ABU DHABI – GAC Operating Principles meeting
Tuesday, October 31, 2017 – 17:45 to 18:30 GST
ICANN60 | Abu Dhabi, United Arab Emirates

ROB HOGGARTH: Good evening, everyone. This is Rob Hoggarth, I wanted to make an announcement particularly for those people who are leaving the room, the folks here at the convention center have closed several of the exits. There was some previous notice to a number of folks about it. But basically, if you walk out of this room, you cannot go to the right. So if you are in the Aloft Hotel premier suits and Rotary, something like that, you have to go to the left. This doesn't affect the Hyatt, but affects the other three hotels.

There are carts that are being provided for those of us who are sticking around for a while that will drive you all the way around the 3 ½ mile convention center to get you back to the Aloft area, but this condition is going to be in place until 9:00 p.m. tonight while they hold another event down in the other part of the convention center. Thanks.

THOMAS SCHNEIDER: Welcome back to the last session for today, which is 29, which is about the GAC Operating Principles. This is also something that

we've been trying to look at for quite some time now. The GAC Operating Principles is also something that is a document that has been revised several times over the last decades, two decades, like since the beginning; the last time I think around 2011 or so.

And in 2014 there was a feeling that there may be a need for another revision of the operating principles, in particular with regard to the election procedures, the number of vice chairs that was up to three at that time that was considered may be not enough. And the number of other issues that have come up where at least some GAC members expressed the request to look at the operating principles and bring them maybe to a next level taking into account the development that ICANN and the GAC have had, or have made, whatever the correct word is in English, in the past years.

And we have then launched basically two tracks of revising the operating principles. One has been some minor edits related to, as I said, the number of vice chairs. So that was changed from up to three to up to five. That has been accepted through the procedure as it is in the current operating principles with regard to time, with regard to making a proposal for a change, then allowing for a 60 day period, I think it is, to review this, and then

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there needs to be a full decision by the GAC to accept these changes.

So we've done this twice in the past three years, once with regard to the number of Vice Chairs, and then later right in time before these elections with regard to some tweaks in the precisions or the provisions on the election procedures that would allow us to conduct the elections in a way that everybody, whether you're present in a meeting or not, or whether you plan to come but then can't come, or whatever happens in terms of circumstances, that that should not prevent anybody from participating in an election; so these were the two sets of minor changes that we have made in the past three years to the operating principles.

And then, in addition to these minor changes, there was an agreement that we would go through the operating principles as a whole, and look at it on a more holistic level to see where would the GAC feel that amendments would need to be made in terms of modifying existing procedures and/or adding additional principles for the GAC's operation taking into account developments of things and processes that have not exited by the last revision. For instance, participation in cross community, working groups and other processes, Empowered Community, and so on and so forth.

But other issues were raised that led to the beginning of the work. We had a working group established that was looking into some of the issues, try to identify some of the areas where requests were made for revision. It had turned out that the work of that working group had some difficulties to progress and to focus on an efficient way to deal with this. We have then -- and ACIG in particular, Michelle Scott Tucker has been supporting this work trying to help us shape this.

We have then -- basically what we did about a year ago I think, including in Copenhagen, we have then agreed on a logic that the holistic revision or the revised operating principles should have -- we have defined headings and subheadings in a sequence that was considered coherent and logical that we would use for this in the understanding that the actual wording of the headings and subheadings may be changed, but the logic in itself was coherent and should be the basis for our future work.

Then, after the reduction of ACIG support from 2.5 to 1 FTE; of course, we did not have Michelle available supporting us in this work, and given the workload that we had with other issues, it was difficult, has been difficult in the last few months to make significant progress and concentrate on this work. Which is a pity of course, because I think we all agree that it is important for the GAC to have operating principles where everybody feels that they

are up to date, that they are actually helping us clear and helping us guiding our work on a principle level. So we are just picking this up again and that will be then for the new leadership team to basically pursue the work but trying to recall to you where we are.

We have then, sometime during the summer, meaning summer for where I come, summer in my thinking, so around June-July, we have asked all to take these headings that were agreed by the GAC at an earlier meeting and take the existing paragraphs of the current operating principles as they are to put them under the particular headings so that this would be used or could be used as a basis for the future proceeding with regard to the holistic revision.

I'll stop here. I hope I haven't pre-empted too much of what you were going to say, and now Rob has been taking on this task together with Manal and some others who have been actively supporting this in a very constructive way, so thanks first of all to Rob and Manal for the support in this work, and then also, of course, it will be in your hands to take this work further.

