
ICANN79 | CF – GAC Communique Drafting Work Session (4 of 7)
Wednesday, March 6, 2024 – 3:00 to 4:00 SJU

DANIEL GLUCK: Hello and welcome to the GAC Communiqué Drafting Session on Wednesday, the 6th of March, 2024 at 19:00 UTC. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. During this session, questions or comments submitted in chat will be read aloud if put in the proper form. Remember to state your name and the language you will speak in case you'll be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. And please make sure to mute all other devices when you're speaking. You may access all available features for this session in the Zoom toolbar. And with that, I will hand the floor over to the GAC Chair, Nicolas Cabellero.

NICOLAS CABALLERO: Thank you very much, Daniel. Welcome, everyone. Please take your seats. Welcome to the fourth GAC communique drafting session. This session will be running till 4:00 PM local time. Then we'll have a short 15-minute coffee break. And then we'll have the fifth Communiqué Session running from 4:15 to 5:30, again, local Puerto Rico time. So with that, welcome back. I hope you enjoyed your usual Puerto Rican coffee, which is very good, by the way. And so without further ado, let's dive into the details and nuances of the GAC Communiqué. If I recall correctly, Fabien, we need to give a final read to the RVCs and PICs. That is registry voluntary commitments, and public interest commitments in

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new gTLDs. Is that correct? Okay, so for this, do I have any volunteer among the distinguished vice chairs? And I see Mr. Nigel Hickson from the UK. Would you like to read, taking advantage of your wonderful Shakespearean English?

NIGEL HICKSON:

Good afternoon, Mr. Chairman. Yeah, it'll be a pleasure to read it. It's the text in front of us. That's the text that you're talking about, right. So registry voluntary commitments, RVCs, Public Interest Commitments, PICs, in new gTLDs. GAC members discussed the implementation framework for content-related registry commitments in the new gTLD program, colon, next round, in preparation for potential committee input to the open consultation process. The discussion, to an extent, was framed by GAC advice in ICANN 77 Washington D.C. communique on the fundamental need for PICs and RVCs to be enforceable. GAC members shared a range of views on the issue, including that the committee needs adequate time to analyze and consider the complex issue, concerns about whether a fundamental bylaw amendment related to content would be needed, and whether any outcome would jeopardize the existing RVCs, which registries had entered into as a result of GAC advice. The GAC is of the view that a complete and careful legal analysis is required in this regard, the result of which is to be made available to the community. It was noted that fundamental bylaws amendments should be considered carefully, and that an amendment should only occur if the ICANN community believes it is absolutely necessary. The GAC intends to consider these issues further and to seek to submit a joint GAC comment to the community consultation process.

NICOLAS CABALLERO: Thank you very much for that, UK. Actually, we need to choose there if the final text will be, to consider these issues further and seek to submit a joint comment, or if we will go with consider these issues further and...

NIGEL HICKSON: I think you could, and seeks to submit, yes. Seeks with an S. So to consider these issues further and seeks to submit a joint comment. Yeah.

NICOLAS CABALLERO: Perfect. Thank you very much for that, UK. I have Iran and then the USA. Go ahead, Iran.

KAVOUSS ARASTEH: Thank you, sir. I don't believe that we need word seeks and submit. We don't need to say seeks to submit. And then instead of joint GAC comment, collective GAC comment. Thank you.

NICOLAS CABALLERO: Collective instead of joint, you mean, Kavouss, right? Joint collective...

KAVOUSS ARASTEH: Instead of joint, a collective GAC comment, and we delete the word and seeks to submit, and submit.

NICOLAS CABALLERO: Thank you, Iran. I have the USA.

SUSAN CHALMERS: Thank you, Chair. Thank you, Chair. I would propose another option, which would be that the GAC intends to consider these issues further and may submit a comment to the community consultation process. I'm using the word may because we don't... We're facing a very, very short deadline here. We practically need to develop this comment next week for review or the week thereafter. So it's not certain that we'll be able to find consensus and just looking to shorten. I think less words are always better if we can achieve that. So it's assumed that if the GAC submits a comment, it will be a consensus GAC comment. So the GAC intends to consider these issues further and may submit a comment to the community consultation process. Thanks.

