
COPENHAGEN – GAC Operating Principles Working Group
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MANAL ISMAIL: Good morning, everyone.

If you can please take your seats, so we can start the GAC operating principles session. Thank you.

So let me ask first if we have here Dr. Rajiv or anyone from our Indian colleagues so that they can join the panel with us.

If not, as was noted on probably the working group mailing list only, Thomas Schneider, the GAC chair and the chair of the Operating Principles Working Group is going to be late for 30 minutes but will be joining afterwards. And, meanwhile, maybe we can try to go through the minor amendments suggested just to allow the online voting until Thomas is here, and we can then take it from there.

So, just as a quick setting the scene before we start, I think Michelle has already circulated the minor changes that were suggested. I have suggested so many comments I thought we're finalizing this part of our work. It seems that this was not the intended approach. So I thought it might be more helpful if we put on the screen the clean version. I'll take care of my

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comments as we go. And I hope that each and every one of you will also keep track of his or her own comments so that maybe we can surprise Thomas and finish the minor changes by the time he's here. So --

With this, I think we can go directly to principle 8. And it reads, "Face-to-face meetings of the GAC shall be convened by the Chair by a notice issued not less than 28 calendar days prior to the date set for the meeting. This notice may be issued by email."

And the suggested change is marked in track changes. I'll pause for a second. And, if no one has any comments, we can proceed to principle 9.

So principle 9 reads, "Online and electronic meetings of the GAC shall be convened by the Chair, by a notice issued not less than 10 calendar days prior to the date set for the meeting. This notice may be issued by email."

So, if we don't have any comments here as well, then principle 10 reads, "An emergency meeting of the GAC may be convened by the Chair, by a notice issued not less than 10 calendar days prior to the date set for the meeting. This notice may be issued by email."

So yeah. Nigel, CTU, please.

CTU: Thank you. Nigel Cassimire. The proposed revision I'm interpreting it to mean that it may be issued by email, but it may also be issued by other means, right? So is it is not meant to be exclusively email. Because there might be instances where it would be useful and effective, in fact, to use other methods, if you want to reach some maybe underserved territories where there might be challenges with the Internet and maybe the old methods might still be viable or also useful. So I understand that the pace of the GAC right now is driven by email and use of the Internet. But I guess I'm looking for confirmation that we'll not be saying only email.

MANAL ISMAIL: Thank you, Nigel. I had the same comment. So I think the idea was introducing the email option. So this is why we -- it's put like that.

But -- and, again, Michelle, correct me, if I'm wrong.

But I think you're right. So maybe we can say by email or any appropriate means as agreed by the GAC?

If this is okay with everyone. Yes, Alan please, Palestine.

PALESTINE: I am Alan from Palestine. My notes about principle 9 and 10. From my experience, I don't think 10 days is enough. And for emergency meeting has same days -- I think it's not fair, I think. Thank you.

MANAL ISMAIL: Thank you, Alan. So do we have a concrete suggestion here? Do you want to change the one for the emergency meetings or the other way around?

PALESTINE: From its name it's emergency meeting. So I think maybe there's too much and then there's for normal meetings not enough.

MANAL ISMAIL: So, Michelle, please. And then I'll respond.

MICHELLE SCOTT-TUCKER: Thank you. And I agree that the days are problematic. In this meeting today, what we're trying to do is just make some very minor small changes that have a chance of getting endorsed by the GAC without having an endless conversation about it. And the key thing that we really want to push through is to allow online voting. There's lots of problems with the emails the days before -- with the operating principles with the days allowed for

emergency meetings is only one of many. But I think, if we start trying to change the substance of the principles at this stage, we're going to run into trouble because the GAC won't endorse and we'll start having a conversation about how many days it should be, et cetera.

Those emergency meetings aren't necessarily face-to-face meetings. It could be just a teleconference, in which case 10 days might be enough. The same with the 28 days. So, while I take -- I think you're right that the numbers are problematic, I don't think, if we change them now, we're going to get them endorsed by the GAC at this meeting. They'll start endlessly debating it as well. So, for the purposes of this meeting, we'd just like to work through the changes that we've already discussed online. There's been discussion about it and keep all our changes as small and minimal as we possibly can with the hope of passing them through by the end of this meeting. I hope that's clear.

MANAL ISMAIL:

Thank you, Michelle. As a matter of fact, I also had a comment here on this same issue. Because also, if the emergency meeting has to be face-to-face, then 10 days are too tight for visa issues and things like that.

But, anyway, like Michelle mentioned, we're only focusing here on allowing the online thing. That's why I withdrew most of my comments. But, again, we'll be reiterating again as we proceed on the same principles again. This is just to quickly endorse the online thing so that we can start using it in the coming elections.

And we also had comments from Cristina, from European Commission, and Michelle, but this version was, I mean, too messy so we decided to start by this clean one with the very minimum changes proposed.

So if there are no other comments, we can proceed to principle 11 which reads: In addition to face-to-face meetings, meetings and discussions may be conducted online by secure communications. Online includes email, Web-based communication and teleconferences.

So any comments here? Yes, Guyana, please.

GUYANA:

Sorry. Just a clarification of what "secure communications" means.

MICHELLE SCOTT-TUCKER: If we initiate an online voting system, it will be secure in none I.T. sense in that it won't be able to be hacked and it will be encrypted and those -- that's all it means, I think.

MANAL ISMAIL: Any other comments?

Yes, please.

SUDAN: I'm Nadir from Sudan. Maybe we can add "that can be accessed by all members." Because there are some products that cannot be accessed from Sudan.

