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HYDERABAD – GAC Operating Principles (session 1)  
Monday, November 07, 2016 – 11:30 to 12:00 IST  
ICANN57 | Hyderabad, India

HENRI KASSEN:

Thank you very much, Thomas. Thank you.

Good morning. Good morning, colleagues.

Yes, we -- we haven't had substantive discussions on last week, Thursday. Now we go into committee mode.

So we have suggested that this session be used as a committee. Committee session, not plenary, GAC plenary session.

There may be, then -- but of course it is an open session. There may, then, be GAC members that may see some of the information for the first time.

And that is because it is intended for the committee members first.

We have a short agenda, actually, that we want to -- to go through, and we have only ten minutes, so we will probably have to push it to 20 minutes, and then give ten minutes for the Board preparation, unless we -- the chairman will overrule us. But he has taken responsibility already for -- for eating into our time.

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We are waiting -- There is a work summary for the committee members for the committee stage of our discussion. We have not shared anything with the -- with GAC as the plenary. And the idea and the suggestion was that we use this session also as a continuation of our committee stage, committee discussions.

So colleagues are welcome to consider some other critical important commitments. If you do not want to sit in the committee meeting for operating committee working group.

My colleagues from India and ourselves have been discussing briefly about the work summary. And as we see, for this meeting, we will be focusing -- for this session we will be focusing on the last two -- last two bullets.

The first two is done, can be seen. That's now within the committee. We have been mapping -- we have been mapping the principles in relevant categories. We have five categories. We have been proposing the work group -- the work plan that has been done and circulated and approved.

We are now at introduce and discuss necessary amendments to the operating (indiscernible) in the working group. That's with the aim of finalizing amendments and additions to the operating principles, to present those to the GAC for endorsement by Wednesday.

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That's the work summary that we have. Since we have short time, let's immediately go to the categories just for information. Committee members are aware of this. We have just mentioned that. Those are the five categories.

We will be focusing on category 1. Due to time, we're not going to talk about category 2, 3, 4, and 5 for now. We will be discussing that intersessionally. Intersessionally, because we do not have time now.

So category 1 is principles that has already been endorsed and approved by the committee. We want to go into the specific principles to identify whether they can be presented to GAC, to the plenary of GAC for adoption or not.

Can we get the next slide, then.

That's category 1 principles, Articles III -- as it is indicated there.

Next slide.

We'll be going to articles, which is Article III, agenda. Those are the two principles that has been endorsed by the committee for discussion and adoption to present to GAC on Wednesday.

Now, these are the principles that require no or minimal changes. Mainly editorial or otherwise.

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I recall that there was a -- a suggestion at our previous meeting on Thursday last week that the word "prior" under principle 12 may -- may need to be more -- more explained. But if -- The position is if the committee agree with those two principles and there is no editorial changes; otherwise, this will then be presented on Wednesday for approval by GAC as the new Article II principles in the new GAC principles that will then be adopted.

These principles will then -- In terms of operating principles 52 -- or 53, read with 52, will then lie for 30 days -- or 60 days, sorry, for final consideration by the whole GAC. And then in terms of the principles, the chair will then call for final vote on those and then it will then become the adopted and revised principles.

So those are the two, and if there are any changes or any proposals short of editorial, these ones will then be relegated to another category for more discussion.

So that is -- that is the first set of principles that we want to present on the category 1.

Any comments? Any editorial? Can we present this to the GAC on Wednesday?

European Commission.

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EUROPEAN COMMISSION: Yes, thank you very much. I don't want to stop the discussion because I know we have very little time, and my colleague Cristina is participating in the group very usefully, but would it not be even more useful for the group to see the existing operating principles and in-track the proposals -- the proposed changes that you suggest to make? I think that might make it clear for everyone, wouldn't it?

HENRI KASSEN: Thank you. Due to time, we thought that the committee members have had the benefit of, I think, a few months if not a year discussion of this and looking at it. So the idea is that we zoom into it since we don't have time. Committee members have the background of all the principles, and we have agreed on these ones as the principles that will be, whether it needs minimal change or editorial change, and we have agreed these are category 1. Committee members knows, and we want to get the committee endorsement so that we can then present to GAC, and then of course GAC can give us further direction or approve it.

Thank you.

Egypt.

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EGYPT:

Thank you, Henri.

Just to make sure I understand, are those articles after the change, after the minimal change, or before the minimal change? Because if I recall correctly -- and I stand to be corrected, of course -- that we said that this does not accurately reflect the current situation. Sorry. I mean, telefax and air mail. But I think this has been changed. So I'm just wondering whether this is the version before changes.

Thank you.

HENRI KASSEN:

Thank you, Egypt.

Then we have Iran and the U.K. Then we will look at -- we will then look at that.