So let me now give the floor to Rob to run through a short presentation to tell us in more detail than what I just explained where we are, and in particular, what we propose as next steps. Thank you.
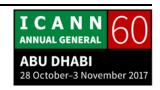
ROB HOGGARTH: Thank you, Mr. Chairman. Yes, the members of the committee will be very appreciative that your introduction did take up half the presentation. So that's outstanding, saves us a little bit of time. Thank you.

As Thomas has shared, the perceived problem that is in need of a solution is that the current operating principles aren't really aligned with any organizational structure. So this effort to map the 54 principles to a structure of headings in a framework of work, is a very important task to take on. As Thomas notes, the recent changes were tactical, they weren't strategic. They focused on short term needs to address specific problems.

And my observation particularly in my previous work with ICANN before joining all of you was doing a lot of charter work and bylaws work with a number of the stakeholder groups and constituencies in other communities. And we found that it can be very powerful and very effective to take a more comprehensive approach as opposed to a piece meal approach to this type of topic.

The bottom line is, in the absence of a structure there's an opportunity for many gaps. And the simple mapping, gap analysis that Thomas relate that Olof did does reveal, surprise,

gaps; and so that's an important consideration that I think GAC, moving into the next phase of its work, should be interested in potentially taking a look at.

So let me summarize a few examples of the gap areas that you all may want to consider. There's no language on our commitment to outreach in the current principles. There's no language on commitment to transparency, nor to the commitment to confidentiality or privacy; some of the traditions that you already operate on, but they aren't articulated in the principles.

There's no commitment to member participation or to define that. No vice chair duties or expectations. No working group chair guidance. Topic lead guidance. No language on how the GAC is supposed to interact with the rest of the ICANN community. And things like appointments to cross community working groups or some of the specific review efforts don't exist either. And the leadership has experienced that challenge in some of the recent days and weeks and months with some of these new reviews coming on.

And, you know, with a new liaison coming on board, a new GNSO liaison to the GAC, and with a continuing ALAC liaison to the GAC, there's really no guidance for them in terms of roles and responsibilities or how they should conduct their affairs. So there're a number of areas that could be looked at in this regard

that would help define and govern some of the work and efforts that you all may have involved yourselves in, in the coming months and years.

Right now, as Thomas noted, there're a number of new organizational accountabilities and responsibilities that you all now have, the GAC has as a member, an active member of the Empowered Community, and being able to demonstrate those capabilities in an era of more accountability and transparency is going to be an important aspect of affirming and maintaining the legitimacy of the entire multistakeholder model.

As we are now seeing, and I will continue to share with you the theme of transitions that we are all experiencing here in Abu Dhabi, the concept of having some organizational continuity through a set of clear operating principles that are at a level that you are all comfortable with. Whether that's the 10,000 foot level of very general principles, or more along the lines of some more proscribed or specific processes, I think are going to be the subject of further discussions from you all as a plenary group,and also specifically as leaders in the leadership team as well to see what really helps you communicate and do your work effectively.

Thomas talked about a new structure I've sort of laid out going back through the archives of what ACIG put together. This is not meant for you to look at very carefully; the text is relatively small,

but you can see some of the general areas of focus. Things like membership and defining what that means. Conducting the work of the GAC. GAC leadership roles, elections of the various leaders, and then things like how you conduct meetings, working groups, the advice to the board which we know doesn't just include the communique but can take place in other ways, shapes and forms, and then how you interact with this broader Empowered Community through cross community working groups, the review teams and a variety of other systems and approaches.

When you actually look at something like this, it can be quite intimidating. Some of the work that I did with the other community groups took two or three years of very focused work, where they had a specific working group that would literally go through step by step. Now I'll look perhaps toward the back of the room and be careful if I share this, but many of the groups had long lists of lawyers or business people who were very focused on being concerned about, "Well, if we choose this provision, will it affect that provision, and who's going to be trying to gain the system?"

My early impression of the work that you all do is much more collegial, you probably have things at a much higher level, so I doubt that it would take you a three-year period, but there is a commitment to some serious work on an approach like this;
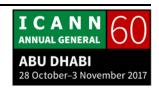
unless the leaderships recommends doing something in a more phased manner.

I just took a couple screenshots of the mapping that Olof Nordling did back in the July timeframe. I shared with you all an email last night that included or appended a copy of Olof's mapping work which took Michelle Tucker's earlier work, and took the existing 54 principles and made an effort to say, "Okay, what principle fits into that membership area? What fits into meetings and the rest?"

