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ICANN73 | Virtual Community Forum - GAC Operating Principles WG Update  
Tuesday, March 8, 2022 - 10:30 to 11:15 AST

JULIA CHARVOLEN: This session will begin. May I ask the tech team to start the recording?

Welcome to the ICANN73 GAC sessions on the Operating Principles Working Group followed by discussions on Work Stream 2 matters on Tuesday 8 of March at 14:30 UTC.

We will not be doing a roll call today for the sake of time. The GAC members' attendance will be available in the annex of the GAC communique and minutes. May I remind members in attendance to indicate their attendance by updating participant name to reflect their full name and affiliation. To ensure transparency of participation in ICANN's multistakeholder model we ask that you sign into the Zoom sessions using your full name. You may be removed from the session if you do not sign in using your full name.

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With that I would like to leave the floor to GAC Chair, Manal Ismail.

Over to you, Manal. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Julia. Welcome back, everyone. We will be using the coming 90 minutes to receive updates from two working groups. First, GAC Operating Principles Evolution Working Group in relation to the GAC Operating Principles review, and second from the GAC Human Rights and International Law Working Group in relation to Work Stream 2 implementation.

Time will be split 45 minutes each and we will be starting by the GAC Operating Principles evolution, and this working group is co-chaired between Guo Feng, co-chair of the GAC Operating Principles Evolution Working Group, and also GAC representative of course of China, and I grasped this opportunity to also share with you that Ian Sheldon, GAC

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representative of Australia, has helpfully volunteered to co-chair the working group so thank you very much Ian for lending a hand here.

And the working group is supported by Rob and Benedetta, so again thanks everyone. It's a huge exercise. It's an important one. It governs our working mechanism so I hope everyone will, will try to provide feedback and keep a close eye on this exercise so that we can have the outcome we are seeking. So with that, and without any further ado I'm handing this over -- is it you, Feng, getting us started? Or Ian? Please let me know.

**BENEDETTA ROSSI:** I believe the opening remarks are from Ian and Feng, so I will leave it up to them to decide who is starting.

**MANAL ISMAIL, GAC CHAIR:** Good to hear from both. Who will be starting?

**IAN SHELDON:** Good morning. I might jump in, Manal. I just wanted to be brief and say thank you for the warm welcome, and it's an absolute honor to take on this co-chair role of an important working group like this. I see the work of this working group as incredibly foundational to the work of the GAC, and I hope to do my best to lead this to a successful and agreeable outcome.

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So I might hand over to Guo Feng to check whether he had any opening remarks before we hand back to Benedetta to take us through the agenda. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Ian, and thank you for your willingness to dedicate time and effort for this important exercise. Do we have Feng on the call or -- so, thank you, Feng, for letting us know. Feng is having some audio problems, so I think until the technical problem is resolved maybe I hand over to Benedetta for the agenda. Please Benedetta, go ahead.

BENEDETTA ROSSI: Thank you, Manal and Ian. So as you can see on the screen we have the agenda for today's meetings. So we've just gone through the opening remarks and that will be followed by a quick background and overview of the GAC Operating Principles Evolution Working Group, and update on recent working group activities.

The updated working group Work Plan for adoption, and then the review of the framework for GAC working group guidelines and followed by next steps and then a quick discussion and comments from GAC members, and then any other business. The I'll just pause here to see if there are any comments or questions on the agenda before we turn to the next item? Thank you. Actually I see Feng is attempting to re-connect so hopefully we will have him back shortly. I don't see any

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comments or hands in Zoom room so, Ian, is it okay to move to the next agenda item?

IAN SHELDON: Yes, please do so.

BENEDETTA ROSSI: Thank you. Next slide, please. Thank you very much. So in terms of the background and overview we thought it would be useful to just quickly review the background of the GAC Operating Principles Evolution Working Group since the group is preparing itself to commence its review of the operating principles later this year. So the terms of reference for this working group for those who may be new -- or weren't plugged in at the time were approved by the GAC in Kobe, Japan in 2019, and the purpose of the working group is to study, develop and make recommendations to the wider GAC for potential changes to the current GAC Operating Principles.

