, and how it is actually currently being mitigated for the gaps to be able to identify the gaps. So we believe such level and scope absolutely crucial to ensure we properly scope this issue and make it compatible to the ICANN mission. Because ultimately this may relate to the creation of the new contractual obligations in the policy and this would be binding. So we believe that and we will consult with other community groups. We have started with a briefing with contracted party house and then we will follow with a careful review of the yet expected paper from the [indiscernible] work on the DNS abuse. So we are considering next step. And to wrap up the first answer, yes, it is linked to the SSR2 report still to deliberate.

And we are very much encouraged by the work, as a council, being undertaken in various parts of the community, in terms of strategy, mitigation solutions of the DNS abuse. However, the short term solutions and non-policy recommendations are absolutely outside of the remit of the GNSO which is ultimately GNSO Council, which is ultimately is the policy manager. So we can deal only with the policy as a council. However, as I said already, we are very much looking forward to continuous work with the GNSO community and other parts of ICANN community on scoping the issue of DNS abuse and setting various strategies and policies for it. Thank you.

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

IRAN: Yes, thank you. I don't agree with you that you want to throw the monkey of the definition of GNSO of the DNS abuse to the shoulder of GAC. No, that is not correct. This is a collective effort. You can't ask GAC to define what it means by the DNS abuse. This is a collective, all of us, hand in hand, to try to see whether we could have a definition or description. I don't think -- that is not a good way. We don't get anywhere if the GNSO starts to do these sort of the games. Thank you.

TATIANA TROPINA: Philippe, should I address or do you want to go first?

PHILIPPE FOUQUAR: Just a quick comment. I'm not sure that is exactly what you, Tatiana, were advocating in terms of heavily relying -- I forget the words you used, Kavouss -- heavily relying on GAC to enforce -- but rather framing the way we proceed in terms of reaching out to our own communities. And I would refer to the session the [indiscernible] held earlier in the week, bearing in mind there is definitely an issue and there should be a -- but I don't think that is

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an exultation from the GNSO community to hand over all this to the GAC. So back to you.

TATIANA TROPINA: Thank you very much, and you basically summed up what I was going to say. Kavouss, I apologize on behalf of the GNSO Council, it hasn't been clear enough, which is calling of scoping the issues in terms of defining it and in no way shape or form we wanted to put it as a burden on GAC's shoulders. No, we believe it should be and will be a collective effort. However, there is a common understanding among the council, I believe, we believe, that to proceed with anything on DNS abuse in terms of policy development, we indeed need to define this issue and hold the common definition, and that means we as a community are going to decide what DNS abuse includes and how to scope it properly within the ICANN mission. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much for the clarification, and I see a queue forming so I have Jorge and then Kavouss and then Chris. Please go ahead.

SWITZERLAND: Thank you, Manal, and hello everyone. Welcome to the GNSO Council, this bilateral meeting. I will speak in my national

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capacities now, and the question would be sort of a follow-up question. This is, what are the next steps that you envisage as GNSO Council for addressing this issue of DNS abuse? Because we have been discussing this for a while now. I remember last year with Keith Drazek as GNSO Council chair, it was envisaged that the GNSO Council would come forward with a framework on options how to address DNS abuse. And I guess, or I sense, some mounting impatience in the community, at least I see a lot of papers and positions coming, be it from ALAC, GAC, from the SSAC, calling for this issue before any new round starts. So I would be very eager to know what are the next steps and what is the time frame you are envisaging to address this? Thank you.

TATIANA TROPINA: Philippe, do you want to go first or shall I cover some of the points. I want to leave time for you.

PHILIPPE FOUQUAR: I will go after you.

TATIANA TROPINA: Thank you very much. So as a vice chair of the GNSO Council, I can say that we indeed take this issue seriously. I want to reiterate it yet again. We can certainly sympathize to the calls from the community which you just mentioned, Jorge, about

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addressing this issue. The issue of the DNS abuse has been on our list, frankly, a planned item we are trying to fast forward on this especially with regards to the appearance of all the reports, like SSR2, and as I said, so the next step for us at least how we envisage this, because as a council we have to consult our community, stakeholders groups, and constituencies.

So we are going to consult, first of all, with contracted party house to look at the existing practices. Indeed, very keen to take part -- and I hope I can say this on behalf of the council -- that we are going to take part in the community effort to define and scope the DNS abuse; however, this is hard for me to envisage the timeline, so I would leave this to Philippe.

PHILIPPE FOUQUAR:

Not much to add really, no, just a couple of points to Jorge's observation. As to the impatience, I think it's fair to say we can, I can feel it as well within the GNSO and outside the GNSO. I think my takeaway from some of the sessions that we all attended is also that the issue and I think most of the reports recognize that, is not evenly spread, hence the quote unquote solution will not be so we need to consider that moving forward.

