MARRAKECH – GAC: GAC Operating Principles Evolution (GOPE) Working Group Meeting
Monday, June 24, 2019 – 16:15 to 16:45 WET
ICANN 65 | Marrakech, Morocco

BENEDETTA ROSSI: -- where we can provide additional information on the work conducted intersessionally. But in terms of the recent developments, as you can see on this slide, the working group members have been focusing on updating the framework of the GAC working group guidelines and most of the sections are now populated and what the working group has been focusing on is either using the original language which was from the 2016 working group guidelines form the GAC or proposing new language from GOPE working group members, and thank you to all of you who have contributed to this effort, there have been a lot of contributions actually new language proposed by the working group members.

And then we were tasked as support staff to look at GNSO and/or ccNSO working group procedures for sections where we didn't have either any original language or any proposed new language from working group members. We have only one section so far, which is in Section 6.1, so it's in the section called Norms and Participation, that is the only section so far in the document where we don't have either any original language or new language. Otherwise the document is fully populated.

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What you will be able to see once we actually, I don't know if Feng wants to actually show the document, it is completely red-lined, so you will see it's color coded. You will see what is original language from the 2016 guidelines, what has been proposed by working group members, and any adapted language from the GNOS or the ccNSO. So all of that tracked, so you can see where everything comes from within to the document. So, I'll just pause here and see, Feng, do you have anything else you'd like to focus on or add on development?

GUO FENG: Thank you, Benedetta, for your brief introduction. As Benedetta said, yes now we have a pretty consolidated document which has been circulated in the working group mailing list. As I told you that because our agenda today is quite tight, so I would rather now to go to the detailed discussion on the document, but focus on the preparing for the [inaudible] plenary session. So with this, I would like to move to the next slide, which is the next agenda item, which is The Proposed Agenda For GOPE Working Group Plenary on the 27 of June. So, we will have perhaps six agenda items; number one is the Opening Remarks, it will be presented by me. And number two, the GOPE Working Group Progress since the Kobe Meeting, I will present you the

development in a more detailed way of the progress since the last GAC meeting.

Next, agenda item three will be GAC Working Group Guidelines Draft Review. In this agenda item, we will take a look at each paragraph within the working group guidelines draft. With this agenda item, we will take a closer look at the current draft, but not in this session. So, this is Agenda Item 3. Agenda Item 4 will be Key Issues Relating to the GAC Working Group Guidelines. So this is the next slide I will show you later. Number 5 will be Comments and Seeking Guidelines. I would like to see comments from working group members as well as seeking guidelines on the working group guidelines, from the whole GAC, the GAC members. So this is Number 5. Number 6 is Any Other Business. So, this is the proposed agenda for the Thursday Plenary. If we can go to the next slide please.

So, this slide shows the key issues relating to the GAC working group guidelines. With this, I think if we can maximize using the brain power of the GAC members on Thursday Plenary, I think the benefit would be that we can seek their guidance on some of the key issues or to present some high level questions to the whole GAC. Those key issues or high level issues is highly relevant to the working group guidelines draft team. So that with this we can have more clear directions regarding drafting

the working group guidelines in the next phase. So, as I can see on the screen I before this meeting personally identified several issues. We want to seek opinions from the whole GAC.

Number 1 is the Co-Chairs and Vice-Chairs. Currently as I can remember we have a several working groups within the GAC and most of the working groups only have Co-Chairs. Whether we should have the position of Vice-Chair for each working group is something we need to think. In my opinion, current practice we don't have Vice-Chair and we can define that, we don't have the Vice-Chair for each working group is something we need to Vice-Chair position for each working group, we only have local Chair and Co-Chair for each working group.

Number 2 is about group members participants liaisons, it's about the status of the working group members. The question, the background is from what we discussed in previous working group call. Somebody was raising that whether we call working group members or participants. Also raised the question of working group liaisons. But currently I don't remember, we have a working group liaison to other working groups. So this is perhaps something we can ask the whole GAC, the opinion from GAC members. In the working group we don't establish the position of working group liaisons, because in the current practice we don't have this status, this position.

Number 3, how can we best encourage working group members to make contributions? In our working group guidelines, how can we deal with this issue, because I think with this issue, every working group under the GAC are facing the same question, the same issue. So perhaps this is a question we can present to the CAC Plenary.

