**Framework of GAC Working Group Guidelines**

*INSTRUCTIONAL NOTE: This draft collaboration document is a tool of the GAC Operation Principles Evolution Working Group. The language presented in this document reflects materials developed by the GAC back in 2016 when the committee was considering the appropriate role and operations of working groups created for specific GAC work efforts.*

*Note that original 2016 language is identified as such and provided in bright blue text. To help keep track of working group member contributions, edits offered should be typed in black text and accompanied by the initials of the contributor set forth in brackets at or close to the end the added or edited text section (e.g., ”[RLH]” for a contribution by Rob Hoggarth). If you plan on making multiple contributions, feel free to select your own personal color of text to show what proposed text you are adding or editing.*

*Language in purple refers to language taken from the GNSO Working Group Procedures.*

*Language in orange refers to language taken from the ccNSO Working Group Procedures.*

***Working group members were originally asked to contribute their suggestions for edits to the existing baseline language and to offer additional draft recommendations by 28 May 2019.*** *Additional editing has continued in June 2019 prior to the ICANN65 public meeting. These draft materials will be discussed in Marrakech among the working group and in a GAC plenary session. After that time, GAC Support Staff will compile the contributions for a follow-up working group conference call to be held in the June/July timeframe.*

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1. **Background**  (Task1)

**Original Language:**

 The Governmental Advisory Committee (GAC) was created under Article XI of the ICANN Bylaws.

*“The GAC should consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANNs policies and various laws and international agreements or where they may affect public policy issues.”[[1]](#footnote-1)*

The GAC has developed its own Operating Principles to govern its operations. Under those principles:

*“The GAC 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 GAC representatives may designate advisers to serve on such committees.”[[2]](#footnote-2)*

Both historically and currently the GAC has made use of this provision in its Operating Principles to establish a range of Working Groups on a range of topics. Currently the GAC has seven active Working Groups.[[3]](#footnote-3)

1. **Purpose of Work**  (Task1)

This guideline is intended to provide guidance for the establishment, organization, operation and closure of GAC Working Groups. This guideline does not intend to dictate how Working Groups conduct their businesses. It should be noted however, GAC Working Groups should follow the procedures set forth in these guidelines where possible. For guidelines with respect to Cross Community Working Groups, Where appropriate, this guideline could be considered for the establishment and operation of Cross Community Working Groups as well.

1. **Formation of a Working Group**
	1. Initiation (Task2)

A WG is established to address a particular issue or topic of concern to the GAC community. Members of the GAC community, members of the GAC may propose a need to create a WG in order to address a particular issue or topic. The expression of need should be sent to the GAC members. Based on the expression of need, the GAC Chair may decide to initiate a WG. As part of the initiation process of WG, the GAC Chair should:

* Define the purpose of the WG
* Appoint a (interim) chair of the WG

If the (interim) chair is not a member of the GAC, appoint a GAC member as liaison

If deemed appropriate, the GAC Chair instructs the secretariat to launch a call for volunteers to the GAC members email list to ask volunteers to join the WG.

* 1. Membership Applications (Task2)

Unless otherwise specified in its Terms of Reference, a GAC Working Group will be maintained open for additional GAC members/observers to join at any point in time through the course of its work. Upon Group initiation, GAC members who are interested in joining the WG should express their interest by responding to the call for volunteers email mentioned above. The responding email could provide information of their expertise, profession etc., as deemed appropriate. After the specified date of the call for volunteers, the secretariat will submit a (initial) list of volunteer names received till the specified date to the (interim) chair and the GAC chair. GAC Support Staffwill keep the list up to date as new participants request joining the Group.

