
BARCELONA – GAC: Potential 2 Character Codes Plenary Discussion
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MANAL ISMAIL, GAC CHAIR: So thank you, everyone. We're starting now. This is the agenda item 6 on the GAC agenda on the release of two-character codes under gTLDs. This continues to be a topic of interest to the GAC, there has been tremendous efforts behind the scenes to compile the GAC briefs. I understand concerned countries had like four conference calls and there is a much, much more longer document than this, but this is the whole summary of where we stand now.

So Thiago has been capably leading those efforts and I'll hand over to him to take us through the document and then we can start the discussion. Thiago, over to you.

THIAGO JARDIM: Thank you very much, Manal. Many of you already know the substance of the briefing document that is in front of you. We have circulated the latest version early this morning which basically reproduces the content that was already there in the version that was circulated I think a week ago, so no big surprise about its content.

Also, many of you know the content and seem to agree with it based on the conference calls we've been having on this subject; there were four of them, and the number of participants was significant from the range of countries that recognize themselves as concerned countries

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but also members from countries that do not see a problem in the use of their country codes at the second level. What I suggest therefore we do is that we go through the briefing document and open for discussions.

You will see also that the briefing document was prepared by myself in my topic lead capacity and that I attempted by so doing to draft a document that reflects the variety of views that were identified throughout the process.

To begin with, the background information is important. We are having this session because, first of all, the GAC adopted consensus advice in Panama on the release of two-character country codes and the advice to the board was that the board should work as soon as possible with those GAC members who have expressed serious concerns with respect to the release of their two-character country codes in order to establish an effective mechanism to resolve their concerns in a satisfactory manner bearing in mind that previous GAC advice on the matter stands. This is GAC consensus language that the GAC has agreed to.

As you will see -- and this is another reason why we're having today's session -- the board's reaction to the Panama advice was to defer a formal response to the GAC on this advice pending further discussions with the GAC. So, this session is also intended to prepare ourselves for the face-to-face conversation we are going to have with the ICANN board on this subject. And upon the board's invitation, an informal meeting was scheduled with board members for the 21st October

2018 -- which I think is tomorrow, yes. And the idea is that this informal meeting with the ICANN board will contribute to the board's understanding of countries' concerns relating to the release of their country codes under gTLDs. And by helping the board to understand what are countries' concerns, the board would be in a better position to make its decision on whether to accept and how to accept the GAC advice from Panama. If we can please go to the next page.

So the following are key points we gathered from an analysis of previous GAC advice, of the history of GAC advice on the matter of two-character country codes and also these results from an analysis of the actions taken by the ICANN organization, including the ICANN board in response to the advice the GAC has been issuing to the board on the question. Also the key points are indicated with a view to precisely helping the board understand what is at stake here.

First of those key points is the following: Consistent with the rationale of the Panama advice, which has been reiterated by the GAC since ICANN57 in Hyderabad, countries' concerns regarding the release of their country codes at the second level include -- so one of the concerns of the countries is that they lost the ability to play a role in the procedure for the release of their country codes which we will call here authorization process. By virtue of the resolution adopted by the board in 2016, countries who previously played a role for the release of their country codes all of a sudden, they lost that possibility. This is the first concern of countries.

Another concern expressed by counties is that by changing the procedure, the board did not provide a satisfactory explanation for that.

And the third concern is that the ICANN board did not adopt measures or has not adopted any measures to prevent further consequences from changes created by the 2016 resolution for the concerned countries. Those three points you will recall are either expressed in the rationale of the GAC advice in Panama, or are expressed in the previous GAC advice subsequent to the 2016 resolution.

Second key point that emerged from the analysis of previous GAC advice is that with respect to the board resolution of 2016, the GAC considered and considers that there have been serious procedural flaws in the decision making process, including: A, the board adopted a decision significantly affecting a process that was subject to pending GAC advice before it had considered and responded to that GAC advice. This is the first procedural issue that was identified previously.

And the second one is that the GAC adopted a decision significantly affecting the process recommended under GAC advice, particularly where there were subsequent uncertainties regarding the interpretation of new GAC advice without further consulting with the GAC. So those two key procedural issues are identified and have been expressed by the GAC in a consensus manner previously.