And it's very interesting to take a look at it, because you can see that principle 5, 12, 15 and 25 might fit one category, and then very orderly, principles 21, 22, 23 all fit under another category. So there're some parts of the current principles that are very logically laid out, but there are others where you just have sort of mixed areas, and for particularly a new person, a new participant, and even someone who's relatively experienced, it's somewhat challenging to find where is that provision about the election, or where can I find something that tells me more about how we conduct a meeting.

And so, again, based on some of the comments I shared with you this morning, the important thing will be to get feedback from you about where the particular pain points are, where you think that there can be some specific improvements in an earlier timeframe.

So from a problem solving perspective, we've looked at this a little bit. And the thought is, you know, a logical approach to this is first to confirm the gap analysis. Do we really have all the gaps that I outlined for you? Are there ways that you can determine that "That's not a big deal, we can live with that, but these two or three gaps really need to be filled quickly."

I think it's very important, and we've have talked about this to the leadership group, that we set some expectations. We'd would really like to have your input in terms of what should be the scope of this work.

As I think Thomas or one of the other vice chairs pointed out at one stage, do you just want to fix what's there, or do you want to open the conversations to a broader array of conversations? Because one of the dangers is, once you begin to look at these principles, you say, "Hmm…, well why don't we just consider changing this existing principle completely, as opposed to just doing the gap analysis to fill certain roles?"

I understand in the deep history and past of the Governmental Advisory Committee, there were very basic issues about membership that you may or may not want to revisit at this point in time. So you may want to stick to just some of the processes and procedures. And then of course feedback on in what order

you would like that to take place. You know, what's the priority, what makes the most sense.

So we developed a couple of general discussion or guidelines type questions that would help us be able to make some recommendations to you for how things might be approached. I'll read them out to you. If anyone has a sudden inspiration right now, it would be great for you to share it with the group. But otherwise, what we would hope and expect to do is over the next two or three months follow up on this conversation with a communication to you that outlines these questions, may even be developed into a more elaborate form of a questionnaire to get some feedback to help the leadership do some prioritization.

But here are a couple of the questions. What areas would you like to see covered in the GAC Operating Principles that aren't covered now?

What level of details are you interested in exploring? Fundamental, things like membership, or just much more operational? Or specific details in terms of processes?

And what's the best vehicle for doing this? Is it something you want to rely on the new leadership team? Or is it something that you want to reformulate the working group model or task force that you had in the past?

Or, at some point, are you willing to say, "Okay staff, take a crack at it with the understanding that they're merely suggestions that you can change, throw out, have a start over."

But trying to find the best way that you think that progress can be made over the course of the intersessional periods so you can focus on decision making at these meetings.

And then of course what I touched on, what's the best approach to this? Do you want to do one big comprehensive effort, or do you want to sort of break it into chunks and say, "We're going to do membership this year, we're going to do meetings the next year. We'll do archiving the next." That's really something that it would be very helpful to get your feedback on, because we'd like this effort to have some immediate short-term leverage results for you, as wells as building for the longer term.

So as I indicated, some possible next steps would be to follow up over the next couple of months, ask you all specifically for some feedback through reiterating the questions, and perhaps sharing a questionnaire with you. And then develop and assess that feedback, and then have the leadership team spend some time discussing it and present some ideas for you with respect to scope, approach and timetable at ICANN61 where you'd then be able to ratify that, or in some way say, "It sounds good, keep up the good work," or where you could help adjust some of the work.

That's sort of the overall outline, Thomas, in the terms of how this, I think what you referred to as, important but not urgent work might go forward. And we are willing to take, and happy to take, any direction that we get from the GAC or the leadership to help you. Thank you.

THOMAS SCHNEIDER: Thank you, Rob, for this, and in particular let me I guess give the floor to the GAC members to give them the chance to provide us or you with feedback in particular to the questions raised at the end. The floor is yours for comment. Iran and Switzerland.

IRAN: Thank you very much, Rob, for the very very useful and comprehensive briefing. We are really grateful to you. It involved a lot work that you have done preparing this.

Our suggestions for your consideration [inaudible] is that better you go to the gap analysis rather than trying to solve from zero and having something which goes to the area of having perfection in everything. This is one point.
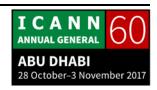
The other point that the period from now up to the next June is a very busy period for some of us, if not for all of us. There are six PDPs under development including the auction PDP. There are

CCWG public comments coming and the review of that, and people should be involved on that. If they have the not been involved in the process, they need to be involved in replying the public comments because [inaudible]. There are two public comments, and so on and so forth.

