
HELSINKI – GAC Operating Principles Review Working Group Presentation to GAC Plenary
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HENRI KASSEN:

Thank you, Mr. Chair, and good afternoon colleagues. My name is Henri Kassen. I'm co-chairing the operating principles working group, together with Rajiv Bansal from India.

Two things. One is probably the effect of the "B" meeting. We have been promoted to a day earlier. Normally in the normal meetings, it's Thursday afternoons, and then the colleagues appear to be very tired of the whole week of meetings, so hopefully this one day that we want now will create some more discussion.

And secondly, I have just been able to master all the acronyms in ICANN for the past two years, and to my surprise now, with the IANA transition, there's new acronyms that came up, one of which is like "PTI," which in the region where I come from, that stands for Pretoria in South Africa.

Now, this one seems to be "post-IANA transition" or "post-transition of the IANA," so I am learning to get the hang of all the acronyms.

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Well, welcome back from lunch. We will, as the chair said, go through -- or deal with the -- with another important aspect or another important activity which has also been discussed in relation to certain previous presentations.

I just wanted to check whether Mr. Rajiv has got some introductory notes.

RAJIV BANSAL: No.

HENRI KASSEN: All right. Thank you very much.

Can we have the next slide?

That's the agenda for our brief discussion.

We have current status, where do we stand, which is a brief background or brief indication. Then next steps and the draft work plan. And as meetings normally go, there's AOB, but I will leave that to the substantive chair of our committee.

Next slide, please.

The current status is that at Marrakech, we were -- after the terms of reference were approved, we were just requesting the secretariat to make a summary for us, a summary report

outlining three main topics, and at this point I would like to wholeheartedly thank the secretariat, Michelle, and the team, Tom and Tracy and others, for their hard work in providing the up-to-date summaries and the -- and keeping the discussion going. Thank you very much. We appreciate that very much.

The three points is mainly we identified that they are as is indicated, three main broad approaches that we need to take.

Of course the terms of reference indicates or says that we must make a comprehensive review of the existing -- with the emphasis on "existing" -- operating principles.

Then out of that, we looked at those three broad work streams. One is that there is administrative changes or admin- -- yeah, administrative changes required.

Secondly, there are principle changes required, substantive changes required.

And then thirdly, we noticed that there are operating principles that do not need much change or no -- that we do not need any change to.

Can we have the second -- or the next slide, please?

That is the workflow sort of setup that we want to discuss the flowchart.

While we were doing our groundwork, we were then made aware of the important issue of the new -- or the transition process. On the -- is it now the right? -- or the left-hand side there, we have basically two broad questions.

One, of course, is that the working group was formed to review the existing principles, which does not include any of the stewardship transition arrangements.

We have been -- so that remains a big question on the left-hand side.

We determined that there is changes needed, because of the new ICANN bylaws that was adopted, and it impacts on the operating principles. The major impact, of course, is the empowered community decisional participant arrangements that comes out of the IANA transition process.

We have these two broad work streams. One is that we have -- we look at the operating principles for it to be reviewed as a source document.

Then now we have now -- in terms of the progress of the process of the transition, we have now received a new set of ICANN bylaws that we also have to take account of, and the -- there is this -- there is now the question -- I think the big question that remains that has now come up is that what happens to the

incorporation of the ICANN bylaws into the operating principles. It will be incorporated -- it needs to be incorporated eventually, but the terms of the -- terms of reference of the current committee is to look at the existing operating principles, look at that and do a comprehensive review of that.

With the transition arrangements now, we have the other work stream that was discussed earlier this morning concerning the empowered community, how do we go about that, do we -- do we keep it as a separate work stream.

I noticed that Tom will be assisting us in making a sort of a writeup and assessment of what the requirements would be under the empowered community arrangements for GAC, and then he was asking for a small team that can work with him to assist him in doing the writeup or doing the analysis, and I was just keeping quiet because I thought maybe at this point I can now say that this committee should -- can be that team, but we didn't see any members highlighting or showing their availability, although I'm sure we are available because it is a concern for all of us.

So this is the chart or the flow, workflow, that we are looking at, and I think one of the major questions that possibly the GAC needs to give us guideline on now is whether the transitional arrangements and the new ICANN bylaws will also form a basis

document that we will -- that we need to take into consideration and then filter into our work plan for the reviewing of the existing operating principles.

I just also wanted to note that there has been some very active and extensive intersessional consultations by -- via the email list that exists.

We have about 20 members that is listed as members of the working group, and eight of them were very active in the past few months.