Let me remind you that the point A here, that the decision by the ICANN board to change the process in 2016 was a decision that did affect a matter that was subject to pending GAC advice, that was the

Helsinki advice, and the board did not respond to that advice, at least not before changing the process that was the very subject matter of the pending GAC advice. Several countries at that time expressed and indicated that that was a serious issue and even before the ICANN board had decided to adopt any decision in relation to the authorization process, many countries had already manifested themselves in the sense that there was pending GAC advice that the board should respond if they wanted to take any action on the issue, and the board seemed to have overlooked those warnings.

And here we come to perhaps the somewhat less easy point, which is the conclusion that the removal of the authorization process was inconsistent with GAC advice. The next session precisely attempts to support that statement. So this is one or perhaps the key conclusion that our analysis lead us to, and that is that the removal of the authorization process was inconsistent with GAC advice.

So I'll go through point by point, if you allow me. The first point, and this is a question of fact. The authorization process for the release of two-character country codes ensured that governments, unless they indicated otherwise, were notified and could provide comments on requests for the release of their country codes. And the second consequence arising from the existing authorization process was that for labels that received objections from relevant governments, the labels remained reserved. And you will see that I put that statement in quotation marks because this is from a letter by the president of the GDD -- former president of the GDD, Akram Atallah, who left ICANN for a registry operator recently.

So this as a matter of fact was what existed prior to the November 2016 resolution. There was an authorization process, governments played a role, and that role was such that once they were alerted and provided comments or objections to the release, the objected labels remained reserved.

The second point is that GAC advice repeatedly recommended the establishment and retention by ICANN of the authorization process; that is a process where governments had a role to play before the release of their country codes. And you will see after that the number of times the GAC issued advice doing just that, recommending the establishment and retention by ICANN of such a procedure.

In Los Angeles the GAC issued advice to the ICANN board asking that relevant governments be alerted about a request for release of their country codes. In response to that advice, the ICANN board said set up a process which they called the authorization process and as in the language of the board resolution at that time, a process as recommended by GAC advice.

In the Singapore communique, the GAC advised the ICANN board to amend the current process in order to establish an effective notification mechanism so that governments could be alerted as requested -- were initiated. This is because the process that was set up by the ICANN board as recommended by GAC advice was not as perfect as the GAC wished at that time, so the GAC issued a new advice saying that that process should be amended to make sure

governments were appropriately notified through a mechanism that made things easier.

Subsequent to that in Dublin, the GAC advised the ICANN board that, “Comments submitted by relevant governments should be fully considered regardless of the grounds for objection, having noted that the process for considering comments was not consistent with GAC advice.” The issue that prompted the Dublin communique was that the board indeed set up an authorization process that had been recommended by GAC advice, and thereby also adopted that authorization process following the Singapore communique to make it easier for governments to be notified, but then the GAC in Dublin considered that the comments provided by governments vis-a-vis requests for release were not being duly taken into account.

The GAC understood -- and this is documented in the long document that we shared with you -- the GAC understood back then that any comment or ground for objection should be taken into account by ICANN organization before deciding on the release of their country codes. ICANN organization, on the other hand, understood that they would only be taking into account objections by a government if they related to confusion.

But this lack of perhaps understanding between the ICANN organization and the GAC was something when going to the question of the substance of comments and not so much about whether or not there was a need for process and a process in which governments participated. The question was about what would be the consequence

of participation by governments in a process that was as recognized by the ICANN board itself, recommended by the GAC.

And finally, in the Helsinki communiqué, the GAC clarified that with regards to the authorization process in the event that no preference has been stated, a lack of response should not be considered consent. This indicates, again, a certain difficulty on the board's side to understand what the GAC was asking back then in relation to a specific aspect of GAC advice. As a result of a number of advices issued by the GAC to the board, the board did set up a mechanism where governments had a role to play, and that process was one in which every time there was a request for the release of country codes, governments were alerted and had a 30 day period of time, later a 60 day period of time to provide comments, and the process was such that if governments did not provide comments in those 60 days, the country code would be released. And this was something that was not expected by the GAC to happen.

