

**Internet Corporation for Assigned Names and Numbers (ICANN)  
Board of Directors / Governmental Advisory Committee (GAC)  
Joint Working Group (JWG) on the Review of the Role of the GAC**

**Final Report - 19 June 2011**

**Objective 1 GAC advice to the Board**

**(Note: this section relates to recommendations 9, 10, and 11 of the ATRT report)**

ICANN Bylaws Article XI, Section 2, Paragraphs 1i through 1k provide for the interaction between the Board and the GAC regarding advice. The GAC Operating Principles provide implementation details that have been adopted by the GAC regarding advice to the ICANN board.

The joint working group shall:

- identify any GAC and/or Board processes that exist to accomplish this task, the nature of each process, the effectiveness of each, and whether improvements shall be made to any of these processes, or if any should be discontinued, or if any should be established.

Regarding GAC advice to the Board, the JWG has agreed to identify any GAC and/or Board processes that exist as well as identify the nature of each process, the effectiveness of each, and whether improvements shall be made to any of these processes, or if any should be discontinued, or if any should be established.

*What constitutes GAC advice?*

The Bylaws require the Board to take due account of GAC advice, but do not provide a detailed definition of what constitutes GAC advice, place any limitation on what form such advice should take or require that it be consensual. In addition, the Bylaws also provide that “the GAC may adopt its own charter and internal operating principles or procedures to guide its operations”. GAC members have worked on the basis that any explicit advice, in any written form, constitutes the kind of advice foreseen in the Bylaws.

In practice, the GAC produces various kinds of written advice for communication to the Board, including:

- 1) letters signed by the GAC Chair on behalf of the GAC.
- 2) communiqués endorsed by the GAC at the conclusion of each GAC face-to-face meeting.
- 3) overarching “principles” documents, typically developed over successive face-to-face GAC meetings.
- 4) “issues” documents, including interim issues documents.

As reflected in the Bylaws, the focus of the GAC is on public policy advice. Such advice constitutes the majority of advice that is issued by the GAC.

There are also instances where the GAC generates advice on matters related to the effectiveness of ICANN’s procedures for facilitating interactions between the ICANN constituencies in support of policy

development. For example, the comments formulated by the GAC on the frequency of ICANN meetings.

The GAC Chair also provides advice verbally. However, in these instances, the Chair is expected to represent agreed GAC views on public policy-related matters. The Chair can also be expected to provide advice in relation to mundane procedural matters that do not have the same “representational” implications for the GAC membership.

#### *“Formal” advice*

In the past, the Board has sought to clarify whether GAC advice in a particular instance should be viewed as “formal”. However, the ICANN Bylaws and GAC Operating Principles make no reference to the formality of advice produced. Again, the Bylaws instead reference GAC advice that has a public policy aspect to it. The JWG does not consider it worthwhile to pursue efforts to distinguish between “informal” and “formal” GAC advice.

#### *Policy development process*

Policy development at ICANN is an iterative process. As such, GAC advice to the Board must frequently be developed in stages as new information becomes available and GAC members have the opportunity to further reflect on a particular matter. It is not uncommon for the GAC to offer advice in stages for the purpose of clarifying, revising or reiterating views as an ICANN policy development process unfolds.

It is also worth noting that the Bylaws call for GAC advice to go solely to the Board, rather than to the other Supporting Organizations and Advisory Committees.

#### *GAC consensus*

As per Principle 47 of the *GAC Operating Principles*, the GAC first seeks consensus. In practice, the vast majority of GAC advice to the Board has been consensus advice.

Providing consensual advice to the Board has several advantages:

- Seeking common views provides a means for presenting the Board with a coherent message and presumably, this makes it easier for the Board to incorporate GAC advice into its final decision;
- it identifies common public policy priorities at the global level;
- it maintains consistency with ICANN’s iterative approach to policy development, allowing GAC members to develop and adapt their own national views on the basis of the arguments presented by other countries.

The GAC’s Operating Principles also note that if it is not possible to reach consensus then a full range of views can be presented to the Board. An appropriate balance in approach therefore would be for the GAC to identify consensus where it exists, record where it doesn't exist (and describe the various positions) and provide advice to the Board in a timely manner. If the GAC emphasizes consensus too much in its efforts to provide advice, it could be at the expense of both providing a full account of the variety of views and being able to provide advice in a timely manner.

### *Board notifications to the GAC*

2.1.h. of the ICANN Bylaws states that, "The Board shall notify the Chair of the Governmental Advisory Committee in a timely manner of any proposal raising public policy issues on which it or any of ICANN's supporting organizations or advisory committees seeks public comment...".