Many thanks to them for enhancing and enabling the secretariat and the committee to get a better understanding of the views of the member states -- or the members as far as certain issues that we need to look at.

So in terms of the workflow chart, then, on the left-hand side, with the GAC as -- the GAC plenary would be -- feel that we should take the ICANN bylaws that basically provides for the empowered community, the decisional participant arrangement and so on, to be factored into the current existing review process that we have, that the committee have, because our terms of reference do not include that, the new arrangements. Or, does the GAC feel that maybe we will have to have a separate process for that?

That is possibly one issue that you members -- that the members can think about.

Then in terms of the current review process, the current operating principles review arrangements, we have three sub-approaches or three approaches.

As was indicated earlier, there's the one of no change, which basically is operating principles that is -- as I say, straightforward, but not really, in our setting, but is operating principles like Principle 5 that deals with that we cannot act on behalf of ICANN, which stays; Principle 22, C/VC -- chair/vice chair -- election process; like 29, time limits in meetings and so on.

So those are principles that on the first reading does not really need much revision and changes.

Then you have the second category, which is working group to discuss procedural issues, which is -- which deals with principles that deals with procedural matters.

Principle 6, the frequency of meetings once a year; or Principle 7, how to call a meeting; and the notice of meetings, Principle 9, and so on. So those are procedural issues.

And our view is also that should we get the green light to factor in or filter in the ICANN bylaws changes or the new ICANN bylaws

provisions, then many of the changes made may be procedural, but that is to be seen still.

Then the third category is where we discuss substantive issues, most notorious the operating Principle 15 and 16, voting rights, membership, and so on.

So those are the three broad categories of approach or discussion that we will have under the working group action plan for the existing operating principles. Of course it goes into the working group will then agree, and because of the substantive and comprehensive processes and discussions that we will have about this, we are actually also thinking of -- apart from a -- from the mailing list, any decision on the mailing list discussion, we're also thinking of maybe an intersessional face-to-face meeting where we will -- where we can discuss face-to-face in terms of the agreement or of the issues that we need to -- which we can agree on for submission to GAC for endorsement or for further guidance.

India has indicated advice as co-chair that they are available and willing to host such a face-to-face meeting for the group.

Then, of course, after the agreement at the working level group, we will then submit to the -- to the GAC for endorsement and to forge consensus on the issues, which then will lead to final draft of the operating you principles for final approval by GAC.

That is the current process. Of course the parallel one that is indicated on the slide basically refers to the IANA transition or the stewardship transition or transition process where we have to incorporate the issues concerning the empowered community, issues concerning what GAC's role will be. My senior colleague, Mr. Covos (phonetic), has just indicated this conflicting situation that we have, being advisory and but also at that point take decisions. How will that work? The how and the what will have to be discussed, and we'll have to get consensus around that.

Then it will also then lead eventually into sort of a final document, a final revision document of the principles for GAC to approve eventually.

So that is the -- That's the flowchart that we have in terms of where we are going.

Can we have the next slide.

The possible next steps for decision. Yeah, thank you.

First, the GAC to agree on new protocols, modalities of the operating working group in response to ICANN bylaw changes. And of course, will the working group continue with revision of the existing operating principles?

In the spirit of our democratic nature, we have a choice there, yes or no. Every question has got a yes or no. But I suppose that it will not be that (non-English word or phrase), as my colleague from Germany will say. But let's look at that.

Of course the comment is always available, is there to and has been tasked to deal with some of the issues.

So the first bullet is basically talks about, I think, as a relation to the empowered community arrangement and some other bylaws changes that came as a result of the transition.

Bullet three, then we agree that the operating principle should review the process -- should review process substantive -- and substantive issues in parallel. Two slides earlier I showed that we have a three category -- approach in terms of three categories. The one in where there's no changes foreseen, like operating principle five where GAC cannot act on behalf of ICANN. So that's the one. Second one is the process or the procedural issues, like six, the frequency of meetings, and then the substantive issues like membership. That the working group develop a list, then, of substantive issues and decide in the order to address each one.

The process issues and those that do not require changes, of course we will also -- we will also develop a list of those, agree in

the working group and then submit to the GAC for endorsement or for further guidance.

Third last bullet, the working group co-chairs to prepare draft work plan, including clear process for reaching agreement, distribute to working group for agreement. That is now where we felt that a possible face to face would be -- would be not necessary but would be advisable to flesh out the final work plan.

And then second last bullet, agree on the work plan, and then send to the GAC list for endorsement by 1st of September 2016. That's about two months before Hyderabad.

