

GAC Related Recommendations – WITH UPDATED STAFF COMMENTS**Staff Comments:**

Please note that staff comments and responses are being provided in the sections below, entitled “Staff comment”. These are draft comments that may be revised and expanded.

Assessment of ATRT 1 Recommendations 9-14

Findings of ATRT1: The ATRT1 recognized that the existing GAC-Board relationship was dysfunctional and provided six recommendations aimed at enabling GAC- Board interactions. Below is a presentation of those recommendations, ICANN’s actions to implement them and the ATRT2’s assessment of their implementation and effectiveness.

Recommendations: The ATRT1 Final Report recommendations related to the GAC (9-14) were adopted by the Board in June 2011.

Recommendation 9: The Board, acting through the GAC-Board joint working group, should clarify by March 2011 what constitutes GAC public policy “advice” under the Bylaws.

Recommendation 10: Having established what constitutes “advice,” the Board, acting through the GAC-Board joint working group, should establish by March 2011 a more formal, documented process by which it notifies the GAC of matters that affect public policy concerns to request GAC advice. As a key element of this process, the Board should be proactive in requesting GAC advice in writing. In establishing a more formal process, ICANN should develop an on-line tool or database in which each request to the GAC and advice received from the GAC is documented along with the Board’s consideration of and response to each advice.

Recommendation 11: The Board and the GAC should work together to have the GAC advice provided and considered on a more timely basis. The Board, acting through the GAC-Board joint working group, should establish by March 2011 a formal, documented process by which the Board responds to GAC advice. This process should set forth how and when the Board will inform the GAC, on a timely basis, whether it agrees or disagrees with the advice and will specify what details the Board will provide to the GAC in circumstances where it disagrees with the advice. This process should also set forth the procedures by which the GAC and the Board will then “try in good faith and in a timely efficient manner, to find a mutually acceptable solution.” This process must take into account the fact that the GAC meets face-to-face only three times a year and should consider establishing other mechanisms by which the Board and the GAC can satisfy the Bylaw provisions relating to GAC advice.

Recommendation 12: The Board, acting through the GAC-Board joint working group, should develop and implement a process to engage the GAC earlier in the policy development process.

Recommendation 13: The Board and the GAC should jointly develop and implement actions to ensure that the GAC is fully informed as to the policy agenda at ICANN and that ICANN policy staff is aware of and sensitive to GAC concerns. In doing so, the Board and the GAC may wish to consider creating/revising the role of ICANN staff support, including the appropriate skill sets necessary to provide effective communication with and support to the GAC, and whether the Board and the GAC would benefit from more frequent joint meetings.

Recommendation 14: The Board should endeavor to increase the level of support and commitment of governments to the GAC process. First, the Board should encourage member countries and organizations to participate in GAC deliberations and should place a particular focus on engaging nations in the developing world, paying particular attention to the need to provide multilingual access to ICANN records. Second, the Board, working with the GAC, should establish a process to determine when and how ICANN engages senior government officials on public policy issues on a regular and collective basis to complement the existing GAC process.

ICANN’s assessment of implementation: After adopting the recommendations, ICANN created the joint Board-GAC Recommendation Implementation Working Group (BGRI working group) to focus on the implementation of the specific recommendations. For certain issues within the competence of the GAC, it undertook its own work efforts to respond to the recommendations. As called for by recommendation 9, the GAC developed a definition of GAC Public Policy “Advice” that was accepted by the BGRI working group and Board and ultimately was added by the GAC to its Operating Principles. This definition served as a key input for developing GAC procedures for the new gTLD program, most notably in the processes for GAC Early Warning and Advice (**Objections**).¹

Staff Comment:

Please note that most of the GAC input was in the form of Advice, rather than Objection.

To address recommendation 10, the BGRI working group developed and implemented a GAC Register of Advice. The GAC Register of Advice is posted publicly on the GAC website.² Evaluation of the effectiveness of the Register as a tool for the Board, GAC and community is ongoing, pending longer-term use of the Register by the GAC and the Board, particularly in terms of “follow up action” and joint agreement that advice has been fully implemented

To implement recommendation 11, the BGRI working group worked to codify the methods for the GAC-Board Consultations process as called for in the Bylaws. **The GAC has submitted edits to the document and the revised text remains outstanding in terms of Board review/approval. Once this is done, the Board will need to develop Bylaws amendments to impose time limits and**

¹ <https://gacweb.icann.org/display/GACADV/GAC+Advice>, ICANN Bylaws, Article XI Section 2.1, <http://www.icann.org/en/about/governance/bylaws>, GAC Operating Principles, **ARTICLE XII - PROVISION OF ADVICE TO THE ICANN BOARD**,

<https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles>

² <https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>

a super majority of the Board requirement for the Board's rejection of GAC advice.