NICOLAS CABALLERO: Thank you for that, USA. So let me just read the whole paragraph for the sake of clarity so that we can have a broader look at how it would look in the end. So it was noted that fundamental bylaws amendments should be considered carefully and that an amendment should only occur if the ICANN community believes it is absolutely necessary. The GAC intends to consider these issues further and may submit a collective comment to the community consultation process. Do we have any reactions in this? I have the UK and then the USA and then Iran. UK, please go ahead.

NIGEL HICKSON: Yes, thank you, Mr. Chairman. And yeah, sorry, I probably didn't read it very well. But I think may is too weak in this context. We've been asked

by the community specifically for a GAC input on this. We went back to the community and we said that we'd like till the 31st of March. It may be, of course, as the US delegate said that we can't fulfill this mandate, but I think we should intend to do it. It's a public policy issue. It would look quite strange for GAC not to give an input on such a public policy issue.

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

KAVOUSS ARASTEH: Yes, I tend to agree with Nigel. We don't need to say may because first of all, we say consider the issue. Consider covers the situation. Nevertheless, we should not use the word may for the reason given by Nigel. Thank you.

NICOLAS CABALLERO: Thank you, Iran. I have Brazil.

BRAZIL: I just think that considering what we discussed on this topic during this meeting, I don't believe we have enough elements at this point to be able to elaborate further on what we already had in the past. So I suppose if we're going to work on a collective GAC comment, we probably have to get back to what was the GAC advice in ICANN 77. I don't believe it would be possible to go further than that. I don't think we got any kind of conclusion on this issue during this meeting, and I'm not sure we have elements to get to that point. So unless considering

the timeline of the decision-making process around this issue makes it absolutely necessary that you have some kind of new opinion on this issue to present to this consultation, I don't really think it would be realistic to have this. So I would be fine with may, because I believe we will have other opportunities to give our input in that process in addition to that consultation process. That was my understanding, unless there's a timeline there that's not necessarily clear to me. Thank you.

NICOLAS CABALLERO: Thank you, Brazil, for your comments. I have Switzerland.

JORGE CANCIO: Thank you, Nico. First, I don't want to be difficult, but it struck my eye in the previous phrase, this absolutely. I'm not sure whether we need it, this it is absolutely necessary. What do we want to say with absolutely? So necessary is necessary. If we deem it necessary, it's enough. I don't think we need absolutely.

And on the other sentence, perhaps a possibility of tweaking, and I'll say it first normally, and if people think it's useful, I would go into a dictating pace, is to frame it as follows. The GAC intends to consider these issues further, including the possibility of submitting a GAC comment to the community consultation process, and we avoid joint, collective, may, etc.

NICOLAS CABALLERO: Could you please repeat at a slow pace so that we can write it down?

JORGE CANCIO: At a dictating pace, the GAC intends to consider these issues further, including the possibility of submitting a GAC comment to the community consultation process.

NICOLAS CABALLERO: Thank you for that, Switzerland, and I see support from the UK in the chat room. And I have Iran. Please go ahead.

KAVOUSS ARASTEH: Thank you, sir. We need absolutely. Absolutely is not in contradiction with necessity. It is a fundamental necessity. So I don't agree that we delete absolutely. Nothing wrong with that. And then the possibility, I don't think that we should talk about the possibility, and so on and so forth. So we should say and submit something, but I don't believe that we say possibility or should say may. Thank you.

NICOLAS CABALLERO: Thank you, Iran. So again, let me read the last two paragraphs again for the sake of clarity, because otherwise, the whole thing is getting a little bit confusing, at least for me. So it reads, it was noted that fundamental bylaws amendments should be considered carefully, and that an amendment should only occur if the ICANN community believes it is necessary, or absolutely necessary. We need to decide on that. The GAC intends to consider these issues further and may submit a collective comment to the community consultation process. Or the other possibility is the GAC intends to consider these issues further, including

the possibility of submitting a GAC comment to the community consultation process. So it's for us to decide. It's a little bit confusing for me because most words in different ways try to convey the same message, I guess. But again, we need to decide. And I have Iran again.

