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ICANN72 | Virtual Annual General Meeting - Joint Meeting: GAC and the ALAC
Tuesday, October 26, 2021 - 9:00 to 10:00 PDT

GULTEN TEPE:　　　　　Good morning, good afternoon, and good evening.

Welcome to the ICANN72 GAC meeting with ALAC on the 26th of October at 1600UTC. Recognizing that these are public sessions and other members of the ICANN community may be in attendance the GAC leadership and support staff encourage all of you who are GAC representatives to type your name and affiliation in the participation chat box to keep accurate attendance records.

If you would like to ask a question or make a comment, please type it in the chat. The feature is located at the bottom of your Zoom window by starting and ending your sentence with a question or comment as indicated in the chat.

Interpretation for GAC sessions include all 6 UN language and Portuguese. Participants can collect the language they wish to speak or listen to by clicking on the interpretation icon located on the Zoom tool bar.

If you wish to speak, please raise your hand. Once the session facilitator calls upon you, please unmute yourself and take the floor.

Remember to state your name and the language you will speak if you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. Please make sure to mute all other devices when you're speaking.

Finally this session, like all other ICANN activities is governed by the ICANN Expected Standards of Behaviour. In case of distraction during the session, our technical support team will mute all participants.

With that, I would like to leave the floor to GAC Chair, Manal Ismail.

Manal, over to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulten, and good morning, good afternoon, and good evening everyone, welcome to the ALAC bilateral, scheduled for an hour, and I would like to start by welcoming Maureen and all ALAC members and to thank Yrjo Lansipuro and Shi Young Chang for their efforts to compile the

agenda as shown on the screen and to identify topic leads from both constituencies.

The agenda highlights public policy matters of common interest to both governments and Internet end users, and I look forward to a fruitful exchange and interactive discussion. But before we start, allow me to ask Maureen if you would like to say any opening remarks

MAUREEN HILYARD: Thank you so much, Manal, always a pleasure to be here with the GAC. I would like also like to pass on my thanks to Yrjo Lansipuro and Shi Young Chang for planning what I think will be an interesting session, looking forward to a fruitful discussion and sharing of information on these topics.

What I would like to do at this particular point in time is just to mention that what normally takes place at our AGM meeting is a little bit of a leadership shuffle, and this meeting, just to indicate, this meeting will be the final one for Yrjo who has given such great service to us between. ALAC and GAC -- and I have been part of the conversations, and I would like to formally introduce our incoming liaison to the GAC, Joanna Kulesza, so you will all get to know her very early in the piece and she knows she's got big shoes to fill, but I know she will handle it capably, and I too look forward to working with the GAC. So that is the update in relationship to

the GAC, but really looking forward to this session, and I will pass it back to you, Manal, thank you

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maureen, for this update and again reiterating our sincere thanks to Yrjo and our warm welcome to Joanna and looking forward to further enhance our interaction together.

With this, I think we're good to start with our agenda, and I see the next item, ICANN and governments, and with Joanna's leadership from the ALAC side, I will hand it to you

JOANNA KULESZA: Thank you very much, Manal, and Maureen for the introduction and warm welcome, and indeed, my sincere thanks to Yrjo Lansipuro, he has been wonderful and very gracious with his time and expertise, making sure no loose ends, and very excited about this job. And I realize these are big shoes to fill, speaking on which, let me try and briefly [indiscernible] the responses that the ALAC has provided to the Board also during yesterday as meeting with regard to the first question that was posed to individual communities on advancing the relationship between ICANN and government, and there could clearly be no better set to go discuss this than this meeting today.

