



Governmental Advisory Committee

8 May 2015

Dr. Stephen Crocker
Chair, ICANN Board of Directors

Reference: ATRT2 Recommendations

Dear Dr. Crocker,

I am writing to advise you of the current status of those ATRT2 Recommendations relating directly to the GAC. This is for the information of the Board.

The attached table contains details of what GAC has either agreed to or understands the position to be with regard to Recommendations 6.1 through 6.9 inclusive, and Recommendation 10.2. Continuing oversight of several of these remains under the guidance of the Board-GAC Recommendations Implementation Working Group (BGRI).

In summary, the situation is as follows:

RECOMMENDATION	STATUS
6.1.a Convening information sessions for the ICANN community	Implemented
6.1.b Publishing GAC agendas and minutes	Being implemented
6.1.c Updating and improving the GAC website	Being implemented
6.1.d Opening GAC conference calls to other stakeholders	Being implemented
6.1.e Structuring GAC meetings and work intersessionally for greater engagement	Implemented
6.1.f Agenda-setting calls	Implemented
6.1.g Clarity regarding role of GAC leadership	Being implemented
6.1.h Giving affected entities the opportunity to present to the GAC	Being implemented
6.2 Policy of open meetings	Implemented
6.3 Developing and publishing rationales for GAC advice	Being implemented
6.4 Formal process for Board to notify and request GAC advice	Implemented
6.5 Bylaw changes to formally implement documented process for Board-GAC bylaws consultation	Partly implemented

6.6 Removing barriers to participation, more efficient decision-making and best practice GAC engagement	Being implemented
6.7 Regularise senior officials meetings	Implemented
6.8 Development of guidelines for engaging governments	Being Implemented
6.9 GSE goals for stakeholder engagement	Being implemented (primary responsibility is with ICANN GSE team)
10.2 GAC engagement in GNSO policy development process	Being implemented

The GAC sees all of these matters as a continuing process of improvement and review, as part of good governance. Accountability and transparency will continue to be priorities for the GAC both on a cross-community basis (for example, with regard to the Enhancing ICANN Accountability process and the new meeting structure); and internally (for example, the GAC is reviewing its Operating Principles to ensure they reflect the best means of GAC meeting its objectives).

There is one matter on which the GAC would appreciate the Board's views. ATRT2 Recommendation 6.5 proposes a ByLaws amendment to implement the process for Board-GAC consultation under the ByLaws. This follows on from ATRT1 Recommendation 11, which proposed documentation of the consultation process and which the ATRT2 report assessed as "Substance complete", while noting that consequential ByLaws amendments remain open. As you are aware, a proposal was put to public comment last year and attracted significant negative comment. At the Los Angeles meeting in October 2014 the Board advised the GAC that this matter was "on hold" and would be considered further in the broader context of the review of ICANN accountability. At the hearing of the US Senate Committee on Commerce, Science and Transportation of 25 February 2015, the ICANN CEO stated in response to a question that this matter was now "off the table."

The role of the GAC and how its advice may be handled in future has been the subject of discussion in the CCWG-Accountability, and the GAC continues to participate in this community-based process. However, as there is an outstanding recommendation from ATRT2, the GAC suggests that: (i) the BGRI retain a "watching brief" on this pending resolution of the CCWG process; and (ii) the documentation of the consultation process already agreed in response to ATRT1 Recommendation 11 be appropriately noted, perhaps as a footnote to the relevant existing ByLaws.