There is no "transparent" register of such notifications coming from the Board. Normally, the GAC responds to a policy-making initiative elsewhere in the ICANN community and offers advice without receiving notice from the Board.

As noted in the section of this report covering the role of the GAC liaison to the Board, further clarification of the Board's views on the role and function of the liaison (in particular, whether the Board considers the GAC liaison to be the primary mechanism by which the GAC is apprised of issues on which the Board would welcome public policy advice from the GAC), could offer useful insight into the value of this particular provision.

### *GAC recommending a policy development process*

In accordance with item 2.1.i. in the Bylaws, the GAC can recommend a new policy development process to the Board.

To-date, the GAC has not taken advantage of this option. Presumably, GAC Members have not seen a need. Furthermore, it is not clear how such a request would be perceived in the ICANN community if initiated by governments.

### *Board process for receiving GAC advice*

Pending further clarification regarding Board processes for receiving GAC advice and contending with receiving conflicting advice, the JWG makes the following observations.

If the Board only acknowledges GAC advice when disagreeing, seeking clarification or revision to GAC advice, it is not possible for the GAC to know what the Board intends to do with all advice received.

For example, ICANN/IANA has not been referencing the 2005 *GAC Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains* (2005) but rather an earlier version of the document.

How can this circumstance be avoided in the future? Some form of register, accessible on a public web-site, could be useful. For example, the SSAC website (see <http://www.icann.org/en/committees/security/ssac-documents.htm>) offers a comprehensive and up-to-date list of all SSAC "reports and advisories" since 2001. The GAC has no similar register to refer to.

### *Board process when conflicting advice*

There are various examples of the GAC providing advice that is, or potentially is, in conflict with views coming from other parts of the ICANN community. Better clarity on how the Board addresses conflicting advice would assist in the development of recommendations related to GAC advice.

While it is not clear how many times the Bylaw provisions on the rejection of GAC advice have been

applied, it appears that the Board rarely considers rejecting GAC advice on the basis that the Board is taking actions “inconsistent” with GAC advice.

Reviewing past examples of GAC advice with the assistance of the Board could be illustrative:

1. GAC recommendations to the Board regarding WHOIS studies related to the generic top level domains. In this case, the Board referred GAC recommendations to the GNSO, rather than consulting with the GAC or implementing this advice.
2. GAC advice on “geographic” terms at the second-level for new gTLDs. Based on consultations within the Board, the GAC Chair went back to the GAC for additional advice in order avoid triggering Board rejection. In this case, the Board had indicated that not all GAC advice was implementable.

Finally, the JWG has taken note of the very positive results of the agreement reached by the Board and the GAC during the December 2010 Cartagena meeting to hold focused face-to-face exchanges to review the outstanding GAC concerns regarding the introduction of new gTLDs. The GAC’s decision to reflect these concerns in a “Scorecard” facilitated the substantive and constructive meetings in Brussels and San Francisco, in February and March, 2011 respectively. The JWG supports this format as an effective means of engaging the GAC and Board more directly regarding public policy concerns, as well as the related and critical issue of how GAC advice is considered by the Board.

## **Recommendations**

While recognizing that the Board will wish to further clarify matters regarding the issues that have been raised regarding GAC advice to the Board, the JWG is proposing the following recommendations, which are responsive to/consistent with the ATRT Recommendations:

1. That the Board create a transparent register or consistent record to make apparent whether/when/how the Board has taken into account and/or responded to particular advice from the GAC. The development of the register should also identify consistent methods of notating written GAC advice.
2. That the Board develop a process for formally notifying the GAC of pending issues and policy development processes of potential interest to the GAC, which would be provided on a regular basis. A complementary element of the process would include more formal, written requests for advice to the GAC, clearly identified as such. This approach could also be a useful component of the proposed register.
3. That the Board and the GAC schedule more routine face-to-face exchanges on pending substantive matters that raise public policy issues, to more effectively identify when and whether the GAC’s views might lead to consensus advice that the Board might ultimately disagree with. Such meetings should be scheduled with sufficient time (e.g. 2-4 hours) during ICANN meetings and for at least an hour via conference call on an intersessional basis. That the Board and GAC seek agreement on the ICANN-staff drafted “Process for Consultations between the ICANN Board of directors and the Governmental Advisory Committee, including those required pursuant to Article XI, Section 2.1.j of the ICANN Bylaws.