Number 4 is the working group documents endorsement. So this issue is about when we produce a working group document, who has the authority or has the position to endorse a particular document developed by a working group? Whether it is in the working group level or GAC Chair, or GAC leadership, or the whole GAC. So this is, I think, a very important question.

Number 5 is working group decision making. Currently we are adopting the approach of consensus driven approach. When there are there are issues with different opinions after some discussion, if no consensus is reached, the working group Chair or Co-Chair is supposed to convey the range of views within the working group to the whole GAC. So this is currently the practice, but it is a very important issue, I think. So I just put it here. But the current practice, I don't think there is much objections.

Number 6 is the establishment and the closure of a working group. The first part, it means who has the position or authority

to establish and close a particular group currently in the GAC Operating Principle. It defines that the GAC Chair can establish, set up a working group. But there is not much word about the closure of a working group, I think. So this matter is related to another matter, which is assessment of the working group, assessment of the working group progress and outcome with the assessment, perhaps the decision of closure of the working group can arrive. So I think those two points are highly related. So, I just put this as Number 6.

So, what I would like to encourage you to think about is what other issues or high level questions should we present to the GAC for the whole GAC members to think to give us guidance so that we can have the right direction to develop our working group guidelines.

So, I would like to open the floor for your comments and suggestions, so the floor is open, over to you, if you have any comments or suggestions, please. Thank you. Manal, please.

MANAL ISMAIL: Thank you very much, Feng. Again, I know how much effort you have been putting into this exercise, it's an important one. It's been on our plate for some time, and thank you for volunteering to make the GAC do some progress in that respect. I have a

quick general comment just before you all start the actual drafting, that I think we need to keep in mind that those are operating principles. So, we have to maintain them at a higher level, and just push the details elsewhere.

So talking about the working groups, for example in specific, we have Terms and Conditions for every working group. So maybe every working group has its own details, but here we can maintain, of course. So I agree with the elements. I'm just saying that we shouldn't put too much restricting details in the operating principles. Keep it at a higher level, and then push the details elsewhere. If this is of course agreed by GAC members. So this is a proposal for consideration.

GUO FENG: Thank you, Manal, your point is noted. Jorge, please.

JORGE CANCIO: Thank you so much, Feng, for this overview. First of all, a point of procedure, we don't have a transcription for this meeting?

MANAL ISMAIL: I'm sorry, I have just been notified that because this is a working group meeting, it's a non-plenary meeting, so we are losing the

transcription and interpretation, so very sorry for this, but we will have everything in place for plenary meetings.

JORGE CANCIO: Okay, thank you so much. As to the substance, I very much agree with the general remarks from Manal, so the operating principles, it's good to keep them as general as possible, as flexible as possible. And then it's more of let's say also procedural comment, I am very interested in this work. I think that many of these points are very important and that we would need to have a deep look at them. However, I'm not sure whether I've seen this reflected in the documentation we are coming with to Marrakech.

So, I had a look at the briefing paper and I didn't see this level of detail there and that would have allowed us to, at least allowed me to prepare myself more properly for this discussion. For instance, I remember the first discussion in Kobe on this and there are some guidelines on how working groups of the GAC should be established. So there was a model in terms of reference. Then there was some documentation there. And I would like to see where on that basis of that documentation we already have in place, where we want to make the changes, and I think that would be useful for everyone to track where the changes have to or want be discussed. And I think that would be

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GUO FENG: Thank you, Jorge for your comments. Olga, please.

OLGA CAVALLI: Thank you very much. This is Olga Cavalli for the record. Thank you for the presentation and following up about what Jorge was mentioning, we have some this similar discussion utilize nontender on a higher level, perhaps more at the operational level of every working group, I remember three, four years ago, and since then we have had different experiences, I think all of them very successful, of different working groups, even some working groups producing documents for reviewing before even approved by the GAC. That gathered a lot of attention from the community, that was done about geographic names in one Singapore meeting, I don't remember which one was it.

So perhaps we the Staff could have some very brief interviews with the leaders of the different working groups and see what worked and what didn't work, so we don't repeat the same mistakes or enhance the process. At that time this is when we decided to have a work plan and scope of the work of each

working group. So those guidelines we should we should find them review them from a high level point of view. Thank you.