Best regards,



Mr Thomas Schneider
Chair, Governmental Advisory Committee

**IMPLEMENTATION OF ATRT 2 RECOMMENDATIONS RELATING TO GAC: PROPOSED
REPORT TO ICANN BOARD
8 May 2015**

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Increased transparency of GAC-related activities	
<p>6.1. ATRT2 recommends that the Board work jointly with the GAC, through the Board-GAC Recommendation Implementation Working Group (BGRI working group), to 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 the GAC could consider to improve transparency and understanding include:</p>	<p>Singapore Communiqué (March 2014): the GAC agreed on a revised Charter for the continuation of the Board-GAC Recommendation Implementation Working Group (BGRI-WG). Some areas of the ATRT2 report are the subjects of ongoing GAC working groups and some are GAC internal matters, which will feed into the overall ATRT2 implementation process.</p> <p>BGRI-WG areas of work: The following Recommendations of the ATRT2 Report are areas of work for the BGRI-WG:</p> <ul style="list-style-type: none"> - Recommendation 6.4 (Notification & requesting GAC advice) - Recommendation 6.5 (Bylaw changes) - Recommendation 6.7 (Highest level support for further Senior Officials' meetings) - Recommendation 10.2 (Earlier GAC engagement in ICANN policy development processes) <p>WGWM (Working Group on GAC Working Methods): Areas of work overlapping with ATRT 2 recommendations: (Note: This Working Group is not currently active and GAC may decide that it should lapse if its work is complete)</p> <ul style="list-style-type: none"> - Agendas. - Improvement of the GAC website. - Role of Vice Chairs. - Increasing active participation (by members) in GAC discussions. - Presentation and explanation of GAC work. - Monitoring implementation of GAC advice. - Publicity of GAC meetings. <p>Accordingly, the WGWM has addressed ATRT2 recommendations 6.1, 6.2, 6.3 and 6.6.</p> <p>GAC Working Group on Government and IGO Engagement:</p> <p>This working group, in conjunction with the ICANN</p>

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	Global Stakeholder Engagement team, has addressed ATRT2 recommendations 6.8 and 6.9.
<p>a. Convening “GAC 101” or information 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;</p>	<p>Implemented. Now being further revised and improved from meeting to meeting.</p> <p>There have been three GAC Open Forums to date, at ICANN 50, IGF 2014 and ICANN 51. The GAC is taking stock of the experiences to date and reviewing the format of GAC Open Forums so that they meet the objectives of the ATRT2 recommendation. Possible initiatives being considered include adding an “ask the GAC” section to monthly SO/AC leaders calls; using the session immediately after the GAC’s face-to-face meetings with the Board; and development of online materials for GAC and non-GAC outreach, including videos by GAC members in their own language, and possible collaboration with relevant areas of ICANN including ICANN Learning and the ICANN Academy.</p> <p>The GAC agreed on the need for at least one Open Forum per year; for arrangements to align with the new ICANN meeting structure from 2016; and, if possible, to hold another GAC information session at the next IGF, given the success of the event at IGF 2014.</p>
<p>b. 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 within seven days after each meeting or conference call;</p>	<p>Being implemented.</p> <p>The agenda for GAC face-to-face meetings is published as part of the ICANN meeting schedule (iScheduler). It is also published in more detail on the GAC website at least 7 business days before the meeting. Draft minutes of GAC face-to-face meetings are circulated to the GAC within 3 weeks of the meeting. A revised version is then published on the GAC website in translated versions.</p> <p>Agendas for and minutes of GAC conference calls are not currently published. This will, however, be considered further by the GAC.</p>
<p>c. Updating and improving the GAC website to more accurately describe GAC activities, including intersessional activities,</p>	<p>Being implemented.</p> <p>A comprehensive review of the GAC website is being</p>