Staff Comment:

Current status: The Chair has agreed that the process will be accepted and will be put into practice; formal Board approval is not necessarily needed. What the Board will need to vet are the Bylaws changes that will formalize the new threshold - the GAC is considering other potential Bylaws changes related to the GAC and has requested that all proposed Bylaws revisions be considered at the same time. Therefore, the consultation process is agreed upon and in action and is published on the GAC site. The Board will abide by the supermajority requirement even without a Bylaws change at this time. The subsequent Bylaws changes will be provided to the Board for consideration and public comment when the GAC/BGRI are ready.

As the BGRI working group tackled recommendation 12, several complicating factors emerged, including the complexity and length of the Generic Names Supporting Organization's (GNSO) policy development process. Additionally, despite the fact that the policy development processes of various SOs and ACs are open to community participation there are different levels of explicit participation avenues for the GAC. For example, the ccNSO process affirmatively includes input from the GAC in particular, while the GNSO process is "open" to all interested stakeholders and does not provide a specific path to participation by the GAC. However, the GAC is structured under the Bylaws to provide public policy advice directly to the ICANN Board which some see as an impediment to early engagement. In addition, considerable differences within the ICANN community as to the scope of the terms "policy" and "public policy" exist. The GNSO does not appear to assign any particular or specific weight to "public policy" advice from the GAC in its deliberations. For its part, the GAC is aware that it does not have membership status in the GNSO and cannot influence or determine the outcome of GNSO processes. There is no clear record, for example, of acceptance by the GNSO of GAC input prior to the completion of any specific GNSO policy recommendation; in fact, the reverse is the case (e.g. public order and morality). Recommendation 12 was discussed by the BGRI working group at ICANN Prague, Toronto and Beijing, focusing specifically on the different work methods in the GAC as compared to the other SOs and ACs. The GAC has agreed to develop proposals for new tools/mechanisms for engagement with the GNSO policy development process and discussions are ongoing.

Staff Comment:

The Board-GAC Recommendation Implementation (BGRI) Working Group continues to meet with the GNSO Council during the most recent ICANN meetings and has been making steady progress on how to facilitate and ensure early engagement of the GAC in the GNSO Policy Development Processes. Staff expects that this will result in concrete proposals and actions in the near future. It should be noted that GNSO PDP Working Groups are open to community members and some individual GAC Members have used this opportunity over the years. Albeit this does not amount to formal GAC involvement, it is a practice to encourage as broadening the information basis for GNSO PDPs. Furthermore, there are ongoing discussions between the GAC and the GNSO regarding opportunities for appointing liaisons in order to improve the information exchange.

In addition, one of the strategy panels, ICANN Multistakeholder Innovation led by Beth Noveck, will specifically focus on new models for broad, inclusive engagement, consensus-based policymaking and international structures for consideration by the CEO/Board/Community. This effort is expected to come up with new ideas on how to effectively engage governments in ICANN Policy Development activities, to be considered and shared with the community for feedback and refinement.

The GAC may wish to designate one of its co-chairs as lead on the policy engagement working group to assist GAC members in understanding policy development issues and participating in the activities of the SO groups.

In relation to recommendation 13, at the request of the BGRI working group, ICANN staff has proposed a monthly policy update for the GAC to assist GAC members in monitoring/tracking pending policy development initiatives. This effort has been welcomed by the GAC and is considered one of several elements that will support meeting the goal of the recommendation. There may be additional tools identified by the BGRI working group that could facilitate a broader understanding among GAC members of the variety of pending policy initiatives and deliberations in other ICANN stakeholders groups. The GAC has also proposed, via the BGRI working group, the idea of "reverse" liaisons from ACs and SOs, as well as a Board liaison to the GAC, which remains under consideration in terms of specific implementation measures.

Many efforts were taken to implement recommendation 14. The Canadian Government hosted the first meeting of senior government officials during the 45th ICANN Meeting in Toronto, which was well attended and highlighted considerable support for the role of the GAC within ICANN. At the request of the GAC Chair, ICANN has made strides to increase funding for GAC member travel to be commensurate with other SOs and ACs and provides interpretation for GAC meetings, which has clearly facilitated broader participation by non-English speaking GAC members in GAC deliberations. In the last three years the number of GAC members has increased from X to Y. [Need numbers from GAC] In February 2013, a new ICANN staff member was hired under a temporary contract to provide additional support to the Chair and Vice Chairs of the GAC. The GAC issued an RFP in 2012 to solicit a provider, funded by Brazil, Denmark and the Netherlands, to supply additional secretariat support. In the interim, ICANN funded the travel costs of an ACIG staff member to the Durban meeting to provide support to the GAC, under the guidance of the GAC Chair and Vice Chairs.