MANAL ISMAIL: Thank you. Noted.

Other comments?

So can we please scroll down to the following set of principles?

MICHELLE SCOTT-TUCKER: Gulden, can you scroll down, please?

Too far.

Back up.

We're looking at principle 12 and below.

MANAL ISMAIL: Yes, yes. Thank you.

So principle 12 reads: A proposed agenda for the meeting shall be communicated to GAC members and observers prior to the meeting.

I think this is straightforward. And principle 13 reads -- Okay. Kavouss, please.

KAVOUSS ARASTEH: Yes. At previous meeting we mentioned that prior should be six months, prior should be, I don't know, four months, six months. We should put some more precise term. Two weeks? One week? Ten days? But "prior" has many meaning. One hour before the meeting is also prior. So at least agenda should be given, be baseball perhaps we should talk about, seven days before the start of meeting? Much more precise. But other than, means prior to that.

Thank you.

MANAL ISMAIL: Thank you, Kavouss. I think we're trying to stick to very minimum changes that could be agreed during this meeting so

that we can allow the online voting and things like that to be adopted and put into action immediately.

When -- when we discussed the "prior" thing last time, I think there was a debate whether we can fix certain number of days, or then circulating the agenda one day later would be violating the whole operating principles.

I don't mind putting something here, but I think it needs to be discussed. But if everyone agrees on a certain number of days that we can put now and we agree on, we can do this.

So Michelle, please.

MICHELLE SCOTT-TUCKER: I -- I think you might have been out of the room, Kavouss, when we spoke earlier about trying to keep the changes very small. If we try to put a number on it here, even if we agree here, when we take these words to the GAC later in the week, they'll want to renegotiate them and redebate them as well.

So our aim with this exercise is just to just get the minimal changes we can possibly pass through in order to allow online voting and to make it a little more consistent in an administrative sense.

I agree with you that we should clarify what "prior" is, but I don't think we'll be able to get agreement on that at this meeting in time to allow these changes to go through so we can have online voting for our next election. We discussed that when you were out of the room. But I'm not sure -- if you would like to discuss it now, of course we can.

MANAL ISMAIL:

And having said that, just to assure you that we will be having this discussion. I mean, we're not concluding on those principles now. We're just introducing the online voting, but afterwards, we'll be revisiting all those principles again to accommodate all other suggestions and proposals.

So this is by no mean is a final reading.

Thank you.

So, Kavouss, is it okay that we leave it as is?

KAVOUSS ARASTEH:

I don't know why we are sitting here. Why not go to the online voting? So why go paragraph by paragraph? If you want to finish it as soon as possible to go to the online voting, I think no one has any problem. Go to that. That's all.

Introduce online everywhere instead of other things, and then that's that. Thank you.

MANAL ISMAIL:

So maybe having principle 12 here is a bit confusing because it doesn't have direct relation to online voting, but this is not the whole operating principles. Those are a few principles extracted by -- by Michelle and ACIG that has to do with the proposed changes only with the online voting. So maybe when you were out of the room we have passed a few principles that already talked about online voting.

I see Finn and then China. Yeah, Finland -- sorry. Finn, please. Denmark.

DENMARK:

Thank you. We have great sympathy for the idea which Kavouss put forward, but as you said, that will be in the next round when we are having the total revision of our operating principles, and we have already a draft of the headings there.

So we, as member of the working group, we think it will be wise here to stick to a minimum, even though we would like to see many other changes that will probably not be possible to get it accepted by the GAC during this meeting. So we will only -- seek to have only the minimum as you have suggested.

Thank you.

MANAL ISMAIL: Thanks, Denmark.

China. Yes, please.

CHINA: Thank you, Manal. And thanks for the explanation made by Manal and Finn.

I think my understanding about this, I understand your approach to keep the change at a minimum level, but I think using our time here and maybe a small amount of time at the plenary, GAC plenary, we can discuss the specific dates.

If there is no consensus, we can keep as it is. But if we can quickly get some consensus, we can put it in.

MANAL ISMAIL: Thank you, China. And, yes, it's been agreed that ultimately we will need to make the discussion within the whole GAC, at GAC plenaries. And that's why the working group format has changed. It's now led by the GAC chair and it's now going to take place, the discussions, at GAC plenaries.

So we're just preparing what we're going to propose to the GAC plenary. And again, let me clarify this once more. We're not proposing changes to those operating principles. We're just introducing online voting because this is needed quickly. So we're just introducing online voting. And meanwhile, there is a parallel track that has already also started looking into the high-level principles that we need to propose in general for the operating principles, and then we'll get into populating those principles with text and negotiating all the details that needs to be discussed.

So if we don't have any other comments, we can proceed to principle 13. "Requests for items to be placed on the agenda of a forthcoming meeting shall be communicated to the GAC chair in writing."

So the following principle, please. The following principle. Can we go down, please.

So powers of the chair. I'm not sure -- Okay. Okay. So it's a very minor edit here, changing "chairperson" to "chair." In addition to exercising the power conferred elsewhere by these principles, the chair shall declare the opening and closing of each meeting, have direct the discussion, accord the right to speak, submit questions for decisions, announce decisions, rule on points of order and subject to these rules, have control of proceedings.

Okay. The chair may also call a speaker to order if the remarks of the speaker are not relevant.

Then again, this is principle 28 as it stands.

And, yes, Kavouss, please.

KAVOUSS ARASTEH: I think what you said that, just indicate the changes. You don't need to read the text. Just indicate the changes. We agree.