So this working group is therefore not a decision-making body for the GAC but is designed to offer potential recommendations to the GAC as a whole to review and decide upon. I believe I might be having audio issues. I see that my messages are flying up. Julia, is there a problem with my audio?

JULIA CHARVOLEN: There is apparently a cracking sound.

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BENEDETTA ROSSI: Is it distracting or is it okay? I'm not sure how to change that at this time.

JULIA CHARVOLEN: Sounds fine to me. It's more for interpreters. Let me check with them.

BENEDETTA ROSSI: Thank you. I'm very sorry about that.

GUO FENG: Can you hear me now?

BENEDETTA ROSSI: And I see that we have Feng back. Yes, we can hear you, Feng.

GUO FENG: Thank you very much. Great. Okay.

BENEDETTA ROSSI: As I was saying, as part of the approved terms of reference the GAC recognizes development of those recommendations will then come from active discussion between the working group members. This is to say basically that there is no decisions taking place at the operating -- GAC Operating Principles Evolution Working Group level but there will be developing recommendations to be made to the wider GAC as outlined in the terms of reference.

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I'm just posting them for you in the chat so you can refer to them in case you'd like to further review the approved terms of reference.

That's all we had in terms of background and overview. So I'll just pause here to see if there are any comments or questions on this. Otherwise, I believe that I'm turning it over to Feng for the next agenda item.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Benedetta. I don't see any requests for the floor, so Feng, welcome Feng, and glad you managed to resolve the technical problem. Over to you Feng, please.

GUO FENG: Thank you, Manal. And this is Feng speaking from China. Sorry for the technical problem. Before we going to next slide I think take this opportunity very briefly, I would like to take this opportunity to once again thank Ian Sheldon in Australia who voluntarily takes the position of co-chair, co-chair and many thanks also goes go to GAC members and the working group members who have been contributing to the process of GOPE working group. Hopefully we can have productive discussion and decision.

So this slide is about the update on the recent GOPE working group activities. As you may know, the GOPE working group continue its activities after ICANN72 identifying priority areas for the working group

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to focus on. We have had two working group conference calls, inter-sessionally in preparation for ICANN73. And following an extended vacancy the working group appointed a new co-chair in Ian Sheldon, Australia. GOPE working group members agreed to tackle the finalization of the framework of working group guidelines prior to delving into review of GAC Operating Principles and also the working group plan. The Work Plan was updated to reflect and the updated timeline and the priorities identified by the working group.

The Work Plan, current version, was circulated with GAC membership to review prior to this session. Our group members began reviewing the framework for GAC working group guidelines providing initial input and potential edits. Specific areas for discussion with broader membership were identified and last, the working group agree to seek input from existing working group co-chairs to identify potential missing areas, and receive feedback on the draft. So take this opportunity we want to call on GAC working group co-chairs to participate in the discussion of our working group guidelines because this is very important guidelines for each of the GAC working group so we want to send e-mails out after the session to seek your input to engage you to -- in this discussion.

So I, I pause here to see if there is any questions or comments? If no, I think we can go to the next agenda item. Over to you, Ian.

IAN SHELDON:

Thank you, Feng. So I believe the Work Plan should have been circulated to all GAC members to have a look at. Our prior draft on the



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Work Plan set a completion of this group's work by November of this year, but I believe some members felt that this wouldn't provide appropriate time to give to do consultation consideration, so following feedback from the group the Work Plan has been revised to factor in a more thorough and consultative approach which aims to complete this group's work by October 2023.

So in short, I suppose the working group was to initially focus on finalizing the updated framework for the GAC work group guidelines. Once this is completed the working group will commence the review of the operating principles with a view to finalize the framework by ICANN74 before commencing work on the operating principles in earnest post ICANN74.

As I mentioned the Work Plan concludes at the end of 2023 with the estimated delivery date of the final recommendations for an update to the GAC Operating Principles in October 2023 or ICANN 78.

I might pause here to see if there are any questions on the Work Plan? I think it's appropriate to agree the Work Plan at this point in time, understanding that we can make changes as we go, and as we continue to unpack the operating principles in more details. I might just pause here to see if there are any questions?