Staff Comment:

Currently, there are 129 Members in the GAC, plus 28 Observers. As of March 2011, there were 100 Members and 13 Observers – there has been a 39% increase since March 2011. Another significant trend is in in-person participation at ICANN meetings – 77% increase in the number of physical participants (GAC members and observers) between March 2010 Nairobi meeting and April 2013 Beijing meeting, from 39 to 69 in-person members and observers.

Summary of community input on implementation:

Comments received in response to the ATRT2 call for input generally support analysis conclusion that the Board, working with the GAC, has made a substantial, good-faith effort to implement this series of recommendations. Outstanding issues highlighted include the need to develop metrics or measurable criteria with which to monitor implementation, fully implement remaining recommendations, more clearly target future recommendations to aid in implementation, and improve communication of improvements to those outside of the immediate ICANN community. In addition, several comments note that implementation was delayed and in some there was a gap between the wording of the recommendation and how it was carried out.³ Some comments noted that the "role of the Board and the relationship between the Board and the GAC is unclear."⁴ In addition, while comments characterize ICANN as making best efforts the implementation of GAC improvements remains insufficient and that "a further smooth channel be provided for GAC to engage into policy-making procedure."⁵ Further comments consider that ICANN continues to need to improve accountability and transparency in decision-making and execution, "strengthen working mechanisms between GAC, Board and SOs/ACs and define roles."⁶ Some commenters feel that implementation remains unsatisfactory as some key GAC related recommendations have not yet been fully implemented.

Staff Comment:

ICANN has engaged One World Trust to assist in the development of Accountability and Transparency Benchmarks and Metrics. This work is expected to provide a useful baseline and framework for the ongoing monitoring and measurement of ICANN's progress in the area of Accountability and Transparency.

ATRT2 analysis of recommendation implementation: Overall, the ATRT2 finds that ICANN has made a good faith effort to implement ATRT 1 recommendations 9-14. While some of the recommendations have been addressed, there are outstanding implementation details that require further attention (e.g. the functioning of the Register of GAC Advice, whether and how often to hold additional High Level Meetings, etc.) For Recommendation 10, the Board needs to do further work to develop a more formal, documented process for notifying the GAC on matters that affect public policy concerns. Recommendation 12 related to facilitating the early engagement of the GAC in ICANN's policy development process remains an ongoing work priority for the BGRI working group, which has most recently involved direct consultations with the GNSO. And while there has been some progress on the level of support and commitment of governments to the GAC process, further work is need related to recommendation 14. There seem to have some challenges associated with responsibility for implementation (i.e., the shared nature of both the ICANN Board and GAC) as well as the practicality of priority timing proposed by ATRT1.

³ Shawn Gunnarson, Individual Commenter (see footnote 7)

⁴ Maureen Hilyard, ALAC, (see footnote 7)

⁵ 曹华平, Internet Society of China, (see footnote 7)

⁶ Liu Yue, Chinese Academy of Telecommunications Research, (see footnote 7)

Recommendation (s)	Assessment
9	Complete, issue satisfactorily addressed
10	Incomplete, significant steps have been taken with the GAC Register and the Board responding to GAC input, but further work is needed on the Board seeking GAC input at the outset.
11	Substance complete, but took longer than ATRT1 suggested deadline and final implementation is pending Board approval and subsequent Bylaws changes
12	Discussion and implementation of recommendations remain ongoing. Completion involves considerable further work and engagement with other SOs and ACs. [To be reassessed after receiving the expert report]
13	Complete, issue satisfactorily addressed
14	Actions taken, but further work is needed given broader geo-politics and the concerns of some governments

Staff Comment:

Correction: Pending Board approval is not required for implementation. It has been implemented. Please see related comment above.

B. ATRT2 Draft new GAC Related Recommendations (WG1.b)

Hypothesis of problem: Notwithstanding the progress made by ICANN in implementing the ATRT1 recommendations, there are a number of issues with respect to the GAC that are worthy of inquiry. There is a perceived lack of transparency of GAC work methods as well as concern about continued limited support and adequate resource commitments of governments to the GAC. As discussed in the ATRT1 report, there continues to be a lack of GAC early involvement in the various ICANN policy processes. Overall, there is concern whether ICANN is doing everything it can to bolster its legitimacy as seen by countries who do not participate in the GAC, especially countries in the developing world..

