| CLAUDIA RUIZ: | Good morning, good afternoon, and good evening to all. Welcome to the fourth webinar of the five mandatory ATLAS III webinars. Today's will cover Introduction to the Governmental Advisory Committee. Our presenter today is Yrjö Länsipuro, ALAC Liaison to the GAC. |

We will not be doing a role call for this is a webinar. However, we are taking attendance for the first ten minutes of this call. After that, your participation will not be a valid entry for the required attendance matrix. If you are only on the phone bridge, please join the Zoom room as soon as possible as this is an attendance requirement.

We have French and Spanish interpretation for this webinar so a kind reminder to please state your name when speaking to allow the interpreters to identify you on the other language channels, as well as for transcription purposes. Please also speak at a reasonable speed to allow for accurate interpretation. All lines will be muted during the presentation and opened for questions and answers at the end of our presentation.

As you have noticed, we are running this webinar on Zoom. The features are similar to Adobe Connect, but in order to view the participants list and chat pod, please click on the bottom of the screen. You will only be able to see the chat transcription from when you joined the call, nothing prior to that. To raise your hand, please just click on the raised hand icon.

I will now give the floor over to Joanna Kulesza, Co-Chair of the ATLAS III Capacity Sub-group. Over to you, Joanna.

JOANNA KULESZA: Thank you very much. Let me please welcome everyone to the fourth webinar. Thank you for taking the time to join us. We are very much looking forward to Yrjö's presentation. Special thanks to Yrjö for taking the time and being willing to share your expertise. Yrjö has been the GAC Liaison on behalf of the At-Large community for an extensive period of time. He has in-depth knowledge of the inter-relationship between the two communities and of the practices of the Government Advisory Committee within ICANN. So personally, I am very much looking forward to the presentation and I am certain it will be an informative one.

As a side note, I am aware that we have GAC members also joining our webinars today and tomorrow. We have members of At-Large and ALAC here on the call as well. I am certain Yrjö will be happy to answer all the questions that you might have. Raising your hand usually works best, but do keep in mind that there is a time for questions and answers provided at the end of this webinar.

Without further ado, the floor is yours, Yrjö. Once again, thank you for joining us. Very much looking forward to your presentation.

YRJÖ LÄNSIPURO: Thank you, Joanna. Good evening. Bonsoir. Buenos tardes. I welcome you all and I am very happy to be here speaking about the Governmental Advisory Committee.

As Joanna said, I'm the liaison from the ALAC to the GAC and in that capacity, I'm looking for common ground between these two organizations where we, perhaps, could make a difference by common action or common statements or whatever. I was actually a member of the Governmental Advisory Committee for a few years in my previous life when I was serving in the Ministry of Foreign Affairs of Finland, but you can leave the government but you can never leave the Internet. That's why I'm doing the At-Large now. Okay, so let's take the next slide, please.

So as you all know, ICANN is made up of three parts. There is the community. There is the Board, which of course, many members of the Board come from the community, actually elected from parts of the community but still as the Board, they have to look for the good of ICANN as such and not of various [inaudible] sub-organizations. There is also ICANN Organization which functions as any organization with a CEO and Vice Presidents and so on and so forth.

Now the ICANN community is a multi-stakeholder community and GAC, the Governmental Advisory Committee, is part of ICANN's multi-stakeholder community. The important thing to realize is that government representatives are here in a different role than they are in United Nations or ITU or whatever. Those intergovernmental organizations are very different from GAC in that GAC is advisory. It doesn't make decisions for ICANN. It gives advice, but of course, later we can see that the advice is quite influential, especially if it's accepted by [full consensus.] So next slide, please.

So when you talk about multi-stakeholder organizations or a multi-stakeholder approach, this actually comes from an article in the final act of the World Summit of the Information Society where it says that Internet governance is the development and application by governments, the private sector, and civil society in their respective roles of shared principles, norms, rules, decision-making procedures, and programs that shape the evolution and use of the Internet. This is quite a mouthful, but of course, this is diplomatic text from the Summit meeting and since it was approved, it's authoritative in the sense that this is something that is still the basis for multi-stakeholder approach of operations in all organizations at [inaudible] and that certainly applies to ICANN. So let's keep this in mind when we go along. Next, please.

Okay, so here we see the ICANN structure. You are probably familiar with this [setup] and you know that it consists. We have the three supporting organizations that make policy. We have the advisory committees that we advise and then we have the Board of Directors and CEO and the ICANN Organization for ICANN staff.

Among the advisory committees, Governmental Advisory Committee is a special case. First of all, it provides – its domain, its area is to provide advice to ICANN on public policy aspects of ICANN's responsibilities and that's its role. And later, we can see that Governmental Advisory Committee has some powers that other advisory committees don't have. Next, please.