KAVOUSS ARASTEH:

Thank you, Chairman. We are talking of fundamental bylaw. And this absolute is important to mention, because I'm not talking of the bylaw, fundamental bylaw, which is equal to the constitution of ICANN. So this term absolutely is required to be put here. Then you read kindly two versions, one from USA, another from Switzerland, but [I] also provide a version. And that version also is at least at this stage is valid, not to say possibility, not to say may. So we have three options, if you kindly agree. Thank you.

NICOLAS CABALLERO:

Thank you for that, Iran. Yes. And as a matter of fact, we could have five options. Again, it's up to us to decide. I don't have a problem with that. I don't have any kind of strong feelings. I'm just trying to move the session forward and try to avoid getting stuck in nuances unless the floor and everybody tell me that that these words are fundamental, again, using the same words in the text. I have Switzerland, please go ahead.

JORGE CANCIO:

Thank you, Nico. Yes, not intending to be difficult, but I really am confused with this absolutely and remembering what is in the bylaws. There's no requirement for the community in the empowered

community to be absolutely sure that it needs a change in the fundamental bylaws. It just has to decide according to the rules that it wants that change. So I think absolutely is here absolutely not needed. Thank you.

NICOLAS CABALLERO: Thank you for your absolutely clear mention. Thank you so much for that, Switzerland. Any other comments? I think we should park this and move on because in my humble opinion, I don't see agreement here. Not that these are super important issues. I think it's just a choice of a matter of choosing the right words. But we've been stacked for the last 15 minutes in the same paragraph.

GULTEN TEPE: Nico, we have U.S. in the queue.

NICOLAS CABALLERO: Yes, thank you for that, Gulten. U.S., please go ahead.

SUSAN CHALMERS: Thanks, and just to note in the chat that we're happy to go with the language suggested by Switzerland in the interest of moving forward.

NICOLAS CABALLERO: Thank you very much, US. So can we clean the... Thank you for that, Fabien. Let's try to clean it up so that we can give it a final read, at least the two or three paragraphs. If you agree with me, I don't need to read the first paragraph. Or do you want me to? I don't think it's necessary,

but in any case. So, again, for the sake of clarity, Christine, would you please help me read the last three paragraphs?

CHRISTINE ARIDA:

Okay, for the last three paragraphs, they go as follows. The GAC is of the view that a complete and careful legal analysis is required in this regard, the result of which is to be made available to the community. It was noted that fundamental bylaws amendments should be considered carefully and that an amendment should only occur if the ICANN community believes it is absolutely necessary without... The GAC intends to consider these issues further, including the possibility of submitting a GAC comment to the community consultation process.

NICOLAS CABALLERO:

Thank you very much for that, Egypt. Any comments, any feedback in the room?

GULTEN TEPE:

Iran is next.

NICOLAS CABALLERO:

Thank you for that, Gulden. I was checking the room first, so I don't see any hand in the room. So let's give the floor to Iran.

KAVOUSS ARASTEH:

Thank you, Chair. Maybe we say that in the first version believes that it is required, because required is more stronger than necessary. So we

don't need absolute, and we say it is required, that it is required. We can get rid of those two things.

NICOLAS CABALLERO: Yeah, but I do have a problem with that, Kavouss, because required by whom? You know, that would be like the logical...

KAVOUSS ARASTEH: By community, Chairman. By community. Yes, sorry. I apologize. I get into your talk. I'm sorry for that.

NICOLAS CABALLERO: No, it's all right. It's all right. Thank you for that, Iran. Yeah, I don't... I mean, I would be okay with it. I would be okay with either wording. I don't know. Any strong feelings? Any feedback from the floor?

GULTEN TEPE: Nico, we received a chat from Japanese delegation.