Background research undertaken:

Summary of relevant public comment responses: Responses from the community highlighted that while the GAC's input to policy discussions is important, the process and discussion involved in developing GAC views are often opaque. There were specific calls for community visibility into GAC work methods and processes. Comments show that this lack of insight into GAC discussion and work methods can result in confusion for the stakeholders upon the receipt of GAC Advice and a diminished level of trust. As confirmed by comments from one government official, the "GAC's role is critical in ensuring the wider public interest is taken into account" in ICANN decision-making so it is important for its role and performance to be

regularly subject to scrutiny by the wider ICANN community.⁷ Comments suggest the GAC employ metrics to measure the GAC’s accountability including “third party assessment of the advice, through interviews with the Board, constituency leadership, and community members.”⁸

Comments show that large portions of the ICANN community do not share a common understanding of the different roles of the Board, the GAC and the GNSO and that this the lack of understanding of the different roles “can result in a lack of respect for the input of the various stakeholders.”⁹ Others pointed to the limited visibility into the work methods and deliberations of the GAC, sometimes due to closed-door discussion, results in confusion among the community as to the process of developing GAC Advice, noting that “it often appears to catch the community by surprise.”¹⁰ Comments also suggested greater communication from the GAC during its deliberations and discussions could offer the community better insight into work methods, and processes, and GAC Advice relieving the feeling that “messages from the GAC are often misunderstood or seen as aggressive, and vice versa.”¹¹ Understanding that various constituencies within the community are interested in different issues and have different operational styles, “communication processes should be meaningful and relevant to ICANN users.”¹² Currently, “GAC external dialogue seems to be mainly Board-focused and the opportunity to interact with the wider ICANN community seems constrained.”¹³

In addition, comments from the community focus on the need to increase the level and quality of government participation in the GAC. Specific issues raised were increasing the outreach to developing countries, the need for GAC representatives to be supported individually to encourage consistent participation, and to manage how the GAC addresses its work load to ensure it can be addressed in a consistent fashion by GAC representatives. Comments referenced the perceived barriers to participation overall, noting that “it is difficult to navigate in the ICANN model.”¹⁴ Continuing in that vein, comments lay out a few baseline questions regarding growing participation in the GAC by a broad base of governments asking if the GAC is currently “effectively taking account of all situations across the globe in differing economies and communities [and] are GAC representatives sufficiently resourced on an individual basis to undertake more work on early policy development?”¹⁵ **How ICANN can provide simple, focused and high quality information rather than information on an ad hoc basis as well as measures to provide further support to newcomers.** The GAC also has a role to play in assuring continuous participation.¹⁶

Staff Comment:

Clarification of this comment would be helpful as it does not appear to be a complete sentence.

⁷ United Kingdom Government, Mark Carvell

⁸ Alejandro Pisanty

⁹ Danish Business Authority, Julia Wolman

¹⁰ Nominet, Laura Hutchison

¹¹ Nominet, Laura Hutchison

¹² Maureen Hilyard, Affiliation, ALAC

¹³ United Kingdom Government, Mark Carvell

¹⁴ Danish Business Authority, Julia Wolman

¹⁵ United Kingdom Government, Mark Carvell

¹⁶ Danish Business Authority, Julia Wolman

Several commenters also focus on the need to increase engagement and outreach to developing countries as a means to increase membership and gain more varied regional representation of views, noting that the “GAC needs to improve the consistency of levels of engagement across its membership, both at meetings and intersessionally when the level of involvement from developing and least developed countries are typically extremely low (notably in GAC teleconferences). This is a potentially serious problem given that the committee’s level of activity intersessionally needs to increase significantly.”¹⁷ Additionally, commenters feel “it will be important to monitor progress in promoting wider engagement”. It is important that ICANN work with its existing global stakeholders to reach out in their local communities where they are already well established and networked.¹⁸ Commenters note that the ATRT2 should, explore “aspects that may contribute to raise the level of participation and strengthening the legitimacy of the multistakeholder model.”¹⁹ Finally, several comments offer solutions and identify current efforts that could contribute to increased government involvement in, and support of, the GAC including the development of a GAC code of conduct.²⁰ One comment notes “the deployment of innovative consultation tools may help restore the balance in order to achieve meaningful response levels.”²¹ In addition, several commenters note that “ICANN’s opening of new offices may provide new global awareness, but will not fix problems.”²²

Lastly, comments highlight the need to incorporate the GAC into policy discussions early on in the process noting that “early engagement of the GAC is also important to ensuring predictability: improving understanding of the rationale behind decisions will help the wider community understand the advice and recognize how it fits in with the underlying principles.”²³ Comments cited the GNSO PDP as an example of where there is weak GAC engagement stating that the “timeliness often depends on leadership strength and member commitment as well as consistent refusal of groups to participate at all or not until late in process.”²⁴ The NCSG submits that they are “concerned about tendencies that threaten multi-stakeholder, bottom-up, consensus-building policy” and offer the drafting and discussion of the GAC Communique in Beijing as an example.²⁵ In addition, comments highlight that while all input is valuable, there are often barriers to exchanging information.²⁶ Comments continue to note that while GAC/Board interactions and processes have improved more can be done recommending that the ATRT2 specifically examine, “...a more dynamic and interactive exchange in open GAC/ Board meetings.”²⁷

