# Agenda Item 24. Independent Secretariat and Other GAC Operational Matters (including GAC Operating Principles, and 2018 GAC Leadership Elections)

## Note: This briefing has been prepared by ICANN support staff.

## A. Issue: Continuing independent secretariat services to the GAC.

## Action required by GAC

## Confirm that the GAC wishes to continue and financially support an independent secretariat function.

## Agree to call for volunteers to establish a small task force to potentially progress the following issues inter-sessionally:

## Assess options for sustainable funding arrangements.

## Draft a public tender process, including a timeline, evaluation criteria and a selection committee.

## Report to the GAC with recommendations within an agreed timeframe.

## Agree on handover arrangements for ACIG’s conclusion of its contract, including to ICANN support staff if other arrangements are not in place.

## Current Position

## ACIG has provided independent secretariat services to the GAC since November 2013. This is done under a contract between ICANN and ACIG. Funding is from GAC members who are donors. Payment is made through a GAC Secretariat Funding Association administered by the Swiss Government and donors. ACIG services continue until 31 January 2019, or earlier by mutual agreement.

## At the San Juan meeting (ICANN 62)

## The GAC Secretariat Donors Association informed the GAC that funding of the Secretariat at 1.0 FTE appears sufficient for services to be provided under the current contract until the end of 2018.

## ACIG (through Tom Dale) informed the GAC that, for commercial reasons, the company will not seek an extension of the contract beyond 31 January 2019. Depending on funding, and the agreement of the GAC Chair, ACIG will provide services until the end of the Barcelona meeting or until the formal end of the contract.

## The GAC leadership and interested GAC members, with the support of existing donors, will form a small task group to identify sustainable funding options to be operational after January 2019 and continue to explore possible ways in which funding from ICANN could be obtained.

## ACIG Secretariat will review and report on other independently funded secretariat arrangements across the ICANN community.

## GAC independent secretariat function

## The services currently provided by ACIG are set out in Attachment 1.

## Secretariat services to other Supporting Organisations and Advisory Committees are provided by ICANN. Successive ICANN CEOs have declined to provide financial support for an independent secretariat function for the GAC, arguing that ICANN staff can provide the necessary services.

## The GAC has supported the concept of an independent secretariat to ensure that public policy aspects of the DNS are identified and analysed with appropriate priority; and that the GAC has access to responsive advisers who are accountable direct to the GAC and are not under pressure from ICANN corporate interests and internal ICANN politics.

## Some groups within the GNSO (Registry and Registrar Stakeholder Groups) do fund small independent secretariats of their own but these are essentially administrative. ICANN has provided support for groups to engage help with, for example, preparing submissions to a public comment process, but this program is no longer funded.

## Process for selecting new provider and funding arrangements

## ACIG was selected to provide services in 2013 following a public tender process developed by a GAC Task Force whose members included New Zealand, the US and the European Commission.

## ACIG has been providing services at the minimum level of 1.0 FTE (Full Time Equivalent) since 1 May 2017. This is a significant reduction from the level of 2.5 FTE that was agreed following the GAC’s initial establishment of the secretariat in 2013.

## The funding model to date has involved significant contributions from the original donor countries (Brazil, Norway and the Netherlands) and additional contributions from a range of GAC members. In previous discussions the GAC has agreed this is not a sustainable model as it does not have an equitable or objectively determined contribution from all GAC members, and contributions are now on a year-by-year basis rather than longer-term.

## Handover arrangements

## Functions currently conducted by ACIG at the level of 1.0 FTE are at Attachment 1.

## It is highly desirable that handover of these functions occur in the lead-up to, and during, the ICANN 63 meeting in Barcelona. It seems unlikely that a new independent secretariat will be in place by then.

## ICANN Org will need reasonable notice if the GAC wishes any or all of the current ACIG functions to be undertaken by ICANN staff, even on an interim basis, as there are obvious resource implications.

## Further Information

## GAC San Juan Minutes - <https://gac.icann.org/minutes/icann61-meeting-gac-minutes>

## B. Issue: GAC Operating Principles

The evolution of the ICANN community to a more “empowered” role after the IANA Transition has prompted individual ICANN Supporting organizations and advisory committees (including the GAC) to examine their operating principles and other processes to assess whether they are “fit for purpose” within this new empowered community structure.

The GAC has made targeted efforts to update its 54 operating principles on an as-needed basis over the last several years, but the current principles are not aligned within a comprehensive organizational structure – they reflect a general list of principles.

Recent changes to the GAC operating principles have tended to be tactical - appropriately focused on short term needs. But as community workloads increase, the pace of work at ICANN quickens and burdens grow on community participants, the absence of an overall structure is revealing process and procedural gaps in the principles as currently structured. The current format of the GAC Operating principles makes it difficult to track certain processes or for some committee members to even reference the appropriate processes for their work.

A new structure for the GAC Operating Principle was in 2017 and the GAC is approaching the next phase of this work.