The responses that the ALAC has provided included three focal points, one which might be somewhat predictable. We have long emphasized the fact that these advisory committees are largely similar. We do work on the ground with individuals, we tend to look at these individuals and consider their needs from somewhat different perspective, the bottom-up processes of the ALAC complement those by the governments aimed at ensuring that cyberspace remains safe, free, and open for what the governments perceive as citizens

Speaking of which, we have under Yrjo Lansipuro's wonderful leadership provided a lot of insight in the way the at large structures, individuals, NGO's, company -- work on its grounds and then want to be sure that process transposed onto a more active engagement on the grounds, and that hopefully translates into active At Large participation in various government led or government supported forums. So we want to make sure these activities of individual structures of the At Large and those of individual GAC members and the institutions that they represent, complement each other and that there indeed is a coherent message that will be produced to the outside world on how ICANN policies remain relevant for contemporary geopolitical challenges

And we have worked together on the best way to advance capacity building, ensuring support for the entire ICANN

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community with regard to outreach and dissemination. One of the responses that the ALAC produced with regard to the first question from the Board focused on very practical measures that could be taken up with the support of the org to ensure this message transmitted to the outside world is indeed coherent and easy to digest, we have observed as if somewhat our ALS's or individual members have duplicated efforts of stip we know see or the org by producing their own [indiscernible] or policy papers. We would welcome the support from the Board to encourage organized provision of tools that could be then during this period of timed and used for capacity building purposes

And then looking into the foresight of further development of ICANN individual communities but more significantly building synergies between them, we have suggested that ICANN might want to follow the path that has already been taken up by some of the largest Internet related companies like Facebook, YouTube, Google, where they do indeed have -- I don't want to use the word lobbyists, but they have professional diplomats sharing the message of how important specific interests are. We have proposed what might be considered track 1.5 diplomatic discourt between the ICANN community and governments. The ICANN community rich with expertise. It might be useful to put that to good use with regard to capacity building and exporting this expertise to the outside world

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So what we did propose was a more targeted approach to be supported by the Board academic program. We do have more details, but I will stop, I know we're scarce on time, thank you for the invitation, and once again, very much looking forward to this collaboration growing with regard to capacity building and other areas mentioned here. Thank you

MANAL ISMAIL, GAC CHAIR: Thank you very much, Joanna, and indeed, we can definitely benefit from the many At Large structures, you have 240, and likewise the GAC, has 179 member countries and observers from intergovernmental organizations and we can definitely benefit from establishing channels between At Large structures and relevant GAC members and policy makers.

We could even benefit from reaching out to governments who are not members yet of the GAC if this is possible through the At Large structures so maybe a good starting point would be to just map GAC member countries on countries of at large structures and see how best we can -- or where we can have a good starting point to establish the mentioned channels

I will stop here and see if any comments or requests for the floor either from ALAC or the GAC. Seeing none, I think we're good to move. I'm trying to catch up with the chat or maybe advise colleagues to look at the chat to read also other comments made

in the chat. But please be encouraged to raise your hand and seek the floor if you have any comments

And just one thing to note, that indeed we're trying to closely follow the actions or answers of the community to this question that the Board posed to different parts of the community in order to know the views and opinions of the community on this. Unfortunately r unfortunately, the Board meeting with the ALAC conflicted with the GAC meetings, but we will be sure to listen to the recording and get the essence of what has been discussed between the Board and the different parts of the community. So thank you very much

If no requests for the floor, maybe we can go to the following slide. And we now have two questions. Am I hang it over to someone or would you like me to read out the questions?

SHI YOUNG CHANG: Thank you, Manal, and thank you, Joanna for sharing the information about the ALAC position. I also think that our program and capability for supporting from the ICANN Board is very helpful, important for building the collaborative efforts between two AC's. Even from South Korea, we try to make the [indiscernible] about Internet [indiscernible] -- I hope this will afford cooperation on the [indiscernible] ICANN issues. Based on that, I have two questions, of course we have a proposal to the

ICANN Board related to this topic at the ICANN Board meeting but from our side, I just want to know whether, do [indiscernible] GAC expand [indiscernible] develop progress especially related to geopolitical issues consistent with ICANN bylaws.

So I think in this changing environment about the geopolitical issues, where do we need to improve or expands to much more than -- [indiscernible] that is our first question, and seconds question is related to the first, especially about the GAC perspective. I just want to know whether or not how can improve the inclusiveness and allow cyber [indiscernible] from the end users to be reflected in the ICANN [indiscernible] development progress. So those are related questions about these topics. So I just want to know whether there is any people who want to discuss about these issues from the floor.

