

Preliminary Analysis of GAC Operating Principles

Summary

The purpose of the GOPE Working Group is to study, develop and make recommendations to GAC membership for changes to the current [GAC Operating Principles](#). Following WG deliberations on how to prioritize the review of the GAC Operating Principles, GAC Support Staff was asked to provide the GAC's Operating Principles Review Working Group with a preliminary report outlining:

- Which Articles and Principles may require mere administrative updates, to resolve numbering and formatting issues or to ensure a principle reflects current GAC procedures.
- Which Articles and Principles may require more complex amendments, and so should be subject to the consideration of the Working Group.
- Which Articles and Principles may remain unchanged.

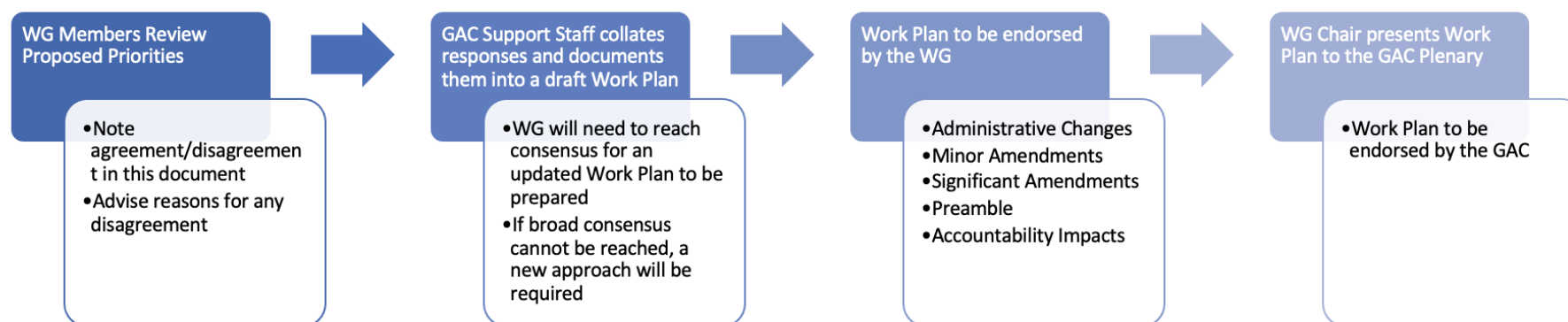
This document provides that information.

The table on the following pages sets out each Operating Principle; some commentary from GAC Support Staff about the Principle; and suggested recommendations for proposed next steps. Each Principle is colour-coded, for ease of reference:

- Where the recommendation is for GAC Support Staff to make an administrative change, which the Working Group can subsequently present to the GAC for endorsement.
- Where the recommendation is for the Working Group to review the principle and to try to reach a consensus position about the principle which it can then present to the GAC for endorsement.
- Where the recommendation is that no change is required.

The right hand column in the table is labelled 'Comments'. Each Working Group member can use that column to outline their own views about this preliminary analysis and recommendations. Please leave a comment (or simply the word 'Agreed') next to EVERY Recommendation. An entry with no comment will be taken/treated as 'Agreed'.

Proposed Next Steps



1. Operating Principles Review Working Group to review GAC Support’s preliminary recommendations for each Principle and note whether it accepts or rejects.

In the tables on the following pages, in the column labelled ‘Comments’ each Working Group member is asked to agree or disagree with preliminary recommendations. Where WG Members disagree, it may be helpful to provide comments explaining why.

During this process Working Group members may find it useful to engage in a discussion or to ask questions using the group’s dedicated email list (gac-op@icann.org).

2. GAC Support Staff will collate the results and present them in summary format to the Working Group. This summary will form the basis of a draft work plan.

