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**Statement on behalf of the ALAC on 24 September 2020 GNSO Council Meeting Agenda Item 4 on the adoption of the Phase 2 Final report of the EPDP.**

This statement is submitted by the ALAC EPDP Team but is fully in line with past positions of the ALAC and would surely receive ALAC support if put to a vote.

The motion as adopted sets a precedent in that it is recommending to the ICANN Board for adoption as a Consensus Policy, outcomes of a PDP where the PDP WG did not have consensus as defined by the GNSO and in the case of one recommendation, the WG position was fully Divergent. The concept of a Consensus Policy based on positions that did not have consensus within the PDP is simply illogical.

Moreover, several recommendations were deemed by the PDP Acting Chair to have "Strong Support but Significant Opposition". The PDP Charter defines that as "Most of the group supports a recommendation but there are a significant number of those who do not support it". In this case, only five of the nine groups within the PDP WG supported the recommendation and it is hard to define 5/9 as "most". Since different groups within the EPDP had vastly different numbers of members, a simple head-count cannot determine consensus. The issue was raised with the Acting Chair prior to the report being issued but the rationale was not fully explained. This brings into question whether the rules as defined in the Charter were fully adhered to.

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**Statement on behalf of the ALAC on 24 September 2020 GNSO Council Meeting Agenda Item 6 on follow-on actions to the Phase 2 Final report of the EPDP.**

This statement is submitted by the ALAC EPDP Team but is fully in line with past positions of the ALAC and would surely receive ALAC support if put to a vote.

The ALAC appreciates that the EPDP will be reconvened to address the issues of 1) legal vs natural persons and 2) Feasibility of unique contacts to have a uniform anonymized email address. However, if the result is to be different than the stalemate that occurred during Phase 2 discussions, the following are essential:

1. The reconvened EPDP must have an un-conflicted, experienced Chair. This

implicitly rules out the two of the options presented, namely having the Council Liaison serve as interim chair or having one of the EPDP Members serve as chair;

2. The reconvened EPDP will need professional facilitation AND mediation if the chasm between the two sides is to be spanned;

3. The reconvened EPDP will need access to legal counsel to further explore options.