MANAL ISMAIL, GAC CHAIR: Thank you very much, Ian. The Work Plan seems very reasonable to me. I'm also reading Nigel, U.K. in the chat saying Work Plan seems very reasonable and Susan from U.S. supporting the revised Work Plan as

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well. So any objections? Shall we take silence as agreement? Feng, please go ahead.

GUO FENG:

Thank you, thank you, Ian. This is Feng speaking, China. This -- I think this version, this version of this Work Plan reflects views expressed by working group members and Ian and I like to take this opportunity to ask members once again to provide edits and ask GAC members to consider adoption of this Work Plan, so with that we can have a road map for the future work. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Feng, and just to recognize additional support in the chat from Jorge Switzerland, Finn, Denmark also agreeing with the Work Plan saying it's a good job. And Pär, GAC representative of Niue and vice chair also agreeing and hearing no objections I think we're good to proceed with the Work Plan. Thank you, Feng and Ian. Back to you.

GUO FENG:

Thank you Manal. I think we can go to the next agenda item. With this agenda item framework of GAC working group guidelines I would like to first ask Benedetta to brief the GAC members of the perhaps changes and the background, updates to the GAC members, and then I will perhaps moderate the discussion. Benedetta, over to you.

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BENEDETTA ROSSI:

Thank you very much, Feng. In terms of the framework for the GAC Working Group Guidelines this document was originally prepared by the GOPE working group based on the existing GAC working group procedures document, which was originally circulated to the GAC in 2016, so the working group back in 2019 decided to begin its work by focusing on updating this framework for GAC Working Group Guidelines prior to delving into the operating principles.

This was deemed a practical approach to tackle the updating an existing operational document which would prove useful to all GAC working groups.

The updated framework for working group guidelines was presented to the GAC at ICANN66 and circulated to GAC membership for review and input. At the time no feedback was received, however, due to shifting priorities the document was unfortunately, not finalized by the GOPE working group so now as the working group resumed activities, after ICANN72 working group members asked for GAC support to update the document to reflect comments received from GAC and working group members.

So as a first step the GAC support prepared a document outlining the changes from the 2016 version which is published on the GAC website. So if we just go to the next slide, please, you'll see an overview of the changes from the previous version which is already approved by the GAC. So the guidelines were updated by the GOPE Working Group members to reflect mainly current practice within the GAC so, for

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example, including GAC support responsibilities versus the external secretariat which was previously supporting the GAC and mostly for alignment with the current ICANN bylaws.

Further, overall changes include a lot of reformatting across the board to ensure clarity of reading, and there was also a lot of substantive text back in the previous version which was included in the annex part of the guidelines instead of the main sections of the document so that was moved across to make sure again that it was as easily referenceable as possible.

And then subsections were also created again for ease of references, and if we go to the next slide, you'll see some specific changes to the guidelines. I won't go through the entire slide but just to highlight that most of them are to align with current practice within the GAC.

I'll just flag a couple of areas which may require for focus from the working group as well as the broader GAC such as the subsection which is named operation of a working group. So in this section GOPE Working Group members included an extended version of the explanation of the closure of a working group and proposed new text to add a time-line for working group work and for outputs to avoid inactive works groups from remaining open. The working group also added the idea of a regular and periodic review of working groups to identify which working groups should be closed or adjourned.

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Another area which requires further discussion -- and you will see this later on in -- during the session -- is the final report section, which was expanded again based on the 2016 version, and, yeah, the co-chairs will walk you through this section to see if there's some GAC input on that section.

If we go to the next slide, I believe that is all in terms of the working group framework, but I'll turn it over to Feng. I believe that he's moderating the discussion on the final report section. Thank you. I'm sorry, unless there are any questions or comments on the working group guidelines which I just reviewed?

GUO FENG: Thank you, Benedetta. This is Guo Feng again, from China. So I heard that some colleagues say my audio is not good, so I try to speak loud, and speak slowly. On this slide as you can see in the slide --

MANAL ISMAIL, GAC CHAIR: Feng, this is Manal Ismail. I'm sorry to interrupt you. I see a couple of hands up. Would you like us to take questions now?