So the -- Because of the need, and I've heard this morning and throughout the week that we -- and of course in terms of the comments made in the working -- in the mailing list, also, that we need to actively start doing and start planning and even, if possible, start implementing some of the issues not to be left behind. So that's why we are indicating that we can possibly go through the GAC list for the endorsement instead of waiting until Hyderabad, just to win some time, some more time there. So when we get to Hyderabad, we can substantively, then, report that we have implemented, you know, point one, two, three, or so, on the work plan.

And then the working group to proceed as agreed in the new work plan, yes or no.

That is the questions that we would want to put in front of the -- of the GAC plenary. And we can come back to that. It will provide a fruitful source of discussion.

And then, of course, the last slide would just basically be suggestions and discussion and deadlines, one of which is the 1st of September for the final work plan to be available and to be -- to have been circulated to the GAC on the GAC mailing list.

I think at this point, I would want to ask the co-chair for any inputs. That's fine.

Thank you very much. Should we leave the slide on for a brief discussion? And we will then open the floor for discussion. Thank you.

I have just said that the normal GAC meetings, this -- this session normally comes after lunch on Thursdays. Then everybody thinks about tomorrow going home. Now we have progressed to a day before. We are now at Wednesday, at least, but theoretically we are a day earlier but practically, we may not be.

So open for discussion, please.

Thank you. Any comments will be welcome. Any advice, any guidance. Especially as far as the first -- the first or the second slide is concerned, how -- the broad approaches in terms of how to factor in the transitional -- the ICANN bylaws and transitional arrangements concerning the empowered community. And then, secondly, the approach, I think, in terms of the deadline we have for the work plan, and then the approach that we want to use the GAC mailing list for endorsement, which may be a -- that's only for the work plan, not for a draft -- for a draft of the -- of any operating principle.

Thank you. Any comments? Inputs?

Thank you very much. It appears as if you have unwavering trust in the committee to continue and to further in the ICANN bylaws arrangements as well as the, you know, come with suggestions in terms of the work plan how we will deal with the empowered community. And then we have one process -- with Tom, of course -- one process. Bring both issues together, and then we'll produce a work plan and incorporate everything going forward.

Thank you.

Back to you, Chair. I don't know. Maybe you can open the discussion further.

Thank you.

CHAIR SCHNEIDER: Thank you. So could you just repeat? I'm not sure what everybody has understood. Have we taken now a decision on what to do with the potential requirements for amendments with the accountability process? Or if you could clarify what you just said before.

HENRI KASSEN: Thank you, Mr. Chair.

The suggestion from the committee is that we propose one process, to continue with one process. If we have the ICANN bylaws and the empowered community, we will, of course, have to -- to take into account the work that is happening in the CCWG, and so on, and so on. But in terms of bringing the issues together, in terms of one -- one forum, like the working group, bringing the empowered community or the ICANN changes or the bylaw changes and the process as far as the -- as far as the transition is concerned into the committee -- Remember in the beginning, I said our terms of reference that we approved says existing operating principles. And the EU -- EC. Is it EC or EU? In the mailing list eloquently highlighted that this area is not included in the terms of reference.

But what is included is once we review the operating principles, we will have to take account of the ICANN bylaws at the time. Now the ICANN bylaws is updated and there's an empowered community and a new process which is not yet final, we have heard. It's still -- it's still -- The how and so on is still to be worked out in terms of the empowered community, the detailed processes. But the community itself, it is final, it is decided, it will be there. It's just how ICANN, how the GAC will interface. How, you know, the decisions in terms of decisional participant, what will we -- when there's decisions to be taken, what is the procedures that GAC will take concerning that. How -- In terms of what operating principles will we act so we can get guidelines and so on.

So as far as that is concerned, Mr. Chairman, the idea of the committee is to bring everything together in the operating principles committee and proceed, factoring in the issues concerning the transition arrangement.

There is, of course, the danger -- now I'm shooting myself in the foot, but there's, of course, the danger that we will be proceeding with the operating principles to a point. Then we see if one or two of the operating principles has got -- for us -- in order for us to complete it, we need direction from the CCWG arrangement. And then that one may take a year or may take six months, and then we have to park this one and then go to the

next one so that we can complete our review. But then we have to come back to this one, to the one that we have put in brackets, so to speak. And that may be a back and forth, back and forth, and eventually it will -- the principles -- the principles will not get final approval because of this outstanding issue. So -
- But in terms of the approach, it is our view that it's better to bring everything together since we have the Operating Principles Working Group, to bring that together in the committee and then, of course, I have to get the final approvals.

And then, of course, the second thing was the issue of using the GAC mailing list for endorsement by the 1st of September of our action plan, our final agreed action plan by the committee.