¹⁷ United Kingdom Government, Mark Carvell

¹⁸ Nominet, Laura Hutchison

¹⁹ Danish Business Authority, Julia Wolman

²⁰ Nominet, Laura Hutchison

²¹ United Kingdom Government, Mark Carvell

²² Rinalia Abdul Rahim, Garth Bruen, Evan Leibovitch, Holly Raiche, Carlton Samuels, Jean-Jaques Subrenat, Affiliation ALAC

²³ Nominet, Laura Hutchison

²⁴ Registries Stakeholder Group, Paul Diaz

²⁵ Non Commercial Stakeholders Group, Mary Wong

²⁶ Nominet, Laura Hutchison

²⁷ Nominet, Laura Hutchison

Input from face to face sessions: Several comments from ATRT2 discussions with the various SOs and ACs, while noting the need to incorporate the GAC early on, also focused on the need for better cross community communication in general. The ALAC noted that in general, groups like the ALAC and GAC are not coming into the process early enough. The participants noted several barriers to inserting into various other processes such as 1) silos, associated with issues and SOs and ACs, create information sharing and process issues across the community, 2) cited instances when issues have been “taken” by a particular SO or AC when that issue was cross cutting and should have been addressed by the entire community, or 3) issues with participating in some other SO or AC processes, due to the tendency for SOs and ACs to “shout down” outside input. Finally, the ALAC participants noted that travel, facilities, and the compressed schedule all affect the ability of ALAC to do its work and proposed that better/alternate ways to connect should be explored (e.g. Adobe Connect).²⁸

During discussion with the GNSO, some ATRT2 participants noted (in their own observational capacity, not speaking on behalf of the GAC) that while the GAC does acknowledge a need and desire to participate in the process, it has not been able to identify how to do that effectively, while taking into account the different processes of the GAC and GNSO. The GNSO cited ongoing work and discussions regarding how to incorporate the GAC into their PDP stating that the ongoing discussion on this issue highlight an important aspect of the multistakeholder process. The GNSO also noted that because discussions were already underway, it is important not to duplicate work by approaching the issue from too many angles at the same time. Several GNSO participants suggested the need to examine whether policy processes as a whole were effective. Additional questions were raised regarding the ability for the GNSO policy process allowed for the development of consensus policies in a timely manner.²⁹

Community discussions on cross community deliberation continued with the Registry Stakeholder Group (RySG). The RySG shared several opportunities to participate in existing processes for GAC and other SOs and ACs. For example, when a PDP is initiated and a Working Group is formed a request/notice is sent to SOs and ACs inviting participants. Some SOs and ACs are able to provide good and consistent participation in various Working Groups. They also noted other attempts to coordinate that did not prove to work well (e.g. liaison with the GAC) and processes that are still being tried (e.g. IGO WG engagement with the GAC). Some participants noted that the reason liaisons with some communities succeed and others fail rests on the participant’s/SO or AC’s ability to engage and provide consistent feedback.

ICANN Staff input: In addition to issuing a questionnaire for public comment, the ATRT2 also asked ICANN Board and Staff a series of questions to gain insight into their understanding of the goals of ATRT1 recommendations and review the process used to review, implement and oversee implementation. The Board and staff responded to several questions from the ATRT2 as part of a Staff Input Document into the ATRT2,³⁰ including whether there were additional opportunities for improvement by virtue of the implementation of these recommendations?” (Question I). In response to that questions in the context of ATRT1 Recommendations 12,

²⁸ Characterization of notes (B.Cute) from ALAC session

²⁹ Characterization of notes (B.Cute, E.Bacon) from GNSO session

³⁰<https://community.icann.org/download/attachments/41880363/Consolidated+Responses+to+ATRT2+Questions-ATRT+1+Recommendations+Implementation+%2830Apr%29+Final.xlsx>

ICANN identified several possible additional measures for consideration in the future, including “GAC Chair designates small GAC WG, Reviews Monthly Reports for possible public policy interest, Post any comments on website, Submit comments to relevant SO, Specially-tailored Webinar prior to Public Meetings, Specifically designed for the GAC to focus on emerging or significant policy issues under development for discussion at public meetings that may raise public policy issues or concerns, Utilize Monthly Report to engage Supporting Organizations, Identify issues that may have public policy interest, Engage with relevant SOs prior to and during ICANN Public Meeting.” With respect to ATRT1 Recommendation 13, ICANN suggested “Assisting the GAC to organize/formalize regular consultation at ICANN meetings with the GNSO, ccNSO, ASO, and Advisory Committees on policy issues and matters of concern to the GAC.”³¹ For