As to the various options, yes, it is indeed our goal once we have consulted, as Tatiana said, to come up with the various options at



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hand being consistent with the vision that the agencies would have on how we can tackle, whether a cross community Working Group, a PDP, is early to say, depends on the solution we want to have for this, but it will be on our agenda for the next couple of extraordinary council meetings we have, cannot obviously commitment to producing that framework by that time. It will be up to as [indiscernible] to decide on that through the council, but I hope that is helpful.

I hope you understand, we know it's a burning issue for everyone and we want to proceed on a path -- I like the way EPDP Phase 2a proceeding from a purely pragmatic standpoint. And I wish, although abuse certainly a much broader issue and certainly more difficult to tackle, I would like to have an equally pragmatic approach. But I appreciate that it has been a long time, there has been a lot of talk on this and we need to be concrete at some point. And I can concur with the impatience of a lot of people within the community. But I hope that is helpful. We will be working with this and possibly have exchanges with the Board as well. But I hope that is helpful.

MANAL ISMAIL, GAC CHAIR: Thank you very much. I see Kavouss next and then Chris.

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IRAN: Thank you very much, Manal. We have little time available and many questions for our dear GNSO, always in the center of everything in ICANN, the center of everything, the most powerful SO and the most hard worker.

Manal, perhaps the words or term abuse is not correct. Philippe is working also in ITU t and knows about the numbering. We never use, misuse, misappropriation, but not abuse. Abuse has different things, some sociological meaning. Misuse means not in a way it could have been used. There is no need even to define what is misuse or abuse. The result of that is what we have. Phishing, malware, sex traffic, human traffic -- let's not waste the time to define what is misuse or abuse. Go to what we do about this.

When you say contracted party, a contract has two sides. Both sides should agree, that you cannot impose or force something to the other side. This should be agreeable, otherwise they would not agree. There is no -- we should be conscious, mindful, pragmatic, and understand each other to find the way. But I suggest that you may take it -- don't waste any time to define what is DNS abuse go to the result of that, whether abuse, misuse, misappropriation, [indiscernible] and try address the result, the consequence of that but not wasting time on that. This is

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something that after 49 and a half years of experience in the international scene, I suggest. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. And if you allow me, Philippe and Tatiana, we will take Chris and then if any remarks for the sake of time.

CHRIS LEWIS-EVANS: Thank you, Manal, thank you for all your answers so far. We had a very interesting session at the beginning of the week with the DNS abuse Working Group on the contracted parties side and good points raised here which will speak to the question asked from the GAC. So their belief was that a large proportion of what is defined as DNS abuse under many different frameworks is also covered within the contracts and I think sort of detailed under some of the ra3.18, as I seem to remember. And some of the points within that session was the lack of compliance enforcement and a lot of contracted parties saying they would welcome better enforcement under this provision and agree it is within their contracts to be able to do that.

So my real question to the GNSO Council here is: What will you do to help our conversation with compliance and the contracted

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parties to allow greater enforcement and therefore more robust contract enforcement along these DNS abuse issues? Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Chris. I see Kurt, and I am closing the queue after this topic and then we can move to accuracy.

KURT PRITZ: Thank you. I am really responding to Jorge's initial comment about a sense of frustration, and I understand that, that there is want for action and so I would ask everybody to look around and see the amount of activity going on about this and I will talk about what the contracted parties are doing. The registries formed a DAAR Working Group to take the DAAR report and improve it so the data coming from it was actionable so the contracted parties could be used to reduce abuse, and that took place over a year with several concrete suggestions greatly received by ICANN's [indiscernible] for improving the DAAR report making that actionable.

You all know there is a registry and registrar DNS abuse Working Group and also a joint Working Group concentrated on outreach to the various parts of the community to see where the pain points are and what actions could be started. Outputs in the form of reports, the first ones issued and discussion of best practices,

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and all of these things are very concrete real steps in taking towards DNS abuse.

And why do -- and this is just me, but why do I think these solutions and discussions are better than a PDP? When we look in our ICANN toolbox, we have only one wrench and it's a PDP. But I think this approach is better. I think a PDP and its implementation will take 3-5 years where people will be busy working but not really reducing abuse. This will suck up the resources from all these other efforts going on that are constructive. I think PDPs generally result in a lowest common denominator, what is the solution all the parties will agree to, and I don't think that is as effective as the efforts going on now where the leaders against DNS abuse, among the contracted parties, are looking into innovative steps to take and by making this innovation, this they will drag the others across the line. So I think there is more rapid and more effective progress to be used by these cross community discussions that are organic rather than the PDP which is kind of [indiscernible] so I would encourage Jorge and others to engage in these efforts and see what progress can be made.