* 1. Election of the Working Group leaders (Task3)

3.3.1 Unless a Chair has already been named by the GAC Leadership, normally two co-chairs will be selected at the first meeting of the WG. A Working Group may elect to have Co-Chairs and Vice-Chairs. Under extraordinary circumstances, ICANN staff may be requested to perform administrative coordination of the WG until such time a Chair can be appointed. Once selected, a Working Group Chair will need to be confirmed by the GAC. If there are any objections to the selected Chair, the WG will conduct a vote to establish whether there is sufficient support for the selected Chair. If not, the Working Group will be requested to reconsider their choice for Chair and return to the GAC with a new proposal.

3.4 Adoption of the Terms of Reference (Task3)

3.4.1. All GAC Working Groups require the following documents to be completed as part of the Working Group initiation process:

1. A Terms of Reference; and
2. A Work Plan.

The templates for these documents can be found at the Appendices to this Procedures document.

Working Groups may also produce a range of other documents, but these will vary depending on the nature of the project or task that the Working Group is undertaking. Upon request the the ICANN GAC Support Team may be able to provide templates or formats to support other work of the Working Group. The Working Group Chair or Co-Chair should actively seek support on this matter from either or both teams by emailing gac-staff@icann.org.

1. **Roles and Responsibilities**
	1. Chair or Co-Chairs (Task4)

The purpose of a Chair is to call meetings, preside over working group deliberations, manage the process so that all participants have the opportunity to contribute, and report the results of the Working Group to the GAC. The Chair should underscore the importance of achieving overall WG Work Plan. The Chair should make it clear that participation on the WG and/or sub-teams is open to all and he/she should encourage representational balance to the degree possible. The Chair should always encourage and, where necessary, enforce the ICANN Standards of Behavior.

To kick off the work of the Working Group, the Chair or Co-Chairs will:

* Ask the ICANN GAC Support team to create a mailing list for the Working Group.
* Ask the ICANN GAC Support team to create an online space (within the GAC website) for the Working Group.
* Send a request to GAC Members, calling for volunteers for Working Group participants.
* Prepare draft Terms of Reference for the Working Group. Circulate these to the Working Group for review, comment and (finally) consensus agreement.
* Send the agreed Terms of Reference to the GAC Leadership Team for comment and/or endorsement.
* Prepare a draft Work Plan for the Working Group. Circulate the work plan to the Working Group for review, comment and (finally) consensus agreement. Balance the time commitments of the members of the Working Group with the need for an outcome, as the work plan is developed.
* Send the agreed work plan to the GAC Leadership Team for comment and/or endorsement.
	1. Vice-Chairs (Task4)
* Working closely with Group’s Chair(s), Group Vice-Chairs are expected to significantly contribute Group’s work, help instigate and facilitate input from Group members, and help advance the work consistent with Work Plan.
* Where deemed appropriate, a Working Group may determine to assign certain work segments to be led by volunteering Vice-Chairs to help distribute workload and advance work efficiently.
* Vice-Chairs may contribute to Group’s draft outputs, briefing summaries and other relevant material as may be required in coordination with Group Chair/s.
* Vice-Chairs will also help ensure Group’s online space is continually updated with the help of ICANN GAC Support team, with a view to ensure transparency, and to help both Working Group members and GAC members be able to follow Group’s work and meaningfully contribute at any point.
	1. Members (Task 5)

Working Group members as a whole are expected to participate, contribute and drive the work of the group. It is the responsibility of the Working Group Members to make sure that any initial drafts represent as much of the diversity of views as possible. This may be done by either asking multiple Working Group Members to contribute text that may be assembled with the help of staff, or for a drafting subgroup to be established to produce such an initial draft. While staff may be asked to help in assembling initial drafts, the Working Group is responsible for driving the work. Member roles and responsibilities include but not limited to:

* Contribute constructive input with ideas and knowledge to the activities of the Working Group;
* Appoint an alternate to attend if the Working Group Member is unavailable, to assure continuity of activity;
* Develop and review Working Group outputs consistent with the Work Plan and as directed by the Working Group/Chair(s) ; and
* Actively and constructively participate in the consensus decision making process.
	1. Liaison (Task5)