The collated results will allow the Working Group to understand:

- Which Principles may be changed directly, as per the recommendations (where the Working Group unanimously supports the recommended administrative change)
- Which Principles the Working Group would rather revise/discuss (where the Working Group does not unanimously support the recommended administrative change)

- Which Principles can remain unchanged (where the Working Group unanimously supports the 'no need for change' recommendations)
- Which other Principles the Working Group will need to discuss and consider (all those left over)

3. The Operating Principles Review Working Group then needs to decide whether to endorse (or not) the draft work plan.

According to preliminary recommendations (see table on following pages for details), the Working Group may consider the following changes:

- Preamble (seek alignment with ICANN Bylaws by GAC Support Staff as first step)
- Principle 6-7 – minor changes required
- Principles 14-17 – likely to be the subject of much debate and discussion (so in the absence of a consensus view, may have to remain unchanged)
- Principle 19 - some work and discussion required
- Principle 21 - some work and discussion required
- Principles 25-26 – minor changes required
- Principle 27 – some work and discussion required
- Principle 31-32 - some work and discussion required
- Principle 34 - 35 - some work and discussion required
- Principle 40 – minor changes required
- Principle 44-48 – some work and discussion required
- Principles 49-51 – minor changes required
- Principle 53 – minor changes required
- Footnote – minor changes required

The Working Group may therefore wish to tackle its review in the following order:

- GAC Support staff to tackle preamble and alignment with ICANN Bylaws for WG review
- Then work to achieve agreed revisions for each of the changes labelled 'minor'
- Then work through each where 'some work and discussion required'

- Then work through Principles 14-18 – which are likely to be the subject of much debate and discussion (so in the absence of a consensus view, may have to remain unchanged)

4. If the Working Group agrees, the work plan will be presented to the GAC for endorsement.

The Working Group will then be able to begin work to achieve agreed revisions to the GAC Operating Principles.

Concurrently, GAC Support staff, in collaboration with the GOPE WG Chair, will make all the amendments that the Working Group has agreed it should undertake. All these ‘minor’ amendments could then be presented to the GAC at once, for endorsement. The Working Group could carry on its subsequent discussions while the initial GAC endorsement process for the minor amendments was underway.

Table of Preliminary Recommendations for WG Review

When submitting input, please only comment in the column called 'Comments'. To provide your input, please insert a comment (or simply the word 'Agreed') next to EVERY Recommendation, including your name and Country.

GAC Operating Principles	Preliminary Analysis	Preliminary Recommendation	Comments from GOPE WG Members (please include Name/Country)
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).	Outdated, written to describe the establishment of ICANN.	WG to rewrite.	Switzerland: correct, but nice to have US: What would the WG rewrite it to? It may be worth having a discussion on the purpose of the provisions that precede the principles. China: Agree that the preamble being updated in accordance with ICANN new bylaw
2. ICANN's functions and responsibilities will affect the functioning of the global Internet.	A statement of fact if written in the present tense.	GAC Support to delete the word "will"	Switzerland: correct, but nice to have US: Agreed Canada: Agreed China: Agree
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	Outdated due to updated ICANN Bylaws.	WG to update text to align with ICANN Bylaws.	Switzerland: Articles of Incorporation remain relevant - not sure why we should align only to the Bylaws US: Consider retaining reference to articles of incorporation as provenance

Internet by performing and co-ordinating functions associated with the technical management of Internet names and addresses.			e.g. “as affirmed in ICANN’s articles of incorporation, the bylaws recognize....” Canada: Important to align with ICANN’s Articles of incorporation. China: Agree
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.	Outdated due to updated ICANN Bylaws	WG to update text to align with ICANN Bylaws.	Switzerland: see prior comment US: See comment above. China: Agree
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.	Outdated due to updated ICANN Bylaws	WG to update text to align with ICANN Bylaws, as per Section 12.2 Specific Advisory Committees section.	Switzerland: has the quoted language changed? China: Agree

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	A statement of fact.	Can leave unchanged.	Switzerland: ok US: Agreed. Canada: Agreed to leave unchanged. China: Agree
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;	Outdated due to new ICANN Bylaws	WG may need to update in order to align with new ICANN Bylaws.	Switzerland: not sure if there is a need to align to ICANN Bylaws - this is the GAC "speaking" US: Agree with the comment from Switzerland. Canada: Agreed with comments from Switzerland and U.S. China: Agree
2. The management of Internet names and addresses must be facilitated by organisations that are global in character.	Outdated due to new ICANN Bylaws	WG may need to update in order to align with new ICANN Bylaws	Switzerland: see prior comment US: Agree with the comment from Switzerland. China: Agree
3. ICANN's decision making should take into account public policy objectives including, among other things: <ul style="list-style-type: none"> secure, reliable and affordable functioning of the Internet, including uninterrupted service and universal connectivity; 	May be slightly outdated due to new ICANN Bylaws	WG to update language to align with new ICANN Bylaws language.	Switzerland: see prior comment US: Agree with the comment from Switzerland. Canada: Agreed with comments from Switzerland and U.S. China: Agree