Thank you.

IRAN:

Thank you. The -- can I go ahead?

HENRI KASSEN:

Yes, please. Iran.

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IRAN:

Simply, I think, to be more clear, in number 12, when we say "prior to the meeting," we should insert some days, "X" days prior to the commencement of the meeting. Because prior to the meeting will be six months, two months, three months, one month, it's all prior.

And the second one here in this number 13, same thing, shall be communicated to the secretariat of GAC in writing. It should have a time. So one day before the meeting could be a change to the agenda? So also this is something is missing.

But now coming to the proposals or the suggestion by the European Commission, it is a practice in all organizations, when you change something, you show the previous text with the track change so the people know what has been changed. Otherwise, people may say that maybe a change is not required at all.

So why not you at least produce up to -- for these two the track changes to see that what was the initial and what has been changed.

But nevertheless, this has nothing to do with the two time frames that I proposed. We need to talk about the time frame. We could not say "prior," and we could not say change of agenda should be sent to secretariat. One hour before the meeting, I change something to the secretariat by email? That's

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not -- No. We should have some time. Sufficiently in advance and preferably "X" weeks or "X" days before. They should inject some time.

Thank you.

HENRI KASSEN:

Thank you, Iran. We'll get back to that.

Let's go to the U.K.

UNITED KINGDOM:

Thank you, Chair. I have some editorial proposals for principle 12, which includes addressing the issue raised just now by Iran.

First of all, a proposed agenda. I suggest perhaps changing that to a provisional agenda, because what is circulated prior to the meeting is open, really, to finalization and agreement at the start of the meeting. Quite often, we refer to draft agendas and then agreeing the draft agenda at the start of the meeting. So for the purposes of this text, I propose changing the word "proposed" to "provisional."

And then after "shall be," I suggest "prepared in consultation with the committee."



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So a provisional agenda for the meeting shall be prepared in consultation with the committee. There I'm thinking of the GAC conference calls to discuss the agenda.

And then, to continue, "And shall be communicated to members and observers" -- so insert "and observers -- "no later than 20 working days prior to the meeting."

So, to repeat the entire text: A provisional agenda for the meeting shall be prepared in consultation with the committee and shall be communicated to members and observers no later than 20 working days prior to the meeting, stop.

I presume the transcript's caught all that.

Thank you.

HENRI KASSEN:

Thank you, U.K.

We have said that -- that -- and I thank you for your inputs -- that our time is very limited. If there are changes that we need to make to the principles, we will have, then, to recategorize or put it to another category where we will be discussing it, because even the changes that is proposed will maybe require some substantive discussions or some discussions later. So any changes or any proposals that needs discussion will have to then

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be put aside, and we will be referred back to the committee for discussion. That's one.

Or the other one is, the committee then take this to GAC, we give the 60 days after, and then in the 60 days, these changes will then be made. But it's a duplication. It can then just come back to the committee.

So we would urge that we will not be doing track changes or edit -- or changes to the -- to the text now. We are looking at it. If it is not acceptable, if there's changes that need to be done, we will not present this to GAC. We will then take those principles out. Like the one that the U.K. has now said available introductions or changes on principle 12, principle 12 will then stand back, and we will not, then, take it forward.

Principle 13, there is also the question from Egypt whether it is the -- the changes that was done before or is it the original. This is the original as it stands. So we are now looking at principle 13 quickly. If this is -- if there's a question or changes there, we will have to put it aside and refer it back to the committee. We will not take it further. We cannot take principle 12 further, because the committee -- we have now said that we will have to make changes on prior and so on and so forth. And even provide a time frame. And that's not something -- that's editorial. You cannot say ten days, 20 days, other will say 30 days, others will

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say 100 days. So that -- we cannot take this further. Principle 12 cannot be taken further. Because we are pressed for time. So we take principle 12 out. If we have any changes or any challenges with principle 13, please speak up.

We will not take principle 12 further. It is now remitted back to the committee. We will have to look to discuss it and look at it intersessionally and then come with another proposal at the next ICANN meeting.

Iran.

IRAN:

Dear Henri, you are making the things too complicated. We don't need so much formalities. A simple question has been made, and it is everybody agree. You put it in and submit it to the GAC. So why do you need to go back to the committee and come back here? Too much formality.

The proposal that you can make is quite clear and could be accepted here as a draft, you call it draft, and send it to the committee. Why you go back to the committee again? I don't think that we need such total formalities.

Thank you.

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HENRI KASSEN:

Thank you. Thank you.