4. That the GAC amends its *Operating Principles* to include a description of the process it follows to develop consensus-based GAC advice (e.g. by incorporating the UN definition of consensus into Principle 47).

### **Objective 2 GAC liaisons to the ICANN Board and Nominating Committee**

ICANN Bylaws Article XI, Section 2, Paragraph 1f provides for the establishment of a liaison from the GAC to the ICANN Board and the ICANN Nominating Committee.

The joint working group shall:

- analyze the mode of operation of these liaisons, including in comparison to other liaison arrangements, as well as the effectiveness of their operation, and whether improvements can or should be made.

The JWG has agreed to analyze the mode of operation of these liaisons, including in comparison to other liaison arrangements, the effectiveness of their operations, and whether improvements can or should be made.

**GAC Liaison to the ICANN Board:** The ICANN Bylaws provide that the GAC shall annually appoint a non-voting liaison to the ICANN Board, leaving open the issue of which GAC representative should serve this function. The GAC Operating Principles (Article 1, Principle 2 and Article XII, Principle 46) clearly state that advice, findings and recommendations from the GAC to the ICANN Board shall be communicated through the Chair. Throughout the history of the GAC, the GAC Chair has served as the formal GAC liaison to the Board.

There is a general understanding in the GAC that the primary function of the GAC liaison to the Board is to formally convey the results of GAC meetings, represented in the final Communiqué from individual meetings, to the Board at each ICANN meeting. There is also a general understanding that the Chair's participation in all GAC discussions provides sufficient information to permit the Chair to convey interim GAC views on pending issues (e.g. those still under discussion by the GAC). In the event the GAC develops positions on discrete issues in between such meetings, the GAC Chair typically conveys these positions under his signature (in his absence, the Chair may request one of the Vice Chairs to undertake the communication on the GAC's behalf). It has historically been the practice of the GAC Chair to participate in all Board meetings, and it is generally understood that the GAC Chair would advance GAC views on those issues on which consensus positions have been developed. While the GAC is aware that previous GAC Chairs have represented their individual views with regard to issues on which the GAC has not yet developed consensus positions, it is not entirely clear, however, whether that distinction was fully taken into account by other members of the Board, who may well have interpreted the views of an individual government representative as either generally (and/or informally) reflecting the views of the GAC.

The JWG discussions over the course of several meetings in 2010 have revealed that many on the Board and in the broader ICANN community appear to value having a government "perspective" on pending issues and seem comfortable with the idea that a representative from one government can provide such a perspective. From the GAC's perspective, the views of a single government cannot be substituted for the views of another government or for the GAC. Each GAC member is responsible for

representing their own government's views and each GAC member participates in the GAC and in the broader ICANN community deliberations in their official capacity as the representative of their respective governments. This representational function appears to differ from other SOs and ACs, whose members often participate in deliberations in their personal capacities.

The JWG discussions have also revealed considerable support for more clarity in the procedures to be followed by the GAC liaison to the Board in reporting back to the GAC. While there are apparently some confidentiality constraints that affect this aspect of the liaison function, it is not entirely clear to the broader GAC membership what those constraints are and what their implications are for this "output" function.

In addition, it is vitally important for governments to have a clear and comprehensive understanding of ICANN's strategic thinking, focus areas, business planning and key operational decisions. It is recommended therefore that a formal Board Liaison to the GAC be established who would report to the GAC, both intersessionally and in person at GAC meetings, on major Board discussions and decisions relating to these high level matters.

The JWG believes this is important for two reasons:

- i) to ensure that GAC representatives are able to brief ministers and report to parliamentarians fully regarding ICANN's overall direction and priorities; and
- ii) enable national representatives to engage in multilateral discussions relating to Internet governance effectively with a full brief on ICANN's evolving objectives and performance.

An overarching or threshold issue is whether the scope and breadth of the GAC liaison function is overly burdensome for a single GAC representative (recognizing that the GAC liaison to the Board has other responsibilities to his or her respective government). It is imperative that the Board's views on the role and function of the GAC liaison, in particular, whether the Board considers the GAC liaison to be the primary mechanism by which the GAC is apprised of issues on which the Board would welcome public policy advice from the GAC, be clarified.