For instance, I don't agree with the last changes. Go to the previous one, I tell you why I don't agree with that. When you say "in writing." You deleted via email. It means that I have to write, dot dot dot dot, paper, so on, so forth. I don't understand why we deleted that. Either via email, why? Why by writing?

MICHELLE SCOTT-TUCKER: Email is a written message.

KAVOUSS ARASTEH: Excuse me?

MICHELLE SCOTT-TUCKER: An email message is considered to be a written message.

KAVOUSS ARASTEH: The whole world think through computer. Online is also unsecure. Have you heard in the world what has happened?

I don't want to get to that detail, I'm sorry, but I don't think that (indiscernible). In writing means that I have to a letter and sign the letter and post a letter. Today electronic communication is that. So can you go back to that, why you have deleted that?

MANAL ISMAIL: Yes, can we go back, please? I'm not sure which principle. Kavouss yeah, either via electronic mail, teleconference, or email. You said "in writing." Writing in English means you have to write. If you go to the dictionary and call for write, and it tell you what does it mean. But electronic communication is quite clear. Why we have deleted that? I send a short email to Thomas. I have an --

MANAL ISMAIL: (Indiscernible) --

KAVOUSS ARASTEH: Leave it as it is, but I don't agree with the way that is proceeded by secretariat. I'm sorry; I don't agree with that.

MANAL ISMAIL: Let me try to explain what the secretariat meant here. Inc. why we were removing telefacsimile and air mail and things like that. This was the intention, because it's not a practice right now, and we never send a fax or a telex just to add something on the agenda. So on the contrary, we were trying to make something electronically, to introduce the electronic part that you are defending. So this is exactly our intention. If the wording is not clear, and here in writing, as Michelle was trying to explain, means just to exclude oral communication, but not to exclude written emails, of course. In fact, this is the way we're communicating right now.

So, Kavouss, if you have a quick suggestion for this, we can try to --

KAVOUSS ARASTEH: My suggestion is --

MANAL ISMAIL: To fix the language. Kavouss yeah. I think this is eg or including electronic communications. Email, I think the most thing that you can said, I have a change in agenda, I inform the chair of the GAC that this is my suggestions. You can take or not, so we have.

"In writing," I -- I have no problem if you want to -- it is total formality, I think, this meeting.

MANAL ISMAIL:

So I think this is a sensible suggestion, that we say in writing, including by email. And again, I'm stressing that this is by no means a final reading for this. We're going through this one more time, and we can still fine-tune it. But at least we want people who read this right now, understands what we mean by it. So we'll have this "in writing, including by email."

Is this okay with everyone?

So can we please go down again. Principle 31. So the only proposed edit here is deleting "shall," and replacing it by "may, if appropriate." So the sentence reads: If vice chair can no longer perform the functions before the full term has finished, new elections may, if appropriate, be organized for the remaining term in the office during the next GAC meeting.

Kavouss?

KAVOUSS ARASTEH:

Why "may" and why "if appropriate." Should be organized. That's all. Why we say "may be organized"? It may not be organized at all. Or who decides it will be appropriate or not appropriate, "if appropriate"? So if you put a lot of qualification here, that really weaken the process.

A minimum would be that should be organized. It is not shall, it is should, and that is all. So I --

MANAL ISMAIL:

Let me try to explain here, and I'll give the floor to Cristina next.

I think the intention here was that if -- if the term is already getting to an end, so maybe it doesn't make sense that we need an elections for the vice chair. Maybe the remaining period is really too short to have another election because the term is already ending. But let me give the floor first to Cristina from European Commission.

EUROPEAN COMMISSION:

Thank you. Yes, thank you. Basically you said what I wanted to also explain. If you -- the idea was to give a little bit more flexibility here. For instance, if it's just one month before the end, it might be more appropriate to give the role to a vice chair just to cover the remaining space. It was just to have this additional flexibility, of course to be decided by the GAC.

MANAL ISMAIL:

And of course, "if appropriate" here refers to the GAC. I mean, the GAC should decide whether it's appropriate to have an election or not.

So Kavouss, please.

KAVOUSS ARASTEH: I suggest you should put "should be organized, if necessary."
Thank you.

MANAL ISMAIL: I think it gives the same meaning. Is it okay with everyone to put
it for now "should be organized, if necessary"? So thank you.

Any further comments before we scroll down, please? No
further comments. So principle 32.

UNKNOWN SPEAKER: Manal?

MANAL ISMAIL: Yes, I'm sorry. Sorry.

UNKNOWN SPEAKER: This is (saying name) just for the record. I've seen some
(indiscernible) -- so GAC should decide -- should have some
specific procedures that GAC should conduct to decide in what
case the elections should be done or not or with one of the vice
principles. Maybe the chair. The vice chair will be the chair for
the remaining time.

So the procedures should be more specific in this case, meaning the GAC meeting -- representative in the particular GAC meeting will vote and decide or they will anonymously decide. So what is the specific approach you will take on this decision?

MANAL ISMAIL:

Yes. Thank you. I take your point. But, again, we're focusing on some minimal discussions to introduce a few things. But, again, it's a valid point. And it's worth discussing in our upcoming iterations. So we take note, and we'll come back to it definitely.

Thank you.

So principle 32. And the change is in the paragraph that reads, "Elections shall be valid if more than 1/3 of the GAC members participate in the voting. In case of the second round of voting, only present at the meeting GAC members participate."

So Kavouss.

