

***Dedicated to preserving the central co-ordinating functions
of the global Internet for the public good.***

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS (ICANN)

**GOVERNMENTAL ADVISORY COMMITTEE (GAC)
- OPERATING PRINCIPLES -**

As amended, Mar del Plata, April 2005

Whereas:

1. The functions and responsibilities of the Internet Assigned Numbers Authority (IANA) are being transferred to a new private not for profit corporation, the Internet Corporation for Assigned Names and Numbers (ICANN).
2. ICANN's functions and responsibilities will affect the functioning of the global Internet.
3. ICANN's Articles of Incorporation establish that the corporation shall operate for the benefit of the Internet community as a whole and shall pursue the charitable and public purposes of lessening the burdens of government and promoting the global public interest in the operational stability of the Internet by performing and co-ordinating functions associated with the technical management of Internet names and addresses.
4. a) The Articles of Incorporation and Bylaws establish that ICANN shall carry out its activities in conformity with relevant principles of international law and applicable international conventions and local law.

b) ICANN is committed to carrying out its activities based on the principles of stability, competition, private bottom-up coordination, and representation.
5. ICANN's Bylaws, Article XI Advisory Committees, Section 2.1 provide for a Governmental Advisory Committee

The Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments and where they may affect public policy issues.

The Advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account by ICANN, both in the formulation and adoption of policies.

6. The GAC commits itself to implement efficient procedures in support of ICANN and to provide thorough and timely advice and analysis on relevant matters of concern with regard to government and public interests

Considering that:

1. The Internet naming and addressing system is a public resource that must be managed in the interests of the global Internet community;
2. The management of Internet names and addresses must be facilitated by organisations that are global in character.
3. ICANN's decision making should take into account public policy objectives including, among other things:
 - secure, reliable and affordable functioning of the Internet, including uninterrupted service and universal connectivity;
 - the robust development of the Internet, in the interest of the public good, for government, private, educational, and commercial purposes, world wide;
 - transparency and non-discriminatory practices in ICANN's role in the allocation of Internet names and address;
 - effective competition at all appropriate levels of activity and conditions for fair competition, which will bring benefits to all categories of users including, greater choice, lower prices, and better services;
 - fair information practices, including respect for personal privacy and issues of consumer concern; and
 - freedom of expression.
4. Country code top level domains are operated in trust by the Registry for the public interest, including the interest of the Internet community, on behalf of the relevant public authorities including governments, who ultimately have public policy authority over their ccTLDs, consistent with universal connectivity of the Internet.

ARTICLE I – SCOPE OF THE GOVERNMENTAL ADVISORY COMMITTEE

Principle 1

The Governmental Advisory Committee (GAC) shall consider and provide advice on the activities of ICANN as they relate to concerns of governments, multinational governmental organisations and treaty organisations, and distinct economies as recognised in international fora, including matters where there may be an interaction between ICANN's policies and various laws and international agreements and public policy objectives.

Principle 2

The GAC shall provide advice and communicate issues and views to the ICANN Board. The GAC is not a decision making body. Such advice given by the GAC shall be without prejudice to the responsibilities of any public authority with regard to the bodies and activities of ICANN, including the Supporting Organisations and Councils.

Principle 3

The GAC shall report its findings and recommendations in a timely manner to the ICANN Board through the Chair of the GAC.

Principle 4

The GAC shall operate as a forum for the discussion of government and other public policy interests and concerns.

Principle 5

The GAC shall have no legal authority to act for ICANN.

ARTICLE II – MEETINGS

Principle 6

The GAC shall meet at least once annually; notwithstanding this designated annual meeting, the GAC shall meet as appropriate.

Principle 7

A meeting may be convened on the initiative of the Chair, at the request of a Member or at the request of the ICANN Board, concurred in by one third (1/3) of the Current Membership.

Principle 8

Face-to-face meetings of the GAC shall be convened by the Chair, by a notice issued not less than twenty-eight (28) calendar days prior to the date set for the meeting. This notice may be issued electronically, via telefacsimile, or via airmail.

Principle 9

Online and electronic meetings of the GAC shall be convened by the Chair, by a notice issued not less than ten (10) calendar days prior to the date set for the meeting. This notice may be issued electronically, via telefacsimile, or via airmail.

Principle 10

An emergency meeting of the GAC may be convened by the Chair, by a notice issued not less than ten (10) calendar days prior to the date set for the meeting. This notice may be issued electronically, via telefacsimile, or via airmail.

Principle 11

In addition to face-to-face meetings, meetings and discussions may be conducted online via secure communications. "Online" includes electronic mail, web-based communications, and teleconferences.

ARTICLE III- AGENDA

Principle 12

A proposed agenda for the meeting shall be communicated to Members prior to the meeting.

Principle 13

Requests for items to be placed on the agenda of a forthcoming meeting shall be communicated to the Secretariat of the GAC in writing, either via electronic mail, telefacsimile or airmail.