NICOLAS CABALLERO: Thank you, Japan. So let me read it. Thank you, Nobu. It says, how about inclusive submission of a GAC comment to merge Iran, US, Switzerland? Well, I don't understand very well, but thank you anyways, Japan. Thank you, Nobu. Well noted. Please go ahead, Nobu.

NOBUHISA NISHIGATA: Well, hello, Chair. Hello everybody from Tokyo. And then just my humble proposal is just following Jorge's proposal in the second

version in the end. And then just my proposal is going to be just deleting the word of the... the possibility of just three words. Just proposal to delete these three words to... as my attempt to get everybody's agreement on the sentence. Thank you.

NICOLAS CABALLERO:

Thank you, Japan. Any other comment? So if I understand correctly, we have a final... a potentially final version of the last three paragraphs. So let me read again. The GAC is of the view... well, I'm not going to repeat that. So it was noted that fundamental bylaws amendments should be carefully and that an amendment should only occur if the ICANN community believes that it is required. The GAC intends to consider these issues further, including submission of a GAC comment to the community consultation process. Let me stop here and see if we have any reactions in the room. I see some nodding. Are we okay with the way it is drafted? So voila. Apparently, we have some agreement here. So I would ask at this point my distinguished colleague from Colombia, whose English is also excellent and Shakespearean, to give a final read. The whole paragraph, if you don't mind, Tiago, so that we can get the full picture.

THIAGO DAL-TOE:

Registry voluntary commitments, RVCs, public interest committees, PICs, and new gTLDs. GAC members discussed the implementation framework for content-related registry commitments in the new gTLD program next round in preparation for potential committee input to the open consultation process. The discussion, to an extent, was framed by

GAC advice in ICANN 77 Washington, D.C. communique on the fundamental need for PICs and RVCs to be enforceable.

GAC members shared a range of views on this issue, including that one, the committee needs adequate time to analyze and consider this complex issue. Two, concerns about whether a fundamental bylaw amendment related to content would be needed. And three, whether any outcome would jeopardize the existing RVCs, which registries had entered into as a result of GAC advice.

The GAC is of the view that a complete and careful legal analysis is required in this regard, the result of which is to be made available to the community. It was noted that fundamental bylaws amendments should be considered carefully, and that an amendment should only occur if the ICANN community believes that it is required. The GAC intends to consider these issues further, including submission of a GAC comment to the community consultation process.

NICOLAS CABALLERO:

Thank you very much for that, Columbia. I think we have an agreement here. Please tell me you're okay with the commas and the periods, and please tell me that is the case. And I see nodding, and I'm very happy to tell you that we're okay to move forward. Thank you so much for your good ideas and your good editing skills, by all means. Let's move on. Fabien, back to you.

FABIEN BETREMIEUX:

So from here we have two options. We can track back one step to the section two on cost-benefit analysis of new gTLD program, because we

have some editing to confirm here. Or we can move down to the next new issues of importance, which is on regional internet registries.

NICOLAS CABALLERO: So I think we should get done, we should finish the editing and everything in order to move forward.

FABIEN BETREMIEUX: And so on the cost-benefit analysis of the new gTLD program, I think we see here on the screen, if you scroll down after the fourth paragraph, there were three options to replace the initial sentence that started with furthermore, and that relates to the independent nature of the document that was presented by ICANN versus the expectations of the GAC.

NICOLAS CABALLERO: Yeah, I remember this. So thank you, Fabien. So we need to decide which one of the three we would put at the end of the paragraph above, right? So the first one would read, furthermore, the analysis cannot be considered objective or independent because it was prepared based on inputs from ICANN org and the ICANN community. This is version one, let's say. The second is, furthermore, the GAC is of the view that the analysis should have been done objectively and independently. Again, version two. Version three would read, furthermore, the analysis cannot be considered objective or independent because it was prepared internally within ICANN. What should we do? The floor is open. Indonesia says we should go with number two, with version two. Again, the floor is open. Lebanon, go ahead.

ZEINA BOU HARB: I'm sorry, Indonesia, but version two is the reason why we are adding this text. So it's the title, it's embedded already in the reason for which we are rewriting this text here. So it cannot be repeated.