MANAL ISMAIL, GAC CHAIR: I see Joanna.

SHI YOUNG CHANG: Thank you, Joanna, yes, the floor is yours.

JOANNA KULESZA: Thank you very much, Shi Young. Questions will be covered where the specific policies were the advisory committee support will be highlighted, so that would probably be the answer to the

first question. And with regard to the inclusiveness, that is something that is very close to the At Large hearts as well, and I believe that our on the ground activities aimed at activating the [indistinct] but to complement it, I would argue that the diversity, the beneficial diversity we're seeking may be advanced through the other measures we just indicated as much as we manage to expand the communications outside the bubble, this might be complementary to achieving that aim. So in that sense, I would view these two slides as complementing each other, and very much looking forward to supporting those communications working with you directly, thank you.

SHI YOUNG CHANG: Thank you, Joanna, yes, it's related to each question, so thank you for your helpful answers. And I just wonder if there are any other hand up from the floor about these questions. I see Jonathan, the floor is yours, thank you.

JONATHAN ZUCK: Thanks. Jonathan Zuck, for the record. I will throw in some video and join the party. These are interesting questions, I guess I would be interested in some clarity on them, in other words, on the first question when you say expand our role in ICANN policy making, I wonder what you mean by that. The ALAC in particular already stretches far beyond typical advisory committee roles within ICANN policy development through participation in both

PDPs and cross community working groups, so I'm wondering what areas of expansion you see that we should be discussing expanding into in terms of policy development side of ICANN.

The one -- the one area that has made rare use of, but the ALAC has ability to initiate a report and help bring about a PDP, something we do very, very rarely but existing within our capabilities, but beyond that, I'm wondering what you mean by that, and I guess the same thing on the inclusiveness and diversity of views. I'm curious what you mean by that as well. Within our own representation or do you mean trying to encourage the BC and IPC to reach out to more voices or something? So in both cases, I guess I would love some guidance as to what you mean by these questions. [chuckling] thanks.

SHI YOUNG CHANG: Thank you, Jonathan, yes, what I'm about the first question, basically it's based on the ICANN Board's question, whether they want expanding the [indiscernible] to government site, so maybe education or information sharing and so on, so what I want to know is in these kinds of geopolitical issues, cyber security or online harm, misinformation, I think the stakeholders role getting increased in this pandemic area, so I felt like we might change our roles in this kind of changing environment better than just [indiscernible] advisory role, we may have some greater say, the [indistinct] one of the example, maybe geopolitical issues we can

provide some common ground, joint issuance about these issues. That can be one of the examples of these questions. Am I clear, Jonathan?

JONATHAN ZUCK:　　　　Somewhat. And what I meant by that was a formal issue report by staff and initiating an issue report that would usually precipitate a PDP. And so I was using capital issue report, and it sounds like maybe you are talking about joint production of white papers or something like that as a working together to have our voices be more effective, sounds like maybe what you are describing in this question.

SHI YOUNG CHANG:　　　Yes, that is what I intended. Thank you.

CTU:　　　　　　　　　Rodney Taylor. I have posted a question in the chat, my question related to the At Large structures within ALAC, what mechanisms do you have to ensure the list is current, and these organizations are still active? Certainly in the case of [indiscernible] I'm aware of a few in my own home country that no longer exist, and therefore, is there a mechanism to ensure that the list is current, and these organizations are still active and have an interest in participating in the process? Thank you.

SHI YOUNG CHANG: Thank you, CTU. And if anyone can maybe answer for the CTU's question from the ALAC side?

ALAN GREENBERG: I have my hand up and will try to address that. Yeah, it's currently certainly an issue, and the ALAC put together a small Working Group, a task force last year to look at ALS mobilization, and part of that is a plan to revamp the process of ALS accreditation and a regular check, regular feedback from the ALSs to ensure they're still active, alive, and interested in participating in ICANN. So that is something that we have left up to the RALOS up until now, to essentially self-monitor themselves and the ALSs, but we will make it somewhat more formal in the coming year. Thank you.