The following recommendations are intended to offer possible means (either individually or in tandem) of overcoming some of the challenges identified above<sup>1</sup>:

### **Recommendations**

1. Determine the necessity or appropriateness of the GAC liaison participating in all Board meetings, taking into account that some of them do not follow a face-to-face GAC meeting (which yield written consensus GAC views).
2. Clarify the non-disclosure constraints imposed on all Board members to better inform the GAC of what the GAC liaison can and cannot share with the broader GAC membership.
3. Clarify that the GAC liaison to the Board is not considered the sole mechanism by which the GAC would be made aware of the Board's interest in seeking the GAC's views.
4. Complement the GAC liaison to the Board with a Board liaison to the GAC.
5. Complement the GAC liaison to the Board with a senior ICANN staff member assigned to coordinate with the GAC liaison to identify issues of mutual interest to the GAC and the

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<sup>1</sup> Note that some of these options may require amendments to the GAC Operating Principles.

- Board, to ensure that all ICANN staff are more cognizant of GAC perspectives and concerns, as well as providing issue updates and alerts to the GAC regarding ICANN activities.
6. Ensure that ICANN Public Policy staff interact more routinely with the GAC to broaden their understanding of GAC concerns regarding any pending policy development processes.
  7. Ensure that all briefing material prepared for the Board clearly identify those issues of interest/relevance to the GAC.

**GAC Liaison to the Nominating Committee:** ICANN's By Laws provide for a non-voting liaison from the GAC to the Nominating Committee. The GAC Operating Principles do not specifically address this particular liaison function, although Article XI, Principle 44 provides that the Secretariat will undertake, among other things, liaison activities as necessary for the efficient functioning of the GAC.

Until 2007, the GAC Chair nominated individual GAC members to serve as the GAC liaison to the Nominating Committee (NomCom); there have been a total of four such GAC liaisons. The confidentiality requirements of NomCom deliberations severely constrain the ability of the GAC liaison to provide the GAC with reports on the nature of his/her contributions to the work of the NomCom. Extensive discussions were held, facilitated by briefings by the Chair of the NomCom and the GAC liaison at the time, during ICANN/GAC meetings throughout 2007. It was ultimately determined that this particular liaison function was problematic for the GAC, in view of the constraints imposed by the NomCom procedures that hampered the ability of the GAC liaison to represent the broader views of the GAC.

The JWG is aware of the general support in the community for the inclusion of a government "perspective" in the deliberations of the NomCom. However, the essential challenge for the GAC membership remains: this particular liaison cannot represent the views of the GAC membership as a whole. This is not to say definitively that the GAC would disagree with the sentiment that a government "perspective" is helpful to the deliberations of the NomCom. It is rather to say that this issue touches directly on the issue of sovereignty, which cannot be transferred from one government to another.

Pending further discussions to confirm that, notwithstanding the representational challenges noted above, there is general agreement on the merits of including a government "perspective" in the NomCom process, the following options should be discussed and further elaborated:

**Options:**

1. Amend the ICANN Bylaws to clarify that this particular function is not a "GAC" function per se, but is a function that could be filled by inviting the GAC to identify possible candidates who are not currently serving as GAC representatives to fill that liaison role.<sup>2</sup>
2. Determine that including a GAC liaison is problematic and amend the Bylaws accordingly to remove any references to a GAC liaison to the NomCom.
3. If the Board decides not to amend the Bylaws, clarify through a public statement that: (a) the so-called "GAC liaison" is understood to represent the individual views of that particular government and not the GAC as a whole, while also considering amending the current confidentiality procedures for the NomCom that inhibit discussions between the "GAC liaison"

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<sup>2</sup> This determination would require amendments to both the ICANN Bylaws and the GAC Operating Principles.

and the GAC membership. Alternatively, the Board could clarify that, due to the inability of a single GAC member to effectively represent the views of the GAC, there will be no GAC liaison to the NomCom.

### **Objective 3 GAC liaisons to the ICANN Supporting Organizations and Advisory Committees**

**(Note: this section relates in part to recommendations 12 and 13 of the ATRT report)**

ICANN Bylaws Article XI, Section 2, Paragraph 1g provides for the establishment of liaisons from the GAC to ICANN Supporting Organizations and other ICANN Advisory Committees.

The continued evolution of ICANN and its policy development processes has further led to an increased focus on the nature of GAC interaction with other parts of the ICANN community.

The joint working group shall:

- identify each of the liaisons, analyze the mode of operation of each of these liaisons, the effectiveness of their operation, and whether improvements can or should be made to facilitate GAC work with ICANN Supporting Organizations and other ICANN Advisory Committees.
- examine the effectiveness of GAC interaction with other parts of the community, particularly related to ICANN's policy development processes, and whether improvements can be made to these arrangements.