KAVOUSS ARASTEH:

I think this is subject to some change in the future. I don't think that these days the 1/3 is a valid threshold. But I -- you don't want to change anything for this election. But this is -- you should report that currently the minimum would be a majority, but not 1/3. I think that the vote would not be valid if 1/3

participated. Because 2/3 does not participate. So that vote is not valid. Any valid vote should meet the simple majority, and simple majority is 50+1.

This is one report that -- and we don't -- and then the last part of the sentence is not correct in English. When you say that "In case of the second round of voting, only present of the meeting"? What does it mean "present of the meeting" GAC? So you should start to modify that: "Only present," that also is not clear. Thank you.

MANAL ISMAIL:

So probably only GAC members present at the meeting can participate. Is this better? Okay. We take note of the quorum. And, again, this is something that needs discussion as well. So we take note of this.

Actually, I have a quick question here whether, when we're introducing online thing, can't we also allow online voting in case of a tie? I mean, in case of a second round, is this possible? So okay.

So I take note that this is also a substantive change, so maybe we take note of it and can discuss it later. But, just to allow in case of a tie, if we have remote participation or people who are following, that they may be able to vote as well in the second

round. But, anyway, just putting in my comments as well for later iterations.

So can we scroll down to principle 34? Yes, please. And here for elections, "Votes shall be taken by secret ballot. It will be a matter for each voting member to decide if they wish to make his or her choice public. This includes the taking of votes in person or ballots transmitted electronically." So here "electronically" instead of "by electronic mail."

This is the only proposed edit.

Any objections? If not, then can we please go to principle 35? Which is -- yeah.

It reads, "The voting process must be secure, fair, independent and transparent."

And all this is new text. "Details of the voting process must be communicated to members at the time when nominations for candidates are finalized and announced."

And reference here to principle 33. "Votes may be cast using a secure online voting mechanism or by any other mechanism the GAC deems appropriate. The GAC secretariat will facilitate the election process. Where votes are cast in person, for example, in the case of a tied ballot, the GAC secretariat will distribute ballot papers to members accredited representatives at that meeting

and arrange for a ballot box to be placed in the conference room."

So any comments? Yes, please, go ahead.

UNKNOWN SPEAKER: I think, if you have an original principle of a secure mechanism to protect yourself, you may want to say, "Or by any other similar secure mechanism the GAC deems appropriate."

That may come back to haunt you at some point. Thank you.

MANAL ISMAIL: Okay. Thank you.

Other comments, please. Yes, please.

UNKNOWN SPEAKER: I think principles 34 and 35, so we can have some consistencies in this. So, if we're going for the online voting, then this is the only means that we have on casting the vote electronically. So why not to put those points in the principle 35 also? 34, I'm so sorry. So transmitted by electronically means that voting through online voting.

Principle 34 --

MANAL ISMAIL: Principle 34? Then I'm sorry. Can you repeat what -- which part you want to add to principle 34?

UNKNOWN SPEAKER: There is valid transmitted electronically. So why we cannot replace this with the ballot cast online?

MANAL ISMAIL: Michelle, please.

MICHELLE SCOTT-TUCKER: The intention there is to leave our options open. The voting process at the moment that you've used several times includes voting by email, which is not ideal, obviously. But it's a process you've used in the past. So by just leaving the phrase as electronically, the GAC can choose to use any process it likes. An online mechanism you would hope that would be what the GAC would choose to use. If they don't want to go down that road, if they want to use the same in the past, then leaving that as just electronically allows them to use the email votes as they have in the past. So it's just a matter of keeping things a little flexible for the GAC.

MANAL ISMAIL: So is this okay for now?

UNKNOWN SPEAKER: This is okay. But I think that if we're going for the online voting, then we should have some restrictions on the online voting mechanism. Because the electronic voting through the email is to have a better access. And, if we have online mechanism, then we have that. So I think in the coming days we need to have that restriction also. So thank you.

MANAL ISMAIL: Okay. Noted. Thank you.

So any other comments? Then principle 36, "All members will be provided with the opportunity to cast their votes up to 21 days prior to the relevant meeting. Voting shall also be made possible during the relevant meeting. Any member from whom a vote has not been received within the nominated time limit shall be regarded as not voting."

Kavouss, please.

KAVOUSS ARASTEH: Yes. Editorially, nominated, they say within the above-mentioned time limit. Are you talking about the 21 days or the nominated doesn't mean -- within the above-mentioned time limit or deadline. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. I think we can do this change. Thank you.

So can we scroll down, please. Principle 49. "Records of the meeting of the GAC" -- I'm sorry, yeah. 44.

"The Secretariat shall facilitate communications among the GAC chair, vice chairs, other officers, GAC members, and observers and with" GAC -- with ICANN, I'm sorry. So it's just removing the GAC membership and specifying GAC members and observers. Is this okay with everyone?

Okay. Then principle 49, "Records of the meetings of the GAC shall be recorded in an appropriate form unless -- and, unless a meeting or session was deemed closed, be available online."

Kavouss?

KAVOUSS ARASTEH:

I think yesterday in the CCWG about SO and AC accountability, there was a firm objection to specifically referred to closed meeting. Because these days everything is open. Even, in fact, one of the GAC members mentioned that. So I will suggest different voting. And different voting will be you delete the other part, and in the first line you say, "Shall normally be recorded." That means there are exceptions. But you don't mention

exception as a closing, because I don't want the GAC to be criticized by others that, oh, you said everything should be open. But now you put closing in your thing. So that's for consistency. Thank you.

MANAL ISMAIL: Okay. I think, if normally would allow for -- yes, please, Michelle.

