

# GAC Responses to ATRT3 GAC Work Party Questions

(Questions as shared with the GAC by the ATRT3 GAC Work Party at ICANN65 during 27 June 2019 session in Marrakech)

## ATRT3 Case Studies:

Information and consideration from GAC on two topic case studies:

.AMAZON (see <https://docs.google.com/document/d/1wWiyb9DVXydY8ptNimCx1gYWOWMltePVeZGut0Zsmx0/edit>; and

.AFRICA (see - <https://docs.google.com/document/d/1OfsV7Keid6Bxzs52DEKlp2Us-iPumEO3UALWNZJw9ms/edit>)

The case studies, provided by ICANN MSSI support staff, can be found in the document links above.

### GAC Acknowledgement –

As different GAC members may have different views of these activities, discussions via direct interviews with experienced GAC subject matter experts are recommended.

## Question #1:

*“Even under the new process between GAC and Board, sometimes after Board accepts GAC advice, there is no further control on the implementation, sometimes the advice does not reach the final goal. Do you believe Performance Key indicators on what really happened with this advice could be of value for GAC?”*

### GAC Response -

Due to new tools developed by ICANN staff, tracking of GAC consensus advice by ICANN org has improved substantially since the ATRT2 recommendations. GAC members now have more clarity in terms of the expectations for the timing of Board evaluation and responses to consensus advice provided in each GAC Communiqué. The status of the Board’s progress and response to each element of consensus advice is tracked on the GAC web site.

Identification and implementation of key performance indicators of operational performance involving consideration, treatment and implementation of GAC consensus advice would be of substantial benefit to the ICANN organization and of value to the GAC and a logical next step in the improvements being realized in this area.

## **Question #2:**

*“Is GAC satisfied with the interactions with the BOARD? Is satisfied with interaction with other communities? In both cases what kind of improvements would GAC like to see implemented?”*

### GAC Response –

As a result of implementing certain ATRT2 recommendations, communication and coordination between the Board and the GAC has improved over the last few years as expectations have been established and met for timely Board review and considerations of GAC consensus advice. In certain instances where consideration of GAC advice has been deferred, there is communication explaining why that transpires.

Separately, the ICANN org staff has established an inventory of GAC advice to assist interested parties in researching and understanding how past advice has been considered and processed.

At the ICANN63 meeting in Barcelona, the GAC and members of the ICANN Board agreed to change the name and intention of the former Board-GAC Review Implementation Group (BGRI) to the new Board-GAC Interaction Group (BGIG) - as evidence of a determination to continued interaction and active cooperative efforts between the Board and the GAC. The new “BGIG” name reflects a renewed commitment to the collaborative work of the GAC and Board members. It is expected that the BGIG will continue to explore initiatives and opportunities that can improve the GAC's operations and facilitate meaningful interaction with the ICANN Board.

Additionally, with the pace of GAC participation increasing in recent years, it has been observed that information sharing with various parts of the ICANN community is critical to help government representatives working inside and outside ICANN to understand the context of various DNS issues. Consistent dialogue with members of other ICANN communities can enhance communications and information sharing between various stakeholders and create connections that can be relied on as new policy and operational topics are introduced and discussed.

Additionally, GAC members have publicly encouraged the Board (at ICANN65 in Marrakech) to promote more substantive dialogue between the Board and GAC members as a way to try to overcome the somewhat traditional ritualization and formalization of previous interactions. Formality and spontaneity can be complementary and equally productive methods for interaction.

The GAC holds regular bilateral meetings with other ICANN advisory committees and supporting organizations (including the ALAC, ccNSO and GNSO) at ICANN public meetings. At recent public meetings, the GAC has also interacted with the RSSAC, the SSAC and other groups from the gTLD space including contracted parties (registries and registrars), business, intellectual property interests, noncommercial interests and advocates for universal acceptance of new gTLDs.

In addition to these productive evolutionary improvements, the GAC suggests that the following improvements be considered:

- Development of a mutually agreed procedure for how to proceed in cases where GAC early input is in conflict with a GNSO policy proposal (per the objectives of the GAC-GNSO Consultation Group on GAC Early Engagement in GNSO PDP) and a mutual agreement could not be reached; and
- Establishment of expectation for PDP working groups to formally indicate or communicate to the GAC how the committee's input has been considered - as indicated in Recommendation #4 of the same consultation group stating, "... Furthermore, the C[onsultation] G[roup] encourages PDP Working Groups to communicate to the GAC how its input has been considered and addressed, and encourages the GAC to strengthen its participation in the later stages of the PDP".

### **Question #3:**

*“What is your perception of transparency within policy development process, including the EPDP?”*

#### GAC Response -

In recent years, a substantial number of GAC member representatives and participants have observed and contributed to cross community groups and have been given the opportunity to be involved in policy development processes managed by the GNSO and ccNSO. While there are a number of procedural and process issues regarding these efforts about which GAC members have expressed concerns (e.g., the timing and pace of the work, the opportunity for governments to maximize participation, the capability to attend meetings in-person and/or address other discussion participants in real-time) the implementation of these policy efforts have generally allowed GAC members to track, observe and contribute their views at every step of the process.

While GAC members acknowledge current transparency efforts of ICANN org generally, there is a concern that the amount of information shared can be overwhelming. Thus, transparency

efforts can be overshadowed by the availability of too much information without corresponding curation or organization. Development and availability of plain language summaries of ICANN actions could be a solution to this potentially unintended “oversharing” of information.

#### **Question #4:**

*“Is there anything else you’d like to share from the perspective of accountability and transparency?”*

#### GAC Response -

Although in the exercise of operational practices the GAC leadership and membership observe a tradition of openness, transparency and accountability between and among committee members, the current GAC Operating Principles generally only infer and briefly reference the general principles of accountability and transparency.

The GAC has taken voluntary steps to address this matter by embarking on a thorough review of its existing operating principles. The committee has formed a standing working group to undertake the task of reviewing the current GAC Operating Principles and recommending amendments, updates and (where appropriate) new principles to enable the GAC to function as a full member of ICANN’s empowered community into the future. This review and updating effort will enable the GAC to incorporate with more clarity and specificity how the committee operationalizes the principle of accountability and transparency enshrined in the ICANN Bylaws.

The working group, formed at ICANN64 in Barcelona, Spain is first working to establish clear and documented guidelines and procedures for how the GAC can form and manage working group efforts on topics of interest to governments and intergovernmental organizations. Subsequently, the working group will review and assess all of the 54 GAC Operating Principles to determine process and procedure areas that merit additional clarity or updates.

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