Now, membership in the GAC is open to all national governments but not only independent governments that are member of the United Nations and have all the trappings of independence but also to distinct

economies as recognized in international fora, so that's why we have countries and we have areas that are not independent but are recognized as distinct economies as such.

Also, multinational governmental organizations and treaty organizations, and we see here on the left, we see a sampling of some [logos] of those organizations. They can participate as observers on the invitation of the GAC through its Chair.

In practice, the Chair can actually invite organizations that are not, strictly speaking, governmental organizations. One example is the World Broadcasting Union which consists of the regional broadcasting unions like EBU and Arab States Broadcasting Union and so on, and so forth. They are not actually governmental organizations but still, obviously, World Broadcasting Union is a big player, close to what ICANN is doing. So that's why, but this is really at the discretion of the Chair. Next slide, please.

Now the number of members and observers has constantly increased. When this all started back in 2000, there was just a handful of governments that were interested in sending their representatives to this meeting. The 178 members of the GAC, it's quite a big number and a big part of the total. Next slide, please.

The GAC appoints a non-voting liaison to the Board, and in practice, that is always the Chair of the GAC. Next, please.

Now, the ICANN receives input from governments through the GAC and the GAC's key role is provide advice to ICANN on issues of public policy, especially where there may be an interaction between ICANN's

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activities or policies and national laws or international agreements. Next, please.

And here we come to the articles of the bylaws that make, as I said, GAC is different. It's more powerful than other advisory committees. So what it says in the bylaws is that the advice of the GAC on public policy matters shall be duly taken into account. In the event that the ICANN Board determines to take an action that is not consistent with the GAC advice, it shall so inform the committee and state the reasons why they decided not to follow that advice.

Now, this is something that the Board can well do when, for instance, ALAC gives advice and it would be, in a way, cautious to do so. But it's under no obligation to do so. It doesn't really need to explain to other committees, but if it decides not to follow the advice from the GAC, it has to inform the GAC and state the reasons why they decided not to follow that advice. But that's not the end of the story. Next slide, please.

Now, any GAC advice which is approved by a full GAC consensus, which means that the decision has been adopted by general agreement without any formal objection, it is called GAC consensus of advice and it may only be rejected by a vote of no less than 60% of the Board. Now if that happens, then the GAC and the Board would try in good faith, in a timely and efficient manner, to find a mutually acceptable solution. So if the GAC is unanimous, if they have what is called consensus which means that not everybody really, in their mind, needs to agree but nobody raises an objection, so that means consensus and if that happens, then the Board has to get a super-majority to overrule.

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But this here we come to a point that I want to make, also having served on the GAC and in government service, sometimes outside of GAC, we tend to look at them as a monoliths. I mean the governments, do this and that. In fact, it's very hard for all governments to agree on something. It's not easier in the GAC than it is in the United Nations or Security Council or whatever, so that a GAC consensus is quite a remarkable event and then if that happens, then it's really quite powerful vis-à-vis the Board. Next slide. One more. Yeah.

So once again, GAC consensus advice is adopted by general agreement in the absence of any formal objection. But GAC also gives other advice in their communiqués. It means that the advice, as it says, enjoys broad agreement but receives one or more formal objections and that means that when the GAC presents that advice, they also convey a range of other views. And if there's no consensus, no broad agreement, then a full range of views are conveyed to the Board. Next, please. Next slide, please.

CLAUDIA RUIZ: One moment. It froze. One moment.

JOANNA KULESZA: Yrjö, this is Joanna. I'm wondering if you are following the chat box. There seem to be a few questions coming up. We are happy to save them at the end, but using this opportunity might give you a chance to look in the chat box. There are questions regarding the way of naming participants of the GAC, whether there is a process indicating who actually becomes the representatives to the GAC. There are a few more

questions. If you take this opportunity, you might be willing to look into this or we can just continue with the presentation. Thank you for putting that up [inaudible].

YRJÖ LÄNSIPURO: I guess if I may, I guess I'll answer them at the end. So I'll just run through this presentation.

JOANNA KULESZA: That is perfectly okay. Thank you, Yrjö.

YRJÖ LÄNSIPURO: Okay, so just continuing this business of GAC advice, GAC consensus advice, and what happens if the Board rejects a consensus advice. So if that happens, if no mutually acceptable solution can be found, then the Board will state its final decisions and state the reasons why the Governmental Advisory Committee advice wasn't followed and then that sometimes happens. It sometimes happens but it's a very rare thing. Next, please.