The GAC -- and this is in the GAC advice -- wanted that governments be alerted and that they provide comments, and if there are objections, the country code would not be released, but also if the governments did not object because they did not have time to comment, that the country codes shouldn't be released either, and the release should only happen once there was agreement between the registry operator and the government.

But again, those controversies did not put in question that GAC advice has recommended the establishment of a process, a process that was

set up by the ICANN organization because the ICANN board accepted GAC advice and as indicated by the ICANN board itself, the process was in the board's understanding as recommended by GAC advice, and the process reserved a role for governments to play before the release of their country codes. This is all uncontroversial, including if we're taking into account the views on the matter by not just the GAC but also by the ICANN board.

So I may have already mentioned the points that are now displayed on the screen under number 3, but let's go through it again, it's never a bad thing to repeat. So, "ICANN developed and implemented an authorization process because of GAC advice accepted by the board. In response to the Los Angeles advice, the board authorized the president and CEO to develop and implement an efficient procedure for the release of country codes taking into account GAC's advice in the Los Angeles communique. It therefore set up a process requested by GAC advice or recommended by GAC advice.

In response to the Singapore advice, the board, "accepted the advice of the GAC regarding the release of country codes and the board directed the president and CEO to revise the authorization process to make it would align with GAC advice." If we can go down to the next page, please.

And finally, in response to the Dublin communiqué, the board clarified that all comments from relevant governments are fully considered under the current process. It is not necessary to go through the difficult exchanges that took place between the board and the GAC at

that time, but in Dublin the GAC had indicated to the ICANN board that it did not consider that the actions taken by the board in response to the previous communique were consistent with GAC advice. So it was the GAC telling the board that their actions were contrary to GAC advice, and the board's response was that they heard what the GAC was saying but were somewhat concerned about the statement by the GAC because from the board's point of view, all their actions were pretty much in line with what the GAC was asking. And we have here another indication that there was a difficulty in understanding each other's side.

Finally, notwithstanding all of the above, and all the above as you would recall was that the advice by the GAC was to set up a mechanism where governments have a role to play and the acceptance by the ICANN board of all those advises and also the acceptance that they should set up and did set up that mechanism where governments had a role to play.

Notwithstanding all of that, in 2016 the board authorized the replacement of the authorization process and substituted the authorization process where governments had a role to play with a blanket authorization for the release of all country codes, and they did so while there was GAC advice on that very process. In Helsinki, as I mentioned before, the GAC advised the ICANN board to make sure that the authorization process followed a certain line, and in spite of that, the board adopted a resolution and only one month after it decided and published that decision to change the authorization process that was subject to the pending advice, they responded to GAC advice.

By virtue of that decision from November 2016, the ICANN organization issued a blanket authorization, and the blanket authorization meant that governments are no longer alerted of requests of release of their country codes, nor do they play a role in the release process anymore. And this is obviously contrary to GAC advice on the matter, which you will recall in Panama, the GAC as a whole stated still stand.

So having gone through what to my mind are facts, these are the key actions that we would be proposing to the GAC for adoption. First thing would be to convey the analysis that I've just presented in this briefing to the ICANN board ahead of our face-to-face meeting with them so they have a better understanding of what those concerns are, which will help them respond to the Panama advice, and another question for consideration by the GAC is to consider GAC advice on the matter.

This is for the first group of actions required, I think, on this matter which would be for the whole GAC. And another group of actions required may not concern necessarily the whole GAC, it is for individual countries. And the reason why it's for individual countries is because in Panama the GAC adopted consensus advice directing the ICANN board to work with the concerned countries in order to resolve their concerns. So it is the concerns of individual countries and not GAC's concerns that we will be talking here, and the board should therefore work with GAC members who have expressed concerns relating to the release of their country codes in order -- and I'm merely stating here the substance of the Panama communique -- this work

between the ICANN board and GAC concerned countries is intended to establish a mechanism to resolve those concerns.