NICOLAS CABALLERO: Thank you, Lebanon. I have Iran and then the European Commission.

KAVOUSS ARASTEH: I give the European Commission first, I come back after them. Thank you.

MARTINA BARBERO: Thank you very much. I don't want to be difficult either, but I think our esteemed colleague from Lebanon earlier said that it's a bit difficult for an external reader to understand our reasoning if we don't provide enough input on why we don't consider the analysis to be independent and objective. So I think it would be still interesting to try to capture a bit of the message from the sentence that relates to the fact that the input has been prepared by the community, because this is the reason why we have some concerns about the document. And to be fully transparent, any cost-benefit analysis based on input from somewhere is just that it's the only input that it was feeding into the document, that's a bit the problem. So I think the second and the third option miss a bit the opportunity to be a bit more self-explanatory towards the community on why we think there is a problem there.

NICOLAS CABALLERO: Thank you, European Commission. So you think we should keep the first version, right? The first sentence. Thank you for that, Martina. I have Iran.

KAVOUSS ARASTEH: Thank you, sir. We come back to the same situation we're talking about internally. That means implicitly we say that what has been done by ICANN org, we object to that. That is something that—and then community. What do you mean by ICANN community? Do we put in question what has been prepared by ICANN community? I mean, we are part of that community. So I am very sorry. I have difficulty with reference to internally and ICANN community. But the second one, you could say after independently, we could add, because it does not represent general views, because it does not represent general opinion or general views. Implicitly means by some specific entities internally or so, but we say it in a more neutral way. I put in the chat that we should act friendly, neutrally and not put any country, any person, any entity on the spot. That is what the way that we could work friendly and have or maintain the integrity of GAC. Thank you.

NICOLAS CABALLERO: Thank you, Iran. I have the US.

SUSAN CHALMERS: Thank you so much, chair. I just want to make sure we're not losing sight of what we asked for in Helsinki, which was that the board look outside of ICANN to procure, which you do through tenders, an objective and independent analysis performed by a firm such as

PriceWaterhouseCoopers. This is what we were asking for in ICANN 56 in contrast to a report that reflects general opinion of the ICANN community. These are two very different things. I just want to bring us back to what we're focusing on. Thanks.

NICOLAS CABALLERO: Thank you so much for that, US. As a matter of fact, I was in Helsinki at the time. I perfectly remember the wording during the communiqué drafting there, but as I always say, my opinion is totally irrelevant because I'm the GAC chair. As I always say as well, I'm in your hands. So anyways, I have Iran.

KAVOUSS ARASTEH: Thank you, sir. Could I suggest something that in the first one, because it was not called for an independent consultant. No, second, I'm sorry, second. I'm sorry, not first, second. I apologize. Let me say because it was not carried out by an independent consultant. By the way, we should avoid to promote any consultant, PriceWaterhouse, or I don't know, any of these things. We are international organization and we should not go those things and so on and so forth. We know most of the consultants are somewhere, but put it that it was not done by an independent consultant and we leave it to the ICANN board to find independent consultant. Thank you, but not promoting any particular consultant, PriceWater ouse, or something else, or I don't know.

NICOLAS CABALLERO: Thank you, Iran. Understood, understood. But again, it was my understanding, nobody was promoting any company. It was just an

example. It could have been PriceWaterhouseCoopers. It could have been Nico Caballero Inc. It could have been anything. But again, I stand to be corrected. That was my interpretation and I have Egypt. Please go ahead.

MANAL ISMAIL:

Thank you, Nico, and not to correct the Nico Inc. thing, but I think there is, the sentence doesn't read well because it now reads, furthermore, the GAC is of the view that the analysis should have been done objectively and independently because it was not carried out by an independent consultant, if you see what I mean.

NICOLAS CABALLERO:

Thank you for that, Egypt. Thank you so much. As a matter of fact, I'm starting to get really, really confused here. So, why don't we go read the whole paragraph right from the beginning? Let me read the whole thing until we get there in order to see if with a fresh, excuse me, Egypt?