Now for those who like flow charts, this is what happens. If you follow the flow chart, you have the start, GAC provides advice and then you have yes, advice is followed, that's the end of the matter. But if it's no, then the question is, is it consensus advice? If it's no, then the Board just states the reasons for the reaction, but if it is consensus advice, that is to say it needs the super-majority of the Board members to reject. If that happens, then the Board states rejection reasons and then they try to find a mutually acceptable solution. Next, please.

Now GAC advice has to be written. It's embodied in a written communication where the specific advice is clearly marked as such, as a clearly stated proposal for action by the Board and also explains the underlying rationale for the advice. And this usually happens in a communiqué that is issued after ICANN meeting. And the advice is usually at the very end of the communiqué and it is clearly marked, especially consensus advice. Then the Board knows that this is something that has to be treated by a special respect.

The drafting of the communiqué takes quite a chunk of the time of the Governmental Advisory Committee at its meetings and I should mention that nowadays even the drafting of the communiqué with all the discussions and all the potential disagreements among the GAC members, that's all in the open. Earlier when I was a GAC member, we closed the doors and did all that communiqué drafting in camera behind closed doors, but now everything is open. In practice, all GAC sessions today are open and I would say that's a remarkable achievement for transparency in the ICANN. Next, please.

There's, of course, other interactions, other possibilities and notes for interaction with the Board or the GAC. There is a post-meeting call to clarify the advice, that is to say a phone conference where the Board can ask the GAC leadership, "What did you mean by this advice?" and then answers are given. There's a lot of correspondence going on and in the transparency traditions of ICANN, even that correspondence is all in the open.

There's a Board-GAC interaction group which is meeting intersessionally and then at ICANN meetings, there are Board-GAC joint sessions. Next, please.

Now, the way the GAC interacts with the Board and with the community, it has changed a lot. At the time when I was a GAC member of 2006 onwards, the GAC gave advice but it didn't much explain its advice and it was not really operationally involved in ICANN matters, but the new GTL process of 2008 to 2012 really changed everything because the GAC became involved in fairly sort of granular decisions, like for instance, giving early warnings about certain type of new gTLDs and then objecting, or rather, declaring them into not acceptable categories so that with all these early warnings and advice about specific applications, that became much more operationally involved than before and in Singapore at one of these meetings somebody [inaudible] the GAC. Next, please.

This is the structure of the Governmental Advisory Committee. So on the top, of course, the Chair of the Governmental Advisory Committee is elected for two years, renewable once, and the present, the current Chair is Manal Ismail from Egypt. There are five Vice-Chairs, each elected for one year which is renewable once. And as you see from the names of the countries here, at least in principle, the Vice-Chairs should each come from a different ICANN region.

Then, of course, you have the plenary and then you have seven working groups. Here we have the abbreviations, but next slide, we have the full names of these working groups. So here they are. You have the Geographic Names Working Group. You have the Working Group for

Underserved Regions. You have a working group to talk about or to deliberate about whether the Governmental Advisory Committee should participate in the NomCom, Nominating Committee, that nominates, that selects the members of the Board and others. There's an Operational Principles Evolution Working Group, Human Rights and International Law Working Group, Public Safety Working Group, and the Board-GAC Interaction Working Group which I already mentioned in the previous. So let's see what these working groups do. Next slide, please.

The Geographic Names Working Group examines how geographic names can be protected in any future expansion of the GTL space. Now this is the Working Track 5 of the PDP that is developing the subsequent procedures for eventual new GTL rounds and within the GAC, there is no unanimity actually, which kind of geographic names should be protected. This is one of the cases where the GAC is not of one mind and from that follows that it's a bit difficult for the GAC to actually … It's not as powerful as it would be in discussion if they would all agree that certain type of geographic names should be protected. Next, please.

This working group, the Underserved Regions Working Group, focuses on regions that are underserved by the DNS industry. That is to say regions that are outside Europe and North America. There are also least developed economies and small island developing states, especially in Africa, Caribbean and Pacific regions. And I'd like to mention that the Underserved Regions Working Group is actually the developing corporation with ALAC or with At-Large, which makes a lot of sense because governments in those countries and At-Large representatives in those countries would really benefit from some cooperative efforts. Next, please.

According to ICANN bylaws, the GAC is entitled to a seat on the Nominating Committee, but so far, there has been an empty chair waiting for GAC representatives in the NomCom because the GAC has been debating and is still debating whether it is appropriate that governments are involved in nominating and in selecting leaders for something that is a private or multi-stakeholder organization.

