

# ICANN | GAC

## Governmental Advisory Committee

28 February 2024

Tripti Sinha  
Chair, ICANN Board of Directors

**Subject: Matter of Transparency at ICANN**

Dear Tripti,

Thank you very much for the recent opportunities you have provided GAC members through GAC Communiqué clarification calls and Board-GAC Interaction Group (BGIG) discussions for dialogue on matters related to transparency and accountability at ICANN.

ICANN's processes should be fair and transparent to ensure the trust and confidence of all stakeholders, including governments, in the multistakeholder system of Internet governance. The importance of transparency is enshrined in ICANN's Bylaws.<sup>1</sup>

The GAC wishes to formally draw the Board's attention to an exception within the GNSO's Operating Procedures that permits participants to refrain from disclosing the individuals or entities that they represent at ICANN. The GAC addressed this exception in its ICANN76 and ICANN78 Communiqués, as an issue of importance.

These exceptions ignore globally established norms in policymaking, where representatives are required to disclose client identities when engaging in policymaking processes. Transparent participation in multistakeholder processes is essential for the long-term viability and trust in the policy outcomes produced by them.

The GAC firmly supports transparency at ICANN and, in its view, considers this exception in conflict with the ICANN Bylaws. Accordingly, the GAC requests the ICANN Board to take steps to provide their analysis of the Bylaw requirement and consider what actions may be taken to

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<sup>1</sup> Section 3.1 of ICANN's Bylaws, titled "Open and Transparent," provides that "ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness, including implementing procedures to (a) provide advance notice to facilitate stakeholder engagement in policy development decision-making and cross-community deliberations, (b) maintain responsive consultation procedures that provide detailed explanations of the basis for decisions (including how comments have influenced the development of policy considerations), and (c) encourage fact-based policy development work."

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ensure that all of ICANN's constituent bodies are required to close such loopholes in their operating procedures.

We appreciate your consideration of this issue and look forward to discussing further.

Sincerely,



Nicolas G. Caballero

Chair, Governmental Advisory Committee (GAC)

Internet Corporation for Assigned Names and Numbers (ICANN)