CHRISTINE ARIDA:

I think we have a text that reflects exactly what our distinguished colleague from Iran was saying and I think that would work with the room and it was just added here. Okay, so I think the reading would be that, furthermore, the analysis cannot be considered objective, I think, nor independent, not or, nor independent because it was not carried out by an independent consultant. So, if that is okay, I think that could be an option.

NICOLAS CABALLERO: Thank you for that, Egypt. I have Iran and then the UK.

KAVOUSS ARASTEH: Thank you, sir. If this is a suggestion by Egypt, is the second one, furthermore, the analysis cannot be considered objective and independent because it was not carried out by an independent consultant. Is that the proposal of Egypt?

CHRISTINE ARIDA: I was just trying to read the proposal that was put based on the suggestion by you, Iran.

KAVOUSS ARASTEH: Yes, I think that maybe if you don't like this or not, my distinguished colleague Manal does not like that because of the reasons that when we say that because it was not done by an independent analysis, instead of that, nor independent, being done or to be done by an independent analysis. I think the whole thing, I have difficulty with what we did in Helsinki. We have rushed in something. I don't know whether we need this, furthermore, or we can delete that. The lesser is better, totally. Thank you. The lesser is better. Yeah, thank you.

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

NIGEL HICKSON: Yes, thank you, Mr. Chairman. I think we're almost there, probably. So if we take the third one and we say, furthermore, the GAC is of the view

that the analysis should have been done objectively and by an independent consultant, and carried out by an independent consultant and it then, yeah, it has the same meaning as before. It's just, I think, slightly more elegant. Thank you.

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

KAVOUSS ARASTEH: Yes, thank you. I agree with Shakespearean, Irish, English, British proposal. Thank you.

NICOLAS CABALLERO: Thank you, Iran. And I'm glad that Shakespearean is being used again. So, all right. So I need a volunteer among the vice chairs to read for a final time the whole thing so that we can get a better idea of the... Zeina, would you be willing to read the whole paragraph, please? Thank you very much, Lebanon. Can you scroll up? Yeah, thank you.

ZEINA BOU HARB: Cost-benefit analysis of the new gTLD program. In the ICANN 56 Helsinki communiqué, the GAC advised the board that an objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round. And the board accepted said GAC advice. The GAC again raised this issue in its ICANN 64 and ICANN 70 communiqués. In the ICANN 78 Hamburg communiqué follow-up on previous advice, the GAC recalled its ICANN 56 advice to the board concerning an objective and

independent analysis of costs, noting that so far the GAC is not certain of the availability of such analysis called for by the GAC, and that the GAC is looking forward to receiving such analysis at the earliest opportunity and ahead of ICANN 79. ICANN Org compiled the document overview of analysis related to costs and benefits of the next round of new gTLD program. The GAC understands that the board may consider that this document has fulfilled GAC's advice concerning the cost-benefit analysis. However, the GAC has assessed if the document can be considered an implementation of the GAC advice and concludes that the document cannot be considered to constitute a cost-benefit analysis nor an objective and independent analysis. In this sense, the GAC notes that the analysis carried out is a detached assessment of certain individual costs and benefits. To be considered as a cost-benefit analysis, the analysis must be comprehensive, coherent, and complete, and must assess and quantify all significant advantages and disadvantages seen from a global perspective. Furthermore, the GAC is of the view that the analysis should have been done objectively and carried out by an independent consultant. The GAC recognizes that the community with involvement of the GAC is taking forward a next round of new gTLDs and has set a corresponding timeline. The GAC therefore believes that conducting a further analysis at this stage would not serve the intended purpose. The GAC encourages the Board to avoid the repetition of similar situations in the future and to ensure that GAC advice which the Board has accepted is effectively implemented and its implementation is communicated to the GAC.

NICOLAS CABALLERO: Thank you very much for that, Lebanon. I think we need some commas there to ensure that GAC advice, which the Board has accepted, is effectively implemented and its implementation is communicated to the GAC. But that's, again, just me. But for the sake of clarity, it would be better to have those two commas added, if everyone agrees, of course. And I have Papua New Guinea. Go ahead, please.