However, this working group is continuing and my hunch is that something will eventually come out of it. But this is also a case where you see that it's difficult for the GAC to delegate one person, that is to say, actually not one person but one representative or one other country to represent the whole GAC and all those 178 countries that are now members of the GAC. Next, please.

Now operational principles evaluation. The GAC, I think that was mentioned in one of the slides. GAC has its own operational principles that are from 2017, but of course, they need to be amended in the sense that the GAC is also now a member of the ICANN Empowered Community, like GNSO, like ccNSO, like ALAC and so on and so forth. And if the Empowered Community ever needs to start making [the assistance], then of course, the GAC needs to add to its operating principles, the procedure that they need to follow. Next one, please.

Human Rights and International Law Working Group, this, as it says here, is focused on aspects of ICANN policies and procedures which relate to human rights and international law. Obviously, this relates to the management of the DNS that should be in the manner it respects human rights and international law. Now this is, perhaps, a little bit academic, if I may say so. But since human rights is one of the core

principles of ICANN, also GAC needs to study and needs to deliberate how they can be part of that. Next, please.

Public Safety Working Group. Here we are in some of the core areas of the GAC competence. The Public Safety Working Group focuses on aspects of ICANN policies and procedures that implicate the safety of the public, and here we talk about the DNS abuse, cyber crime litigation capabilities of ICANN, and so on and so forth. It's interesting that also the Public Safety Working Group has indicated a willingness to start cooperating with the ALAC or those subsets of ALAC people who are willing to take part in that.

And then we can go to the next slide. Yeah, this is the Board-GAC Interaction Working Group and here, the purpose is on improving the processing and tracking of GAC advice. Of course, first of all, to define what the GAC advice is and then improvements to the process for considering and implementation of GAC advice. After all, I mean since year 2000, GAC has given a lot of advice. It's in the various communiqués and so on and so forth, so that it really needs some qualifying and some organizing so that when Board is making decisions, that they can be sure that they are following the GAC advice. Next, please.

The GAC also participates in some CCWGs, that is to say Cross-Community Working Groups and PDPs, that refers to the Cross-Community Working Group on Auction Proceeds. This refers to the proceeds generated from the new gTLD auctions and they are also part of the PDP on new gTLD Subsequent Procedures, which of course as you

know, tracks Work Tracks 1 to 4, already there, ready, and then Work Track 5, we're still working on it, but GAC is part of this.

And then the other PDP where GAC is active concerns the in the inter-nongovernmental organizations and intergovernmental organizations. That is to say the curative rights of these organizations when it comes to domain names. Next, please.

And finally, here are the names of the liaisons between ALAC and GAC. The GAC Liaisons to ALAC are Ana Neves and Charlotte Simões from Portugal and I am the ALAC Liaison to the GAC. And talking about the cooperation between these two organizations, it has good grounds and good prospects because in the end, what we share between ALAC and GAC, we both represent or defend the interests of basically the same people because we call them end users, the GAC calls them citizens, but they are, more or less, the same people anyway. And the other thing is, the other thing that we have in common is that we have feet on the ground. That is to say GAC has 178 government members and [distinct] economies. We have ALSes in more than 100 countries, and this is also something that in the long run, will perhaps be very useful if we can get going a ongoing cooperation on the ground between the government people and ALAC.

I think that the next slide just says "questions", so here we are. Back to Joanna, please.

JOANNA KULESZA: Thank you, Yrjö. That was most informative. We have had quite a few questions in the chat box. I'm wondering how you want to proceed.

YRJÖ LÄNSIPURO: Well, I'm looking at the chat box right now. So I'm reading and trying to answer, but just give me …

HEIDI ULLRICH: Yrjö?

YRJÖ LÄNSIPURO: Yes.

HEIDI ULLRICH: Staff could read them for you if you'd like. I'll do the first one or two if that's okay.

YRJÖ LÄNSIPURO: Okay, fine.

HEIDI ULLRICH: Okay, this one is from [inaudible]. This is, "Even if the GAC in ICANN is designed to function in a multi-stakeholder framework where the role of government and style of working differs remarkably from that of government in multi-lateral forums, aren't governments governments? How far do governments acknowledge the multi-stakeholder process and to what extent do governments allow their GAC representatives the required freedom to adopt their representations to the multi-stakeholder process?" End question.

YRJÖ LÄNSIPURO: Yeah, this is a good question. I would say that all governments, one size doesn't fit all. Governments, among themselves, they are very different from each other. In some countries, for instance, you can actually, there is a multi-stakeholder principle in various types of dealings. In some countries, there is nothing. In some countries, governments decide and that's it". I could point out the Marco Civil in Brazil, and Vanda is here so perhaps she can say a few words about that. When it comes to Scandanavia, we traditionally, the Nordic way of doing has been there is a lot of consultation where the governments are asking the private sector, they are asking the civil society, and they are asking the technical community and a lot of talk and concentration. And finally coming to a decision. So it really depends on how the governments are doing, also how independently GAC reps are. It also depends on the culture, the administrative culture in the various countries.