<ul style="list-style-type: none"> • 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. 			
<p>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.</p>	<p>Some ccTLDs may dispute.</p>	<p>Can leave unchanged.</p>	<p>Switzerland: consider GAC ccTLD principles 2005</p> <p>China: Agree</p>

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.	Uncontroversial	Can leave unchanged.	Switzerland: question is where the "new" functions fit (empowered community; participation in PDPs...) US: In addition to Switzerland's comment: And, further, the operating processes of the GAC to carry out these functions. China: Agree
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.	Uncontroversial	Can leave unchanged.	Switzerland: see prior comment China: Agree
Principle 3 The GAC shall report its findings and recommendations in a timely manner to the ICANN Board through the Chair of the GAC.	Uncontroversial	Can leave unchanged.	Switzerland: ok Canada: Agreed. China: Agree
Principle 4	Uncontroversial	Can leave unchanged.	Switzerland: ok

The GAC shall operate as a forum for the discussion of government and other public policy interests and concerns.			Canada: Agreed. China: Agree
Principle 5 The GAC shall have no legal authority to act for ICANN.	Uncontroversial	Can leave unchanged.	Switzerland: ok Canada: Agreed. China: Agree
Principle 6 The GAC shall meet at least once annually; notwithstanding this designated annual meeting, the GAC shall meet as appropriate.	Only partially reflects current practice.	GAC Support to reword: The GAC shall meet at least once annually and shall usually meet face-to-face and/or virtually three times a year, concurrently with ICANN's Public Meetings.	Switzerland: staff text is a good basis US: It may be worth discussing the wording around ICANN meeting formats (e.g. face-to-face, hybrid, virtual) as they cut across several principles. China: Agree
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.	Does not reflect current practice. How will the GAC demonstrate that 1/3 of current membership concurs with a proposal to convene a meeting?	WG to consider changing the wording: Additional meetings may be convened on the initiative of the Chair, at the request of a Member or at the request of the ICANN Board, if the GAC agrees.	Switzerland: disagree with staff proposal: IMO the one third requirement applied to requested meetings by a Member or the Board - don't think that has caused any issues China: Agree
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	Uncontroversial	Can leave unchanged.	Switzerland: ok China: Agree

by email or any appropriate means as approved by the GAC.			
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 meeting date. This notice may be issued by email or any appropriate means as approved by the GAC.	Uncontroversial.	Can leave unchanged.	Switzerland: ok US: See comment on principle 6, above. China: Agree
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 meeting date. This notice may be issued by email or any appropriate means as approved by the GAC. 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.	Uncontroversial	Can leave unchanged.	Switzerland: ok US: See comment on principle 6, above. China: Agree
Principle 11 In addition to face-to-face meetings, meetings and discussions may be conducted online via secure communications. "Online" may include email, web-based communications, and	Uncontroversial	Can leave unchanged.	Switzerland: what is "secure communications"? US: See comment on principle 6, above. China: Agree

teleconferences platforms (that can be accessed by all Members)			
Principle 12 A proposed agenda for the meeting shall be communicated to GAC Members and Observers prior to the meeting.	Reflects current practice.	Can leave unchanged	Switzerland: ok US: Agreed. Canada: Agreed. China: Agree
Principle 13 Requests for items to be included in the agenda of a forthcoming meeting shall be communicated to the GAC Chair in writing, which may include by email.	Reflects current practice.	Can leave unchanged.	Switzerland: ok US: Agreed. Canada: Agreed. China: Agree
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	This Principle states that "Members of the GAC shall be national governments, multinational governmental organisations and treaty organisations, and public authorities..." This potentially contradicts Principle 15 which states "Multinational governmental organisations and treaty organisations, may also participate as observers..." The words 'members' and 'observers' have a particular meaning within the GAC, which is partially clarified in Principal 15. Principle 14 may need to be reworded in order to minimise	WG may wish to reword to avoid mention of "member" which may cause confusion between voting and non-voting members	Switzerland: check relevant Bylaws text which is relevant for this principle: 12.2a)ii) "(ii) Membership in the Governmental Advisory Committee shall be open to all national governments. Membership shall also be open to Distinct Economies as recognized in international fora, and multinational governmental organizations and treaty organizations, on the invitation of the Governmental Advisory Committee through its Chair." The current text represents a delicate solution...