I will stop here and open the floor for comments. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thiago, just to make sure we're all on the same page, number one, we need to agree on the text on this document to be shared with the board prior to tomorrow's meeting so that it serves as a basis for our discussion with the board. So this is step one, that we need to agree on this document so that we can share it with the board to serve as a basis for our discussion with the board tomorrow.

Then, as you rightly mentioned, we need to segregate two things, the consensus GAC advice that would be concluded from our analysis of the document as well as our discussion with the board tomorrow, but also on the substance side, individual countries' concerns and how they would be addressed by ICANN.

So first, having gone through the document -- yes, Thiago, please go ahead.

THIAGO JARDIM: Thank you very much, Manal. Yes, this is very much it. It would be ideal if we could agree on the text of this briefing so it can be shared as well with the board ahead of tomorrow's conversation. And is there

another question I'm missing here, Manal? Or this was your question, right? Thank you very much.

Before I give the floor to Argentina, whose representative raised their hand, just a -- sorry, apologies, Olga. I just wanted to make I think one pedagogical comment about this GAC briefing here. It basically identifies two types of concerns, right? Because there are two key actions that are recommended here, key action from the GAC and actions from individual countries.

Following the November resolution which changed the authorization process, there were two types of concerns that emerged. One of them was a procedural concern which was that the authorization process was something inconsistent with GAC advice and something should be done about it, otherwise the ICANN board would be getting away with action that is not compatible with GAC advice, and this was a concern shared by the whole GAC.

But also there was another type of concern, and this other type of concern was that once released country codes, some countries had a problem with seeing their country codes used at the second level. Not all of the GAC countries saw a problem in that, but they did see a problem on the actions taken from a procedural point of view. So this is why we're suggesting in the GAC briefing those two types of actions, because it is important for the board to have this present once they take their decision on how to react to the Panama advice, and then we can move forward starting from the same page, everyone. Thank you. Argentina, you have the floor, thank you.

OLGA CAVALLI:

Thank you. First I want to commend you, Thiago, for such a remarkable and exceptional work that you have done. I'm really impressed through all the process and now that I see the outcome, it's really impressive. And as you know, Argentina has been always worried about this issue and we have been following closely for almost two years now.

So my suggestion would be if there's any remedy that maybe we can agree or the board would be able to implement for this issue, if we recall the previous procedure before they changed the rules; there were countries that were not worried about having a notification and there were others that did want. So, there was a list and those that were not worried just said, "Don't call me, don't tell me anything, I'm okay with that," and those that were worried would receive a notification.

Now that I see that title actions from individual countries, there may be a rule that covers all of us and some countries just say, "Don't notify me, I'm not worried about this," and others that do. So my concern is that we agree on something that would be individually focused on some countries that are concerned about and not a general rule for the GAC. I don't know if I'm being clear in my concern. Do I? No? Yeah? That was my comment, but of course above all, my commend to your work.

THIAGO JARDIM: Thank you very much, Argentina. I'll react to that in a little. China, you have the floor.

CHINA: Many thanks to our colleague Thiago for this, and he has taken us through the document which is the history of the two-character issue. I think it's very helpful in clarifying the issues as well as for the next steps. As we consider this issue has been around for quite some time, since the board resolution of 8th November, 2016 which I think led to a great change to the policy of two-characters at the second level. The GAC has produced several advises to the board several times, but from my observation there is no feasible solution acceptable to concerned GAC members.

And we can also see that different GAC members have different positions on the two-character issues, although the different positions should be respected. I'm glad that we are now focusing on the members who do have concerns with their two-characters at the second level.

So under the leadership of Thiago, we're glad to see that the concerned GAC members are getting together to progress the issue. I'm hoping that the concerned GAC members can have a more effective communication with the ICANN board to resolve this issue. And with regard to the proposal, I mean the key actions from the GAC proposal by Thiago, I would agree to convening the analysis document to the ICANN board. I think we need to have a response from the

board and we need to have a concrete mechanism to resolve the concerns of some GAC members. Thank you.

THIAGO JARDIM: Thank you very much, China. I see Portugal.

PORTUGAL: I'd like to thank you for the great work you've done, it's very interesting and I think the same should be done in other areas because this certainly gave me evidence on how the GAC advice is taken into account and considered by the ICANN board. So in this specific case, the board seems to agree on the advice but without any explanation it's changed the way in which it treats the two-character code at the second level.