Thank you, Mr. Chair.

CHAIR SCHNEIDER: I think there are some people who would like to take the floor.

EUROPEAN COMMISSION: Cristina Monti. European Commission, representing the European Union.

HENRI KASSEN: (Off microphone).

EUROPEAN COMMISSION: Yes, right.

Just to share some remarks. Yes, in general, I agree with what has just been said concerning the approach. It wouldn't make sense for the operating working group to look at operating principles that are not valid anymore. So, I mean, it wouldn't make sense or we need to take into account the new situation, the new institutional setup of ICANN. So -- Otherwise, our work would be wasted.

How we do that, I think it's another difficult issue, but what you are proposing to go back and forth in the discussion in the sense that there are some items where we could make some progress. On the other hand, others where we need to have broader discussions at the GAC and see what is happened in the CCWG discussions. But I think that already the fact that the working group could highlight where these issues are and then maybe also bring to the attention the actual language where we have a problem and where this would need to be changed or modified could help also advance maybe the broader discussions. Because at least we would have some initial text to reflect on or we would highlight where we would need to include new language. So I think this could be a possible way forward.

And then yes, I agree also in terms of continuing to work on having a clear work plan ahead of the Hyderabad meeting. Thank you.

IRAN:

Thank you. Perhaps I misunderstood. You said that bylaw, new bylaw has not yet been finished. Which new bylaw has not yet been finished? Are you talking of the bylaw of the CWG, they have something they call the bylaw? Are you talking of article of incorporation? Yes, it has not yet been finished. Or are you talking of the bylaw which is called new bylaw? Which one has not yet been finished?

And then I have a second point about whether we should engage in two process. First, modifying the existing and later on, six months after, come back again and modifying existing which may be affected by the new bylaw. And my question would be why we have two process? Why not we start something that cover both with sort of the table. So could you clarify which bylaw has not been finished in your view? Thank you, or the view of the committee.

HENRI KASSEN:

Thank you. And then Thailand. Or should I quickly respond? The -- to the pertinent questions. Firstly, the -- the bylaw --

maybe it was a slip of the tongue but the bylaws of ICANN has been approved so there's new bylaws. It's approved. I was referring to the processes involved in setting up and finalizing the empowered community. Those are there are still uncertainties how it would play out. So that is what I meant, it is not yet finally set up and cleared, as we heard this morning in the -- but I was talking about the empowered community entity or the group.

And then secondly, I -- I do think that as we said the -- the European Commission also highlighted, it's better to have one process and that we proceed not as two processes parallel. So why two processes? As far as the -- the committee is concerned, it's better to have only one. I don't know I'm going to debate. Maybe -- yeah. Just to follow-up then, Mr. Kavouss, and then we go --

IRAN: Not on the question but on the process. Go out with other people and come back and I suggest you something later on.

HENRI KASSEN: Thank you.

THAILAND:

Okay. What I understood the challenge we are faced, I tried to put the -- the transition aside. But the fact of PDP process that happened a lot, I think we facing two or three issues. I fully agree with Iran said, that the times, it's first challenge we faced. And the decision or the times that PDP work in the process may not in line with what the GAC operating principles. And we also need to separate two things. Either we are part of the member of PDP or is the PDP that we like to participate. I been experience three years ago when I start to work on PDP, one of the very early PDP, and then the problem is we can participate only as a -- the national that cannot even represent the GAC. I think that the time for making the decision, that one of the things we facing. And to be very concrete, the only way out from what I do see is at first if you recall in our area and we been appoint to work in CCWGs if you look into the GAC charters, term of reference, or whatever you like to call, we need to start by having us stop taking for what communicate have been against that context matter. And that are the missing part in the working groups document. So that communicate is empowered the member immediately at what scope and context they could engage in which direction because that are the things that GAC have a consensus already on how to working in that context.

Secondly, I think the process of issue scoping and providing the alternative, I think if you look into the GNSO groups of people

when they work on issue scopings and the document on their charter, it's -- it's quite very clear that what is agreed and I think here we can reflect that in operating principle, that when the working group established if they can have this kind of -- if you like to call substantial issues or issue scopings that if you are engaged in these working groups what are the problems and what are the alternative, possible alternatives, that were coming out or need to make decision. And if that will be put in the GAC discussion and then we keep -- we empower the working group in that way I think it will be very helpful, rather than every time you make a report you have to wait until you're coming back to the all GAC member and seeking their opinion or some of the time you want to send the answer to the question that coming out from the other SO/AC, maybe the time is not allow us to do. I think that I expect to see from revising the operating principle and I don't think that we need to wait for bylaw anything. It's just an internal GAC matter that how the working group documentation should include and what is the process to propose that document in the GAC meetings. And so we empower them to work at a certain guideline, a principle that GAC advised them to do. In that way I think the member in the PDP working groups of the other SO/AC would have more -- more power to work according to what the GAC advised them to do. Thank you.