SHI YOUNG CHANG: Thank you, Alan. I hope -- yes, Hadia, I see your hand.

HADIA EL-MINIAWI: Thank you, this is Hadia El-Miniawi, and I would add that [indiscernible] has most recently updated its rules and procedures, and we are also looking and paying attention to that, and we are also looking into mobilization of ALS's and also looking into not having dormant ALSs, that is, ALS's there only by name but actually not existing. Thank you.

SHI YOUNG CHANG: Thank you for the information. And I think as there are no hand up -- I don't see any hands up, so -- yes, thank you, Hadia. Currently 251-Als's. Thank you for the answer, and Nigel, the floor is yours.

NIGEL HICKSON: Yes, thank you some, good morning, good afternoon, and good evening, I think Manal probably mentioned but I think worth reiterating, and I think it's a wonderful structure that the ALAC has here and, it really is valuable to have groups of people in so many countries that are committed to take the discussion of Internet governance forward and I know the [indistinct] to the Internet society chapters of the groups. So I think some sort of table to help as us as GAC members, because we love to see tables, [chuckling] some sort of table with the relevant ALS structure for our country might well be relevant so we can reach out and have further dialogue if it's appropriate. Thank you very much.

SHI YOUNG CHANG: Thank you Nigel, for the good information about the table and the information from the [indiscernible] and thank you, Haiti for the [indiscernible] and I think as we're having the 50 minutes for the topic one -- 15, as I see no hand up, I think this can be the end of the first topic, and I just want to give the floor to Manal. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Shi Young Chang and Joanna Kulesza and everyone who contributed. If we go to the following slide on DNS abuse, and I have Nigel Roberts from the GAC.

NIGEL ROBERTS: Jonathan, why don't you go first, I was just speaking.

JONATHAN ZUCK: Yeah, so I guess this is an interesting topic, because the contracted party house have definitely attempted to take over the narrative on DNS abuse, I mean, I think they felt like they were on the defensive about it for the last four ICANN meetings or something like that, and are really trying to bring to the surface the reference -- not all of which are new, I think they want us to be aware of their efforts and really try to help us understand the distinction between what they consider to be their role versus the role of others such as hosting providers, for example, and what they consider to be within the ICANN remit and therefore a potential contract modification and something that they might do voluntary as businesses but outside of ICANN's remit, right?

So those are important distinctions I think to all of us and then the question becomes whether we agree with where they have drawn those lines. In other words, I think we both agree the GAC and ALAC, mostly agree that those lines exist, that there are things

that fall outside the ICANN remit and therefore fall outside of ICANN's responsibility to be involved in contractually or standpoint of contract compliance, and I think we can see that there are instances in which the hosting provider is a better source of correction than taking down someone's site, right, because that is sort of the nuclear option of response to finding malicious content.

So I think one of the questions we have in front of us is if we agree on where they have drawn those lines. And one area on the ICANN remit question, of course, is related to anything about content. So what the contracted party has done is to push everything related to content out the everything outside of ICANN work, whether DNS framework, the DNS abuse institute or the trusted notifier framework, all about private relationships with outside firms for which they don't want ICANN community interference

And I can understand their point, but I guess we as advisory committees need to decide whether or not we think that greater standardization of trusted notifier framework is necessary and therefore involves the ICANN community, and then what we think falls in and outside of the white picket fence, as it was called by Susan so many years ago, is something that I think we should get aligned on as well so that we come with a unified voice on that conversation

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And then I guess some of the things that have been discussed that are I think still open issues for both us and the contracted party house, are two things, one is a question of cost associated with predicted analytics and whether or not we should be pushing for ICANN, for example, to invest in those predictive analytics as a service or something like that so that those contracted parties that are not of the same size as the ones we normally talk to, could engage in some of the kinds of predictive analytics that dot EU does, for example, and figure out if there is a way to mitigate the cost of adoption on that