or treaty organisation, and whose primary function with such government, public authority or organisation is to develop or influence governmental or public policies.	confusion. Principle 17 might also need to be reworded to add further clarity.		<p>Canada: Agree with comment from Switzerland and checking Bylaws language. Suggest leaving unchanged.</p> <p>China: Agree to rewording the expression. Need more clarification of the definition of GAC member.</p>
<p>Principle 15</p> <p>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.</p>	<p>This principle does not reflect current practice and, within the GAC, has been the subject of much debate. At least two multinational governmental organisations are GAC members, with voting rights (see Principle 16)</p> <p>Further clarity on “Members” and “Observers” might be required prior to this principle to avoid confusion.</p>	<p>WG should decide whether or not to amend this principle to reflect current practice.</p> <p>If the WG decides to amend this principle, it must develop and agree on a replacement text to take to the GAC for endorsement.</p>	<p>Switzerland: check Bylaws text which is relevant for this principle.</p> <p>China: At least two multinational governmental organisations are GAC members. One is perhaps EU, what is the other one? Request GAC support staff to propose the rewording language.</p>
<p>Principle 16</p> <p>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.</p>	<p>This principle does not reflect current practice and, within the GAC, has been the subject of much debate. At least two multinational governmental organisations are GAC members, with voting rights</p>	<p>WG must decide whether or not to amend this principle to reflect current practice.</p> <p>If the WG decides to amend this principle, it must develop and agree on replacement text to take to the GAC for endorsement.</p>	<p>Switzerland: Staff assessment is somewhat confusing as Principle 14 and the Bylaws allow membership by multinational organisations...</p> <p>US: Agree with comment from Switzerland</p> <p>Canada: Agree with comment from Switzerland.</p> <p>China: One option is that an annex is added to the OP listing members and observers.</p>

<p>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.</p>	<p>Reflects current practice but uses the terms ‘membership’ and ‘members’ in a potentially confusing way. As noted previously, the words ‘members’ and ‘observers’ have a particular meaning within the GAC.</p>	<p>WG may wish to reword:</p> <p>The phrase ‘GAC Members’ refers to national governments, [multinational government organisations] as well as distinct economies as recognised in international fora. The phrase ‘GAC Observers’ refers to International Government Organisations and entities other than national public authorities which participate in the GAC but which do not have voting rights. The phrase ‘GAC Representatives’ refers to the accredited representative/s of GAC Members and GAC Observers.</p> <p>Organisations eligible to become GAC Members or GAC observers may join the GAC at any time by sending to the GAC Chair a formal request to join, including the name and contact details of their accredited representative/s. The list of current Members and Observers, along with their accredited representatives, shall be updated regularly and be posted online.</p>	<p>Switzerland: see above</p> <p>China: see above</p>
<p>Principle 18 Representatives of invited UN Inter-governmental Organisations, non-member public authorities and other relevant entities may attend</p>	<p>Reflects current practice.</p>	<p>Can leave unchanged</p>	<p>Switzerland: ok</p> <p>China: agree</p>

meetings of the GAC as observers, at the discretion of the Chair.			
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.	Reflects current practice but does not deal with remote participation at meetings.	GAC Support proposes to reword: If a Member's accredited representative, or alternate representative, is not physically or electronically (via remote participation) 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.	Switzerland: "presence" under current Principle 19 may include "remote" presence, which would make the change unnecessary US: See comment on principle 6, above. China: Agree
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.	Reflects current practice.	Can leave unchanged.	Switzerland: ok US: Agreed. Canada: Agreed. China: Agree
Principle 21 If the GAC moves to require additional officers other than the Chair, then five (5) Vice-Chairs shall be elected from among the Members. To the extent possible, the Vice-Chairs should	Almost reflects current practice. There may be fewer than five nominations for Vice Chair positions.	GAC Support to reword: If the GAC moves to require additional officers other than the Chair, then up to	Switzerland: ok (thought this had been adopted already) China: Agree

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.		five (5) Vice-Chairs shall be elected from among the Members...	
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.	Reflects current practice.	Can leave unchanged.	Switzerland: ok US: What does "Article IX" refer to? China: Agree
Principle 23 The GAC may designate other officers as necessary.	Reflects current practice.	Can leave unchanged.	Switzerland: ok Canada: Agreed. China: Agree
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	Reflects current practice.	Can leave unchanged.	Switzerland: ok Canada: Agreed China: Agree