A member of the Working Group may be appointed to serve as a Liaison of the Working Group to other working groups, SO/AC, etc. Liaison roles and responsibilities include but not limited to:

* Fulfill the liaison role in neutral manner, monitor discussion and assist and inform the Chair and the Working Group as required.
* Provide the view point, comments or perspectives to other Working Group, SO/AC, etc, as directed by leadership or by consensus of the Working Group.
* Report back to the Working Group on a regular basis on the progress, question(s), queries, or procedure(s) of other Working Group, SO/AC, etc.
	1. Support Staff (Support Staff)
* Support the Chair or Co-Chair in the creation of the Terms of Reference and Work Plan documents.
* Take and maintain the minutes of GAC Working Groups (if directed by the Working Group Chair or Co-Chair).
* Prepare and circulate meeting notifications, agendas, minutes and any other meeting documents.
* Provide assistance to the Co-Chairs in the preparation of written briefings for GAC for each GAC face to face meeting.
* Prepare and/or circulate other relevant documents.Provide support and assistance to the Working Group if requested and with the GAC Chair’s agreement.
* Create a mailing list for the Working Group
* Create an online space for the Working Group (as directed by the Chair or Co-Chair)
* Organize online meeting sessions and forums for meetings (as directed by the Chair or Co-Chair)
* Organize meeting rooms and facilities management for face to face meetings (as directed by the Chair or Co-Chair)
* Communicate the creation of a GAC Working Group to other constituencies (as directed by the GAC Leadership)
* Take and maintain the minutes of GAC Working Groups (if directed by the Working Group Chair or Co-Chair)
* Ensure the Working Group Chair/s is aware of ICANN activities relevant to the activities of the Working Group
1. **Operation of a Working Group**
	1. Workplan (Task 5)

Each GAC Working Group should develop an annual workplan as per Annex B of these guidelines. GAC Working Groups are tasked with a range of important projects and activities, no two of which are the same. It is therefore not feasible to describe each task and how it should be approached in detail. That is the purpose of each Working Group’s Work Plan.

* 1. Meeting (Task 6)
		1. GAC Working Groups should meet as much as possible inter-sessionally at regular intervals, using electronic/teleconferencing mechanisms.  ICANN GAC Support can schedule inter-sessional meetings at the Working Group Chairs request.
		2. GAC Working Groups should generally meet prior to formal GAC meetings. This will ensure that the Working Group Chairs are subsequently able to present their group’s output to the GAC Plenary during the formal meetings.  Ideally this will be in the form of recommendations for a GAC collective decision.
		3. In-person GAC Working Group meetings should not be scheduled at a time that conflicts with a formal GAC session during a face to face ICANN meeting.
		4. If a GAC Working Group wishes to meet in-person during a face-to-face ICANN meeting, the Working Group Chair needs to advise ICANN GAC Support a minimum of 8 weeks in advance. This meets the room and facilities booking deadlines imposed by ICANN.  Requirements such as number of participants, meeting room size, recording (or not), translation (or not), projection (or not), transcription (or not) need to be articulated at this early stage.
	2. Decision-Making (Task 6)
		1. Group members will work together in a spirit of transparency, collaboration, and cooperation to earnestly strive towards reaching consensus outputs. Group Chair/s will work towards facilitating constructive exchange among Group members to reconcile possible different approaches, and to reach outputs that reflect the consensus views of the Group to the most extent possible, taking into account agreed Work Plan and relevant timelines. When varying views prove difficult to reconcile, Group Chair/s will strive to fairly and accurately reflect all views, and where appropriate identify areas where agreement could possibly be reached.
		2. GAC Working Group outputs are not to be considered a GAC consensus document or advice until such time as they have been formally endorsed by the whole GAC and this fact has been recorded by the GAC and by the GAC Working Group Chair.
	3. Reporting to GAC (Task 7)

5.4.1 For each GAC face-to-face meeting, prepare written briefings for GAC about the Working Group’s progress, including next steps and timelines. These are to be provided in a Word format, or similar, that permits them to be readily processed and distributed by the ICANN GAC Support Team as part of the overall briefing pack. Briefings must be finalised at least three weeks prior to the meeting date.