And then the other I think nagging issue that I feel is on ongoing frustration is whether or not contract compliance has the tools it needs to deal with the actors that everyone, including the contracted party, again, that we talk to, agree are difficult actors and deserving of enforcement action, right? And I think that is an open question as well

As representatives of government, you have heard this argument quite a bit locally, that more regulation generally tends to only affect the people plan to go obey them and doesn't affect those who don't. And I think the contracted party house justifiably, and again, we need to figure out where the line drawn, about taking on new burdens because of bad actor that only they would pay attention to and the bad actors would continue not to, so what if anything, do we think should be done about contract party

compliance -- and do we want to push as in the 2012 round try to push for small changes such that contracted compliance -- at the very least, a lot of research suggests a huge percentage of malicious registration comes from a small number of contracted parties, so dealing with those has to be part of our agenda. So I think those are some of the questions that are in front of us as advisory committees concerned about non-registrant end users and DNS abuse generally. So I think they're all viable topics for conversation

NIGEL ROBERTS: Thank you so much, Jonathan, and I mean, I think you have really stolen my thunder by giving such an eloquent overview of this. I am certainly not speaking for the GAC, and I'm not an expert on this, fortunately, within the GAC we have representatives of the Public Safety Working Group which have done incredibly valuable work in the community on this issue by the way couple of thoughts from the UK perspective, because interestingly, this is not an abstract topic for us, whether it's because we have curious politicians or whether it's because this issue is quite high on our agenda because of proposed legislation on online safety, you know, is a matter of conjecture, but these are real issues and people ask questions. What is ICANN doing about malicious registrants? If someone comes along and says they want to apply for a bank and uses it for a bot net or does anything else with it, that in many views is a malicious registration, saying I'm going to

do this with this -- and then doing something else, and for many people this is an ICANN issue.

Now, we can argue the finesse of whether it's at content issue or whether it's a technical issue, and I agree, we have to draw a line. And as you rightly said, Jonathan, we're not going to necessarily advocate for shutting down of major sites just because some form of content has been placed on that site maliciously or whatever, that is for others, but I think I think we have to recognize that this is a significant problem and I think in the last few weeks I think we have articulated this very well indeed because of the ALAC briefing that took place last week which was incredibly well attended and excellent in its scope and the Board workshop, two hours on Friday evening, which, again, articulated this subject well, and many of the experts in the Board workshop noted there were significant problems in this area and some of the definitions between content and technical abuse were difficult to draw

So I think we are one of these inflection points, at one of these inflection points about how we go forward, and an incredible amount of work has been taken forward by the contracted party house and by others as well. I have been involved in the initiative on trusted notifiers and hopefully will make a difference, but as you say, can we get at those bad actors and of course we don't want to upset the apple cart for the sake of a few bad apples, as they say, but on the other hand, what can we do to address that?

Can we make small changes to the contracts to address that rather than having a full-blown policy development process? Can other initiatives be taken forward?

So -- anyway, I will stop there but I think these are very valuable discussions, and it's very good that we're able to discuss these in this open format. Thank you.

JONATHAN ZUCK: Thanks, Nigel. Yeah, here in. LA, we have a lemon tree out behind the house and there are lemons that you can pick with your hand, and then there are lemons that require a special tool, a lemon picker on a long pole, to get to. And it's from that situation that the term low hanging fruit comes, right? In other words, identify the things that are easiest and could have the most impact for the amount of effort they require to bring about, right?