GUO FENG: Thank you, Olga. What about others. Do you have any other opinions?

BENEDETTA ROSSI: Hello, this is Benedetta speaking. Just a quick clarification, I'm not sure if it was clear, based on my presentation earlier, in response to Manal's comment and Jorge's comment. The GAC working group guidelines are indeed a separate document for now, so they're not incorporated into the operating principles exactly for that, to keep them as higher level as possible. But the working group started from this document, rather than starting directly from the operating principles themselves. So just a quick clarification, in case it wasn't clear. Thank you. And the document was displayed on the screen briefly. This will be presented again on the plenary session. But yeah, this is what the document currently looks like and the working group has been collaborating on this document.

GUO FENG: Thank you, Benedetta. As you can see on the screen, this is the document we have now, and perhaps in the GAC plenary session on Thursday morning we will have the chance to take a close look at this document, each part. With that session we can scroll down to look at each part of this document.

With regard to the previous intervention, yes, this is a separate document, but we are now in this document that used as much as possible the previous GAC procedure document, which is great. I think agreed by the whole GAC previously. I think we don't make fundamental change to the previous important issue or questions that we have already discussed and decided. But perhaps for other issues which are not covered by the previous GAC procedure document, we need to spend some time within the working group to have a discussion. This is my reaction now. Thank you. Please, Kavouss.

KAVOUSS ARASTEH: Yes, thank you very much. First of all, could you please extend, I can't read it from here. Can you make it bigger, please? Number one, with respect to the decisions. I don't think a working group should have any power to decide on anything. Working group prepare the ground for the GAC plenary and the decision remains with the GAC members, but not working group, number one. Number two, I have been facing with the working group

elsewhere than ICANN, this question is always that we need to make every effort that there should be no overlap between any activities of any group with respect to the others, number one.

Number two, we should not repeat the same discussions that we have at the level of working group and the plenary, in fact, we should economize the time if we do it at the level of working group which is good, 8:00, then the time associated or assigned in the plenary should be minimum, and not to have the same discussions and so on so forth. So at least you have to use, because we are limited in time and number of the subjects always increasing instead of decreasing. So if these could be embedded in your document that would be very helpful. Thank you.

GUO FENG: Thank you, Kavouss. Let me quickly respond to the two points. The first about decision. What I'm talking about was the working group decision, the decision at the working group level. It's not the decision at the GAC level. So, the second overlapping which I agree with you so your point is noted. Thank you. Manal?

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MANAL ISMAIL: I'm sorry if I missed this. Has this document been shared with the GAC, or is it still within the working group?

GUO FENG: From Benedetta I know it is still circulated among the working group member, so I think we can share this document with the whole GAC.

MANAL ISMAIL: Yeah, I'm just suggesting this because if it is going to be the subject of discussion on Thursday, then it makes sense that we share it with the whole GAC so that they have the time to skim through and be prepared for the discussion.

GUO FENG: Thank you, Manal. Kavouss, please.

KAVOUSS ARASTEH: Is it possible instead of working group decision you put working group output, working group conclusion, but not decision; decision as such has some specific connotations. I'm not saying to call the working group outcome because outcome is another, outcome means performance indicator, but output or

conclusions or whatever but not decision as such, if it is possible.

GUO FENG: Thank you, Kavouss, it is possible. Your suggestion is a good one. Thank you. Any other?

UNKNOWN SPEAKER: Thank you. What Kavouss mentioned is very important. It is not decision because when we talk about decision we have to consider as was written there. So many bylaws in ICANN, I do not know how many bylaws you have in ICANN, in addition to other international agreements, regulations and laws within California and the US, and so on. So, I think this has to be taken into account. So when you make a decision, then we have to consider all those things.

And as Kavouss mentioned earlier today, we are talking about working group within corporations within ICANN, not in an IGO, where in an IGO you really have deliberation to talk. So it is in this consideration that we have to consider also all ICANN bylaws met by other SOs and ACs. And I believe it is not so easy, because I myself I don't know all those bylaws.

GUO FENG: Thank you, Indonesia, for your further explanation. Thank you very much. We are already beyond our session time so if no comments, I would like to announce that this meeting is adjourned. Thank you.

BENEDETTA ROSSI: Thank you very much, Feng, and we will await the document.

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