5.4.2 From time to time GAC Working Groups may wish to discuss an issue with all of the GAC during a formal GAC meeting.

* 1. If the purpose of the involvement is only to update GAC members on the progress of the Working Group, then the briefing paper described in point 7 above should suffice;
	2. If the purpose of the involvement is to invite GAC input to a particular issue, question or recommendation by the Working Group, or to seek to make a Working Group output a consensus GAC document, then an appropriate timeslot should be added to the agenda to enable this dialogue. This should be determined at least 8 weeks in advance of the GAC Meeting.
	3. Use of Sub-teams (Task 7)
		1. Where deemed needed, a Working Group may decide to form sub-teams mandated with specific tasks and agreed timeframe, consistent with the Working Group’s agreed Work Plan. The Group’s Chair(s) will seek volunteers and will coordinate with Working Group members to assign lead(s) who will coordinate the work of a formed sub-team.
	4. Final Report (Task 8)

The working group, at its own discretion, may publish an Interim (or draft) Paper, which will contain a review and analysis of the topics it considers relevant, or a draft Statement. The schedule for drafting and decision-making relating to a Position Paper or Statement should be included in the work plan. In developing a working group Position Paper or Statement the working group shall seek to act by consensus. The consensus view of the members of the working group shall be articulated in the paper. If full consensus cannot be reached, the co-chairs will seek to express the range of views of the WG's members.

Such a paper may be circulated to the GAC for comment, or may be published with a view to seeking input from the wider ICANN community and/or relevant stakeholders outside the community.

Any such Interim Paper or Statement must clearly state that it is produced by an internal GAC Working Group and does not represent a consensus GAC view.

After revising an interim Position Paper or Statement, the working group may seek formal GAC endorsement or support for the document. In the event that the GAC does not support or endorse a Position Paper or Statement, the working group may, at its discretion, reconsider and/or revise the Position Paper or Statement.

* 1. Closure of a Working Group (Task 8)

5.7.1 WG Co-Chairs will determine, with the Working Group, when the mission of the Working Group is deemed complete, and advise the GAC Leadership Team accordingly.

5.7.2 If the WG has been inactive for a prolonged period, the GAC Chair or a person designated by the GAC Chair will contact the Chair of the WG, to assess whether the WG should continue its work or needs to be closed.

5.7.3 In the event the Chair of the WG or the person designated by the GAC Chair is of the view the WG needs to be closed, the GAC Leadership Team will be advised to close the WG.

[Alternative 1 for consideration:] GAC Working Groups will be established by a decision of the Plenary for an agreed period of not more than 12 months. At the end of 12 months (or sooner if agreed), Working Groups will cease and the Chair of the Working Group will provide a report of the Group’s work for consideration by the GAC Plenary. Working Groups may continue for a further agreed period of not more than 12 months by a decision of the GAC Plenary.

[Alternative 2 for consideration:] GAC Working Groups will be initiated for terms agreed to by Plenary depending on the issue and the anticipated time necessary to effectively address it. The term of the Working Group, once agreed by Plenary, will dictate in part the terms of reference and timeline by which the Group will complete its activities. The Working Group may request an extension of its term, to be proposed to and agreed to by Plenary.