And so this idea of going after these bad actors or less good actors is something that -- I think there is even some agreement with the contracted party house except that I think they watch ICANN and wonder why ICANN isn't more aggressive with these -- like net for India or companies like that that seem to be systemically flawed, but they do seem to be the low hanging fruit of the equation. It's not that we think the contracted party house is perfect, by any means or the DNS abuse framework is exactly what we want it to be or that the definition of DNS abuse is even exactly what we

would want it to be, but I think there is an opportunity for us to accept all of the definitions that have been provided to us by the contracted party house and by the consensus work inside of ICANN and still identify work that needs doing, so that is what I think represents the low hanging fruit. So what may make sense is for the ALAC and GAC to spend some time prioritizing our efforts. And to get to the Shi's question earlier about expanding our role and working together to focus in, maybe that effort to prioritize the work and say together our first priority is to accomplish x, and then we lost our efforts on that thing that may allow for more dramatic results that we may have realized from our scatter shot approach of always talking about everything, much like my introduction, so many things, it's like what should we be working on? And maybe small changes to contract compliances and we should be silent on the other things to really focus on accomplishing that, but it's just my reaction to your thoughts, Nigel

I saw the lovely Susan Chalmers had her hand up but seems to have taken it down. So it's with great regret that I call on Alan Greenberg

ALAN GREENBERG: Thank you for having great regret and calling on me [jokingly]. I just want to make a quick comment. A number of comments were made in the last few minutes on contractual compliance and

altering contracts and things. A little bit of history. We worked for many years on the 2001 version of the RAA, the registrar's accreditation agreement, and it was only an embarrassing fiasco around 2008 which forced ICANN to go into negotiation and revise the contract have eventually resulted in a 2009 change and then a 2013 change.

Now many of us considered the periods from 2001-2009 to be far too long, eight years without in it change in the terms that our registrars work seemed outrageous, and it was an only a rather embarrassing fiasco that caused the change. Now sitting with the same for eight years and the thought that nothing has changed substantially has changed in our environment in terms of registrations and how the world works since 2013, it's just ludicrous. So I think we're ripe for a major revision but as far as I can tell there is no effort going on to do that, and I think we need to start pushing a little bit to get community input on what kinds of changes are necessary, that is what we did for the 2013, there was a specific community group that formed to identify issues that needed to be addressed. They may not all get addressed but if we don't start, we're going to be running on the 2013 RAA for the next eight years

JONATHAN ZUCK: And [indiscernible] whether a radical overhaul necessary rather than minor changes targeted specifically at enforcement powers

of ICANN on clearly definable levels of abuse or whatever the right term is. I think we inspire the wall building that happens if we are too gracious with our rhetoric there, and we need -- the more targeted we can be, the more likely that we might get the cooperation of the contracted party house, but that is just a thought. Laureen, please.

ALAN GREENBERG: I will simply say that that should be the first discussion we have, then.

JONATHAN ZUCK: Thank you, Alan, that is perfect.

LAUREEN KAPIN: Thank you, Jonathan, I just wanted to amplify some of your comments and note that the GAC has signaled that a focused effort on specific proposals for concrete and enforceable contract provisions that concur with DNS abuse is something worth pursuing, and certain the precedents we have from the community gathering behind the 2009 law enforcement recommendations that were then taken up as part of ICANN's negotiations I think is a useful model to consider because those were -- again, those were specific targeted recommendations aimed at law enforcement and Public Safety concerns that informed ICANN's negotiations with the contracted parties. And

if you look at the Board's decision in 2013 and its recounting of the history, it's very clear that this is a model that has been used and ultimately was effective in that the 2013 contracts reflected most of these recommendations, if not all of them. So I just wanted to highlight that this could be a useful model, and certainly to the extent that other stakeholder groups join the GAC in thinking about these proposals ultimately endorsing proposals that make sense, that could be an effective way to mobilize the multi-stakeholder model to ensure ICANN in its negotiations is informed about stakeholder groups concerned about the public interest.

JONATHAN ZUCK: Definitely, Laureen. I don't know, are we circling in on the idea of joint ALAC/GAC small team that is looking at some of these proposals and looking at what we might want to try to recommend together?

MANAL ISMAIL, GAC CHAIR: I think that would be great, Jonathan. I think it's a good idea to have a joint white paper. We have had joint position paper before, and let's call for volunteers and see an interested small group from both constituencies to have a white paper out which would trigger the discussion we would like to see prior to any new gTLDs also.

