

ATRT2 Templates- Further improvement of GAC interactions with Board, AC/SOs and GAC's own mechanism

[These templates are a tool to organize thinking and provide basis for informed debate in Los Angeles. The templates are not intended to be a report format.]

B. Proposed new recommendations

- Hypothesis of problem

There is low active participation of governments around the world in the GAC. Some government high level officials know little about ICANN and GAC.

The New gTLD program brought challenges to GAC and its operation. It is hard for GAC to adapt to New gTLD process. The way of ICANN and board handling GAC advice is not satisfactory to some governments.

These problem leads to the hypothesis of insufficiency of GAC interaction with board, AC/SOs and GAC's own mechanism.

- Background research undertaken

- Summary of ICANN input

ICANN president&CEO Fadi's presentation at ATRT2 face-to-face meeting.

Link to relevant WS1, AoC 9.1b page which contains:

- [the relevant staff answers to questions](#)
- [WS1 9.1\(b\) staff answers Summary \(MS excel\)](#)
- [the relevant additional issues to be treated by this Team.](#)
- [Work Stream 1 Sources Repository](#)
- [Relevant Transcript from 14-15 March and 2-3 May Meetings](#)

Related materials about New gTLD program.

- Summary of community input via the public comment process and face to face meetings

Online public inputs by various parties in public comment period.

ATRT2 interaction with GAC at Beijing and Durban

- Summary of other relevant research

- Relevant ICANN bylaws

ARTICLE XI: ADVISORY COMMITTEES, Section 2. SPECIFIC ADVISORY COMMITTEES, 1. Governmental Advisory Committee

a. The Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.

b. Membership in the Governmental Advisory Committee shall be open to all national governments. Membership shall also be open to Distinct Economies as recognized in international fora, and multinational governmental organizations and treaty organizations, on the invitation of the Governmental Advisory Committee through its Chair.

c. The Governmental Advisory Committee may adopt its own charter and internal operating principles or procedures to guide its operations, to be published on the Website.

d. The chair of the Governmental Advisory Committee shall be elected by the members of the Governmental Advisory Committee pursuant to procedures adopted by such members.

e. Each member of the Governmental Advisory Committee shall appoint one accredited representative to the Committee. The accredited representative of a member must hold a formal official position with the member's public administration. The term "official" includes a holder of an elected governmental office, or a person who is employed by such government, public authority, or multinational governmental or treaty organization and whose primary function with such government, public authority, or organization is to develop or influence governmental or public policies.

f. The Governmental Advisory Committee shall annually appoint one non-voting liaison to the ICANN Board of Directors, without limitation on reappointment, and shall annually appoint one non-voting liaison to the ICANN Nominating Committee.

g. The Governmental Advisory Committee may designate a non-voting liaison to each of the Supporting Organization Councils and Advisory Committees, to the extent the Governmental Advisory Committee deems it appropriate and useful to do so.

h. 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, and shall take duly into account any timely response to that notification prior to taking action.

i. The Governmental Advisory Committee may put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.

j. The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. The Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.

k. If no such solution can be found, the ICANN Board will state in its final decision the reasons why the Governmental Advisory Committee advice was not followed, and such statement will be without prejudice to the rights or obligations of Governmental Advisory Committee members with regard to public policy issues falling within their responsibilities.

- Relevant ICANN published policies
“GAC Operating Principles”
<https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles>
- Relevant ICANN published procedures
- ATRT2 analysis

The new gTLD program poses challenges to GAC. When there is new gTLD string which is in conflict with geo-name or national/international law, the insufficient and low efficient GAC mechanism and GAC interaction with board and other AC/SO do not work well. The current working method is facing dilemma. For example, “.amazon” was rejected by GAC at Durban meeting. Then what should the board do? Is the board in a position to reverse the view of governments which largely represent public interests?

The liaison dysfunction was raised by GAC and ICANN communities during ATRT2 process for several times. Generally it is thought that the competence of liaison has a big influence on the effectiveness of communication between GAC and AC/SOs. So it is important to have the right persons with the right skill in the right place.

The low active participation in GAC can be interpreted as some countries are not satisfied with the role and functions of GAC. GAC operating principle seems ambiguous and incomplete for governments. In other words national states need the solid rationale to be in the GAC. In addition, GAC at this stage is not able to convey the board the importance and priority of its deliberations to board.

- Draft recommendation including rationale

<Rationale>

To solve the above-mentioned problems, it is necessary to strengthen the working mechanism between GAC, board and other AC / SOs, which will allow effective interaction among them. GAC itself should continue perfect its own mechanism and process. So that governments can be involved effectively and early in ICANN's decision-making process and to play their role effectively.

<recommendation1>Board and GAC jointly explore ways to further strengthen Board-GAC interaction mechanism. A probable solution is that Board and GAC jointly set up a standing working committee to discuss issues with mutual concern to endeavor to substantially improve the interaction between Board and GAC.

<recommendation2>further improve GAC interaction with other AC/SOs by enhancing the ability and skills of liaisons from GAC to other AC/SOs through appropriate liaison selection process, capacity building etc.

<recommendation3> GAC as appropriate set up a mechanism to classify its deliberations to Board into several categories in terms of importance and priority, like the most important and prior ones, very important and prior ones, less important and prior ones, or general comments. The most prior and important ones should be duly taken into account by Board. GAC should also continuously strengthen its decision-making mechanism and process as proper as quickly as possible.

<recommendation4>In consequence, GAC operating principle and ICANN bylaw may need to be amended and adjusted as appropriate.

- Public Comment on Draft Recommendations (to be completed later)
- Final recommendation (to be completed later)

Note: Links to relevant documents can be included, provided the link refers to a specific section of a given document. Alternatively, relevant section of other documents may be copies and pasted.