GUO FENG: Yes, yes please. Jaideep from India.

INDIA: Thank you very much. Jaideep Mishra from India. The updated GAC working group guideline provide more clarity for its mandate. The

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document provides an exhaustive study and directives for the GAC working groups to make the document and guidelines more accessible and convenient for the working group members. The changes are appreciated as these will assist the members and volunteers to provide their inputs and feedback in most suitable way, whereas the change version has amended the roles and responsibilities of members and liaisons consistent with the Charter and the Work Plan which will surely assist the members to plan out and prepare a substantive guideline. However, the revised version may include -- you may consider including necessary enabling provisions for engagement of participants in underserved regions or new members by way of nominations or resolutions thank you.

GUO FENG:

Thank you very much, Jaideep, for your suggestion as an inclusion of members in the working group process from underserved regions. And next we have Lebanon.

LEBANON:

Hello, everyone. This is Zeina Bou Harb from Lebanon. This is my first participation as an alternate representation of Lebanon in the GAC. I'm sorry if my comment is not in the right place but I reviewed the framework and I have a few comments on it like I noted on article 3.3 -- 3.3 on article 4.1 and 4.1C. Should I send them by e-mail? Or -- I thought we will discuss the revision here, so excuse me if I misunderstood the meeting. It's not now that we should review the comments, no?

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GUO FENG: Hello. This is Guo Feng again. At this time we are discussing the document now because this document -- every -- each section in the document is open to discussion but when I look at the time of this session we have a limited time. I would perhaps -- I would ask you to provide your views briefly, and perhaps hopefully you can provide your written input by e-mail to us. We will be taking your views.

LEBANON: Thank you. I will send by e-mail because I need to explain my concern. Thank you.

GUO FENG: Thank you very much, Zeina, from Lebanon. I am looking forward to see your suggestions, edits to this document. We will discuss your view and put your ideas perhaps in this document in the next updated document.

Thank you very much.

And next I have Luisa from Canada.

CANADA: Hello. Just making sure my audio works well.

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GUO FENG: I can hear you well.

CANADA: Perfect. Thank you, Feng. This is Luisa Paez with the government of Canada. And so first of all I wanted to extend our thank you to our Australian colleague, Ian, for taking on the role of a new co-chair along with our colleague from China, Feng, for the continued leadership on this important working group, and, of course, a big thank you for our GAC support staff, Benedetta.

And so we just wanted to mention that we're still reviewing the current framework, and which we think will provide further consistency in terms of the procedures of the GAC working groups and as our colleague from Lebanon mentioned perhaps we can also share some of our more pointed comments later on but I guess one, a little bit one of our general comments we had was in the first section in regards to the purpose of work in terms of what the purpose of the guidelines -- or the intended purpose of the guidelines should be, and so we were thinking there that we could add a little bit more into the rationale in terms of mentioning as well predictability and as well as consistency in terms of the operations and the way GAC working groups are managed, but again we will be sharing some of our more detailed edits as we also noticed, just perhaps ensuring we have in-person meetings replaced with perhaps hybrid or virtual and so that seems to be the way moving forward so again just to make sure we are reflecting the current -- our current ways of working.



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I think it will be important, and we also think it will be very important the consultation that will be taken with the other chairs and co-chairs of the GAC, of the other GAC working groups because I think it will be very important to seek their guidelines -- to see their input again in this sort of new way of working, but again, thank you very much. And we look forward to continued engagement in this important work.

GUO FENG:

Thank you, Luisa. This is Guo Feng, China. Thank you very much for your possible contribution to this section on travel support. And I think we -- when we have comments, further comments, written comments from our colleagues we will study and we will have discussions on those issues, and to refine this document, making it better, and to satisfy our working group members and as well as we want to have chairs and the co-chairs of other GAC working group to engage in this process. Thank you very much.