Upon completion, an evolved operating principle structure that “fills-in-the-gaps” that have and will be further identified will provide organizational continuity, clarity for new participants, a means to help the committee meet new organizational accountabilities and responsibilities and will help the GAC to function more effectively as a fully empowered community structure in the new ICANN environment.

## GAC Action Needed

A new structure for the GAC operating Principles was proposed one year ago. Pursuant to the GAC discussion in at ICANN60 in Abu Dhabi, further GAC discussion are necessary to define a clear approach for addressing the proposed new structure and to make the time to assess and evaluate new operating processes in an ordered manner. AT ICANN 61 the committee will explore options for taking this work forward.

## Current Status of This Topic

During the ICANN 61 meeting in San Juan, GAC members heard a summary of the latest potential recommendations for how to approach the evolution of the GAC Operating Principle in a comprehensive and ordered manner – helping the committee to focus on those issues of highest priority first and moving forward in the work from that point.

Given the priority of supporting committee working group efforts throughout the ICANN organization, it was determined that the best potential area for initial focus would be on principles impacting working group efforts. The GAC leadership has taken on that task and will focus further efforts in that area between the Panama City and Barcelona meetings with hopes of presenting some initial proposals for proposed operating principles prior to the ICANN63 meeting.

## Further Background Information/Details:

* The GAC sets its own Operating Principles
* The first GAC Operating Principles were created in 2004
* The current Operating Principles date back to 2011
* Since 2011, there have been several apparent different iterations of operating principles work efforts
* Over the last three years there have been three targeted amendment efforts:
  + Buenos Aires in 2015 to allow for 5 Vice Chairs
  + Johannesburg in June 2017 to allow for electronic voting
  + New Structure Proposed – March 2017
* Preliminary assessment of a new structure and mapping conducted – July 2017
* Detailed GAC Discussion – Abu Dhabi – November 2017
* Detailed GAC Discussion – San Juan – March 2018

## C. Issue: GAC Leadership Elections/Nomination Period – 2018

**Background**

In 2018, the GAC Chair position and all 5 Vice Chair positions are open for nomination and potential election.

GAC Chair elections are held every two-years. According to the GAC Operating Principles, a GAC Chair is eligible to serve for two consecutive two-year terms. GAC Vice-Chairs (up to 5) elections are held every year. Vice-Chairs are eligible for re-election, however no person may serve as Vice-Chair for more than two consecutive terms.

**Nominations**

* The first step in the election process is a nomination period.
* Potential candidates can only be nominated during the nomination period, either thru self-nomination or thru nomination by a third party on the GAC mailing list.
* Self-nominations or third-party nominations should be made by email to the GAC mailing list – [gac@gac.icann.org](mailto:gac@gac.icann.org).  A nominating email should be clearly titled as a “Chair Nomination” or a “Vice Chair Nomination”. Prospective candidates can only be nominated during the nomination period.

* Individuals nominated by a third party will be asked by ICANN GAC support staff to confirm their acceptance of the nomination and willingness to stand for election – if necessary.  Self-nominations will not require that confirmation.

* The ICANN GAC support staff shall keep track of the nominations in a shared document on the GAC web site.

* The eligibility requirement stated in GAC Operating Principle 22, that GAC Chair and Vice Chair candidates be “accredited representatives”, has in practice been taken to mean GAC Member Primary Representatives, Alternate Representatives and Advisors are eligible for nomination and election to serve as a GAC leader.

**Nomination period**

As per GAC Operating Principle 33, the nomination period shall start during the GAC meeting prior to the election meeting and close 45 days prior to the beginning of the election meeting. It is current practice to make the announcement of the nomination period during the opening plenary session, immediately followed by an email to the GAC list to inform all GAC Members about this opening in a timely fashion. It is also current practice to send out reminders during this period to the GAC list about the opportunity for nominations, typically once a month. No later than 14 days after the close of the nomination period, the list of candidates shall be posted on the GAC website, as per Operating Principle 33. It is current practice to also inform the GAC membership with an email to the GAC list, enumerating the candidates.

For 2018, with an opening on 25 June, **the nominating period will extend through 7 September 2018.**

**2018 Election Eligibility**

The eligibility requirement stated in GAC Operating Principle 22, that candidates be “accredited representatives” has in practice not been taken to mean only Representatives with a capital R – also Alternate Representatives and Advisors have been elected and served in these roles. The current GAC Chair (Manal Ismail) and three of the Vice Chairs (Cherif Diallo, Pär Brumark and Thiago Jardim) are eligible to be nominated for re-election to serve another term.

**Elections by voting or by acclamation?**

At the close of the nomination period, if there is no more than one candidate for Chair, this candidate will be elected by acclamation. Likewise, if there are no more than five candidates for Vice Chair, these candidates will be elected by acclamation. Election by acclamation then formally takes place at the beginning of the next face-to-face meeting. If either or both these conditions are not met, elections will be held by voting for Chair and/or Vice Chairs, as appropriate. As per the Operating Principles, the Chair shall notify the GAC about the situation and which process will be followed.

**Further Information**

GAC Operating Principles - <https://gac.icann.org/operating-principles/operating-principles-june-2017>

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