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 five (5) 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.	Potential for procedural confusion. GAC Support assumes that the GAC would not wish to hold a formal election merely to select an interim Chair for one meeting or part of one meeting. Would it be more straightforward for the GAC Chair to select someone to stand in? Reference to five Vice Chairs also confusing, given that Principle 21 may be changed to reflect the current practice of having up to five Vice Chairs.	WG may wish to reword: If the Chair is absent from any meeting or part thereof, one of the Vice-Chairs shall perform the functions of the Chair. If no Vice-Chairs were elected or if no Vice-Chair is present the GAC Chair shall select an interim Chair for that meeting or that part of the meeting.	Switzerland: to be considered in detail China: Agree
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.	Potential for procedural confusion in the final sentence. GAC Support assumes that the GAC would not wish to hold a formal election merely to select an interim Chair to perform functions pending the election of a new Chair.	WG may wish to reword: 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 select an	Switzerland: not sure if needed US: It is unclear what Article XI refers to. China: Need a procedure to designate an interim Chair

		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.	Reflects current practice. However the WG may wish to draft additional principles which refer specifically to GAC working groups and sub-committees, although without going into a level of detail unnecessary for a set of operating principles, noting the existence of the GAC Working Group Procedures document - updated by the GOPE WG.	Can remain unchanged. WG may wish to draft additional principles which refer specifically to GAC working groups and sub-committees, without unnecessarily overlapping with the GAC Working Group Procedures document.. Additional principles may address, for example: <ul style="list-style-type: none"> • What constitutes a WG quorum • Development and endorsement of Terms of Reference; • Requirement for a work plan; • Requirement for finite review points where the GAC agrees that the activities of the WG are to continue or cease. 	Switzerland: not sure there is need US: In the interest of streamlining, consider consolidating all chair <i>authorities</i> into a single principle. China: Agree
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,	Reflects current practice.	May remain unchanged.	Switzerland: ok US: Agreed. Canada: Agreed.

submit questions for decisions, announce decisions, rule on points of order and subject to these rules, have control of the proceedings. The Chair may also call a speaker to order if the remarks of the speaker are not relevant.			China: Agree
Principle 29 The Chair, with the consent of the meeting, may limit the time allowed to each speaker.	Reflects current practice.	Can leave unchanged. Consider clarifying “consent of the meeting” to note who is providing consent.	Switzerland: ok US: Agreed. Canada: Agreed. China: Agree
Principle 30 The Chair shall not normally have voting power; however in the event of a tie, the Chair shall have a casting vote.	Reflects current practice.	Can leave unchanged.	Switzerland: ok US: Agreed. Canada: Agreed. China: Agree.
Principle 31 Elections for the GAC Chair shall take place during the final meeting of every second year unless the Chair can no longer perform the functions of the office before the end of a current two (2) year term of office. If the Chair can no longer perform the functions during the first year in the office, an election shall be organized for the remaining term in the office during the next GAC meeting. If the Chair can no longer perform the functions during the second year in office, the GAC shall decide	The first paragraph reflects current practice. The second paragraph does not reflect current practice. It would be impractical to hold an additional election simply to replace a Vice Chair.	Paragraph one to remain unchanged. GAC Supportto reword paragraph two: Elections for the five Vice Chairs shall normally take place during the final meeting of the year. If one or more Vice Chairs can no longer perform the functions before the full term has finished, that Vice Chair office shall remain vacant until the regular elections are held.The results of each election	Switzerland: reasonable basis China: Agree