The JWG notes that the ICANN By Laws provide (Article XI, Section 2, g) that the GAC may designate a non-voting liaison to each Supporting Organization (SO) and Advisory Committee (AC) as it considers appropriate. The only reference to liaisons in the GAC Operating Principles is in Article XI, Principle 44, referring to the role of the GAC Secretariat.

The functions and experience of GAC liaisons to other SOs and ACs have varied widely over time and in relation to specific SOs and ACs. In the case of the Root Server System Advisory Committee (RSSAC) and the Security and Stability Advisory Committee (SSAC), there have been long-time GAC liaisons from the Netherlands and Italy, respectively, although only the latter remains in place. There have also been general GAC liaisons to the ccNSO (Mexico, followed by the UK) and the GNSO (the U.S.) in the past, as well as a short-lived effort to create regional liaisons to correspond to the regional membership of the ASO. More recently, the GAC and the ccNSO have agreed on two GAC liaisons to ongoing work related to the delegation and redelegation of ccTLDs; these liaison functions have been structured largely as informational channels.

At the present time, however, there are no general GAC liaisons to the ccNSO, the GNSO, the ASO or the ALAC. There are several reasons for this, including:

- the absence of a common understanding of the purpose and role of the GAC liaisons to other ICANN SOs and ACs;
- a tendency by the membership of the SOs and ACs to consider the GAC liaison as “representing” the views of the GAC, creating challenges for individual GAC liaisons;



- national work schedules and priorities for individual GAC liaisons that constrain the ability of these liaisons to be the sole GAC liaison;
- the evolution of GAC meetings from being primarily closed sessions to almost wholly open meetings, permitting any interested ICANN stakeholder to be aware of GAC issues and concerns; and
- the increasing tendency over time for the GAC to schedule joint sessions with SOs and ACs, diminishing the earlier requirement for the GAC liaison to serve as an information conduit between the GAC and individual SOs and ACs.

While it is not entirely clear that an assessment of the effectiveness of these GAC liaisons can be productively conducted absent a shared understanding of the role of these GAC liaisons, some examples of the GAC's experience are provided below as a means of facilitating further discussions and the identification of possible options to consider.

In the case of the SSAC, the GAC liaison considers the past and current relationship to be very effective; this view appears to be shared by other members of the SSAC (as per the 2010 JWG discussions). While this assessment of an individual GAC member is extremely valuable, it nonetheless remains the case that no single GAC member can "represent" the GAC and the risk remains that the SSAC may consider the participation of the "GAC liaison" as reflecting the views of the broader GAC membership.

The original function of the now-defunct GAC liaison to the GNSO focused primarily on information sharing and coordination of meetings between the then-GAC GNSO Working Group and the GNSO Council. Over time, the liaison was increasingly invited to "represent" the GAC in a variety of GNSO working groups, and the liaison function had to be terminated due to the inability of the liaison to represent the views of other GAC members. The original function of the GAC liaison was also ultimately overtaken by the decision to schedule regular exchanges between the GAC and the GNSO. While individual GAC members have participated in some discrete GNSO working groups in the past (with mixed results), and there will be additional opportunities under the new GNSO working group approach, the net result is input from individual governments rather than from the GAC. As such, it does not appear that either the liaison function or access by individual governments to particular working groups will necessarily improve the opportunities for the GAC to contribute to the GNSO's policy development processes. The JWG notes that the GAC-GNSO exchange in San Francisco raised the concept of "reverse" liaisons, such that the GNSO would identify representatives from each of its constituencies to serve as liaisons to the GAC; this has not yet been agreed or implemented.

The experience of GAC liaisons with the ccNSO has included an information sharing and meeting coordination dimension, as well as interaction on discrete issues or projects (e.g. the process leading to the revised GAC Principles on ccTLD Delegations in 2005, the ccNSO's Delegation, Redelegation and Retirement Working Group, and the recently created ccNSO Framework of Interpretation Working Group). Although there has not been a formal GAC liaison to the ccNSO for some time, there has been substantive interaction between the GAC and the ccNSO, notably through the joint GAC-ccNSO joint working group to develop a consensus approach to the development of the "fast track" to introduce IDN ccTLDs. GAC participation was open to all GAC members. From the GAC's perspective, the joint ccNSO-GAC working group approach represents a very constructive means of collaboration on a key policy development issue. Conversely, the GAC's experience with the Cross SO/AC Working Group on Recommendation 6 of the new gTLD implementation highlighted particular difficulties, due primarily to the abbreviated deadlines for the final work product. The frequency of interaction (e.g. multiple conference calls and Doodle polls each week) inhibited the ability of GAC members to develop fully

cleared government positions on the draft texts under consideration.