HENRI KASSEN:

Thank you, Thailand. Yeah, I -- I think it's valuable contributions. You have just highlighted an issue that we'll definitely -- we'll have to take into account in terms of our work plan. We said the basis documents for us would be the operating principles of GAC, the new ICANN bylaws, and you have just highlighted that it's -- it will be a worthwhile exercise also to do a stock taking review analysis of the GAC advices. That will also give us guidelines what, you know -- what we have decided on in the past. I also -- in terms of the new -- the transitional arrangement and the new ICANN bylaws, there is a need for additional -- additional principles to be added and that will -- will also be indicated in terms of the lists that we will be developing of substantive or otherwise issues, one of which is, I think noticed - - we have experienced that the -- I call it the empowerment of our nominees. We nominate colleagues to represent us in committees, and then it's a difficult issue to take decision there on behalf of GAC because you have to come back to the whole GAC to get the mandate, to get -- and so on. Whereas other SOs and ACs, they -- they sometimes have empowered nominees who just go there and then they can take a decision there, mandated to take a decision.

So those are some of -- I think that's one of the new things that we have identified, or that is identified in the list, in the mailing

list already by some of our colleagues that is on the committee, that we have to have some additional operating principles that we will have to have. Thank you very much for highlighting -- highlighting that in terms of giving us guidance going forward. Any further comments? Come back to Iran? Jorge.

SWITZERLAND:

Thank you so much, Henri. Just we're thinking about how to reconcile the plan we are discussing here with the discussion we had this morning on the empowered community. And I think that there is, to a certain extent, a complementarity between the two efforts. To elaborate a little bit, what I mean is, this morning, if I understood it correctly, we more or less concluded that our independent secretariat would try to -- with the help, of course, of -- of colleagues which may volunteer for this effort, would try to map what is in the new bylaws on the empowered community into what are the -- the needs for the GAC in order to be able to participate therein. And then we would need to -- on that basis, to reach agreements on the conditions of our participation. So that's more on a level of substance and on a level of general agreement between all the -- all the GAC members. And then if we reach that step we would need to implement these agreements. And that implementation may require, to a certain extent, operating principles changes, new operating principles in some cases, and in other cases we may

live with working guidelines or practices as we have been doing, for instance, for the participation of GAC members and CCWGs in general.

So I -- I see there's a relation between the two efforts that first, for this issue specifically, first we would need to do that exercise of mapping, agreeing, and then seeing what are the -- the best instruments to implement that participation. And when we are clear about what are the operating principles that are needed to be changed or to be added that would go into the working group in order to implement that within the schedule of the working group. I guess it was -- it would be surely very useful if the co-chairs of this working group, of the operating principles working group, would participate with Tom in this mapping exercise. Just so we would ensure that all our thinking is consistent and we don't create two separate -- two separate tracks. Thank you. Hope that's helpful.

HENRI KASSEN:

Thank you, Jorge. Yes, yes, thank you very much for the -- for the good advice.

And, yes, we -- I did hinted -- I hinted in the beginning also that there was a call at the previous session that maybe, you know, some members indicated their availability to work with Tom to do the mapping and so on. But then, of course, the working

group or the co-chairs, as Jorge now indicated, as a matter of necessity will work with them so that we can then assist in that respect as far as the mapping of the issues are concerned because it will eventually then come back into the working group and it is a good suggestion. Thank you very much.

Tom?

TOM DALE:

Thank you, Henri. Perhaps it might assist the GAC if I quickly go over a reaction from your secretariat to the broad conceptual approach that you're grappling with here as a GAC because these are complex issues.

The first point is to bear in mind that the operating principles, while they're clearly important for the GAC, have no legal status. They're not enforceable in any way. They're important for the GAC. And, indeed, most ICANN supporting organizations and advisory committees have similar informal but important principles or rules of that type. But they don't have legal status.

The bylaws that -- both the existing bylaws that actually establish the GAC, of course, and the new bylaws which will establish a new framework for GAC and others to operate in are quite different, of course. They do have, of course, the force of laws. I just want to make that point firstly.