So I see none. This slide show you an issue occurred in the previous inter-sessional conference call of this working group. It's about the final report of this GAC Working Group Guidelines, so take this opportunity we want to, to ask you -- to tell you that in the previous conference call our GAC members raised an issue in 5.6, which outlines what is the final report for this working group. So we -- perhaps want to give you some, perhaps questions to think about regarding this document like what does a successful GAC working group product look like?

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What do GAC working groups produce? And also, another question, another related SUB issue is, is it realistic to name a working group product such as a statement, or position paper, or final report? So, because one of the GAC working group who will have output, so we want to -- perhaps in this document we want to define what types of output may a GAC working group produce, so whether it be a statement, or position paper, or final report.

So with this, I want to open the floor to, to see whether there is comments on this issue. Perhaps, if you have any other comments on other sections related to this document, you are also welcome. The floor is open. Do we have any comments?

MANAL ISMAIL, GAC CHAIR: Thank you, Feng. I see Jaideep's hand is up and I'm putting my hand afterward. Jideep, is this a new hand?

INDIA: No, Manal, this is an old one. Sorry. Please carry on.

MANAL ISMAIL, GAC CHAIR: No, it's okay. Okay, thank you very much, Feng. And so, starting with your last question on the working group product, I don't have a strong position apart from avoiding the word final so it could be a working group report but not final definitely because final comes when it is adopted and approved from within the GAC.

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I would also, again if it is a statement it should be a draft statement, if you see what I mean, so just avoiding to give a sense of something finalized completely by the working group but rather it's a working group submission to the wider GAC membership just to make sure that the adoption is coming from the wider GAC membership.

So this is my only comment here, and just to give Susan also a chance to comment, I have a quick proposal for your consideration. Maybe when -- I'm very happy to see comments coming through, so maybe when the working group compiles all comments and is in a position to discuss the comments maybe we can -- the working group can open one of its calls to the wider GAC membership for discussing all comments if the working group feel this would be helpful and help them advance their work inter-sessionally. So this is just a proposal, and I'm handing the floor to Susan, please. Susan, go ahead.

UNITED STATES:

Thanks, Chair. And thank you so much to the co-chairs for this great work. Just a very minor follow-up to Manal's suggestions. Completely concur with adding the word draft before statement, and removing the word final before report, and just a question whether it makes sense to remove the option of a position paper because it would seem that the position paper and a statement are essentially -- serve essentially the same purpose, but I would welcome reflections from those in the GAC who have perhaps not, perhaps they're two different types of outputs, but to me it seems that it might be less confusing just to have the, a draft statement and reports. Thank you.

GUO FENG:

Thank you, Manal and Susan. Your views are noted. Take this opportunity, I would like to speak briefly of my views on this issue. To me, I think perhaps the first we want to define how many types of output regarding a GAC working group. To me perhaps at the moment I would suggest we can have two types of outputs regarding a particular GAC working group. One type is perhaps just name it with statement.

In this type perhaps we can have draft statement and a consensus statement after there is a consensus among working group members. Another type is we can have perhaps a third report. The report type, we also can have draft report. And also we can have consensus report after a thorough discussion among working group people -- working group members when we have consensus among working group members.

So this is my current reflection of this issue. So I also can see in the chat some members also provide views on this issue, like, Zeina say why not working group advice as we are an advisory committee, and also other comments from our GAC members.

So is there any request for the floor?

MANAL ISMAIL, GAC CHAIR: Yes. Feng. I see Susan, is this a new hand?

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UNITED STATES: No, my apologies.

MANAL ISMAIL, GAC CHAIR: Okay, it's okay. If not, I see Benedetta's hand up. Please go ahead.

BENEDETTA ROSSI: Thank you very much, Manal. I just wanted to flag some comments in the chat in terms of there was a comment from Nigel from the U.K. noting why not working group report perhaps. Not so keen on position paper. And I see, Manal, you agreed with that suggestion by Nigel as did Luisa from Canada and GAC India as well. And we have a question from Susan noting would these two types of outputs cover the various presentations by working groups during GAC meetings? And Luisa also noted that she thinks the idea of the section is to ensure more communication and transparency between the working group and the rest of the GAC so I just thought I would mention this for the record. Thank you very much. And thank you all, by the way, for all of your input. I'm taking notes and we will bring this back obviously to the GAC evolution operating principles evolution working group. Thank you very much.