When I was, I can just speak of myself and Finland, I was fairly independent and that was because in a small country, a small government, there were very few people who were actually concentrating and focusing on Internet governance. So this is all I can say. Okay.

HEIDI ULLRICH: Okay. Alright, thank you. We have another question in French, but I've translated it. This is from Gabriella from [inaudible]. Let's see. "At GAC meetings, does ICANN mention the issue of Internet blackout in some states?" End question.

YRJÖ LÄNSIPURO: Say again.

HEIDI ULLRICH: Yes. This is from Gabrielle. At GAC meetings, does ICANN mention the issue of Internet blackout, or blackouts perhaps, in some states?

YRJÖ LÄNSIPURO: At the GAC meetings [inaudible].

HEIDI ULLRICH: Yeah, sorry, Yrjö. In the French, I think it's talking about the cutting of the Internet blackouts.

YRJÖ LÄNSIPURO: I just got it. Yes. Well, one thing is that governments in any setting, be it the United Nations or ITU or the Governmental Advisory Committee, the governments tend to be diplomatic. So perhaps raising questions about the behavior of other countries within their jurisdiction may be sometimes done but it doesn't happen very often. It doesn't happen in a public session. It may happen in the corridors.

HEIDI ULLRICH: Okay. Thank you. We have one from Antonio Medina Gomez and it is in Spanish. I have translated it and it is, "A member of At-Large who does

not represent any government can participate in the GAC as an observer? If the answer is yes, what are the requirements?"

YRJÖ LÄNSIPURO: Well, all of GAC meetings are open. All the GAC meetings are open, so basically, anybody at an ICANN meeting, any ALAC member or member of any other community can actually come and listen in. So that means, of course, being an observer listening, making notes, but not talking and not asking for floor. Thank you.

CLAUDIA RUIZ: Okay, we have another question from Oksana. What are the tools of influence on country representatives in GAC to raise or to support or contradict some issues from the At-Large community? So what are the tools of influence on a country's representative in the GAC?

YRJÖ LÄNSIPURO: I don't know if I understood the question. Was this At-Large raising a question to the gac?

CLAUDIA RUIZ: Yeah, Oksana. She says, "What are the tools of influence on a country's representatives in GAC? Is it to raise, or is it to support or contradict some issues from the At-Large community?"

YRJÖ LÄNSIPURO: Perhaps, Oksana, could you give an example of what [inaudible]?

CLAUDIA RUIZ: Yeah. Oksana, I have just unmated you if you wish to speak.

OKSANA PRYKHODKO: Do you hear me?

CLAUDIA RUIZ: Yes, Oksana. We can hear you.

JUDITH HELLERSTEIN: Now we can't hear her.

CLAUDIA RUIZ: Okay, we can come back to her while we fix her audio issues. Let's see. Another question that we have is, "Why write?" This is from Gabriel. It says, "Why write in a total text in English? The GAC prefer to communicate in French."

YRJÖ LÄNSIPURO: Well, there is a full interpretation service in the GAC, like in so many other ICANN meetings. But of course, the working language of the GAC, like in all ICANN, is English. But I must say that the translation and interpretation services in the GAC and otherwise in ICANN, they are really probably the best in the world.

CLAUDIA RUIZ:	Okay, and then Abdeldjalil Bachar Bong has asked, "Where can we have the link to those working groups of the GAC?" If you wish, Yrjö, you can send them to us and we can forward it to the [inaudible].
YRJÖ LÄNSIPURO:	Yeah. I can send them to you.
HEIDI ULLRICH:	Yrjö, I put the link to the working groups into the chat just a few chats beneath that. Thank you.
YRJÖ LÄNSIPURO:	Okay. Oh, I see them better. Thank you.
CLAUDIA RUIZ:	Okay, another question from Abdeldjalil. He says, "If GAC will obtain both seats, as right now they are not voting in Board, so how will be the multi-stakeholder of ICANN?"
YRJÖ LÄNSIPURO:	GAC doesn't usually vote. I mean, it's basically, because it's no use. It doesn't take any majority decisions. As I explained earlier, to be influential, they really have to strive to give consensus advice and if consensus is not achieved, then it's really not worth much and actually, and the majority by any numbers with significant opposition would be [probably] useless. I hope I understood the question.