Okay. That basically indicates that perhaps our committee wants to take this to GAC on Wednesday as it is, and then those suggestions can then be added within the 60 days that GAC will give for the principles to be adopted. Then we can do the editorial changes. We have 60 days after GAC has -- tomorrow has endorsed it, or Wednesday, 60 days from there, the principles will be open. We will do the -- we will do the changes. We will propose the time frame. And the whole GAC members will then comment, and we will have to decide on the time frame. And once it is decided, in 60 days, the chair will then make a call and we will then adopt or reject it. That's the -- the formal process that we were talking about.

What we now wanted to do is, we want to say the committee, Operating Principles Committee now look at the principles. We said article principle 12 and 13 looks okay as the committee. Now -- now discussion. Now principle 12 has been taken out and said -- and we said "prior" needs to be defined. We must put the time frame. So that means principle 12 is no more acceptable for presentation to GAC. So we feel it can come back to the committee. We put it in category 2 now, where we will have to have discussions about it.

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Iran -- colleague from Iran feels this is too much formality. We have not talked about it. Our time is very limited. So the shortest way is to say it stands over the committee. We have to re-look at it and present it later with those changes. We will be working on those changes as a committee or it goes to the GAC like that, the GAC endorse that it can be changed now within the next 60 days, and those changes are then effective.

I don't know, maybe the chair can help us, if you want.

CHAIR SCHNEIDER: Well, we are in your hands. You need to tell us on how basically you want to conduct this.

HENRI KASSEN: Thank you. Back to Iran. I fear now a dialogue here, but it's fine. It's good. Let's get the inputs. Thank you.

IRAN: Henri, the situation is quite clear. The proposals for the change of 12 is proposed here, and no one has disagreed. Take it as it is. You don't need to go back to committee and so on, so forth. That's up.

The only thing you may put these changes with track change that we -- people know what has been changed. But no sending

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back to committee and so on and so forth. You have the full GAC here and -- So that one is considered as agreed.

The same thing you thereof some time line in number two and then take it as agreed. But not go back to the committee. The only thing the presentation would be track change. This is essential that people should know what was the initial and what is the changes.

Thank you.

HENRI KASSEN:

Thank you. Noted.

Spain.

SPAIN:

Thank you.

I'm not clear what the proposal is. The one made by the U.K., the one made by you. If it's the U.K.'s proposal, there has no -- there hasn't been any discussion. We need to think about it first, at least I need to look at it and study it. I need at least a day to discuss that.

But apart from that, if the GAC agrees that that wording, it's going to be approved, the GAC couldn't approve it here. We need to wait until 60 days have lapsed, because this is what

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principle 53 says. So even if everyone agrees that the new wording, it's okay, it couldn't be approved here.

HENRI KASSEN:

Thank you. That's the -- thank you, Spain. That's the -- the current provisions in appropriating principles 53, 52 and 53.

E.U.

EUROPEAN COMMISSION:

Yes, thank you very much. I'm just wondering from a purely practical and procedural point of view, and since we have very little time, would it not be better for the working group to look quickly through these areas where you say there are minor changes? We had already some discussion about this some time ago. There was some proposals made.

The working group could quickly look and give us track changed versions, you use your articles 52 and 53, and within 60 days, the GAC can approve, under its normal procedures, and then at least you've advanced on those de minimus changes that the GAC has estimated to be appropriate.

This would save the time of the plenary and you would advance at least on those de minimus changes. And then the working

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group can continue to look at other things and make other proposals.

Maybe this is a way of proceeding.

HENRI KASSEN:

Thank you. I just realized I'm -- I used -- I'm just -- I'm referring to you as the E.U., European Commission -- also E.U., but E.C. is probably the correct one. European Commission.

Thank you.

Well, track change document is a good suggestion that will then be done on Wednesday when we make the formal proposals, so that we can -- we can see. And then it is then a track change document that sees what is the changes proposed and what can -- what the GAC can then adopt or not adopt on Wednesday when we make the proposal.

Now we have -- I think article 13 is fine. I haven't received any comments on that. So we go to the next -- I just wanted to hear what the chair said.

CHAIR SCHNEIDER:

Given that it's already 15 past and we need some time to prepare for the board meeting, which is very important, given the number of issues that we have, I suggest that we stop this



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now. We have had now for 25 minutes instead of 30. I think this is -- yeah, it's the maximum that we can have.

And please do take steps to prepare the meeting on Wednesday duly so that we are clear in advance what the objectives are and what the ways of proceeding are so that we spend as least time possible on procedures but actually -- can actually deal with the substance in the plenary.

Ten seconds for Egypt, and then we have to wrap up.

EGYPT:

Just -- I need -- I think we need to meet as a working group before Wednesday. So maybe we can try to find each other and decide what we are going to do to be prepared before Wednesday. I don't want to leave it to Wednesday, please. Thank you.

CHAIR SCHNEIDER:

Thank you for that suggestion.

So thank you, Henri, for conducting this.

**[END OF TRANSCRIPTION]**