<p>which of the Vice Chairs should replace the Chair until the regular elections are held.</p> <p>Elections for the five Vice Chairs shall normally take place during the final meeting of the year. If Vice Chair can no longer perform the functions before the full term has finished, new elections shall be organized for the remaining term in the office during the next GAC meeting. The results of each election shall formally be announced at the end of any meeting in which an election has taken place, and shall take effect at the end of the next GAC meeting.</p>		<p>shall formally be announced at the end of any meeting in which an election has taken place, and shall take effect at the end of the next GAC meeting.</p>	
<p>Principle 32</p> <p>In the event of a single nominated candidate for the position of Chair, he or she shall be elected by acclamation. If there are more than one candidates for the position of Chair, or more than five (5) candidates for the positions of Vice Chairs, an election will be held. For elections, the candidate or candidates with the most votes shall be elected to the position(s) that he or she has stood for.</p> <p>In case of a tied ballot an additional ballot shall be held restricted to the relevant candidates after an interval of at least one hour since the last vote.</p>	<p>The first paragraph reflects current practice.</p> <p>The second paragraph reflects current practice.</p> <p>The third paragraph reflects current practice but the GAC has agreed in the past (during discussions in 2015) that elections would be more efficient if online voting tools were used.</p> <p>changes leave open the actual method used to cast votes, giving the GAC election process more flexibility.</p> <p>Proposed changes use the text that was agreed in 2015 in relation to online</p>	<p>Paragraph one can remain unchanged.</p> <p>Paragraph two can remain unchanged.</p> <p>GAC Support reword paragraph three:</p> <p>Throughout the process, the election's outcome shall be valid if more than ⅓ of GAC Members [or if more than ⅓ of GAC Membership] participate in the voting process. In case of an additional voting round, only GAC Members present at the face-to-face meeting and/or electronically can participate.</p>	<p>Switzerland: to be considered in detail</p> <p>China: Agree</p>

Throughout the process, the elections outcome shall be valid if more than ⅓ of the GAC Members participate in the voting. In case of an additional voting round, only GAC Members present at the face-to-face meeting can participate.	voting, but for various procedural reasons was never endorsed by the GAC. Additional minor edits suggested for grammatical reasons.		
Principle 33 Nominations for candidates to the official position of Chair and/or Vice Chair of the GAC shall normally start during the GAC meeting which precedes the meeting in which the confirmation is due to take place. In any event, the nomination procedure will close 45 days before the start of the meeting at which the confirmation of appointment is due to take place and a list of candidates should be posted on the GAC website within 14 days. In the event that there are more candidates than positions available, the GAC Chair will notify members that an election will be organized in accordance with principles 34 to 36 of this document.	Reflects current practice.	Can leave unchanged.	Switzerland: ok US: Agreed. Canada: Agreed. China: Agree
Principle 34 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 voting done in person, or ballots transmitted electronically. The	Reflects current practice. Proposed minor edit to reflect that elections are carried out by GAC Support Staff.	GAC Support to reword: For elections, votes shall be taken by secret ballot. It will be a matter for each voting Member to decide if they wish to	Switzerland: not sure if needed China: Agree

GAC Secretariat will organize the voting procedure and count the votes under the supervision of the Chair or Vice Chairs who do not stand for re-election.		make his or her choice public. This includes voting done in person, or ballots transmitted electronically. GAC Support Staff will organize the voting procedure and count the votes under the supervision of the Chair or Vice Chairs who do not stand for re-election.	
<p>Principle 35</p> <p>The voting process must be secure, fair, independent and transparent. Details of the voting process must be communicated to Members at the time when nominations for candidates are finalised and announced (Principle 33). Votes may be cast using any secure mechanisms the GAC deems appropriate, including secure online voting mechanisms. Elections shall be valid if more than 1/3 of the GAC Members participate in the voting (Principle 32). The GAC Secretariat will facilitate the election process.</p> <p>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 the meeting, or as designated by the GAC Representative. The ballot papers will be deposited into a ballot box placed in the conference room.</p>	Reflects current practice but GAC Support suggests minor change to reflect the GAC Support Staff role in supporting elections.	<p>GAC Support to reword:</p> <p>The voting process must be secure, fair, independent and transparent. Details of the voting process must be communicated to Members at the time when nominations for candidates are finalised and announced (Principle 33). Votes may be cast using a secure online voting mechanism, or by any other mechanism the GAC deems appropriate. GAC Support Staff will facilitate the election process.</p> <p>Where Members have noted they are unable to attend in person prior to the meeting (Principle 36), the GAC Secretariat will communicate the appropriate procedure and time limits for electronic voting.</p> <p>Where votes are cast in person, for example in the case of a tied ballot, GAC Support Staff will distribute ballot papers to Members' accredited representatives at that meeting, and</p>	<p>Switzerland: not sure if needed</p> <p>China: Agree</p>