MICHELLE SCOTT-TUCKER: To -- can you help me clarify the wording you'd like, Kavouss? Will it read, "Records of the meetings of the GAC shall normally be recorded in an appropriate form and be made available online?" Thank you.

MANAL ISMAIL: Thank you, Kavouss. I think this is a smart workaround. Thank you.

So principle 53. Again, "The deciding vote may be by ballot, by the raising of cards, or by roll call or using an online voting mechanism."

So this is, basically, to introduce using an online voting mechanism. Is this okay with everyone? And it's repeated again at the end. "The deciding vote may be taken by ballot by the

raising of cards” or I think it should be "by roll call or by using an online voting mechanism."

So I think we should be deleting the "or" before "by roll call."

And then putting the "or" by "using an online voting mechanism." Just to put "by using." But other than that, are there any other reactions, comments? Okay

Can we please scroll down to the following edit? So we're done.

MICHELLE SCOTT-TUCKER: Sorry. The one other change you can see there is in the article number. It's in Roman numerals. The numbering on the published operating principles doubles up. There's two operating principles that are numbered 12. So with your support, I'd just like to sort out the numbering so that they're actually numbered in an appropriate order. And that's why that track change has been made there to turn it into a different number. It's purely an administrative change, and it has no other impact. It's just resolving some typographical errors from the past.

MANAL ISMAIL: So, again, to reiterate one more time, this was just to introduce the online voting mechanism. We'll be revisiting all the

principles again as we start working on restructuring, actually, the whole operating principles. And then, in that respect, we already have some high-level proposed principles. I'm not sure - - so we can put the proposed high-level principles on slides now since we're done with this editing exercise.

But before that, let me give the floor to Kavouss and then -- okay.

KAVOUSS ARASTEH:

Yeah, when reporting to the GAC, I think my main concern is the authorization to vote. Suppose that member X is voting electronically. How that member will be approached to see the person who has voted is authorized person.

And second, still I'm concerned about the security aspects of electronic voting.

Having seen many things that we've heard these days and things, we should see whether that is a secure manner, in particular the authentications. So I don't propose any change but kindly report that these are the issues that need to be discussed. Because, in other parts of the government, this electronic voting was technically available. But the people, because of these things, they have avoided to do that.

In our case it's not so critical, vice chair and so on and so forth, whether Mr. or Madam X will be vice chair or Mr. Madam X will be vice chair, it doesn't matter. In other areas it may be more sensitive. But still I have who is authorized to vote electronically. Secretariat approach government X or member X and ask them if you want to vote electronically, please advise the person who is authorized to vote.

Because when we are here, we have authorization, participation, and check -- I don't know. This is something that needs to be carefully discussed. Thank you.

MANAL ISMAIL: Michelle.

MICHELLE SCOTT-TUCKER: Thank you, Kavouss. And I agree. We've -- ACIG has been in consultation with ICANN's IT people about an online voting piece of software. Other SOs and ACs use online voting already. And, when a solution is provided for us by ICANN IT, we will, of course, discuss that solution with the GAC and, hopefully, resolve any -- and address any issues or concerns at that point. But your concerns are very much noted. Thank you.

MANAL ISMAIL: Thank you, Michelle.

So we -- yeah, yeah, please. I'm sorry. Go ahead.

UNKNOWN SPEAKER: I thank you, Chair. And good morning, everyone. I'm (saying name) from Taiwan. Personally, I want to say a contribution in the session of this working group. And I also appreciate this face-to-face discussion.

However, I didn't know the change to principles here today. I think the change talking about email through the member of the working group because -- because finally the change we propose to the GAC plenary for approval. So I think it would be more efficient for our face-to-face discussion if we could know the discussion content beforehand. Therefore, I would appreciate it very much in the future, either the working document or the latest without especially the change to the operating principles can be updated regularly and timely by email to the all GAC members, especially for the members who didn't participate in this working group in the future. Thank you.

MANAL ISMAIL: Thank you, Taiwan. It's noted. And Michelle is going to compile all this and send it to the whole GAC members today. And,

definitely, we're moving everything to the GAC plenary from now on.

So it's noted. And it's going to be taken into consideration definitely. Thank you.

So it's noted and it's going to be taken into consideration definitely. Thank you.

So if we don't have any further comments, then we now have on the screen the proposed GAC operating principles. So this is -- As I mentioned, the first editorial part was just to introduce the online voting, but now the main exercise is drafting the whole operating principles. And for this, we have started with the skeleton or the structure of the operating principles, the high-level operating principles that we need to be filling under afterwards.

So this is just to share with you where we stand and to seek your feedback and comments on the high-level principles that we have on the screen.

So, sorry. Just welcoming Thomas.

So any comments or feedback on the proposed high-level principles?

So we have the scope, which normally you would say what the GAC is and what it does with reference to ICANN bylaws, of course. And then we have a section on the membership, who can join the GAC, commitment to outreach, members, observers, representation. And then how -- the working methods, how the GAC conducts its work, commitment to transparency, commitment to participation by all members, quorum -- quorum and face-to-face meetings, working online, working groups.

And then the GAC leadership, the roles and responsibilities, GAC chair, vice chairs, working group chairs and co-chairs, and topic leads.

And then the elections of chair and vice chairs, the terms of office, the election rules.

And then a section on the meetings, including agenda, minutes, and record keeping.

The working groups, formation and closure, working group chairs and co-chairs, membership, activities.

And then GAC advice to the board, consensus, communicating GAC advice, tracking GAC advice.