RUSSELL WORUBA: Thank you, Chair, and distinguished colleagues. Russell Woruba from Papua New Guinea for the record. My question is more a substantive one above and beyond the communique itself. If following our recent discussion with the Board, is it in the interest of GAC to provide follow-up advice as to terms of reference for this particular undertaking? Would it help the Board to complete the task at hand?

NICOLAS CABALLERO: Well, a short answer would be I don't know. Anybody knows in the room or online? I don't have an answer for that. Thank you for your question, Papua New Guinea. I don't have an answer for that. I have Iran.

KAVOUSS ARASTEH: Thank you for Lebanon to reading the whole text for the, I don't know, hundred times. I still suggest on the last paragraph, when we say the GAC encourages the Board, we delete to avoid the repetition of similar situation in the future. And say, to ensure that. Delete and, so the sentence read, the GAC encourages the Board to ensure that. Delete everything, yeah. Encourages the Board. No, you have to ensure in the second line. You don't need to put it there. You have in the second line

to ensure. Yeah, and delete to avoid and then to ensure that. So, it is much better. We are not saying that don't do that. We are not a teacher of the ICANN Board. So, we say what we want to say. We want to say that our advice should be taken into account. But we don't say don't do it in future. This is too commanding. I think it will be a little bit more enlightened. Thank you.

NICOLAS CABALLERO: Thank you, Iran. I have Brazil, the UK and the European Commission. Brazil, please.

BRAZIL: Thank you, Nico. No, just a comment on what our distinguished colleague from Papua New Guinea mentioned. I think for the future, yes. I think if, I understand that we are saying here is that for the round, the best round, there's nothing that can be done. And I think there is a certain agreement that, well, that's not feasible at this point to have a meaningful exercise of a cost and benefit analysis now. And then we are kind of regretting this fact in this text. But looking forward, I do believe that the beginning of this sort of analysis would require some kind of terms of reference. And I think in the future, that perhaps should be required, asked for to the board or to ICANN Org to start this preparation of this document if we want this kind of analysis in the future. I think that it's a valid point to bring. Thank you.

NICOLAS CABALLERO: Thank you very much, Brazil. I have the UK.

NIGEL HICKSON: Yes, thank you very much, Mr. Chairman. I was going to sort of give a one-word answer, I suppose, to our distinguished colleague from Papua New Guinea. But in light of the sensible intervention from Brazil and not wishing to really sort of reopen this issue again, so I think we either could add in another sentence or we could, if you like, reflect on the reaction of the board to this. This is an issue of importance and therefore the board as GAC members know, come back to us on issues of importance. It might be that the board come back to us and say, well, they will actually take forward an independent analysis at some point in the future or something like that. So we might best wait. Or we could add a sentence that would go after the penultimate paragraph, so the GAC recognizes, etc. The GAC therefore believes that conducting a further analysis at this stage would not serve the intended purpose. We would though be looking for such an objective analysis for a future round or something like that. But we could wait on that to see what the board's reaction is. Thank you.

NICOLAS CABALLERO: So, Nigel, you don't have a specific wording for that potential next sentence?

NIGEL HICKSON: Well, Mr. Chairman, I think it would, so if Fabien goes to the end of the after purpose, yes, that's right. So we've said in this sentence, the GAC therefore believes that conducting a further analysis at this stage, i.e. for this round, would not serve the intended purpose. And we could say,

we would, however, look for such an analysis. The GAC would, however, look to receive such an analysis ahead of any future application round.

NICOLAS CABALLERO: Thank you so much. I have Iran.

KAVOUSS ARASTEH: Thank you, sir. Distinguished colleagues from Papua New Guinea, what he said and distinguished and distinguished esteemed colleague from United Kingdom, we don't need this sentence, because we said at the last sentence that our advice should have been taken into account. So we don't need to repeat that. Because our previous advice that should have been taken into account, and that was not taken to account, said that the analysis is required before the second round. So we don't need to repeat that. So it is overlapping, superfluous and unnecessary. Thank you.