Thirdly, some of those shortcomings you mentioned, we can find them in two areas. The first area, there are 35 recommendations on the SO and AC accountabilities. Some of them would considerably help you to see what are expected that. Many points you raised I have found them there. And people may look at at that one. Moreover, we are not the only constituency of the ICANN. There are others; perhaps it may be good to look at what the others are doing. What are their principles, and so on and so forth?

I'm sorry proposing that, but that's one way to proceed to the action. How we proceed mechanism, we leave it to the chair and others. But we still believe that this task should be assigned to one of the new vice chairs perhaps to a little bit start to do something for us no doubt with your help and help of others. So that is what we propose. But not going to the holistic thorough analysis of everything because of the lack of time. I think still it is possible with the gap analysis we try to overcome this shortcoming and deficiencies. Thank you.

THOMAS SCHNEIDER: Thank you, Iran. Switzerland.

SWITZERLAND: Thank you, and thanks very much to Robert for this very good explanation on where we are and how he has synthesized all this work. I think it's a very good starting point. In the interest of time as I think we have two minutes left, I don't think that it's the moment to enter into too much of a substance. But I agree quite a lot with what Kavouss said before. I think that the questions are the right ones.

Perhaps it would make sense to use the time from now to the next meeting also to use them for serveys, perhaps not on all the four questions but for some of the questions, and see what is the feeling from the GAC so that we have a more general impression not only from two or three people who take the floor, but from more GAC members.

Another consideration is similar to what Kavouss said, we have no pressing urgency on this. It's something we have to do, but we can do it with time, I think. And probably would make sense, at some moment of time, also to have kind of a compilation of not only the operating principles but the other instruments we have been given to ourselves in the last years which took the form more

of guidelines that would also help us to know, okay, perhaps this is a gap in the operating principles but we have it covered elsewhere, and of course as in any international setting, agreed language is something that is worth gold and copy pasting is a very big achievement for humanity. So I'll leave it by that for this moment, and thank you again very much.

THOMAS SCHNEIDER: Thank you. I have the European Union commission.

European Union Commission: Thank you ,chair, and thank you, Robert, for this very very useful presentation.   I particularly like this more strategic approach, I think it's really necessary as you pointed out. I just have a very brief comment on one on the questions about whether we should take a one-time comprehensive approach or a more phased approach. In my view, of course you have to start somewhere, so it would make sense to plan the work in a phased approach. At the same time, we have to be conscious that the GAC is continuing to operate. So I wonder how these two aspects would fit together in a sense.

My suggestion would be it's good to advance work, but then when you arrive at the conclusion that okay, now you have new GAC Operating Principles you have to be ready with the full package

before replacing the previous ones, because otherwise you can be in a situation where there are some elements which are governed by the old one or previous operating principles and others with the new operating principles. So I think this would create confusion and it's not necessary, so it may be something to be taken into account. Thank you.

THOMAS SCHNEIDER: Thank you. We can take one more if we want. China, please go ahead.

CHINA: Thank you, Thomas. I would like to join others to thank Robert for this very comprehensive slide. I think it has covered many important points, that I can think. And I think to respond to some of your questions right now on the screen, I think with regard to the best vehicle for this effort, I would be in favor of having a working group to do this job.

And to [inaudible] for a question, I think it can be left to the working group to decide that approach to this effort. I also like to echo the point made by Switzerland that we can use our following several months to do a survey to gather opinions from the GAC members on this effort to see how fast to proceed with this work. Thank you.

THOMAS SCHNEIDER: Thank you. Rob, does this help you moving forward?

ROB HOGGARTH: Yes, thank you. I very much appreciate the comments and I can't help observe that someone suggested that a vice chair take on some of the responsibilities and Fong is the one who suggested having a working group, so maybe there's a connection there. Thank you all very much.

THOMAS SCHNEIDER: Okay. Yes, thank you all. I think that's the end of today, at least for our sessions. There's a farewell toast for Steve; I think that is open for all, that is in Hall 4, wherever that is. Yeah, Hall 4 in this house. So let's not stay here.

And pointed that's behind these walls here, it's not on the other side of the globe. So it's very close. Yeah, see you there, is the only thing I can say. Thank you. See you tomorrow.

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ICANN 60
ANNUAL GENERAL
ABU DHABI
28 October–3 November 2017