And, secondly, looking back at the origins of this exercise which go back, I think, to at least the Los Angeles meeting in 2014, the - - there are two broad sets of issues here. One is the operating principles that support now and will continue to support the GAC's work as an advisory committee to the board, as everybody has noted in the discussion this morning, that has not changed. Significantly, there have been some bylaw changes about what happens to the advice, as we know famously. But the GAC's core role of providing advice to the board continues.

And the original purpose of this review of the operating principles, I'd suggest, is still valid in terms of supporting and making that role of the GAC as an advisory body to the board work efficiently and fairly and transparently so that you are all happy with it.

The second set of work which may or may not require translation into operating principles, of course, was what you started to discuss this morning. And these are the things the GAC has to work through and which I've been asked to do some further mapping and drafting of relating to a new role for the GAC, which is not about advice to the board as such. It is about participation in the community in some new structures. And everybody's dealing with the same sets of issues.

And I think what you're saying is that new role may also need support through operating principles just as the GAC's current role has always had. But it's important to try to map the basic concepts first before delving into drafting operating principles.

So I guess I'm saying that the comments from Switzerland and others concerning mapping, going down through the next level of mapping after the briefing that we provided to you for this meeting seems a sensible exercise. And I think the two issues are complementary; and they don't fall each other in any way as a matter of process from the secretariat, it seems to me. But also in a conceptual sense, I'm sure the GAC can understand the difference between the two sets of work that we're trying to do here.

And all I can say is from our point of view, it's certainly possible to support both. Please bear in mind that some of the issues that triggered this review of the existing principles are still there to be considered. And there is quite a bit of work in those. For example, voting arrangements, who is entitled to be a member of the GAC, definitions of consensus, for example, and the use of consensus and other decision-making mechanisms and, indeed, the fact that GAC advice is not actually defined in the operating principles but consensus is. Those things are still important, and it seems to me they are core business for what the GAC has always done. But the new set of work, I think, can be dealt with

in a way that does not cause much confusion, I hope, with that existing task that the working group has. I hope that has helped to clarify, but I'll hand back to you.

HENRI KASSEN:

Thank you, Tom. You have mastered the ability to speak very eloquently about issues. We get lost in your calm voice of speaking, and then at the end we wonder have we understood you correctly. But I'm sure we did.

In terms of the two processes, I've just been -- I've just been noted -- I've noted that in an email earlier, the GNSO, I think, also had -- also busy with a process of reviewing their principles. And they have a specific activity called -- they are analyzing the new ICANN bylaws as a specific activity so that they can then see how it impacts and where it impacts their current system.

But our approach seems to be a meshed one where we're just included because bylaws are there. It's just been updated in terms of the new process. But it was initially intended to be a bouncing board for reviewing our principles. So we will use the bylaws, now the new bylaws, and still review our principles.

But thank you. I think the -- it will be of tremendous help if we have, you know, an interim or a mini review analysis of the new

bylaws that will then feed into the operating principles arrangement.

May I give to Iran for return comments. Thank you.

IRAN:

Thank you. Before I make my comment, I see that we are now delegating the responsibility of the entire GAC to the secretariat. The secretariat provide us guideline, and we are following the secretariat's guidelines. It should be reverse. We should give guidelines to secretariat just to prepare supporting documents. But ideas how to proceed should not come from the secretariat, should come from us collectively. They have their own impression, very good. But giving the guideline how to proceed, it is GAC. So we should quite clearly define responsibilities of which are which. We may be busy, but doesn't mean that we delegate the responsibility to others. Either the core -- the chair/management team, they provide us the guidelines, we proceed. Or the group. And secretariat only giving secretariat support but not ideas to proceed this way or proceed that way.

But now I come back to my point. Chairman, we should concentrate our efforts to the areas which are urgent. You have heard that there are PDP, at least three main categories which are very, very important for us. And some of them will finish in 2018, beginning of 2018. If you open so many (indiscernible), we

will not have any success. This is a strategic situation. The people are limited.

If you ask five different area working, we cannot have five people. They are very limited, one or two. So concentrate on something which is urgent.

In my personal view, the operating principle to take account of the changes of the bylaw at this stage is not urgent. Why? What is the empowerment community? The empowered community is if and only if the transition of stewardship is taken from United States giving to the community. If it doesn't happen, there is no empowered community at all. United States continue to have the stewardship. So why we just rush into that situation and does not wait until the issue comes that we are clear to this way and that way?

The only thing, Chairman, I suggest we can do assuming that the transition would take place, trying to have a table which are the principles that we need, as you mentioned, not to change those editorial change and those substantive change because of the empowered community.

The remaining operating principle is not urgent at this stage to change at all because we have so many important issues. We have Work Stream 2 human rights, diversity, jurisdictions, diversity, and so on and so forth, nine elements. We have all

these PDP. We have this early involvement of the GAC and so many things.