CLAUDIA RUIZ: Yeah. Okay, and we have another question from Abdeldjalil. It says, "Why does the GAC have its own independent secretariat versus other AC/SOs?"

YRJÖ LÄNSIPURO: Why does the GAC have its own … ?

CLAUDIA RUIZ: Independent Secretariat.

YRJÖ LÄNSIPURO: Well, this is a question that has been open for a very long time, or actually, it has been decided one way or the other and then usually, the problem is that there is no money to fund the independent secretariat. This has, in a sense, been a problem for many, many cases and the Secretariat has been taken care of by some countries at some times. I think the beginning, it was the European Union that was the Secretariat and then there was India and now there has been this Australian firm that has the Secretariat function. Why the GAC strives to have some sort of independent Secretariat is simply that the governments want to be independent or not dependent entirely on ICANN services. But of course, in practice, they rely very much on the support from the ICANN support staff.

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HEIDI ULLRICH: Okay, thank you. Now we have Silvia with her hand up. Silvia?

SILVIA VIVANCO: Yes, hello. This is question presented by [inaudible] in chat in Spanish, so I am going to read it in English. "What is the competence of GAC for requests of [inaudible] of the governance of the country code for Ecuador?"

YRJÖ LÄNSIPURO: Now this is something that I am probably not able to answer because I'm not familiar with the situation regarding the country code in Ecuador.

CLAUDIA RUIZ: Okay, and then now we have Abdelmonem. He also has a question.

ABDELMONEM GALILA: Today, I just [read into it,] it takes 50 years in order to have half of the population [inaudible] online or can access the Internet. So is there some solution around that? If we take another, will it take another 50 years in order to have [inaudible] online? This just [I heard.] So my question is this. I know that the language barrier may be the issue for people to be [inaudible] at the moment. So are there any advice from ICANN to the GAC [countries] in order to take action, or internationalizing the names or [inaudible] internationalization, and also to support the universal acceptance project inside these countries or not? Thank you.

YRJÖ LÄNSIPURO: Heidi, can I ask your help? Because there was some interference on the line. I couldn't really hear.

HEIDI ULLRICH: Yeah, I struggled a bit as well. Perhaps he could write this question concisely in the chat.

YRJÖ LÄNSIPURO: There seems to be some sound problems.

CLAUDIA RUIZ: I think that took care of it. In the meantime, we have Oksana with her hand raised as well.

OKSANA PRYKHODKO: Thank you very much. Do you hear me?

YRJÖ LÄNSIPURO: Yes.

OKSANA PRYKHODKO: Thank you, Yrjö, for your great presentation. I have a complicated set of questions. First of all, about the jurisdiction of ICANN and the influence of this issue on the [GAC] activity. Then is there any procedure for countries to send each representative to GAC? And the third, is there

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any requirements for GAC representatives to organize any discussions in-country? Thank you.

YRJÖ LÄNSIPURO: Well, first of all, thank you for the question, Oksana. If I understood, first of all, any country can send its representatives to the GAC and there is the operational procedure. There is a procedure how it happens so that for that matter, any country should be able to do that without any problem.

The other question was about like the GAC organizing meeting or something? Oksana, can you explain the second question?

OKSANA PRYKHODKO: National consultations on the most important issues.

YRJÖ LANSIPURO: Yeah. I heard most important issues. What is ...

JOANNA KULESZA: Hi, Oksana. Maybe it might make sense for you to type in your question and we will try to forward that to Yrjö. There seem to be some kind of connectivity issues.

CLAUDIA RUIZ: In the meantime, we have a question from Olivier.

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OLIVIER CRÉPIN-LEBLOND: Yeah. Hi, everyone. Thank you very much. Shall I speak?

JOANNA KULESZA: Yes, please go ahead, Olivier. The floor is yours.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much, Joanna. I was going to try and [inaudible] a couple of the things, because I understood Oksana's questions, and there were a couple of other questions that come up very regularly on the chat regarding these things.

So the first one, the requirement for a GAC representative to relate back to their country and to perhaps inform the ministry or being in touch with stakeholders, etc. Actually, there is no such requirement, because GAC representatives represent their country, and of course, countries are sovereign and they're able to do whatever they want.

They might have someone there that will not relate to anyone, that will fly solo and be able to make tons of decisions by themselves. They might have someone there to just listen to things and report back to base, or they might have some way to relate to a multi-stakeholder advisory group or something back in the country. But that is something for each one of the countries to decide for themselves, and ICANN can definitely not mandate anything relating to how GAC representatives relate back to their country.