ATRT1 Recommendation 14, ICANN noted that “more could be done to provide new GAC members with sufficient informational resources. MyICANN was, in part, intended to contribute to this objective and the planned Online Education Platform (working title) also is expected to help address GAC member's information needs.”³²

Relevant ICANN bylaws: Article 11, Section 2.1 (issue 1), Article XI, Section 2.1 (issue 2), Article XI, Section 2.1 (issue 3)

Relevant ICANN published policies: TBD, need to examine so/ac procedures

Relevant ICANN published procedures: TBD, need to examine so/ac procedures

Findings of ATRT2: The ATRT2 has identified three major issues that impact the GAC’s ability to effectively interact with the Board and community at large which has an impact on the accountability, transparency and perceived global legitimacy of ICANN. The first issue is a lack of clarity into, or understanding of, the GAC work methods, agenda and activities by the broad ICANN community, staff and Board. Complicating that relationship is that the relationship is not well understood between advice provided by the GAC to the ICANN Board and the policy recommendations provided to the ICANN Board through the policy development processes within ICANN’s Supporting Organizations (particularly the GNSO). The advice provided by the GAC is not well understood outside of government circles and the specifics of it are often a surprise to non-GAC members, particularly on those occasions when the GAC deliberations are closed to other interested ICANN stakeholders. A lack of understanding of methods and activities of the GAC can contribute to diminished credibility and trust in the GAC and its outputs and impeded interaction with ICANN community and constituency leading to process and policy development inefficiencies.

Second, challenges continue with limited support and commitments of government to the GAC process, which is reflected in disparate levels of familiarity with DNS matters and disparate levels of preparation for the issues pending for GAC/ICANN meetings. A perceived level of

³¹<https://community.icann.org/download/attachments/41880363/Consolidated+Responses+to+ATRT2+Questions-ATRT+1+Recommendations+Implementation+%2830Apr%29+Final.xlsx>

³²<https://community.icann.org/download/attachments/41880363/Consolidated+Responses+to+ATRT2+Questions-ATRT+1+Recommendations+Implementation+%2830Apr%29+Final.xlsx> - [It is unclear from the chart of questions whether the response was from the entire group or a specific contributor]

unfamiliarity with DNS issues could lead to a lack of credibility for GAC Advice and other outputs. Additionally, sustained participation by individual GAC members develops deeper knowledge on issues, better discussion and ultimately a better GAC.

Finally, GAC participation in the various ICANN policy development processes is limited to non-existent. Without early engagement the GAC is often put in the position of making interventions later into the policy development process often extending the timeline for those issues. Earlier engagement in policy development by all stakeholders would also produce more comprehensive polices that reflect the views and needs of the community.

ATRT2 Draft New Recommendations:

Increased transparency of GAC related activities

Staff Comment:

General comment pertaining to new recommendations:

While ATRT 1 established a precedent by addressing their GAC-related recommendations to the Board, ATRT 2 may wish to consider the fact that the implementation of GAC-related recommendations was a matter of joint effort between the GAC and the Board. Hence, ATRT 2 may wish to address their recommendations to the GAC.

1. The Board should request that the GAC consider a number of actions to make its deliberations more transparent and better understood to the ICANN community. Where appropriate, ICANN should provide the necessary resources to facilitate the implementation of specific activities in this regard. Examples of activities that GAC could consider to achieve to improve transparency and understanding include:

- Convening “GAC 101” sessions for the ICANN community, to provide greater insight into how individual GAC members prepare for ICANN meetings in national capitals, how the GAC agenda and work priorities are established, and how GAC members interact intersessionally and during GAC meetings to arrive at consensus GAC positions that ultimately are forwarded to the ICANN Board as advice;
- Publishing agendas for GAC meetings, conference calls, etc. on the GAC website seven days in advance of the meetings and publishing meeting minutes on the GAC website with seven days after each meeting or conference call.
- Updating and improving the GAC website to more accurately describe GAC activities, including intersessional activities, as well as publishing all relevant GAC transcripts, positions and correspondence;
- Considering whether and how to open GAC conference calls to other stakeholders to observe and participate, as appropriate. This could possibly be accomplished through the participation of a liaisons from other AC’s and SO’s to the GAC, once that mechanism has been agreed and implemented;
- Considering how to structure GAC meetings and work intersessionally so that during the three public ICANN meetings a year the GAC is engaging with the community and not sitting in a room debating itself; and,
- Establishing as a routine practice agenda setting calls for the next meeting at the conclusion of the previous meeting.