JONATHAN ZUCK: Sorry to interrupt, I have to say that the ALAC in particular has created the impression in the Board and I think ICANN org that we don't want a new round. And I feel like that is a vast oversimplification of our position on a new round, it's very interesting, but it's been confirmed to me through back channels that that is the perception of our position about a new round is that we don't want one, and that is why we're piling so many things in front of a new round.

And I think the irony is that our real position is that we don't think there is urgency for a new round, but that the irony comes from the fact we might actually appreciate having one, because it represents an inflection point and an opportunity for change, and I think that is why we were pushing for this issue not to be punted out of the Subsequent Procedures Working Group, because we see these inflection points as points of leverage as they were in 2012. And so in truth I think we would like a new round. We would like our ducks to be in a row before we do it, but I think we also see it as an opportunity for change when everyone is so motivated to move forward. So I just wanted to share that sort of ironic perception we have created that we don't want a new round when in fact the opposite may be true if the conditions for it are right.

MANAL ISMAIL, GAC CHAIR: Thank you, Jonathan, and indeed, let's build on the opportunity and maximize the benefit. I'm afraid we have only eight minutes left, and we still haven't tackled the public interest part. If we can go to the following slide. And I'm not sure who is in charge of public interest. We have Jorge from the GAC side, and I see Justine's name along with Alan and Hadia. Jorge?

JORGE CANCIO, GAC VICE-CHAIR: Thank you, Manal. Jorge Cancio, for the record, GAC representative for Switzerland, and happy to be here with you. I think it will be a shortened conversation but at least to my eyes, we have been discussing already public interest when discussing DNS abuse or when discussing the question of the relationship between ICANN and governments and also the best way of cooperating with at large structures.

Just to introduce the matter, as you know, one of the core values of the ICANN bylaws mandates that ICANN has to seek and support broad informs participation reflecting functional geographic and cultural diversity of the Internet at all levels of policy development and decision making to ensure that the bottom-up multi-stakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent

And there was a plan to organize a plenary session on the public interest framework that is being piloted by ICANN Board. This was a bit premature, and it was substitute by an informative session where some information was shared a couple of weeks ago. But we thought, and this was decided when establishing the agenda of this meeting, that we could kick start this discussion with a number of general questions. And you have them on the slide.

Basically the question goes -- it's three-fold. On a more pragmatic level, what we think, whether the latest policy development processes have had or have reflected the public interest in their outcomes. Second more structural question, whether there would be structural challenges to furthering the public interest within the ICANN policy development process. And finally, a more tactical question, where we can cooperate even closer, and we already had this discussion on DNS abuse for instance, so with this shortened introduction, I would give the floor back to our ALAC colleagues. I don't know if Justine or Hadia are going to intervene, but maybe this is only the start of a conversation.

MANAL ISMAIL, GAC CHAIR: I see Hadia's hand up and then Alan.

HADIA EL-MINIAWI: Thank you. Jorge, for this introduction, and thank you, Manal. And since the questions are very specific, I will also be very specific in my answer. And whether we consider the -- I will be speaking to the WHOIS, the gTLD registration data, and whether the public interest was considered or not, so definitely the public interest was mentioned. It was discussed. But was it considered? I would say no. It was not considered. And the reason I'm saying so, if we would like for example to consider the public interest in relation to the benefits to the Internet community, then we will need to perform a balancing test between the benefits of differentiation and the risks associated with the disclosure of personal information of data subjects, natural persons to contracted parties' registrants.

I would say we did not perform such a balancing test. If we would like to consider the public interest as it relates to ICANN processes and policies and whether all views were taken into consideration, that would require us to weigh the various considerations and viewpoints, including minority statements, in order to see if we did reach balanced recommendation that take into account all relevant input. And I would say, again, that this did not really happen, and the minority statement would be a clear indication of that. So they are called minority statements. We find that five groups out of the nine actually have the same point of view. Five out of the nine that actually submitted minority statements have

the same point of view. So that appears not to be a minority view, right?