And then interaction with ICANN community, appointments to Cross-Community Working Group and review teams, roles and

responsibilities of GAC appointees, provision of GAC input, seeking community input, SOs and ACs liaisons to the GAC.

And then of course we need to introduce a whole new section on GAC participation in empowered community. And then we normally will have a section on GAC secretariat, and the revision of operating principles.

So any high-level heading that's being overlooked here?

Yes, Gema. Spain, please.

SPAIN:

Hello. In the section about GAC advice to the ICANN Board, would we include what constitute GAC advice? I think this is one of the issues that it's been worked with the BGRI. And I don't know if it's appropriate to include that definition and types of GAC advice in the operating principles or maybe it's not appropriate to do it here.

Thank you.

MANAL ISMAIL:

Thanks, Gema. I think it makes sense. And I was wondering, also, when we're talking about conducting the work of GAC or the working methods, whether we will need to say something

here about consensus or it's already taken care of in the section on GAC advice to ICANN Board?

I mean, I'm just thinking out loud, so maybe when -- maybe when we work things in writing, it appears differently, but I think if we're talking about our working methods, it makes sense to talk as well about consensus.

So any -- Cristina and then Gema.

CRISTINA MONTI:

Thank you. I mainly have a question. In the section "interaction with ICANN community," you mention appointments and you mention specifically CCWG and review teams. Would PDPs be included there or at least somewhere under interaction with ICANN community?

Thank you.

MANAL ISMAIL:

Thank you, Cristina. I think it should fit here as well. Yeah.

So we need specific reference to PDPs as well. Thank you.

Gema.

SPAIN:

I was going to reply to your question. I think for the start, it's good to have, then, in the section about GAC advice to the ICANN Board. Then in the section about GAC participation in empowered community, you would also have provisions on the how the GAC should decide whether to -- to participate in the empowerment mechanism or not. And maybe if there is something left, it could be inserted in the section you mention, conducting the work of the GAC. But maybe the main functions of the GAC is giving advice to the board, and now participating in the empowered community.

If in the end we -- at the end of the work we think that there is something different, then we can fit in there, in that section.

Thank you.

MANAL ISMAIL:

Thank you, Gema.

So any further comments before we break?

Yes, Mark, please.

MARK CARVELL:

Yes, thank you, Manal. Just one -- maybe it's a point of clarification. Under conducting the work of the GAC and working online. Here, I take it we are looking at how we work

intersessionally between the regular physical meetings. And I just want to make -- make that clear, because it's possible that we may have to reach decisions through a conference call because of -- of a time constraint or something like that. And, you know, how we conduct such a -- a meeting, a decision virtually I think needs -- needs clarification.

So I just wanted to ensure that working online is not simply disseminating information, seeking feedback, but actually the conduct of potentially virtual meetings intersessionally.

Thank you.

MANAL ISMAIL: Thank you, Mark. Noted.

Kavouss.

KAVOUSS ARASTEH: Yeah, two -- two issues. One is very important, and that is decision-making which requires urgent actions. Not waiting for the -- another physical meeting.

And the other is equitable regional representation. This is something that we need really to be careful. There are several dimension but we don't go to the detail that, but at least

equitable regional representation is important issue. These are the two things.

Thank you.

MANAL ISMAIL:

Thank you, Kavouss. Noted as well.

Any further comments?

So I also have two quick comments. I think we need the communique mentioned somewhere. And I was also wondering whether appointments to the Cross-Community Working Group and review teams and now PDPs as well would also include appointments to other bodies, such as the CSC and -- I mean, so basically I think this is going to be all -- all official appointments from the GAC side; right? Okay. So I think if we don't have any further urgent requests for the floor, then we can have the coffee break now, and I think we'll continue after the coffee break; right?

So we'll be back at 11:00, please.

Thank you.

[Coffee break]

CHAIR SCHNEIDER: Hello, everybody. It's actually ten past 11 or 11 past 11, so please take your seats and we'll continue.

Is Michelle in the room?

Ah. Please -- Please come and join us again, because I think that makes sense. Thank you. So welcome to the second part of the working group meeting and I haven't been able to participate in the first part because we had these first facilitated discussion, as you probably know, about -- that one was about the Red Cross scope two identifiers, which we'll report to you later when that is on -- on our agenda of the plenary. All I can say is that the meeting was fairly constructive and positive, and it seems that we're making significant progress.

But now to come back to -- to this -- this session, which is the working group meeting on the operating principles review, you've agreed, from what I heard, you've agreed on a number of minor changes already this morning. That is a very positive outcome and I would like to thank everybody for this.

Now the question is -- and you've also had a first look at this list of headings, or whatever we call them, of a structure, hopefully logical structure of the operating principles as you see it on the screen.

So basically we have now two -- two tracks, if I may say so. One is to follow the procedure on the minor changes that have been agreed this morning, and the other one is to -- to pursue the work on -- on the holistic review of the operating principles, following the logic of these titles or headings of the different elements or chapters, or whatever they will be called, of a next version of operating principles.

With regard to the first -- to the first track, the implementation of the minor changes, as you know, we have a deadline of 60 days that these -- these changes need to be out for review, and then after this, there is -- the next step would then be a formal adoption of these minor changes. So the proposal that will -- we are presenting to you now is that after this meeting, ideally on Thursday when this is adopted or the proceedings are adopted by the plenary of the GAC in our session number 38, if my figure is still correct, on Thursday morning, you will receive a document with -- with these minor changes, and then the 60-day period will start where you can have another final look at these changes.