And finally, I just have to make a comment that retarding progress on the next gTLD round is not I don't think an appropriate way to address DNS abuse. There are two separate issues and we should

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not get in the way of the business of ICANN, which operates slow enough, and stop parts of the ICANN progress in order to achieve other goals.

MANAL ISMAIL, GAC CHAIR: Thank you, very much, Kurt. And for the sake of time, would you allow me to move to accuracy? Okay. So quickly on accuracy, because we have a few questions and only 16 minutes.

So the GAC continues to support the effective implementation and enforcement of existing accuracy requirements and short term measures or procedures to help improve the accuracy of gTLD administration data. In addition, the GAC also continues to support the launch of policy development on improving the accuracy of registration data. Does the GNSO Council support such an approach? And if you will allow me to read (reading). When in your view could the policy work on accuracy start?

PAM LITTLE: Hello, everyone, my name is Pam Little, good to see everybody and thank you for the question. In terms of accuracy, I'm sure our GAC colleagues are fully aware that is very much on the council's radar. That is why we as you mentioned about the briefing paper, the council just received from ICANN org which was very comprehensive, it sets out the existing contractual requirements,

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consensus policy and accuracy related programs. And in terms of whether GAC has certain views about accuracy, again, I must say the council really -- the GNSO community consists of many stakeholder groups and constituencies, and different groups have different views about accuracy and even more so in the post GDPR environment as we all know the legal environment has very much changed since GDPR.

So definitely we -- the briefing paper the council sought from ICANN org was very much intended to inform the scoping and defining the issue that the scoping team council planning to initiate so that is very much on the cart and we only just received the report at the end of February, so that is actually the council meeting that will take place in a few hours actually, is the first opportunity that the council as a whole will be discussing the content of this briefing paper from ICANN org.

So the second question is when in our view that the policy work on accuracy could start. So as I just said, this is going to be a scoping effort to start with, and this is not really new in terms of council's approach to complex topics such as this one. You may be aware that for example recently council also adopted this approach, i.e., engage a scoping team to scope and define the issues, topics like the IDN, for example, like the transfer policy review. We recognize there is a need for expertise and knowledge

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in this particular area, so the council wants to make sure we are more disciplined in properly scoping the work that may warrant a policy development process later on.

So this is a first step. The scoping team is very much on the radar, and GNSO support staff actually plotted that out, that is something really within the range of 0-1 month the council needs to decide on this scoping team effort to kick it off. So that is as much as I can tell in terms of when the policy work will start. It's a bit early to tell. As our GAC colleagues know, once the scoping team starts, there will be a report from the team and then the council will consider that report to decide whether to then launch a request for issue a report, and then that is really the first step of a PDP. So I will stop there to see if there is any comment or follow-up question.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Pam. And I see Jeff, if you can keep it brief please. Go ahead.

JEFF NEUMAN: I just wanted to acknowledge that we have also received the request from the GAC that you would like to be included in the scoping effort, so that is something that the council will also discuss during that -- when we get around to talking about that



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subject. Just wanted to acknowledge that we received the request. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jeff. And I think you have covered one of the coming questions. We were seeking confirmation on our understanding that the GAC would be fully involved in the scoping exercise. So thank you for this.

So the last question under accuracy: Given the importance of identity for accuracy checks an independent study on the accuracy of gTLD registration data would help provide useful insights to the ICANN community. Would the GNSO support the launch of such a study? We would propose that such a study be launched in parallel to and feed into the policy work on accuracy.

PAM LITTLE: Yes, in terms of whether the council would support such a study. I think that would be very much part of the GNSO Council's conversation about this briefing paper and we do recognize such a suggestion. But I would also note that there are some challenges presented with this proposed study as noted in the briefing paper, for example the availability of data and perhaps also agreement on the part of contracted parties may need to be sought, and so the suggestion from ICANN org is to working the

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council to come up with a framework and maybe that is something that is the way to go.

But as I said, the council has yet to discuss this, and that suggestion of study, of an accuracy study, is very much noted and hopefully we will have something to report back to the community once the council has a chance to properly consider the briefing paper, including the suggestion of an accuracy study.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Pam. Jeff, is this an old hand? If not, please go ahead. Okay. An old hand, so Kavouss, please.

IRAN: Yes, my understand is different from the lady in the GNSO, that an independent study will be done by GNSO. I don't believe so. An independent audit, commission, study, is not done by the person or people involved, it should be totally outside that. ICANN should ask for independent studies but not GAC, nor GNSO, nor c GNSO, nor -- you would get influenced by that. The GNSO could give information but not involved, that's not independent. If I am involved in any, I would be excluded totally, so please kindly reconsider the position. We are not expecting that GNSO would be involved that.