GUO FENG: Thank you, Benedetta. This is Guo Feng. Thank you, Benedetta, for speaking out those comments for the record. Any other views? Comments?

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MANAL ISMAIL, GAC CHAIR: If I may very quickly, Feng, I would advise against anything that may confuse with the output of the GAC as a committee, so I advise against using the word consensus, or the word advise and this is just not to confuse the output of the working group with output of the GAC overall so just a proposal for your consideration, and happy to discuss later of course.

GUO FENG: Thank you, Manal. I think I would agree with you on this issue. Thank you. If no further requests for the call -- for the floor, I think I would like to thank GAC members in the session who provide their thoughts and their comments on this issue. I think your views are in the record, so I think we can have further discussion on related issues regarding this working group guidelines in the next perhaps conference call of this working group.

So, with that, I think we can move to the next agenda item.

IAN SHELDON: Sorry, Feng, would you like me to jump in and take the next steps from you?

GUO FENG: Yes, I think so. Over to you, but before that I would like also to mention that Jorge from Switzerland said in the chat that often working group deliver proposals for GAC consideration, and this viewpoint I think I would agree with this viewpoint. And over to you, Ian.

IAN SHELDON:

Thank you, Guo Feng. I think it's an interesting point that we do need to dive into a little bit more detail differentiating the role of a working group and the broader role of the GAC, and I think in my mind that's a difference between working through the guidelines and the framework. The framework sets up the operation -- of the working groups whilst the -- sorry the framework versus the operating principles so I think it's clear to differentiate the two and I would suggest we focus on trying to nail down the framework first before moving on to the operating principles more substantively and trying to keep the language as different as we can.

So, next steps from here, so the GOPE working group will continue to review the framework for the GAC Working Group Guidelines incorporating any feedback received from the broader GAC membership. And here is where I'd like to again put out the call to encourage broader attendance at the working group as well. It sounds like there's a little bit of interest in this piece of work so I would encourage you to join up to the working group and bring all those thoughts to the next conference -- teleconference we have. So from here on we will also be reaching out to the GAC working group chairs and co-chairs to get a sense for how the other groups operate and seek their feedback on the draft guidelines so far.

I'll be looking to review areas of the framework for working group guidelines identified for further review. So this will at this stage include

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the final report section, as well as 3.3, 4.1., 4.1C, and the other section that came up was section 5.8, closure of a working group.

I think all these sections need to be unpacked in a little bit more detail and that's what we will be looking to do inter-sessionally prior to ICANN74 and we look to present governments back at the plenary of ICANN74 as well. I see we are right at the end of our allocated time. I just want to pause here briefly for any comments or final bit of feedback.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Ian. I see no hands up so maybe we can proceed with the remaining couple of slides, I believe.

IAN SHELDON: Any outstanding questions or comments? Oh, and sorry, before I forget I also wanted to note your suggestion, Manal, as well for the working group to pick up and more substantively look at, I believe it was the adjustment to the operating principles with regard to the meeting scheduling and our recent request to look at how many days required to schedule a GAC meeting as well. So your suggestion is well noted, and we will make sure we incorporate it in our forward Work Plan.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Ian, and thank you for reminding me of my own proposal, so when Ukraine asked for an urgent meeting we looked at the operating principles and found the earliest we can convene is after



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10 days. So in case of an urgent meeting is needed, a notice of 10 days is needed for all GAC members which would have been even before our scheduled meeting, so this is something I think that we may need to consider in reviewing our operating principles in case this is needed in the future. With that, and seeing no other hands up any additions Ian or Feng or Benedetta before we conclude? Feng, please go ahead.

GUO FENG: Thank you, Manal. None from my side, just want to say this.

IAN SHELDON: And none from me, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you. Thank you very much, Feng, Ian, Benedetta and all working group members. I know other members were involved as well, and thanks everyone. It's a huge task, and we look forward to your leadership in having this accomplished. So now we are going to start our Work Stream 2 discussion...

**[ END OF TRANSCRIPT ]**