* 1. Logistics
		1. Session Planning- General Meeting Logistics

The Chair of the WG (with the support of staff) will:

* Implement the agreed work plan via the online workspace, teleconference and/or face-to-face meetings and direct the discussion of the Working Group;
* Convene meetings of the Working Group (both face-to-face and via teleconference) as required. It is up to the Working Group Chairs to initiate meetings, if meetings are necessary, and to ensure meeting notifications, agendas, minutes and any other meeting documents are circulated in a timely fashion;
* Prepare a draft agenda for each teleconference or face-to-face meeting. Circulate to working group for comment and/or endorsement;
* Chair the meetings of the Working Group;
* Take and maintain records of the meetings of the Working Group (or direct others to do so);
* Place all records on the online space for the Working Group (or direct others to do so).
* Use the agreed work plan to manage the activity of the Working Group. Take action to encourage progress if work stalls or slows;
* Share information, draft outputs, draft interim briefings, and other relevant material within the Group, maintaining a positive environment of transparency and collaboration, and encouraging feedback and input from Group members as appropriate;
* As required, appoint liaisons for the Group to other Working Groups within GAC, and/or within ICANN;
* Coordinate with GAC leadership for the appointment, as required, of liaisons for the Group to other groups within ICANN that fall beyond GAC;
* Review documents and outputs of the Working Group;
* Review and amend the work plan as required, in consultation with the Working Group; and
* If assistance is required from ICANN GAC Support team, liaise with GAC Support Staff and the GAC Chair to determine resourcing priorities.
	+ 1. Communication/Collaboration Tools

Each Working Group will have a dedicated mailing list. In addition, WGs will make use of workspaces on the GAC Website. WGs are free to make use of different document formats, but it might be helpful to come to an agreement, in advance, to ensure that all members are able to work with them.

To the extent possible, GAC Working Groups should use their assigned online space to facilitate the exchange of information and views.

* + 1. Translation

ICANN uses the following translation principles: ICANN will provide timely and accurate translations, and move from an organization that provides translation of texts to one that is capable of communicating comfortably with a range of different languages. The translation framework comprises a four-layer system:

* The bottom layer contains those specific documents and publications that address the organization’s overall strategic thinking. They will be translated into an agreed block of languages.
* The next layer contains a class of documents that ICANN undertakes to provide in different languages to allow interaction within ICANN processes by non-English speakers.
* The third layer comprises documents suggested by ICANN staff as being helpful or necessary in ongoing processes; and documents requested by the Internet community for the same reasons. These documents will be run through a translation approval system.
* The top layer is where the community is encouraged to use online collaborative tools to provide understandable versions of ICANN materials as well as material dynamically generated by the community itself. ICANN will provide the technology for community editing and rating, and a clear and predictable online location for this interaction to occur. It will also seek input from the community to review the tools.

English will remain the operating language of ICANN for business consultation and legal purposes.

Every effort will be made to ensure equity between comments made in languages other than English and those made in English. If it is not possible to arrange the release of particular documents in the agreed languages at the same time, then each language will be provided with the same time period in which to make comments.

ICANN will adopt the International Organization for Standardisation’s 639-2 naming system for identifying and labeling particular languages.

1. **Norms**
	1. Participation (Task 9)
	2. Standards of Behavior (Task 10)
		1. GAC Working Groups are expected to follow applicable ICANN Expected Standard of Behavior (<https://www.icann.org/resources/pages/expected-standards-2016-06-28-en>).
		2. Norms, standards of behaviour, or similar guidelines that GAC may adopt in regard to its work will be considered as immediately applicable to GAC Working Groups and sub-teams.

## **Original Language: Conduct of GAC Working Groups**

**Annex A: GAC Working Group Term of Reference Template** (Task 11 )

**Appendix 1: Template - Terms of Reference: Title of WG**

To follow are the Terms of Reference for an internal working group of ICANN’s Governmental Advisory Committee (GAC).

**The focus of the working group will be [provide overview of key focus areas]**

**Objectives**

[provide objectives of WG]

**Working Group Members**

The GAC’s [name of WG] will be chaired/co-chaired by:

* [list name and country].

All GAC representatives and observers are welcome to join the [name of WG]. Working group participants are expected to be able to:

* Demonstrate knowledge or expertise about aspects of the objectives of the working group; and
* Commit to actively participate in the activities of the working group on an ongoing basis.