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<p>as well as publishing all relevant GAC transcripts, positions and correspondence;</p>	<p>conducted by the ACIG GAC Secretariat in conjunction with ICANN staff.</p> <p>The default position since February 2015 is that materials will be placed on the publicly accessible GAC website, with exceptions to be assessed by the relevant Working Group on a case-by-case basis.</p> <p>Recordings and transcripts of all GAC meetings except for communiqué-drafting sessions have been made available online since ICANN 47 in the six UN languages and Portuguese.</p> <p>The existing GAC website is also being revised to improve access to relevant information and to streamline the site’s navigation. Correspondence is published on the GAC website and all correspondence between the Board and the GAC is also published on the ICANN website.</p> <p>It would not be appropriate to publish the position of individual GAC members in closed meetings; nor correspondence concerning GAC membership.</p>
<p>d. 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 liaisons from other ACs and SOs to the GAC, once that mechanism has been agreed upon and implemented;</p>	<p>Being Implemented.</p> <p>Liaisons to GAC from other SOs and ACs will be invited to observe and participate as appropriate in GAC conference calls. There may be some restrictions where management of GAC internal matters is involved.</p> <p>At present there is only one liaison appointed to GAC, from the GNSO, as part of a pilot program to be evaluated in October 2015. The GAC is open to proposals for similar “reverse liaisons” from other SOs and ACs. It should be noted, however, that GAC conference calls have generally been concerned with agenda setting for physical meetings, rather than with decision-making on substantive GAC advice.</p>
<p>e. 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;</p>	<p>Implemented.</p> <p>GAC face-to-face meetings are now open (except for Communiqué drafting) and are increasingly interactive. For example, community sessions on geographic names; discussions with the NomCom;</p>

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	<p>and GAC Open Forum sessions.</p> <p>GAC accepts the need for inter-sessional work. GAC is an active participant in cross-community work, including IANA stewardship transition and ICANN Accountability. More work is being dealt with by GAC Working Groups. There have been recent inter-sessional discussions with NGPC and ccNSO.</p> <p>The engagement of an independent secretariat has facilitated more efficient and accessible meetings and inter-sessional work.</p> <p>Implementation by GAC of recommendations 6.1 a), b), c) and d) complements all of the above.</p> <p>GAC is actively considering the opportunities for greater cross-community engagement created by the new ICANN meeting structure.</p>
<p>f. Establishing as a routine practice agenda setting calls for the next meeting at the conclusion of the previous meeting;</p>	<p>Implemented.</p> <p>At the end of each face-to-face meeting the GAC has a planning session for the next meeting. A GAC-wide agenda-setting call (at least one, sometimes more) is scheduled well in advance of each meeting.</p>
<p>g. Providing clarity regarding the role of the leadership of the GAC;</p>	<p>Being Implemented.</p> <p>A Fact Sheet on the GAC Leadership Group has been prepared and is on the GAC website.</p> <p>The Leadership Group has been expanded to 5 Vice Chairs, to deal with increased workload and reflect diversity. The Group has regular conference calls, supported by the ACIG GAC Secretariat and ICANN support staff, to manage GAC issues. The outcomes are reported to GAC members.</p> <p>Further consideration may be given to the role of the leadership group in the planned review of the GAC Operating Principles.</p>
<p>h. When deliberating on matters affecting particular entities, to the extent reasonable and practical, give those entities the opportunity to present to the GAC as a whole prior to its deliberations.</p>	<p>Being implemented.</p> <p>The GAC Working Group on Future Protections for Geographic Names has followed this practice with community sessions at the last three meetings. The pilot scheme for a GNSO liaison to the GAC should enable better communication with GNSO</p>

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	<p>stakeholders. GAC is currently working on a more structured and comprehensive framework for consultation with affected stakeholders in line with the intent of the recommendation.</p>
<p>6.2. ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC formally adopting a policy of open meetings to increase transparency into GAC deliberations and to establish and publish clear criteria for closed sessions.</p>	<p>Implemented.</p> <p>GAC sessions at face-to-face meetings have been open (as a default approach) since mid-2013. The only exception has been Communiqué drafting sessions. GAC agenda-setting conference calls that are for logistics and scheduling, rather than substantive decision-making, have not been open. The GAC may in the future need to hold a private meeting if the topic of discussion is a sensitive and purely internal matter (although the need has not arisen since mid 2013).</p> <p>Consideration may be given to formalising this practice in the planned review of the GAC Operating Principles</p>
<p>6.3. ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC developing and publishing 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.</p>	<p>Being implemented.</p> <p>The rationale for GAC advice in Communiqués has been made clearer through continuous improvement of the wording of the Communiqué itself, including attachments where appropriate; holding of open meeting sessions as the default; and publication of transcripts and Minutes.</p> <p>The rationale for other GAC advice in the form of inter-sessional correspondence is made as clear as possible in the correspondence itself.</p> <p>The GAC Register of Advice could be made clearer and more accessible and this is being addressed.</p> <p>GAC Open Forums at face-to-face meetings are an opportunity for the community to seek further clarification from GAC on processes.</p> <p>The GAC will:</p> <ul style="list-style-type: none"> • Continue working with ICANN staff to improve the GAC Register of Advice, including a record of how the ICANN Board responded to each item of advice. • Ensure that the GAC website review addresses the intent of this recommendation. • Consider further options for explaining its advice