		arrange for a ballot box to be placed in the conference room.	
Principle 36 All Members shall be provided with the opportunity to cast their votes, starting up to 21 days prior to the relevant meeting. Voting shall also remain possible during the first two days of the relevant meeting. Votes shall then be tallied, and the results announced before the final day of the relevant meeting. In the case of a tie, refer to Principle 32. Any Member from whom a vote has not been received within the above-mentioned time-limit shall be regarded as not voting.	Reflects current practice.	May remain unchanged. Every GAC Member is entitled to one vote. Members with more than one Representative are only entitled to one vote and the GAC Member shall choose which of its accredited representatives shall vote. 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, or in person during the meeting for which votes are accepted, shall be regarded as not voting.	Switzerland: ok US: Agreed. Canada: Agreed. China: Agree
Principles 37, 38 and 39	No principles are listed for these numbers. The numbering skips straight to Principle 40.	GAC Support to resolve formatting problems by renumbering the subsequent Principles.	Switzerland: do we know when these principles became void? China: Agree
Principle 40 One third of the representatives of the Current Membership with voting rights shall constitute a quorum at any	Paragraph one reflects current practice.		Switzerland: to be considered China: Agree

<p>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.</p> <p>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.</p>	<p>For the sake of comparison with other SOs/ACs: ALAC, GNSO and ccNSO declare a quorum at 50%. The ccNSO has acknowledged that the 50% quorum figure presents potential procedural problems as the group gets larger.</p> <p>Paragraph two does not reflect current practice.</p>	<p>WG may decide to delete paragraph two entirely.</p> <p>If not, mention of GAC Secretariat should be replaced by GAC Support Staff.</p>	<p>US: There are several items included in one principle here.</p>
<p>Principle 41</p> <p>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.</p>	<p>Reflects current practice.</p>	<p>Can leave unchanged.</p>	<p>Switzerland: ok</p> <p>US: Agreed.</p> <p>China: Agree</p>
<p>Principle 42</p> <p>Representatives should make every effort to avoid the repetition of a full</p>			<p>Switzerland: ok</p>

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.	Reflects current practice.	Can leave unchanged.	US: Agreed. China: Agree
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.	Reflects current practice.	Can leave unchanged.	Switzerland: ok US: Agreed. China: Agree
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, GAC Members and Observers and with ICANN. The Secretariat participates in all GAC meetings.	Reflects current practice, although wording refers to "GAC Secretariat" rather than GAC Support Staff.	WG to update language to replace "GAC Secretariat" with "GAC Support Staff"	Switzerland: not sure if needed - support staff performs the "GAC Secretariat" function... China: Agree

<p>Principle 45 The Secretariat shall be financed by such means as shall be agreed by the GAC members.</p>	Does not reflect current practice.	<p>WG Members to review language to either:</p> <ul style="list-style-type: none"> Note GAC Support Staff is provided by ICANN; or Deleting principle 45 altogether 	<p>Switzerland: should keep this option open</p> <p>China: Can be deleted</p>
<p>Principle 46 Advice from the GAC to the ICANN Board shall be communicated through the Chair.</p>	Does not reflect current practice.	<p>WG may wish to consider revising this principle along the following lines:</p> <p>Advice from the GAC to the ICANN Board shall be communicated in writing, usually via a public communiqué but sometimes via correspondence from the GAC Chair, on behalf of the GAC, to the ICANN Board. All such advice will be approved by the GAC before being communicated.</p>	<p>Switzerland: check what is the formal delivery form in BGIG?</p> <p>US: This principle may be broad enough to cover current practice; worth discussion. The words “sometimes” and “usually” introduce ambiguity.</p> <p>China: Agree</p>
<p>Principle 47 The GAC works on the basis of seeking consensus among its membership. Consistent with United Nations practice^[1], consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection. Where consensus is not possible, the Chair shall convey the full range of views expressed by members to the ICANN Board.</p>	<p>Reflects current practice.</p> <p>The footnote which provides the UN definition of consensus currently falls at the end of the Principles document.</p> <p>ICANN Bylaws define “GAC consensus advice” in terms consistent with this Operating Principle.</p>	<p>WG may wish to consider <i>how</i> the Chair shall convey the full range of views.</p> <p>WG may also wish to consider whether the UN definition of consensus should remain as a footnote, or whether it should be incorporated into the body of this principle.</p>	<p>Switzerland: not sure about need to open up this issue</p> <p>US: No change needed.</p> <p>Canada: Suggest no change. Agree with comments from the U.S. and Switzerland.</p> <p>China: Keep as footnote or endnote</p>