I would also say that acronyms are used to name the countries at the international level. So these codes exist and must be respected. On the other hand, there is a huge investment on brands. I know that brands want to be related to the .pt. In Portugal, at least there is a huge investment regarding .pt as a brand. And we have a saying that it's, "before to prevent than to cure afterwards". This was our case. We were ahead of the situation, but right now we are trying to remediate something, to cure something.

So Portugal certainly agrees with the proposal on the table right now. We agree with Brazil because we have the subtlety of saying that some countries are concerned and not the GAC. And I think that all the

sensitivities arising here gives Portugal the opportunity to support everything that has been said.

NETHERLANDS:

Yes, thank you, Thiago. Thank you also for this elaborate report. I think this is the first time we have seen a good let's say detailed factual related -- all the facts concerning this. The thing I struggle a little bit with is what we can do in the GAC advice. Because other than repeating there was flaws and there were serious flaws, I think we would not come to a consensus about new advice on substantive on the treatment given the difference of points of view in the GAC. But I think there's another positive element and that is really I see this as a lesson learned which should be really functional and operational, I hope, for the board. Because I see a lot of misunderstanding, I see a lot of action coming off the board, thinking that they understand our advice but do something else. So there's a lot of misunderstanding, misconception, perception, which probably is the base for a good talk with the board. Thank you.

THIAGO JARDIM:

Thank you, Netherlands. I heard you ask the question what can we do with GAC advice, or can we adopt the GAC advice on this question, particularly because we have different types of countries here, countries who have concerns, others who doesn't. But back in Los Angeles when the GAC adopted consensus advice, it adopted consensus advice on the matter of the release of country codes. It did recognize in the Los Angeles communiqué that there was no

consensus views regarding the use of country codes at the second level. But there was consensus among the GAC that there was necessary that a process be set up similar to what Argentina said; countries that have a problem with this where those countries can provide comments and eventually prevent the delegation of their country codes. So there was agreement among the GAC on a sensitive issue despite the fact that there was no agreement in relation to how each of countries' codes would be used at the second level. There was agreement on the need for a process and the board acknowledged GAC's advice and set up a process as recommended by the GAC.

So I think since similarly to what happened in Los Angeles which was a situation where the GAC had divergence of views, there was still consensus on something and there might be consensus here. You will notice as well that in the previous version of the GAC briefing I shared there was a specific action recommended for adoption by the GAC, which is no longer there. And the reason why it's no longer there is because we felt that if we conveyed the briefing document with that suggested action from the GAC it would perhaps preclude the impact on the conversation we will have with the ICANN board in a negative way. So we thought it would be wiser to have the conversation with the ICANN board and after that consider what sort of advice we may wish to issue to the ICANN board.

And then finally, responding more specifically to the question what type of advice could we be issuing here and why would we be issuing advice on this question, as Netherlands said, there has been a broken conversation going on between the GAC and the ICANN board for quite

some time already, the GAC saying that it does not consider that the GAC advice is being respected fully and the ICANN board saying that in their view the GAC advice is being fully implemented. Who is the master of the interpretation of GAC advice if not the GAC?

And then, as a proposed action to perhaps launch any process that should take place as a result of auctioning consistent from the board it is necessary that the GAC tells the board in a formal way, “Look ICANN board, your actions are considered to be inconsistent with GAC advice. Which is something that the board can do; the board can adopt action departing from GAC advice, no problem really, but if it does so, it needs to follow the procedure that's established in the bylaws, and what the GAC would be doing here is basically telling the ICANN board to follow that procedure if they're going to stick to actions that are inconsistent with GAC advice. If we do not do this here, as I said to someone privately, the board would be getting away with actions inconsistent with GAC advice. You might have watched that series 'How To Get Away With Murder', it's something not different that much to disrespectful actions in relation to GAC's advice. Manal, you have the floor. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you, Thiago. So let me try to separate two things here, what is our objective from tomorrow's meeting with the board versus the communicate language that would ultimately go into the communicate after we hear from the board and after we discuss? I believe -- but again, I stand to be corrected -- that we need to have three things

tomorrow at the meeting. First, they say they have accepted GAC advice. GAC members feel that GAC advice was not accepted, so this has to be discussed and clarified so that we are on the same page. So I believe this is the first point.