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PAM LITTLE: Thank you, Kavouss. My name is Pam Little, for the record. Yes, I don't think I meant to say that the GNSO will be conducting the study. I was referring to a framework that ICANN org suggested to work with the council to come up with a framework. And if that is the way to go and council decides to go down that path, certainly that framework will be certainly very much available on the community input or feedback will be sought, it won't be the council's effort.

And in terms of the study, definitely I envision it would be done by an independent organization. Some of our GAC colleagues might still remember the last accuracy study done by [indiscernible] of Chicago university about 10, 12 years ago. Consider won't have the band width or even expertise or mandate to conduct such a study.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Pam, and seeing no one else in the queue in the remaining five minutes -- please, Philippe.

PHILIPPE FOUQUAR: Regarding the timeline, I think Pam duly referred to our meeting this afternoon or later today. Just a briefing point, but the timeline for council to consider the briefing paper from org within

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a month will have an extraordinary meeting and given what we have on our plate for today, people shouldn't have too many high expectations, it's just a five-minute briefing point. But the core of the substance will probably be discussed at a later stage, but certainly within a month. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe, for this update. So moving on to the last agenda item and approval, the SSAD recommendations that lack consensus. Given the divergent views by stakeholder groups on certain Phase 2 recommendations, might the GNSO explain why it chose to approve all the recommendations instead of sending back the recommendations which required further work to achieve consensus? And if you allow me to read the last question as well, because it is related: Might the GNSO point to other examples in which it has approved policy recommendations which lack consensus? So Pam.

PAM LITTLE: Pam Little, for the record. The short answer is, it was a very difficult decision, but the council thought that was the best course of action at the time. And contrary to some who might be thinking that the council can only approve policy recommendations with consensus, that is really not the case. And

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I think there was discussion within the GAC during ICANN 69 whether that was the case, I think there was misunderstanding.

I think the most important thing perhaps to note or influence the council's decision is this: EPDP E Phase 2 final report, it was clearly said that in relation to the recommendation related to the SSAD, they actually considered interdependent and consider as a package. The council very much took that on board and also bear in mind the GNSO PDP manual, which actually, I would briefly read it out, says the GNSO Council is strongly discouraged from itemizing recommendations that the PDP team has identified interdependent or modifying recommendations wherever possible.

So given such a statement from the EPDP Phase 2 team, those SSAD recommendations are interdependent, and given the language in the PDP manual and given the designation given to consensus designation given to those 18 recommendations, most of them have consensus or full consensus, I believe, 6 of them have strong support but significant opposition, and only 2 of them have divergence as consensus designation. The council thought the EPDP team Phase 2 has gone as far as it possibly could in coming up with those SSAD related recommendations. So that sort of was a good starting point and it also built in potential evolution, if you like, mechanism to allow it to evolve to

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be a more automated system. So we thought that was really the best option, best course of action for the council to take, and that is why the council voted with a super majority to approve those SSAD related recommendations.

And just to make the point, the challenges we as a community face and the council face throughout the EPDP were unprecedented. So there were no rule books, no precedent to follow, all learning as we go and tackling the challenges we had together, so those were the circumstances under which those recommendations were approved. And even if Phase 2, just to answer the second question, whether they were -- example, in the Phase 2 final report there were two recommendations that was (audio interference).

MANAL ISMAIL, GAC CHAIR: Sorry, someone needs to mute. Sorry, Pam.

PAM LITTLE: No problem. So that is my response to those questions. I see Kavouss' hand.

MANAL ISMAIL, GAC CHAIR: We are right at the hour, so Kavouss, if it's really brief, go ahead. And I see Kavouss took his hand down.

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IRAN: It is not a hand down. Pam, I fully agree with you. We have to be mindful of what we mean by consensus. We are not full consensus and the definition and so on, so forth. I agree there have been other cases, as you mentioned, and moreover, we need not to intervene in the process of the GNSO how they [indiscernible] the things. This is clearly (audio static).

PAM LITTLE: Manal, if I could add one thing, the council was very mindful of the various minority statements filed by our community groups including our GAC colleagues and that is why you might have seen in the council resolution, the council actually requested a consultation with ICANN Board about the fact that there are so many user groups actually filed minority statements questioning the cost and benefit, for example. This was unprecedented and never as far as I know that the council approved a set of policy recommendations and asked the Board for a chat to say hey, let's approach this carefully before the Board approved those recommendations, the council would like to have a conversation about this. So that is actually another measure the council did in light of those minority statements including the GAC's. Thanks.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Pam. And thank you very much Philippe, Tatiana, and Pam and all the members who have joined us today. And thank you to the GAC colleagues for their active participation and to our liaisons, and I am sure we will provide them feedback with regards to how the new set of questions, when and whether we would like to enhance our bilaterals in some way or another.

So we look forward to next steps on the topics, and to my GAC colleagues, please be back at 10:30 Cancun time for SubPro discussions.

Thanks.

**[ END ODF TRANSCRIPT ]**