While improvements in the interactions between the GAC and other SOs and ACs would be beneficial, it is not entirely clear that focusing solely on the role of GAC liaisons to each SO and AC would improve the effectiveness of the GAC's contributions to ICANN's policy development processes, which is the goal of recommendation 12 of the ATRT report.

## **Recommendations**

1. The GAC and the Board should develop, in consultation with the SOs and ACs, a common understanding regarding the scope and function of liaisons between and among the GAC and the SOs and ACs to ensure that each have shared expectations.
2. Consider experimenting with "reverse" liaisons, with each SO and AC identifying members of their respective constituencies to liaise with the GAC.
3. In the event that further discussions within ICANN suggest a shared understanding of the respective roles of all liaisons (e.g. GAC to SOs and ACs, and the "reverse" liaisons), the GAC and the SOs and ACs should develop agreed procedures for communications between such liaisons and their respective SOs and ACs, to ensure consistency in reporting and coordination.
4. In the event that GAC liaisons are agreed, the GAC will consider creating teams of GAC volunteers to serve as liaisons to all of the SOs and ACs on a rotating basis. In the event the normal work priorities of an individual GAC member prevent full-time liaison functions, another member of the GAC team would step in.
5. The Board and ICANN management should review the roles of ICANN staff assigned to support the work of the SOs and ACs to determine how their efforts could be expanded to include more routine information sharing or briefings for the GAC, as well as whether there are additional opportunities for information sharing on issues of interest to a cross-section of SOs and ACs.
6. Consider extending the model represented by the joint GAC-ccNSO working group for the IDN ccTLD "fast track" process to other issues and other SOs and ACs as appropriate.
7. Encourage the ICANN Board to jointly review with the GAC ways to include GAC advice at earlier stages in the policy development process. The JWG considers the recently developed "New GNSO Policy Development Process" a constructive starting point for this review.
8. Explore whether the ICANN ByLaws need to be amended to more affirmatively provide for GAC input to ICANN's policy development processes (vice the current provisions which call for the provision of GAC advice directly to the Board).

## **Objective 4 Support of GAC activities**

**(Note: this section relates to recommendations 12 and 14 of the ATRT report)**

The ICANN Board asks the group to consider measures to enhance support of the GAC's work including interpretation of meetings, translation of documents, and extension of travel support for GAC members from the Least Developed Countries, and remote participation at GAC meetings.

The joint working group shall:

- consider the role of ICANN staff in supporting the current and future needs of the GAC (including briefings, access to third party advice, collaboration tools, facilitation of face-to-face meetings) as a priority. Experience with regard to the support provided by ICANN to other advisory committees and supporting organizations shall be drawn upon.
- identify measures that could enhance the support of the GAC's work, taking into account cost factors for the measures, identify implementation parameters, and identify any operating processes or procedures that would be required to implement the measures.

### **Interpretation and Translation of Documents and Remote Participation**

The GAC is seeking support comparable to that provided by ICANN for other SOs/ACs. The GAC has requested translation of pertinent GAC documents into the five UN official languages, and interpretation in 2012 of GAC meetings into French, Spanish, Portuguese, plus the language of the host country, with a long term goal of interpretation into all five UN official languages. The GAC has also asked for support for two regular teleconferences – and their recording, transcription and interpretation (as described above) – per month. Together, these measures would put the GAC on a roughly equal footing to other Advisory Committees in what it offers members, and especially in support for developing countries.

### **Travel Support**

While enhanced opportunities for remote participation should be encouraged, and are also identified as supportive measures in objective 4 of this report, such participation shall not be considered a substitute for face-to-face meeting attendance.

Consequently, the JWG considers funding to support developing-country travel to GAC face-to-face meetings to be an important measure in support of the work of the GAC. The GAC has asked that ICANN provide funding in fiscal year 2012 for up to 20 members per meeting per fiscal year, to a maximum. The GAC will determine the selection process and criteria to be applied to the fund.

This approach and amount and can be reviewed and adjusted, as needed.