Second point is what can we do to fix whatever happened if there is anything to be done? And the third point is how to make sure that this will not happen again in the future. And this may be the most important point, again, so if we have a concrete proposal for this as well.

So I would say this is -- from my point of view, these would be our objectives from tomorrow's meeting. Again, there is no problem to discuss GAC advice now, but I believe it might be also influenced by the discussion tomorrow. So we need, again, maybe to revisit this after we hear from the board what they have to say.

So, are we in agreement on the objectives of tomorrow's meeting? I'm not sure -- again, from the board side they probably have their objectives as well and maybe they have their own brief, I don't know. But at least within the GAC, are we clear on our own objectives from tomorrow's meeting.

THIAGO JARDIM:

Thank you very much, Manal. I personally don't think we can expect much from tomorrow's meeting because it will be convened so the board is clarified by the GAC on certain issues that would allow the board to respond whether it accepts or not the Panama advice. So for

example you mentioned three points that we should be perhaps bringing to the discussion tomorrow. The first one, are we going to share the briefing with the ICANN board; the second one would be how do we fix the problems to make sure governments no longer have concerns; and the third one would be how do we make sure the same problems do not happen again in the future, right?

MANAL ISMAIL, GAC CHAIR: Yes, Manal speaking here again. Just a slight amendment. The first one is making sure that we become on the same page with the board. Because we keep providing the same advice; they keep providing the same response and then nothing happens. So, we need to find where is the disconnection and make sure we're on the same page and then we take it from there. I can see Switzerland.

THIAGO JARDIM: Thank you, Manal. Briefly responding, and these are my personal views on the matter; I think it's only appropriate to bring to the discussion with the board the first point you mentioned, and the reason is the board hasn't yet accepted or rejected the Panama advice so we shouldn't, I think, at this stage consider what would be the actions that would satisfy the concerns of individual countries, at least not until the ICANN board has said that it accepts the Panama advice and that it will be working with those countries to resolve their concerns. And the reason why I don't think we should be taking up with the board the question, how do we avoid this from happening again, because I think this is a question to be dealt with by the BGRI

group, which is a group set up to discuss board/GAC relations, and the more abstract question about the process I think for the future should be discussed there.

Tomorrow, my sense is that we will be dealing with this very specific and concrete case and make sure that it is fully addressed. Therefore, this is why I think the only first point would be appropriate, we would be bringing clarity to the ICANN board about the concerns, about the problems so the board can react, make its decision in relation to pending advice and then we could consider what other steps forward we will be taking. Thank you, Manal. I see Switzerland. Go ahead.

JORGE CANCIO:

Thank you, Thiago. Very briefly, first of all I would like to commend you for this work and also colleagues who have participated in preparing this briefing and the attached information. And secondly, I think that it would be good to share this briefing with the board before our conversation tomorrow. It would be good also to see specific feedback from the board on this briefing so that as a first step of everything we nail down the facts and -- because otherwise we have a very emotional conversation going on, and it's very difficult to go to solutions without having at least a shared view of what the facts were, without I think looking who was at fault or not but just looking at the facts and where there is the disconnect and where this broken conversation began.

So I think the briefing and the attached information is very good for that first step, and I hope that we can agree to share it with the board

and then see what their reaction is. And after tomorrow's conversation, we have different internal meetings also to prepare our conversation with the board, we have the conversation with the board, and then we can see, okay, what is their reaction, what should go into the communiqué, whether it's advice or not advice, depending on what's their reaction.

And also, whether we have to start a process that goes beyond this meeting, because perhaps there are disagreements on factual aspects and so on and so forth. So it's a bit difficult to foresee all of that. So I see you nodding, Thiago, I think that a first step would be to share this and to see whether we can agree on the facts at least. Thank you. And thank you very much.

THIAGO JARDIM:

Thank you very much, Switzerland. Bangladesh.