<p>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.</p>	<p>What advice the ICANN Board shall and shall not consider is set out in the ICANN Bylaws. The GAC principles have no effect on the actions of the ICANN Board.</p>	<p>WG may wish to consider revising this principle by deleting the last sentence:</p> <p>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.</p>	<p>Switzerland: consider Section 12.3. Bylaws: "Each Advisory Committee shall determine its own rules of procedure and quorum requirements; provided that each Advisory Committee shall ensure that the advice provided to the Board by such Advisory Committee is communicated in a clear and unambiguous written statement, including the rationale for such advice. The Board will respond in a timely manner to formal advice from all Advisory Committees explaining what action it took and the rationale for doing so."</p> <p>China: Can leave unchanged</p>
<p>Principle 49 Records of the meetings of the GAC shall be recorded in an appropriate form and be available online, except under exceptional circumstances.</p>	<p>Only partially reflects current practice.</p>	<p>WG may wish to consider revising this principle along the following lines:</p> <p>Records of the meetings and activities of the GAC and its Working Groups shall be recorded in an appropriate form (including Executive Minutes, Communiques, Agenda, Briefings, emails and correspondence) and these records shall be available online to GAC Members in an easily accessible format reflecting ICANN best practice for document translation.</p>	<p>Switzerland: not sure if the change is needed</p> <p>US: Agreed; the existing principle seems broad enough to cover the proposed amendments. May be worth covering translation of materials in a separate principle.</p> <p>China: Agree</p>
<p>Principle 50</p>			<p>Switzerland: agree</p>

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.	Does not reflect current practice.	GAC Support to reword: The meetings of the GAC shall ordinarily be held in public. The Chair may decide that a particular meeting, or part of a particular meeting, should be held in private.	US: Agree, though it is worth discussing when meetings should be private. Canada: Agreed. China: Agree
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.	Partially reflects current practice.	WG may consider deleting this principle, and relying instead on Principle 46.	Switzerland: worth reflecting on this US: Agreed. China: Agree
Principle 52 The GAC may decide at any time to revise these Operating Principles or any part of them.	Reflects current practice.	Can remain unchanged.	US: Principles 52 and 53 could be revisited together. China: Agree
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 hands, by roll call, or by using an online voting mechanism 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. Physical presence at the meetings is required for eligibility to vote. If so resolved in favour	Reflects current practice. Redundancy of physical presence requirement. No mention of participants who are attending remotely - which may need to be incorporated.	WG may wish to revise this principles simply to include the option online presence 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 hands cards, or by roll call, or by using an online voting mechanism and shall constitute a simple majority of the Members who are	Switzerland: could be a basis US: See comment above. China: Agree

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 hands, by roll call, or by using an online voting mechanism and shall be a simple majority of the Members who are present at the meeting at which the vote takes place. Physical presence at the meetings is required for eligibility to vote.		present (physically and/or online) 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 hands, cards, or by roll call, or by using an online voting mechanism and shall be a simple majority of the Members who are present (physically and/or online) at the meeting at which the vote takes place. Physical/online presence at the meetings is required for eligibility to vote.	
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.	Reflects current practice.	Can remain unchanged.	US: Agree. Canada: Agreed. China: Agree
Footnote In United Nations practice, the concept of "consensus" is understood to mean			Switzerland: not sure if we need to touch this

the practice of adoption of resolutions or decisions by general agreement without resort to voting in the absence of any formal objection that would stand in the way of a decision being declared adopted in that manner. Thus, in the event that consensus or general agreement is achieved, the resolutions and decisions of the United Nations meetings and conferences have been adopted without a vote. In this connection, it should be noted that the expressions “without a vote”, “by consensus” and “by general agreement” are, in the practice of the United Nations, synonymous and therefore interchangeable.	This footnote currently falls at the end of the Principles document.	WG may wish to consider incorporating this footnote into Principle 47.	<p>US: Agree with comment from Switzerland.</p> <p>Canada: Agree with comments from U.S. and Switzerland, might be best to leave as is, unchanged.</p>
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Document Administration

Title	Analysis of GAC Operating Principles
Distribution	GAC Operating Principles Review Working Group