ARTICLE IV – MEMBERSHIP

Principle 14

Members of the GAC shall be national governments, multinational governmental organisations and treaty organisations, and public authorities, each of which may appoint one representative and one alternate representative to the GAC. The accredited representative of a Member may be accompanied by advisers. The accredited representative, alternate and advisers must hold a formal official position with the Member's public administration. The term 'official' includes a holder of an elected governmental office or a person who is employed by such government, public authority or multinational governmental or treaty organisation, and whose primary function with such government, public authority or organisation is to develop or influence governmental or public policies.

Principle 15

Membership is open to all national governments. Membership is also open to distinct economies as recognised in international fora. Multinational governmental organisations and treaty organisations, may also participate as observers, on the invitation of the GAC through the Chair.

Principle 16

Accredited representatives of governments and other public authorities, Members of GAC, have voting rights. Accredited representatives of International Organisations and entities other than public authorities participate fully in the GAC and its Committees and Working Groups, as Observers, but do not have voting rights.

Principle 17

Those who constitute the Current Membership are defined as those Members from whom the Chair has received formal notification of the name and contact details of their accredited representative. The list of current Members shall be updated regularly and be posted online.

ARTICLE V – OBSERVERS

Principle 18

Representatives of invited UN Inter-governmental Organisations, non-member public authorities and other relevant entities may attend meetings of the GAC as observers, at the discretion of the Chair.

ARTICLE VI – REPRESENTATION

Principle 19

If a Member's accredited representative, or alternate representative, is not present at a meeting, then it shall be taken that the Member government or organisation is not represented at that meeting. Any decision made by the GAC without the participation of a Member's accredited representative shall stand and nonetheless be valid.

Principle 20

In consideration of the GAC's commitment to efficiency, there shall be no attendance or voting by proxy. Members may only be represented at meetings, both face-to-face and electronic, by their accredited representative, or designated alternate representative.

ARTICLE VII – CHAIR, VICE CHAIRS, OTHER OFFICERS AND COMMITTEES

Principle 21

If the GAC moves to require additional officers other than the Chair, then three (3) Vice-Chairs shall be elected from among the Members. To the extent possible, the Vice-Chairs should appropriately reflect the geographic and development diversity of the membership. The Chair shall hold office for a term of two (2) years, renewable once. The Vice-Chairs shall hold office for a term of one (1) year and may be re-elected; however no person may serve as Vice-Chair for more than two consecutive terms.

Principle 22

The GAC Chair and Vice Chairs shall be elected by the Members of the GAC from among the accredited representatives of governments and other public authorities, Members of GAC, pursuant to procedures outlined under Article IX (Election of Office Holders) of these Operating Principles. The elections of the Chair and Vice Chairs will be concurrent, as provided for in Principle 34.

Principle 23

The GAC may designate other officers as necessary.

Principle 24

The Chair shall normally participate in the proceedings as such and not as the accredited representative of a Member, in which case the Member may accredit another representative. The Chair may, however, at any time request permission to act in either capacity. The Vice Chairs shall participate in the proceedings as accredited representatives of a Member.

Principle 25

If the Chair is absent from any meeting or part thereof, one of the three (3) Vice-Chairs shall perform the functions of the Chair. If no Vice-Chairs were elected or if no Vice-Chair is present the GAC shall elect an interim Chair for that meeting or that part of the meeting.

Principle 26

If the Chair can no longer perform the functions of the office, the GAC shall designate one of the Vice-Chairs referred to in Principle 22 of these Operating Principles to perform those functions pending election of a new Chair in pursuant to procedures outlined under Article IX (Election of Chair and Vice Chairs) of these Operating Principles. If no Vice-Chair was elected, the GAC shall elect an interim Chair to perform those functions pending the election of a new Chair.

Principle 27

The Chair may call for the creation of Committees and Working Groups to address matters that relate to concerns of governments and where they may affect public policy issues. Accredited representatives may designate advisers to serve on such committees.

ARTICLE VIII – POWERS OF THE CHAIR

Principle 28

In addition to exercising the power conferred elsewhere by these Principles, the Chair shall declare the opening and closing of each meeting shall 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 the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

Principle 29

The Chair, with the consent of the meeting, may limit the time allowed to each speaker.

Principle 30

The Chair shall not normally have voting power; however in the event of a tie, the Chair shall have a casting vote.

ARTICLE IX – ELECTION OF CHAIR AND VICE CHAIRS

Principle 31

Elections for the Chair shall take place during the final three (3) calendar months of every second year, beginning with the final three (3) calendar months in the second year following the first election. Elections for the three Vice Chairs shall take place during the final three (3) calendar months of each year. The results of each election shall formally be advised at the first meeting of the year following each election, and shall take effect from the end of that meeting.

Principle 32

For elections, the candidate with the most votes shall be elected to the position that he or she has stood for.

Principle 33

Nominations for candidates to elected positions shall be circulated at least four (4) weeks prior to the final three (3) calendar months of each election year.

Principle 34

For elections, votes shall be taken by ballot. This includes the taking of votes in person, by airmail ballots or ballots transmitted by telegraph, electronic mail or facsimile. The method of ballot shall be determined by a majority vote by roll call or by the raising of cards by the voting Members' accredited representatives present at the meeting at which the decision as to the method of ballot was taken.