All participants will be listed in the working group’s online workspace, and on the GAC website.

The working group will be assisted and supported by the ICANN GAC Support team.

**Deliverables and Timeframes**

As a first step the working group should establish and adopt an initial work plan and an associated schedule (timeline). Relevant activities may include:

* [list likely relevant activities of the WG]

The work plan should include the timing and methods for informing the GAC of progress made by the working group. As a minimum, the Chair/Co-Chairs of the working group shall update the GAC about the activities of the working group, and its progress towards meeting its objectives, at each face-to-face GAC meeting. The initial work plan and schedule should be published on the web page of the working group. The Chair/Co-Chairs will be responsible for maintaining and updating the work plan and schedule, and for informing the working group and the GAC Leadership Team of the changes made to the work plan and schedule.

At the discretion of the Chair/Co-Chairs an email list may be established to aid the work of the group. Details of how to subscribe to the email list will be published on the web page of the working group.

**Process for the development of a Position Paper or Statement**

The working group, at its own discretion, may publish an Interim (or draft) Paper, which will contain a review and analysis of the topics it considers relevant, or a draft Statement. The schedule for drafting and decision-making relating to a Position Paper or Statement should be included in the work plan. In developing a working group Position Paper or Statement the working group shall seek to act by consensus. The consensus view of the members of the working group shall be articulated in the paper. If full consensus cannot be reached, the co-chairs will seek to express the range of views of the WG's members.

Such a paper may be circulated to the GAC for comment, or may be published with a view to seeking input from the wider ICANN community and/or relevant stakeholders outside the community.

**Any such Interim Paper or Statement must clearly state that it is produced by an internal GAC Working Group and does not represent a consensus GAC view.**

After revising an interim Position Paper or Statement, the working group may seek formal GAC endorsement or support for the document. In the event that the GAC does not support or endorse a Position Paper or Statement, the working group may, at its discretion, reconsider and/or revise the Position Paper or Statement.

**Annex B: GAC Working Group Workplan Template** (Task 12)

**GAC WORKPLAN TEMPLATE <Insert Name of GAC Working Group>**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **What (Task Name and Description)** | **Who** | **By When** | **Stakeholders** | **Output (ie a Decision or Document of some type)** |
| *Examples:* |  |  |  |  |
| 1. Develop Terms of Reference for WG
 | Fred Jones | Xx/xx/xxxx | GAC CVC, GAC Members, Secretariats of all other SOs and ACs | Document endorsed by GAC |
| 1. Review existing situation (regarding the matter under scrutiny, eg public safety or IGO engagement)
 | Mary SmithPedro RoccaSam Snarly | Xx/xx/xxxx | Relevant stakeholders (regarding the matter under scrutiny, eg Red Cross, Islamic Council, FBI, GNSO, Registries) | Document describing current state of affairs and nature of any problem with that state |
| 1. Research and Develop draft advice for the GAC on the matter under scrutiny
 | Fred JonesSam Snarly | Xx/xx/xxxx | GAC members | Draft advice to circulate for GAC discussion |
| 1. Draft final advice from the GAC on the matter under scrutiny and circulate to achieve consensus
 | Fred Jones | Xx/xx/xxxx | GAC members, GAC Chair and Vice Chairs,  | A documented position of endorsement by the GAC at meeting X |
| 1. Provide advice (on the matter under scrutiny) to the recipient (may be the Board, may be other SO or AC)
 | GAC Chair via Fred Jones | Xx/xx/xxxx | GAC Chair, ICANN Board, ICANN GAC Support Staff, other relevant SOs and ACs | Formal Advice provided to recipient (eg GNSO or ICANN Board) |
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1. ICANN Bylaws [↑](#footnote-ref-1)
2. GAC Operating Principles – principle 27 [↑](#footnote-ref-2)
3. As at 31/08/15 [↑](#footnote-ref-3)