That's also something – there was a question here regarding issues on country code top-level domains, the one dot-fk and dot-gs were mentioned in the chat. And that again is another thing which I believe

the GAC does not deal with, because country code top-level domains are again run by country code operators, and ICANN has no mandate or no remit over being able to tell a country code what to do and what not to do. This is national policy at the country code level, and with the country that is and the organization that is dealing with it. So again, that's a second thing.

The only time when ICANN gets involved is if there is a transfer of a country code top-level domain organization from one to another, and there are rules in the ccNSO regarding that. And the GAC might have or specific GAC members might have to emit an opinion.

I do know of one or two occasions where something like that has happened in the past, but it was quite some time ago, and it might have been that the GAC has changed its procedures as well.

And then thirdly, the other question that comes up is there were a number of questions by Gabriel Bombambo, and I responded in French on the chat, and it was to do with human rights, the human rights working group, and I responded that the – well, the question was to do with the Internet shutdown. I think Heidi translated it, but it was – so effectively, ICANN doesn't have anything to do with Internet shutdowns. It's really purely dealing with top-level domains, with the internet identifier system, and even when it comes down to country codes as I mentioned earlier, it just has the forum which is the Country Code Name Supporting Organization that deals with global policy on country code top-level domains but not national policy.

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So the ICANN remit is actually quite limited in this, and it definitely doesn't deal with country connectivity. And the GAC of course, being part of the ICANN and being limited by the ICANN remit, would not comment on this either.

So that's a different thing. And then finally, one last thing – and I think that the question was answered correctly in the chat, and it was to do with why does the – I think Vanda answered that question – why doesn't the GAC have a voting representative on the board. And what was mentioned by – I think it was Alejandra Pisanty, was that back in 2003, their working group had looked at this, and it was mentioned that any vote or any – being given the vote or being put on the board of directors of ICANN as a fully-fledged director would effectively open that person or that country, depending on how that would be orchestrated, to litigation, because board members actually have a fiduciary duty towards ICANN. So if ICANN gets sued, then the board members can be named in the lawsuit. And of course, no country would want to be named in a lawsuit involving ICANN. And in fact, they can't.

I remember being on the second accountability and transparency review team, we had that very discussion. I can't remember if it was in a proper session or if it was during a dinner in the evening where someone asked the question, and the answer was, well – and that was Larry Strickling who basically said, "Well, we definitely wouldn't be able to go into something like this, because we might get sued, and we definitely could not want to be involved in that." So I suppose it's probably the case for many different governments.

I think that's all I saw there, and I hope that helps a little bit. Thank you.

JOANNA KULESZA: Thank you very much, Olivier. That was most helpful. I'm wondering if we have any more questions. I see a few more questions coming up in the chat box. Oksana restated her question about the national consultation. She's wondering if there are any requirements for national consultations regarding what is presented in the GAC, is it possible for someone to represent themselves as a country's representative within the GAC without any legislative procedure, asks Oksana.

I understand there was a question on this already in the chat box and answers were provided by Abdeldjalil who indicated the links to the GAC specifics about joining the group and the need to have authorization from the government itself. So I'm not going to repost the links, I'm just wondering if Yrjö has anything to add about the link between the national position and what gets represented in the GAC.

YRJÖ LANSIPURO: Well, my understanding is that for the GAC, [in comes somebody and show] that he or she has the mandate from a government to represent that government in the GAC, it's how that mandate has been achieved, whether they have been – as you say here, national consultations or whatever, it's not up to the GAC. My understanding is that if somebody comes in and presents the credentials, then there is no question, nobody's questioning how those credentials have been achieved.

JOANNA KULESZA: Thank you, Yrjö. I believe this was the general position with state representatives, they come with the mandate and then those specific votes or decisions depend on the country as Vanda is indicating in the chat box as well. I see a hand up from Gunela. Gunela, if you have a question, the floor is yours.

GUNELA ASTBRINK: Yes. Thank you. I did put the question in the chat box, and I can just reread that. It's in regards to the human rights and international law working group, and I'm wondering if there is any direct connection or liaison between that and the GNSO cross-community working party on ICANN [inaudible] human rights. I realize that the focus is very different, but there might be some complementary actions or some other type of activity that there could be some interaction. So I'd just be interested to know. Thank you.

YRJÖ LANSIPURO: Thank you for the question. I'm not aware of any such links. They may well be, but that's something that – I don't know. However, there is a liaison between the GAC and the GNSO that's Mr. Helsingius, who also happens to be a Finn. So he might know if such links exist between these two working groups. Thank you.

JOANNA KULESZA: Thank you very much, Yrjö. I see one more question coming from Oksana. I'm just going to post the link in the chat box to the Ukrainian

representatives who are indicated on the GAC website as well, just for your reference, Oksana.