Principle 35

If votes are to be taken in person, then ballot papers shall be distributed to Members' accredited representatives at that meeting, and a ballot box placed in the conference room. However, the accredited representative of any Member may request, or the Chair may suggest, that a vote be taken by the raising of cards, by roll call or in the event of a single candidate, by acclamation.

Principle 36

If votes are to be taken by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile, then ballot papers shall be distributed to Members' representatives present at the meeting, and a notice shall be sent to each Member. The notice shall contain such information as the Chair considers necessary and a clear statement of the question to which each Member shall be requested to answer "yes" or "no", or in the case of an election a clear statement to which each Member shall be requested to indicate preference for one (1) candidate to be elected to the nominated position.

Principle 37

If votes are taken by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile, the Chair shall determine the date and hour by which votes must be received. The time-limit shall be set at no later than 30 days after the date the notice is sent. Any Member from whom a vote has not been received within such time-limit shall be regarded as not voting.

Principle 38

Members entitled to participate in a vote by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile are those which are Members at the time of the decision to submit the matter in question to a vote.

Principle 39

Where the taking of votes for elections is by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile, then the results of the ballot shall be formally advised at the first meeting in the year following the election, and shall take effect from the end of that meeting.

ARTICLE X – CONDUCT OF BUSINESS

Principle 40

One third of the representatives of the Current Membership with voting rights shall constitute a quorum at any meeting. A quorum shall only be necessary for any meeting at which a decision or decisions must be made. The GAC may conduct its general business face-to-face or online.

A Member may initiate an online discussion of a question by forwarding to the Chair a request for the opening of an online discussion on a specific topic. The GAC Secretariat will initiate this discussion and all Members may post their contributions during a period of time established by the Chair, the period of which is to be no longer than sixty (60) calendar days. At the end of this discussion period, the Chair will summarise the results of the discussion and may forward the results to the ICANN Board. Nothing in this Principle overrides the decision making processes set out elsewhere in these Operating Principles.

Principle 41

Representatives of Members shall endeavour, to the extent that a situation permits, to keep their oral statements brief. Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members.

Principle 42

Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record.

Principle 43

In order to expedite the conduct of business, the Chair may invite representatives who wish to express their support for a given proposal to show their hands, in order to be duly recorded in the records of the GAC as supporting statements; thus only representatives with dissenting view or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

ARTICLE XI – THE SECRETARIAT

Principle 44

The Secretariat of the Governmental Advisory Committee shall undertake such administrative, coordination, liaison and research activities as shall be necessary for the efficient functioning of the GAC. The Secretariat shall facilitate communications among the GAC Chair, Vice Chairs, other Officers, the GAC membership and with ICANN. The Secretariat participates in all GAC meetings.

Principle 45

The Secretariat shall be financed by such means as shall be agreed by the GAC members.

ARTICLE XII – PROVISION OF ADVICE TO THE ICANN BOARD

Principle 46

Advice from the GAC to the ICANN Board shall be communicated through the Chair.

Principle 47

The GAC shall work to achieve consensus; however, where consensus is not possible, the Chair shall convey the full range of view expressed by Members to the ICANN Board.

Principle 48

The GAC may deliver advice on any other matter within the functions and responsibilities of ICANN, at the request of the ICANN Board or on its own initiative. The ICANN Board shall consider any advice from the GAC prior to taking action.

ARTICLE XII – RECORDS

Principle 49

Records of the meetings of the GAC shall be in the form of Executive Minutes.

ARTICLE XIII – PUBLICITY OF MEETINGS

Principle 50

The meetings of the GAC shall ordinarily be held in private. The Chair may decide that a particular meeting, or part of a particular meeting, should be held in public.

Principle 51

After a private meeting has been held, the Chair may issue a communiqué to the Media, such communiqué having been approved by the GAC beforehand.

ARTICLE XIV – REVISION

Principle 52

The GAC may decide at any time to revise these Operating Principles or any part of them.

Principle 53

A Member or Members may move, at a meeting, for these Operating Principles to be open to revision. If so moved, the Chair shall call for the movement to be seconded. If so seconded, then the Chair shall call for a vote to support the resolution. The deciding vote may be by ballot, by the raising of cards, or by roll call, and shall constitute a simple majority of the Members who are present at the meeting at which it was moved for these Operating Principles to be revised. If so resolved in favour of a revision of these Operating Principles, then the proposal shall sit for consultation for a period of sixty (60) days. At the next meeting following the sixty days, the Chair shall call for a vote for or against the proposal. The deciding vote may be taken by ballot, by the raising of cards, or by roll call, and shall be a simple majority of the Members who are present at the meeting at which the vote takes place.

ARTICLE XV – GENERAL PROVISIONS

Principle 54

Whenever there is a difference in interpretation between the principles set out in these Operating Principles and ICANN's Articles of Incorporation and Bylaws, ICANN's Articles of Incorporation and Bylaws shall prevail.

Mar del Plata, Argentina, 5 April, 2005