And opening another (indiscernible) of the operating principles with the proviso that, yes, transition will take place which may not take place. We don't know yet. And the issue we are doing is exactly empowerment of community. If transition does not take place, there will be no empowerment community at all. So let us just take something very preliminary and very lightweight but not go into the details. Otherwise, we cannot go to the area. This is very important. Framework of interpretation of human rights, that everybody was (indiscernible); jurisdiction, the most important element if it take place. I'm not proposing any changes to jurisdiction. This is an important element to study.

So my suggestion would be, first of all, thank you very much. We take a lightweight of what you propose, providing a table area that does not need to be changed at all, area that change editorial, area that change the substantive changes, modifications, and calling for some comments and completing that table and waiting for another three or four months to see what happens in October. Thank you.

HENRI KASSEN:

Thank you, Iran.

The comments are very helpful. I do -- I do -- and I think all of us are in general agreement that we have to focus on the urgent matters and try to streamline our work to get into -- into the urgent matters, as you say, the PDPs and so on.

The bylaws as Thomas -- as Tom S. -- Thomas -- Tom indicated is a legal document. And being from the legal fraternity, you will understand that whatever changes is there makes it urgent for us to include it into the bylaws but in our operative part. Some of the aspects like the empowered community and so on may still be a work in progress. Then we should just get ourselves ready.

But there are some, maybe one or two, when we do the list, we will be able to identify that the bylaws have been changed. This is what the ICANN bylaws is. This is a law that needs to be implemented yesterday when it was adopted. So we can't say it's not urgent, but some of the issues are urgent.

But thank you for the advice and the guidance. I think it is important that we prioritize in order to move forward.

Spain, please.

SPAIN:

Short comment. I want to support very strongly what Iran has said as regards the role of the GAC secretariat. And as a

consequence, I would urge that people involved in this working group really contribute to discussions.

And that a second comment, I'd like -- I'd like also to second what Switzerland has said. It's a good approach to try to set our lead staff of issues and to prioritize them and to say which we are going to deal with in the first place.

In that regard, I suggest we start with the easy ones, maybe electronic voting, and then go into more substantive issues.

As regards the adjustment of operating principles to the new ICANN bylaws, the (indiscernible) has to be tackled, but I don't see it is so pressing. It is, however, important so we need to devote time to that issue.

But it cannot be something that prevents us from making progress in this working group. Thank you.

HENRI KASSEN:

Thank you very much, Gema. Yes. Thank you for supporting what Switzerland and Iran say. The incorporation of all the bylaw changes or incorporation of all the issues in the new bylaws is not so pressing. I think focusing mainly on the empowered community arrangements and so on which is still under discussion, the final points of that.

So not so pressing because I see and I understand the rationale behind that because, well, if I put my legal mind on, then I will say, well, then the operating agree- -- bylaws are law, so that is the pinnacle, that is it.

But looking at it in a broader sense and considering the rationale, if we take that mechanical approach like we lawyers used to do, then we will get into a -- at a point where that will hamper progress with the rest of the review process.

So it's well taken note of, that the incorporation is not pressing, is not pressing, but it's important, but it should not hamper or stop us continuing to finalize our review.

Thank you very much for that guidance.

And of course the -- we also take note of the comments regarding the secretariat. We have been -- our experience is that they -- that the secretariat is extremely helpful and assists in terms of preparing position papers and so on, and then submitting it for our endorsement. So it's not entirely -- it's not their views. It is views endorsed by either the chair, the co-chair, or some of the GAC members that comment on the mailing list, but it is well taken note of in terms of those comments.

Any further comments? If I'm an auctioneer, I will say "going once," but I'm not an auctioneer, so I have the U.K. Thank you.

UNITED KINGDOM:

Thank you very much. On a slightly different angle to this, but related, I'd just like to thank Tom Dale for the comments that he made that I know the main focus and prioritization is around the OPs associated to the bylaw changes, but when we're considering how we prioritize -- and there are other things, other elements of the operating principles, that we should look at -- a comment that I made on the mailing list a little while ago was how I was keen to see the discussion include the practices of the working groups.

For instance, the length of the working group mandates, the process for review, renewal, or closure of those working groups. I think that would be beneficial going forward long-term in our work.

And also, clarity over how co-chairs or additional co-chairs for working groups are selected, replaced, or removed.

So maybe it might not be an immediate priority, given the work that's going on with the transition, but it's something that certainly I would be keen to see and may help sort of facilitate our engagement in some of the PDPs, where the working -- the working groups play an active part in preparing GAC positions.