And then after these 60 days, that will be around the 15th of May, then that will be prepared for final adoption at the -- at the Joburg meeting, Johannesburg meeting in June. So that these changes are in place for the upcoming elections that will be held

at the October, I think it is, October meeting in ICANN 60 in Abu Dhabi.

Anything that I forgot? No. Michelle is fine with what I told you.

Any questions on that part of the -- on this track of the review of the operating principles?

I think this is fairly clear and straightforward, and we hope to have this done in this timeline that I just mentioned.

And then there's the -- the -- the second track, the holistic review. The idea is that you will get some time after this meeting to have a review, reflect on the pertinence and the logic of these headings that have been presented to you this morning, also in the coming weeks and months, with a view to get an agreement by the GAC on these headings, also in -- at our next meeting in Johannesburg.

At the same time, the -- we will work on allocating the existing texts of the current operating principles following this logic under these headings with the modifications in the assumption that these modifications will be adopted by Johannesburg. So in Johannesburg, you will then receive a text, if everything is accepted, that will actually put the current paragraphs under the respective headings in this logic with the amendments. And that will then serve as the basis for continuing the work from

Johannesburg on to work on a holistic review in this new structure once this new structure will be finalized in Johannesburg on the level of the headings.

And the bullet points that you see here are not to be understood as concrete subtitles or subheadings. It's just an indication of what the content should be that you will find under the respective headings. So we'll allocate the -- as I said, the existing text, so we'll not start writing things from scratch but we'll build on the existing operating principles, just reallocate them under the new headings and then you will identify the gaps and requests for modification and review in this logic.

So this is the procedure that we'll propose to you.

And there's another thing that we have been reflecting together with the co-chairs of the working group and in the leadership team, that we think it is now time -- or our proposal is to take this to the plenary, because this is a very important matter for everybody. So we think it's more efficient to do the holistic review based on what we'll have in -- by Johannesburg, not as part of a working group but actually as a plenary exercise where everybody is on the same level. And I will propose to lead that with the support, of course, of Manal and Rajiv, our colleague from India who is not yet here, but they will support me, and of course together with our secretariat. But we'll do it on plenary

level. So the proposal is that we'll terminate the working group now and then continue with the rest on plenary level.

This is a proposal from our side. And we're happy to receive your -- your comments, questions.

Thank you.

Iran. Kavouss, please.

KAVOUSS ARASTEH:

Good morning, distinguished colleagues. Good morning, Thomas.

Just one question on personal basis; it's not Iran. Why GAC is always put in the corner, quarantined, isolated, dark area? In Los Angeles, we were in the tent, and after our objections, ICANN moved us in a more equitable place. It is a private comment. It's not -- it's not by Iran.

So I think you may investigate that, and also talk with ICANN, why we always look like this. So it is not the purpose of asking the floor.

The purpose is that the changes that we want to make to the operating principle, I understood that it is urgently required because of the electronic vote. So perhaps when you ask for

approval, you need to put a paragraph indicating, as you mentioned verbally, the holistic arrangement.

Now, with respect with the holistic changes, it reminds me the message you sent some months ago, or maybe three weeks, about the urgent need to discuss the empowered community in regard with the letter you receive from the board that they want to modify the fundamental bylaw. You said that it is not urgent but at least we should say that what is the urgency. Do we need to do something between now and Johannesburg or not? If not, I am not pushing at all. But if really within the next three to four months, at least from that point of view, that part of operating principle need to be worked out. It is important, and I think that change of the fundamental bylaw, we will discuss to what extent we want to participate or not. I'm not suggesting anything. But just I wanted to remind ourselves of that. And I hope that that will be taken care of the situation.

And I thank you very much.

Thank you.

CHAIR SCHNEIDER:

Thank you, Kavouss. First to your personal remark. I think we are in a lovely, Nordic gray room that is very atmospheric and very -- looking at Finn, I wouldn't say typical for Denmark. No,

no. They have great designs and great furniture, by the way. Denmark is very famous.

But to be serious, I think it's a question of size. We've had the facilitation of the Red Cross in the GNSO room, and this is fairly smaller, and actually right next to us. So we're not at the very end of the island here. We are actually next to the plenary room, because I think these are the biggest -- the biggest rooms available. The plenary room is even bigger than ours, but ours is, if I understand it right, the second biggest rooms. And the other rooms that are closer to the coffee area, which is, of course, an advantage for them but they are the smaller rooms. So I think it is probably just a question of size that they put us here. But we are not on the other end of the bridge in Malmo but we are still in Copenhagen and the closest to the plenary room. So I think that that's -- yeah, a question of allocating different rooms with different sizes.

To come -- to come to your -- And it's warmer than in a tent, which is also very helpful at this time of year here in this region.

To come to your question regarding the GAC participation in the empowered community, and thank you for raising this point. Indeed, we now have a first case that you have been informed about where the GAC, as a part of the empowered community, will have to have a say on that proposal that came from the

board. The good thing is that this is probably something that is not very controversial, so we can use this as a more or less innocent test case to see how the procedures that we hopefully will have developed by then will work. And that's not just for us. That's for the whole ICANN community. But of course we need to have something in place when this thing has matured to go through that process.

And as you've seen this morning, for the time being, there's the title of the heading is in there, and we have decided earlier that developing these procedures should not be part of the Operating Principles Working Group as it was considered that that was an overload of this. So we have, as you know, a separate track where we have been working on -- on -- on developing our procedures and criteria and what have you on our participation in the empowered community. And you have received the documents, the briefing papers by the secretariat with some concrete proposals on how to develop this further. And we'll discuss this in sessions 10A and B that are scheduled, if I'm not mistaken, tomorrow morning.