BANGLADESH:

Thank you very much for giving me the floor. My thanks to Thiago for preparing such a large and beautiful document. In fact Bangladesh was not present in the Panama meeting. I understand that yes, from us it's a concern too, just to express the concern of Bangladesh, but I feel that if the option's open to the country before releasing the country code, two level code, if the clearance is taken or the country is given an option, that should be the right approach to go ahead. However, we express our concern from our side. Thank you very much.

THIAGO JARDIM: Thank you, Bangladesh. France.

FRANCE: Thank you very much, Thiago. I would like to join others to thank and commend you for chairing this working group on the [inaudible] of two-character codes the second level new gTLDs. I think it's a very good work and I'd like also to thank all the participants to the working group and the support staff that helped to prepare this briefing. I think you are right to say we really should separate two issues, the first issue about the substance, what can we do to correct the consequences of the board resolution. And the other issue is on the process. And I think the novelty of this briefing, if I can put it that way, is that it brings clarity on the process issue. Because what you have in this briefing from my perspective and as I understood from the previous meetings we had in the working group, is that it shows that the board resolution is rejecting implicitly the GAC advice, so what we had was an implicit rejection of GAC advice even though the board and ICANN org somehow denied that. It's a very important issue and if we don't address it, basically it would set a very dangerous precedent.

So maybe you are right, Thiago, maybe we can address it in another context, maybe in the BRGI, but if the ICANN org and board make decisions that are in breach of GAC advice without following the process described in the bylaws, that would mean the ICANN org is actually not following its bylaws, which is a very problematic point. So I think we need to further examine that.

Now on the other issue, which is a substantial point, what can we do to make things better, actually, as you noted, the board resolution is from November 2016, so we've been discussing that for two years now. I remember a year and a half ago there was this idea of having a task force for concerned countries; I don't think it delivered anything. I think a year ago Akram Atallah was here, but as you mentioned, Thiago, unfortunately, he left the organization very recently, but on record I think Akram Atallah mentioned to put in place a mechanism for countries to monitor the release and the use of their country codes at the second level.

Maybe we can have an update from the ICANN organization about this. I think what was agreed on between the ICANN org and the GAC was that a specific webpage would be put in place for concerned GAC members. So maybe we can have an update, I think it's a good way out on a substantive issue, but again, I agree with you Manal, the three points we should bring tomorrow would be, one, are we on the same page about the interpretation of the resolution, is it or not in breach of the GAC advice; then number two is a process issue and number three is a substantive issue with the monitoring mechanism that should be put in place by the ICANN org. But again, thank you a lot, Thiago, for this work, I think it really helps us to move forward on the issue. Thanks.

MANAL ISMAIL, GAC CHAIR: So we have one last request for the floor and then -- okay, two requests for the floor and then we will conclude as I already see the

PTI board in the room. Go ahead, please and kindly introduce yourself, I'm sorry.

COMOROS ISLANDS: I am from the Comoros Islands. As our colleague indicated, we were not present in Panama but we shared our concerns regarding the use of our country code at the second level.

MANAL ISMAIL, GAC CHAIR: I see the US next. Go ahead.

UNITED STATES: Yes, thank you very much, Manal, for the floor. Just to provide the perspective of the United States, I think we would fully endorse what you said in terms of trying to get to clarity on the perspectives so we can find a way to move forward and get past this and make sure we don't have these problems again.

In terms of the paper that's been presented, I just want to ask for clarity; we're being asked if we're okay with this paper as presented here going forward for the conversation and I think from the United States' perspective, I think that's fine for the discussion tomorrow, but just for the record, I'm not sure that we would assess the facts as they've been presented and written here but we would not suggest holding up the paper for the conversation tomorrow. But I just wanted to make sure that that perspective was clear.

MANAL ISMAIL, GAC CHAIR: Thank you, noted, and I think Thiago already made a disclaimer even at the beginning of the document that he has already prepared this. So it might not be a consensus by the full GAC.

So if there are no other comments, then Thiago, are you okay that we conclude this? So thank you very much and we will be starting in two minutes our last session today with the PTI board. Thank you.

[END OF TRANSCRIPTION]