I'm wondering if we have any more questions [inaudible]. I don't see any hands up. If there are any questions we might have missed –

CLAUDIA RUIZ: Joanna, I see that Abdeldjalil wrote another question in the chat. He says, "How do GAC representatives consult their respective GOV during hot issues?"

YRJÖ LANSIPURO: Well, again, that's up to whatever culture there is in a government. It varies very much, as I said earlier. Some GAC representatives seem to be able to speak, some have to consult their governments often. However, again, we have to take into account that the GAC doesn't make any actual decisions for ICANN, so that GAC representatives are not committing their governments to such decisions.

JOANNA KULESZA: Thank you, Yjrö. I think that proves the point you were trying to make previously. Abdeldjalil, if you wish to rephrase that question, feel free to do so. We still have a few minutes. And I see Olivier's hand up, so I'm going to start with Olivier, and then if Abdel wishes to rephrase that question, the floor is yours. Olivier, we'll go and start with you. Go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Joanna. I wanted to actually comment on another point which is being made, and I think some of the questions point to this as well, which is the involvement of the GAC representatives in working groups.

There are individual GAC members that are taking part in the cross-community work party on human rights. They are there as individual members, and depending on what their mandate is, some of them might speak on behalf of their government, some of them might speak as just themselves.

It has been pointed out, no GAC member is able to represent the GAC, except the GAC chair. And of course, the GAC chair wouldn't be participating in the working group just like this. So it's very difficult f or the GAC to take part in working groups officially, such as for example the policy development process working groups, because they have to relate back, or whoever is in there needs to relate back to the GAC and there's a whole process in the GAC and so on. So it's very difficult for them to be able to speak on behalf of the GAC as such.

Now, that being said, there has been recently a working group on the expedited policy development process for the General Data Protection Regulation discussions, and there have been GAC members that have participated in this.

So I had a question with Yrjö, which was, how did these members of the GAC take part in those discussions? Did they have to relate back to the GAC with every discussion that was happening, or were they able to make decisions themselves? Thank you.

YRJÖ LANSIPURO:

Yeah. Thank you, Olivier. I'm going to say I don't know, but again, I think that this is different for the different GAC representatives. But I don't really know how much they consulted back to the GAC chair for instance.

JOANNA KULESZA:

Yrjö, if I may, I think it's similar to other international institutions, so to speak, so there's a representative, and the scope of the reference back and forth, it very much depends both on the individual and on the country [inaudible] focusing on the same arguments for all the relevant questions.

We have a comment from Cheryl in the chat box. I see that refers to the PDPs being open to GAC members and that they are welcome to join in any capacity that they wish and work for the PDPs as the ICANN community would have. And there are [forevermore] GAC members working in different working groups, indicates Cheryl. Thank you for sharing that in the chat box.

I'm wondering if that covers all the questions. That was a very provocative presentation, Yrjö. We have a wonderful outpour of questions, so thank you, everyone, for those questions, and for the provocative presentation on your behalf.

I'm wondering if there are more questions coming. Do you have anything noted down, Claudia? I don't have anything more on my list.

CLAUDIA RUIZ: No, I don't have anything else, Joanna.

JOANNA KULESZA: If there are no more questions, I would be happy to close the webinar as we have covered all the relevant issues, it seems. Thank you so much, Yrjö, for joining us, and thank you in advance for taking the time to hold a webinar on the same issue again tomorrow. Those of you who might have more questions or might want to listen to our discussion on the onboarding on the GAC are more than welcome to join us. Well, depending on where you're at today or tomorrow, which is Wednesday, May 15 at noon UTC.

The next and final webinar, the fifth webinar for the ATLAS III preparatory session will be held in the following week. It will focus on cyberseucirty. On Tuesday, we will be meeting on Tuesday May 21st, we'll be meeting again at 21:00 UTC, and David Huberman will provide us with the background of cybersecurity issues within the ICANN environment, and the second edition of that last Webinar will be held on Wednesday at noon UTC, that's May 22nd Wednesday with [inaudible].

And as already said, you're more than welcome to join Yrjö, myself, the capacity building working group tomorrow or today, May 15th at noon UTC. Thank you so much, Yjrö, for the informative presentation. Thank you to our wonderful staff for supporting the meeting. Thank you to all the At-Large and GAC members who have participated in this meeting with us today, and for your most helpful replies on the record, off the record and in the chat box, and thank you to the interpreters, without

whom we would not have been able to do any of the webinars. So thank you for supporting us.

Thank you, everyone. That's all from me. Enjoy the rest of your day or evening, and I will see you at the next webinar.

[END OF TRANSCRIPTION]