And of course, as part of that track, we'll, at some point in time, have to decide how this is going to -- once we have a shared vision of where we want to go, we'll have to decide how this is going to feed in -- finally into the operating principles review. But probably the operating principles review will take longer

and will have to be more speedy on developing these procedures. And they -- to look concretely, we won't have this review done by Joburg, by Johannesburg, so we'll have to keep this on a separate track and agree on it on a separate track, at least to the extent that allows us to participate when we have to or when we are invited to participate.

But looking at the discussion so far, I'm fairly confident that we are actually getting closer towards a shared view and understanding of how this participation of the GAC could look like. And at the end of tomorrow's session, I think we'll have to discuss how we move this forward. But the way I see it, at least, that's my hope and conviction that we'll get to something in time that will allow us to participate and go through this first case in time.

So I hope that answers your question.

Yes, Kavouss.

KAVOUSS ARASTEH:

And now as a delegate or presence of Iran, I express my sincere appreciation to the Danish government for the very, very generous arrangement they made. We have large desktop. We have a lot of space to move. This is the first, most comfortable area that I have ever seen, and that is really very thankful, and

please kindly convey that to your colleagues that this is a good example for future GAC meeting that other people may follow the same generosity of Denmark.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran. I think that's noted. And -- yeah.

Finn.

FINN PETERSEN: Thank you. Just to be clear, we haven't picked the place. That is totally up to ICANN to pick the place. So we have -- And we have nothing to do with the location of where we are sitting. And just to say that normally, our houses and where we are working is a bit more cozy than this room. And also a bit warmer.

[Laughter]

CHAIR SCHNEIDER: Okay. That's noted. And we'll convey the message to Nick Tomasso and the ICANN meetings team who is in charge of this.

Okay. Any further comments or questions on the proposal for a way forward with the operating principles as we've outlined before?

Is this all fine? Is it clear?

Yes, United States.

UNITED STATES OF AMERICA: Thank you. And I apologize, I wasn't here for the first part of this session. I just have a question, looking at the proposed GAC operating principles items listed here.

In terms of how the GAC participates in PDP processes, is that an item that would be covered under these headings? Perhaps interaction with ICANN, whatever it says. I can't see. But I just want to make sure that there is an opportunity to have that conversation as well.

Thanks.

CHAIR SCHNEIDER: Thank you. Thank you, Ashley. And, indeed, yes I also was with you in the meeting before, but I just grabbed when I came in that this was discussed and it will be integrated but maybe Manal can give you some more details as she was leading the process in the hour before.

Thank you.

MANAL ISMAIL:

Thank you, Thomas. Thank you, Ashley. And, yeah, it was already added within the brackets under appointments to CCWG and review teams. And we agreed that this part will have to do with the -- all appointments from the GAC side, whether to the Customer Standing Committee, PDP, Cross-Community Working Groups, review teams, and anything else that might not be included here.

So this is more of, like Thomas mentioned, keywords or placeholders to what we're going to see but it is not -- it is definitely not exhaustive of everything that we're going to see. But thank you.

And the point is taken, and we took note of it this morning.

Thanks.

CHAIR SCHNEIDER:

Thank you, Manal.

Further comments or questions?

Yes, CTU. Caribbean Telecommunications Union just -- Nigel Cassimire, CTU.

Are there any outputs from the GAC, apart from advice to the board? I'm not seeing anything up there that relates to GAC outputs.

Thanks.

Thank you. That's a good question. And in fact, you're right, there are. We made -- already have made contributions to CCWG, public comment periods as an example but also other contributions that are not advice to the board.

I assume that that would also be part of the interaction with the community section. We could -- And this is up for you to think about until the next meeting. We could decide to give this a heading of its own if that's considered important enough, because it's definitely not GAC advice, so I would not advise to put it under that heading because that may lead to confusion. But I don't know. Manal, has this been brought up in this morning's discussion whether we need? And if so, where to place some guidance on GAC output, GAC comments into other - - to other parts of the ICANN community than the board?

MANAL ISMAIL:

Actually, it was not brought up this morning, but it's -- it's a good point, specifically with GAC early engagement and the input we're giving to other SOs and ACs apart from the ICANN.

So we also take your point, and we'll add this. I think it fits within interaction with ICANN community. Right?

Thank you.

CHAIR SCHNEIDER: Thank you. Looking at the -- at the clock, we actually need to free the space for the Human Rights and International Law Working Group, because it's already past 11:30. I see there's one more hand up from the European Commission, so let's take one more comment or question, and then -- and then wrap up.

Thank you.

Cristina, please.

CRISTINA MONTI: Yes, it will take a few seconds. I think this last point about GAC outputs could very well fit under provision of GAC input. So interaction with ICANN community, and then provision of GAC input should comprise this outputs.

Thank you.

CHAIR SCHNEIDER: Yes, thank you. It's a little bit cut on the screen that I'm seeing here but input and output is the same. It's just perceived from one end or the other end. So it's actually there, but, yeah, this is -- this is an important element, and I think we'll duly take this into account, is the phrase in the ICANN world, and try and come up with something that makes sense on this issue.

Thank you.

So with this, I think we have to stop here. And of course we'll count on your presence and active participation in the plenary session on Thursday morning, number 38, to bring this to the plenary of the GAC and then proceed, hopefully, as proposed and developed during this session.

So thank you very much. Also thanks a lot to Manal and Michelle who have been leading this to the largest extent and thank you all for the constructive spirit.

Thank you.

[END OF TRANSCRIPTION]