2. The Board should request that the GAC formally adopt a policy of open meetings to increase transparency into GAC deliberations, and establish and publish clear criteria for closed sessions.
3. The Board should request that the GAC develop and publish rationales for GAC Advice at the time Advice is provided. Such rationales should be recorded in the GAC register. The register should also include a record of how the ICANN Board responded to each item of advice
4. The Board working through the BGRI working group should develop and document a formal process for notifying and requesting GAC advice. (See ATRT! Recommendation 10.)
5. The Board should review and approve the documented process for Board-GAC Bylaws consultation as developed by the BGRI working group and enact any necessary Bylaws changes (See ATRT1 Recommendation 11.)

Staff Comment:

Suggested wording: “The Board should vote on a Bylaw change that is necessary to formally enshrine the agreed upon process, as soon as feasible.”

Increase support and resource commitments of government to the GAC (see ATRT 1 Recommendation 14)

6. The Board should request that the GAC develop a code of conduct for its members that address issues such: as conflict of interest; transparency and accountability; adequate domestic resource commitments; routine consultation with local DNS stakeholder and interest groups; and an expectation that positions taken within the GAC reflect the fully coordinated domestic government position and are consistent with existing relevant national and international laws.
7. The Board regularize senior officials meetings and convene a High Level meeting at least once every two years. In choosing meeting locations, ICANN’s meeting team should include the ability and willingness to host a High Level meeting as a criteria for evaluation and establish deadlines for local host country agreements that confirm support for the meeting.

Staff Comment:

Global Stakeholder Engagement staff is willing and able to support this effort in any way necessary should the recommendation go forward. No plans are currently being made to hold a high level meeting in Buenos Aires. Initiating a government high level meeting has historically resided with the Chair of the GAC to request ICANN’s assistance with convening a High Level Meeting and that has not been done. Alternatively a government might wish to engage the regional governmental structures in such a meeting but again this has not occurred in the case of Buenos Aires.

As the responsibility for convening a meeting of senior government officials historically rests with governments it may be that the GAC, not the ICANN Board, be noted as the appropriate focal point for future High Level Meetings as the GAC is the channel for government participation within ICANN.

It is also likely that including the “ability and willingness to host a high level meeting as a criteria for evaluation” could have the, albeit unintended, consequence of limiting the playing field for meeting locations. Not all national governments will see the need to have a High Level Meeting in their country, or their region at a particular time.

Governments acting as a local host for an ICANN meeting is the exception not the rule, although there should always be collaboration with the national government of the meeting location, they are not often “a host” in the traditional sense of the word. Additionally, the convening of a High Level Meeting should be a strategic decision based on issues in that location and timing rather than a pre-requisite, in order to assure maximum participation throughout the regions.

8. The Board should request that GAC work with ICANN’s Global Stakeholder Engagement Group (GSEG) to develop guidelines for engaging governments, both current and non-GAC members, to ensure coordination and synergy of efforts.

Staff Comment:

GSE produces a monthly report for the Chair of the GAC. This document includes a “look back” reporting on the previous months activity and projection looking forward at the next months planned activity involving GSE staff and government interactions. This material is presented to the GAC chair by the CEO or the Senior Advisor to the president with the Chairman of the Board in copy. This report was created at the request of the GAC chair so that GAC members would have advance notice of potential ICANN activity in their countries if this involves other parts of their governments.

GSE staff have also developed a global government engagement strategy document that will be presented to the Board Global Relations Committee (BGRC) for informational purposes at the committee meeting in Los Angeles this month (26 Sept 2013.) As a best practice the RVPs seek to inform the GAC members in their regions of the community regional engagement strategy working groups activities and outcomes.

9. The Board should instruct the GSEG to develop, with community input, a baseline and set of measurable goals for stakeholder engagement that addresses the following:

- Relationships with GAC and non-GAC member countries, including the development of a database of contact information for relevant government ministers;

Staff Comment:

One of the staff projects underway is the creation of a CRM. As part of that process the current GAC membership information will be integrated into the electronic database along with the other information being developed through the community engagement strategies. A challenge with these types of projects is the need for continuous updating. Previous initiatives involving government outreach will need to be validated and integrated into the CRM as well.

- Tools to summarize and communicate in a more structured manner government

involvement in ICANN, via the GAC, as a way to increase the transparency on how ICANN reacts to GAC advice (e.g. by using information in the GAC advice register).

Staff Comment:

The GAC register of Advice has been created and is updated by the ICANN staff supporting the GAC. This is a publically available resource on GAC advice to the Board. Board resolutions are also posted publically within 48 hours of the passage of a resolution. Correspondence between the Board and GAC on advice is also posted.