So -- and then considering your seconds question in relation to the challenges, I think what needs to happen is to incorporate the public interest during the evaluation and during the policy development processes. And not to wait until the recommendations -- wait until the recommendations and decisions are made in order to test whether the recommendations and decisions follow or the public interest or not or are in the public interest or not. And I think this is the mistake that we keep on doing, like we come up with decisions and we come up with recommendations without actually considering the public interest during the process itself, and then after the decisions are made, we start using tools in order to test whether those recommendations are in the public interest or not.

And I would think the challenge and maybe the boast benefit would come from actually using the tool during the process itself and using it during the development of the recommendations and not after it has been submitted to the Board, for example, in order to test whether it is in the public interest or not. So I will stop here and give the floor back to Manal or Alan.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Hadia. We have Alan, [indiscernible] Justine, and then we will conclude. Apologies for running over time, I hope it's okay if we stay for five or ten minutes more. Alan, please.

ALAN GREENBERG: Thank you very much, I will be very brief. In terms of has the public interest been served in recent major PDPs, I think in SubPro to some extent. There were certainly very significant discussions which have to do with public interest and the perceptions of those who are talking on behalf of the public interest, whether we won the arguments or not a different issue, but certainly the issues came up on a regular basis.

In the EPDP, I think far less so. There were certainly aspects, most certainly in Phase 1 and Phase 2a, where the [indistinct] didn't even come up -- I don't know how to fix it. It has to some extent have to do with the Chairing but also with the chartering process, and I think we have a way to go on that

In terms of cooperation between the GAC and the ALAC on these groups, I think we have to make sure that we're not just talk about it at these meetings but actually doing it, and that translates to essentially the practice that has involved are pre-meeting it's, that is, before every single EPDP meeting, the people who are like

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minded need to get together and talk and come one unified position. We're very fortunate on the EPDP to have one of the GNSO constituencies who we tend to agree with, scheduling meetings, and it actually takes someone -- I will be blunt, to get off their Chair and schedule the meetings and invite other people and then have the conversations, just saying we need to cooperate is not sufficient, and I want to make sure as we go forward, when there are PDPs or other groups where we need to cooperate, we actually are putting the time and effort into doing that, not just by trading papers but by actually discussing things and coming to joint agreements before we go into the meetings, and I think that is a very effective way of proceeding, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Alan.

MARITA MOLL: Can you hear me? I think I know where Jorge is coming from on this question, because we work together in trying to get a public session going on the public interest framework that is being piloted currently at the Board in evaluating various -- implementing various decisions and one of the first roadblocks we ran into right away was the term public interest that has to be treated very, very carefully, to try not to open up that box and end up in an endless discussion of what is the public interest.

So I think the questions are good, but I think we would have to kind of carefully unpack how we're using that word before we actually go in where further. With this, I really hope -- I think this is maybe an introduction, a beginning of a discussion that could lead to a public session at the next meeting, and I hope we can continue working on this and find our way through this issue to create a good public session that can be a little bit beyond the public interest framework but not get us into that quagmire of what is the public interest. Thank you

MANAL ISMAIL, GAC CHAIR: Thank you, Marita, and I am being told we need to close the session. Justine, anything in one second?

JUSTINE CHEW: Sure. Quickly, this is Justine, for the record, in terms of SubPro, I think one of the challenges with SubPro in particular is that -- and to be blunt, it's actually targeted at applicants and registry operators, not necessarily the public.   So therefore it lacked incentive to introduce public interest discussions and concerns.

Having said that, there were some that were enforced because things like PICS, that is a question of public interest, so couldn't get around not discussing public interest I think moving forward if there was some kind of joint effort between the ACs so try and talk to GNSO to introduce questions of public interest early on in

the chartering process to build it into charter, I think that would help. Okay, I will stop there. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you. Very sorry, Justine and everyone to run over time. Thank you, everyone. Maureen, anything? Okay. Thank you everyone and see you all after the break. Bye.

[END OF TRANSCRIPT]