### **Recommendations**

1. Make funds available so that GAC members from developing countries, that would ordinarily be unable to attend, can request support to attend GAC face-to-face meetings, as requested by the GAC.
2. Apply the fund with the aim of supporting current GAC work priorities, including those identified in the *Affirmation of Commitments*.
3. Priority consideration can be given to a requestor based on the location of the GAC meeting in order to enhance participation from a particular region.
4. Priority consideration can be given to requestors holding an elected GAC position or appointed to lead GAC work on a particular topic.
5. Non-GAC member requests can be considered on a case-by-case basis, taking into account

other existing sources of ICANN funding.

### **Recommended GAC Selection Process**

The GAC chair and three vice-chairs of the GAC, supported by the GAC Secretariat and ICANN staff liaison to the GAC, will call for Expressions of Interest (EOI) from GAC members for travel assistance prior to each meeting. The selection committee will assess the EOIs against the GAC eligibility and selection criteria and make the selections.

In the event of a vice-chair also seeking travel support, he/she shall not participate in the selection process. If more than one vice-chair is seeking travel support then the GAC Chair shall include such representatives, as appropriate, in the selection committee.

The GAC selection committee will be responsible for advising the successful candidates. However, the ICANN CTT will administer the funds, unless the GAC, with the agreement of ICANN, determines an alternative approach.

As it would assist GAC members to plan, it is recommended that the selection of candidates qualifying for travel support take place 8 weeks before the scheduled meeting.

### **Recommended GAC Selection Criteria**

- (1) no cap on the number of GAC delegates selected for travel assistance per meeting or the number of meetings for which a GAC delegate can receive support.
- (2) travel support would be extended to GAC members from developing and least developed countries. Given that there are very few GAC members from the UN list of least developed countries, GAC members from low income, lower-middle income and upper middle income level of developing economies, as ranked by the World Bank, would be eligible. In case of a need to make a choice between candidates, priority can be given to GAC members from least developed countries.
- (3) ordinarily, one GAC member from each country per meeting, will be eligible for travel support.
- (4) travel support offered to GAC members can include:-
  - cost of air travel (economy class)
  - lodging for the duration of the GAC and ICANN meetings
  - a per diem amount set for each city and corresponding to the days of effective stay travel
  - insurance
  - visa-related costs, if required
- (5) GAC members may apply for partial support (for instance, airfare only, hotel only or hotel and per diem only).

### **Secretarial Support**

1. Background: Secretariat support for the GAC since its inception has largely been confined to the

maintenance of a website including relevant content for GAC activities, preparation and distribution of agendas for meetings including dissemination of relevant materials, taking of minutes at meetings, recording of GAC meeting proceedings, maintenance of membership data base, general logistical support at meetings and communications to membership.

While ICANN has historically provided basic support for these activities (e.g. conference call arrangements, meeting rooms at ICANN meetings, technical support for the website upon request, etc.), the balance of the support has been provided by individual governments, beginning with Australia, followed by the EU Commission, the Government of India and presently Brazil, Netherlands and Norway. Before the transition from India to another model the GAC membership considered the JWG a timely and constructive opportunity to consider whether the former informal model could or should be retained or whether there were alternative approaches that would provide a more sustainable Secretariat function. Factors relevant to this review included:

- GAC role emerging from ICANN's new institutional set-up emerging from the AoC,
- Recommendations contained in ICANN's President's Strategy Committee Report of 2009,
- the evolution of the domain name system and its anticipated exponential growth in the short term as a result of the introduction of internationalised and generic TLDs,
- a growing list of pressing public policy issues,
- the need for efficient, consistent and sustained Secretariat support
- an increasing awareness of the importance of public interest issues in domain name system matters,
- the increased centrality of the Internet in every sphere of socio-economic endeavour,
- recognition of GAC's critical need to build and maintain an institutional memory particularly in light of the rotating nature of the Chairmanship,
- importance of maintaining and expanding the GAC membership network,
- need for adaptation to changing demands brought about by its dual accountability to ICANN and representative governments

Moreover given the ambitious targets for the AoC implementation, there was critical urgency for the GAC's transformation to realise its organisational support capacity soonest in order for it to deliver in line with expectations.

It was the view of a large body of the membership that the GAC Secretariat should be answerable only to the GAC.

In Nairobi (March 2010) the GAC discussed various models for a secretariat where independence and sustainability were fundamental considerations. A "hybrid" model, where a secretariat would be co-funded by governments and ICANN was viewed as the most promising way forward. At the meeting The Netherlands, Brazil and Norway committed to contribute to fund such a hybrid model, which was approved by the GAC at the Brussels meeting (June 2010).