- Making ICANN’s work relevant for stakeholders in those parts of the world with limited participation; and,

Staff Comment:

- Global Stakeholder Engagement is currently working on regional approaches to the internationalization of ICANN. This means that community member committees staffed by the regional GSE staff are developing, implementing or exploring developing regional strategies, depending on the needs and priorities of the regions. Strategic Plans for Africa, Latin America and the Middle East have been announced and launched during the Toronto and Beijing meetings and were updated in Durban respectively. Written updates on the status of the strategies will be provided to the BRGC committee in this month’s meeting. Interactive sessions are also held at each ICANN Meeting to provide updates on activity and the process for identifying the initiative.
- The strategies are to increase participation and stakeholder involvement, and these efforts include relationships with all stakeholders including local businesses. In addition there is a global business engagement strategy in development through CEO roundtables and regional business outreach and discussions lead by Christopher Mondini.
- Please see examples of the regional engagement strategy documents here: [Africa Strategy](#) and [Latin America/Caribbean Strategy, and the Middle East Strategy: FY14 Implementation Plan](#) In addition discussions have been held on developing strategies for Europe; Asia, and the API regions. Asia and API discussions will be coordinated to address potential geographic overlap and the coordination of efforts. The collaboration also allows for cross polarization of ideas while still preserving the community identified priorities and region specific concerns.

- Develop for each region of the world an operational plan on how to develop and improve the local domain name business to ensure that local enterprises and entrepreneurs fully and on equal terms can make use of ICANN’s services including new gTLD’s.

Staff Comment:

The relevance of initiatives varies by region – that is why GSE has adopted a regional engagement strategy model. These strategies are community defined and developed by working groups staffed by GSA regional VPs. The working groups identify needs

through their representation of the various stakeholder groups in their regions and the use of surveys and outreach efforts. Once needs are identified and responses brainstormed the groups prioritize the projects they want to see implemented. The projects are then introduced one year at a time. Please see the Latin American regional engagement strategy as an example of this process. The working group developed more than forty possible initiatives in response to community feedback. Through a prioritization exercise the group then identified the first 5 projects to be initiated. While the African regional engagement strategy committee identified development of the DNS industry in the region as a priority that topic has not, thus far, been a featured issue for the European regional engagement strategy committee which has just started discussions. Part of the work of those regional groups has identified barriers to entry for participation in the DNS and what initiative might assist to level the playing field regarding issues with insurance and the program structure regarding escrow accounts and registrar and registry requirements.

The African Regional Strategy includes projects to develop incubators to support regional startups to become accredited registrars. To support DNS industry development programs in Africa ICANN organized an African DNS Forum with ISOC and AFTLD for two days prior to the ICANN meetings in Durban. The African DNS Forum brought together global players in the DNS industry to hear from the African business community about the challenges to developing the African DNS Industry and to address those challenges. Similar DNS Industry Development Fora will take place for Latin America and the Middle East in the coming few months as part of those regional strategy implementation plans.

The development of regional staff teams within GSE is part of the effort to level the playing field for all stakeholders globally to participate in the ICANN processes. This effort is further assisted through the Global Outreach and Engagement initiatives through the community webinars and interactive sessions at the ICANN meetings to identify and then develop new tools, initiatives and platforms to promote and support diverse participation in ICANN processes and constituencies. Examples of some of these community request based initiatives include the development of a master calendaring system; a digital engagement platform; on-line learning; and constituency support.

Language services recently have been expanded to bring on board in-house linguistic experts in the 5 UN languages (other than English). These skills augment the existing services provided including translation of materials, simultaneous interpretation of ICANN meetings sessions and also community conference calls.

GSE staff also give feedback to the other departments on the information and stakeholder issues raised in the regions – this includes giving feedback and requesting responses from the new gTLD staff and customer services on behalf of the community members. In addition GSE has coordinated with the staff from the GDD on regional outreach and training on what is involved in the RAA and compliance.

Increase GAC early involvement in the various ICANN policy processes (tied to ATRT 1

Recommendation 12)

10. [Tentative recommendation to be reexamined after receiving the report of the independent expert.] The Board, through the BGRI working group, should facilitate early engagement of governments, via the GAC, in ICANN's policy development processes. Issues to consider include, but are not limited to: whether or not the current siloed structured of SO/AC's is supportive of early GAC engagement; whether there is a systematic way to regularly engage with other stakeholders that facilitates information exchanges and sharing of ideas/opinions, both in face to face meetings and intersessionally; and, whether the Bylaws need to be amended to ensure that GAC advice is considered prior to policy recommendations being sent to the Board.

Staff Comment:

Staff invites ATRT 2 to consider that the work of the Strategy Panel on ICANN Multistakeholder Innovation is expected to provide fresh and innovative ideas for new models for broad, inclusive engagement, consensus-based policymaking and institutional structures to support such enhanced functions.

Public Comment on Draft Recommendation(s): - TBC

Final recommendation: - TBC