So that was really just my thoughts on that.

And I'd also just like to raise an additional observation more broadly about the way the GAC works intersessionally.

I'm afraid it -- I don't really know where else in the GAC schedule to make this comment, so I'll just say it here.

I recall that during the preparatory work for the GAC submission on the DNS abuse report for the CCT review last month, we were circulating Word documents on the GAC mailing list to prepare the final comments for the GAC response. We inadvertently ended up with several versions of the same document going around, as people were simultaneously making amendments, and as a result, the final document accidentally missed off some contributions, some contributions for the U.K. I'm sure it wasn't on purpose. But we sorted it out. It was all fine. And thank you to the ICANN support and the secretariat teams for their help on that.

But it made me realize that I think as the GAC, we can probably utilize technology much more effectively in the way we conduct our business, and as our workload is ever increasing and the pressure on our time in these meetings is becoming increasingly strained, that intersessional work becomes ever more important, so any steps that we can take such as, you know, using cloud-based apps for word processing, things like that, simple measures, might really help us to move forward with the

sort of -- with the pace and collaboration, you know, with which we're able to work in the GAC.

So I'd just like to say I'd be happy to explore these ideas of how we can sort of bring ourselves into the 21st century a bit more with the way we utilize technology, so anyone interested, happy to have discussions and work with the secretariat on furthering some of those ideas. Thank you.

HENRI KASSEN:

Thank you very much, U.K., and I'm glad that the missing email that you sent, or the U.K. sent, was found and sorted out.

And of course I -- coming from a region where I'm not quite sure what cloud-based -- those technology things are concerned, but I'll catch up. Don't worry. At least I'm so glad that --

UNITED KINGDOM:

It's this thing called Google.

HENRI KASSEN:

I'm glad that you are part of --

UNITED KINGDOM:

Do we know what it is?

HENRI KASSEN:

Thank you. I am glad that you are part of the committee. You are registered, you are a member of my committee, so I'm in good company. Thank you very much.

And then of course there are the practices of the working group. We have spoken about the empower -- to empower our nominees, and you have indicated -- you have now indicated that you would want to see procedures for co-chairs election, nominations, and further procedures of how the working groups are working, and that is one of the issues that in the brief that was circulated, at the end there are two additional proposals for new operating principles, including, I think, one of those that we'll deal with. Thank you very much.

We have reached our time slot. The chairman is already folding his hands in -- I don't know whether he's praying that hopefully I will not go over time or not, but any final comments before we go up?

I must say: Very helpful. I'm sure my co-chair will agree that we have -- we have received very helpful comments which will definitely set us on a path to be able to get our work plan finalized and get it to -- and circulate it to GAC for endorsement as soon as possible.

With that, thank you very much for your participation and inputs. I appreciate it. It's much appreciated.

Thomas, thank you.

CHAIR SCHNEIDER:

Thank you. Maybe just to make sure that people know where we are and what the next steps are, I would just like to ask for a last round of questions or whether everything is clear.

That seems to be the case, so thank you very much.

Just one element that -- to warn you. As we will have elections in the next meeting, those who have been there two years ago remember there was some dissatisfaction with outdated elements in the election procedures. Unfortunately we have not used these two years to modify these, so for those, for instance, who will miss airplanes because of storms and other things, there's no electronic way to vote and there is no procedure for making sure that we have diversity among the vice chairs and other things. Just to give this with you over summertime, when you think about whether applying for one of the jobs or who to elect, have a look at the voting procedures and the things that ACIG will send out to us, and we have to do the best we can based on the principles that we have to make sure that the elections are fair and transparent and organized in a meaningful way.

There are still some gaps and we will have to cope with them once more. I just wanted to highlight this because you will get annoyed or angry at some point in time when you look into this, why we have missed the opportunity to change it earlier. I just wanted to flag this to you.

Okay. Thank you very much. So with this, then I think we have a coffee break, and then we can go to the cross-community sessions.

I see U.K., you have your pin up.

UNITED KINGDOM:

Yes. Thank you. Just an announcement. The commonwealth meeting, the meeting for representatives of commonwealth states of the GAC, and also it's an open meeting so stakeholders from commonwealths can attend as well, that will start at 3:00, so that's like five minutes' time, roundabout that, in Veranda 4, which is on Level 0, so you have to go all the way down to find that. It's at the far end of Level 0, and that will be chaired by Shola Taylor, secretary-general of the commonwealth telecommunications organization. So at 3:00, in about five, 10 minutes' time, we'll start. Thank you.

[Break]