2. Secretariat Scope: The experience to-date of hosting countries for the GAC Secretariat indicate two to five people dedicated to the task on a full or part time basis. This is besides technical and other support provided by ICANN. The GAC membership appreciates the provision of technical support by ICANN for the maintenance of its website, as well as support for meeting logistics, translation services, travel bursaries etc.

As referenced in Section 1 above, there was considerable urgency for GAC to ensure that it can measure up to its new mandate and this is where the Secretariat functions assume such importance. The new Secretariat therefore is expected to plan for capacity requirements to address the following:

- support Chair, Vice-chairs and Work Group activities,
- liaise with membership
- coordinate with ICANN's outreach efforts to increase GAC participation, in consultation with the GAC Chair and/or Vice Chairs
- analyse, synthesise and disseminate information relevant to GAC activities, and provide briefings as requested
- maintenance of membership data base,
- plan and prepare agenda for GAC meetings,
- provide administrative support to Chair in the conduct of ICANN reviews,
- prepare annual budget proposal and business programme,
- other as assigned.

3. Secretariat Financing: As previously stated, the Secretariat is funded from two sources – ICANN and governments who volunteer to contribute. With regard to the latter, the governments of the Netherlands, Norway and Brazil currently contribute to fund the GAC secretariat for the next five years starting in fiscal 2011. Other governments will be encouraged to contribute to help defray the operational costs, but with no obligation to do so. ICANN has been requested to underwrite its support costs to the GAC, as well as provide a backstop guarantee to finance the total operating costs of the GAC Secretariat in the event of default of pledged contributions from governments.

4. Recommendations: At a minimum, the JWG recommends that ICANN provide the GAC with support comparable to that provided to other SOs and ACs.

#### **Objective 5 Ways for governments to be informed about ICANN**

**(Note: this section relates to recommendations 13 and 14 of the ATRT report)**

The ICANN board asks the group to propose better ways for governments to be informed about ICANN.

The joint working group shall:

- identify measures and means that improve the ways for governments to be informed about ICANN, particularly those governments currently not participating in the GAC, and identify any operating processes or procedures that would be required to implement the measures.

In addition to the increased support noted above for travel, translation and interpretation, and website improvements, the JWG supports the concept of holding a high-level meeting for governments on the margins of a GAC meeting. A short program, including meetings with the ICANN Board and community, could be arranged, focused on matters of interest to high-level government officials, with the aim of informing governments about the work and role of the GAC and ICANN. The JWG also considers it important that any initiatives in this area be more integrated and coordinated with the Board's Global

Relationships and Public Participation Committees, as well as with ICANN's Global Partnership staff.

### **Recommendations**

1. That the GAC consider holding a high-level meeting for governments as a way to increase awareness at more senior levels among governments of the work that is conducted by the GAC and ICANN with the aim of informing governments about the work and role of the GAC and ICANN, and improving resource allocations in support of this work.
2. That the Board Global Relations and Public Participation Committees consider coordinating their respective workplans with the GAC and engage in routine exchanges with the GAC to ensure that their initiatives reflect the interests of governments.
3. That the Board and ICANN management broaden the responsibilities of ICANN staff involved in Global Partnerships and Public Policy to include more routine information sharing and briefings for the GAC, as well as more coordination in their work plans, to ensure that their activities reflect the interests of governments.

### **Objective 6 GAC interaction with the ICANN Board and community**

**(Note: this section relates to recommendations 12 and 13 of the ATRT report)**

The ICANN board asks the group to propose better ways for enhanced opportunities for the GAC to interact with the ICANN Board and community.

The joint working group shall:

- identify exemplar means and methods for GAC to interact with the ICANN Board and community and to contribute at the earliest opportunity to the Policy Development Processes.

Various means and methods of GAC interaction with the ICANN Board and community are covered in Objectives 1-5 of this report and options have been presented on the basis that the Bylaws refer to the GAC advising the Board, without explicitly referring to GAC inputs into broader policy development.

It has also been noted that in addition to advising the Board, and reviewing the role of liaisons, the GAC has adopted the practice of holding face-to-face meetings regularly with the ICANN constituencies. Typically, these exchanges take place in the context of an ongoing policy development process and have served to help clarify respective views.

The vast majority of GAC meetings are also open to the community, enhancing the transparency of GAC deliberations and providing insight into the public policy issues of priority concern to the GAC.

However, there is general understanding that improved methods of facilitating inputs from the entire ICANN community, including the GAC, would strengthen ICANN's ability to determine policy that is responsive to its stakeholders and represents the broad public interest.

The JWG considers all of the preceding recommendations in this report to be relevant to this Objective.