NICOLAS CABALLERO: Thank you for that, Iran. Papua New Guinea, UK, anything you would like to respond at this point? You agree with Iran? The floor agrees? Should we?

RUSSELL WORUBA: Thank you, Chair. Russell Woroba for the record, Papua New Guinea. My comment was just for noting. I wouldn't mind if it's removed or if it's this. Thank you.

NICOLAS CABALLERO:

Thank you, Russell. Nigel, are you okay with that? Okay. I think we have an agreement then. Can you clean the whole thing so that we can have a better look? So this is the full text. Let me read that. We still have four minutes. Let me see if I can do it in four minutes. And I'll try not to run. Yeah, and I see your hand, [Russia.] I'll try not to read too fast. So in the ICANN 56 Helsinki communique, the GAC advised the board that an objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience and outcomes from the recent round. And the board accepted said GAC advice. The GAC again raised this issue in its ICANN 64 and ICANN 70 communiqués. In the ICANN 78 Hamburg communique follow-up on previous advice, the GAC recalled its ICANN 56 advice to the board concerning an objective and independent analysis of costs, noting that so far the GAC is not certain of the availability of such analysis called for by the GAC. Excuse me. And that the GAC is looking forward to receiving such analysis at the earliest opportunity and ahead of ICANN 79. ICANN Org compiled the document overview of analysis related to costs and benefits of the next round of the new gTLD program. The GAC understands that the board may consider that this document has fulfilled GAC's advice concerning the cost-benefit analysis. However, the GAC has assessed if the document can be considered an implementation of the GAC advice and concludes that the document cannot be considered to constitute a cost-benefit analysis nor an objective and independent analysis. I think we're repeating analysis too much but anyways, let me just go on. In this sense, the GAC notes that the analysis is carried out as a detached assessment of certain individual costs and benefits. To be considered as a cost-benefit analysis, it must be, I mean it says again analysis but I don't know, we should change it and put it or something in order to

avoid repetition again and again. So to be considered as a cost-benefit analysis, the analysis must be comprehensive, coherent and complete and must assess and quantify all significant advantages and disadvantages seen from a global perspective. Furthermore, the GAC is of the view that the analysis should have been done objectively and carried out by an independent consultant. The GAC recognizes that the community with involvement of the GAC is taking forward a next round of new gTLDs and has set a corresponding timeline. The GAC therefore believes that conducting a further analysis at this stage would not serve the intended purpose. The GAC encourages the board to ensure that GAC advice which the board has accepted is effectively implemented and its implementation is communicated to the GAC.

I think we're very close, very close to an agreement. I think there's some redundancy and we need to do some wordsmithing some fine-tuning in order to avoid repeating for example analysis over and over again and some wordsmithing at the end as well. But we're almost there, we're almost there. So at this point and given the fact that it's time for our good Puerto Rican coffee, let's just stop here. We'll pause for 15 minutes and please be back at 4:15. Iran, you're the only thing that is separating us from our good Puerto Rican coffee. So if it's brief and straight to the point, please go ahead.

KAVOUSS ARASTEH:

Yes, yes, sir. It is quite evident that I am in Geneva and it is 9:00 in the evening, so I don't need coffee. Very simple one. Second paragraph, we need to add one small thing. In this connection, ICANN Org. Because first paragraph is history. Second paragraph is after that. Just simply

said, in this connection, ICANN so on so forth. This is not controversial, but it is giving the sequence of action. Because the first paragraph is history up to ICANN 78 or GAC 78 and the second paragraph is starting in this connection. ICANN. Thank you. Take your Colombian coffee, Paraguayan coffee. Or whatever coffee. I don't need coffee. Thank you.

NICOLAS CABALLERO: It's actually Puerto Rican. Thank you so much for that. Everybody agrees, I guess. I think the suggestion is good and I see some nodding and some need for coffee, so let's go ahead. Break. Please be back at 4:15. Thank you.

[END OF TRANSCRIPTION]