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	at face-to-face meetings and in writing.
<p>6.4. The Board, working through the BGRI working group, should develop and document a formal process for notifying and requesting GAC advice (see ATRT1 Recommendation 10).</p>	<p>Implemented.</p> <p>The GAC has received no objections from its members on the ‘ Draft Timeline for Board Requesting GAC advice’ prepared by the BGRI, would regard it as the currently documented formal process and will have it posted online.</p> <p>It is noted that Board requests for GAC advice are very rare, with only one such request issued during the last five years.</p>
<p>6.5. The Board should propose and vote on appropriate bylaw changes to formally implement the documented process for Board-GAC bylaws consultation as developed by the BGRI working group as soon as practicable (see ATRT1 Recommendation 11).</p>	<p>Partly implemented.</p> <p>The ATRT1 Report (Recommendation 11) recommended formal documentation of the process by which the Board responds to GAC advice. The ATRT2 Report assessed this as “substance complete” but recommended that ByLaws changes to formally implement the documented process be developed by the BGRI (Recommendation 6.5).</p> <p>A proposal to set a ByLaws threshold of a two-thirds majority (supermajority) for the Board to reject GAC advice was issued by ICANN for public comment in 2014.</p> <p>At their meeting at ICANN 51 in Los Angeles in October 2014, the Board and the GAC noted that public comments on the proposed bylaw change had been almost unanimously negative, although many comments seemed to be based on a misunderstanding of the purpose, status and timing of the proposal, conflated with accountability issues. The Board said that for these reasons the issue would be “put on hold”, to be revisited in the future in the broader context of other changes across the ICANN community.</p>
<p>Increase support and resource commitments of government to the GAC (see ATRT 1 Recommendation 14)</p>	
<p>6.6. ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to identify and implement initiatives that can remove barriers for</p>	<p>Being implemented.</p> <p>With regard to barriers to participation:</p> <ul style="list-style-type: none"> • Fact Sheets have been prepared for members in

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<p>participation, including language barriers, and improve understanding of the ICANN model and access to relevant ICANN information for GAC members.</p> <p>The BGRI working group should consider how the GAC can improve its procedures to ensure more efficient, transparent and inclusive decision-making.</p> <p>The BGRI working group should develop GAC engagement best practices for its members that could include issues such as: conflict of interest; transparency and accountability; adequate domestic resource commitments; routine consultation with local Domain Name System (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.</p>	<p>the 7 UN languages + Portuguese</p> <ul style="list-style-type: none"> • Comprehensive briefing is provided through new Secretariat arrangements • Translation of minutes, briefs, transcripts and Communiqué is standard practice • Interpretation is available at meetings and conference calls • There is improved co-ordination with the ICANN Global Stakeholder Engagement team on GAC-ICANN linkages • A newcomer welcome session has been trialed • GAC manages its own travel support program (with ICANN funding) according to clear criteria. • The newly-formed GAC Working Group on Under-Served Regions will examine ways to increase GAC membership and participation of representatives from developing countries. <p>With regard to more efficient, transparent and inclusive decision-making:</p> <ul style="list-style-type: none"> • See responses to Recommendations 6.1, 6.2 and 6.3 <p>With regard to GAC engagement best practices by members:</p> <ul style="list-style-type: none"> • Many of these issues are matters for the judgment of individual governments rather than some form of standardization. • The GAC will consider ways in which members can be supported to participate most effectively, complementing measures to remove barriers to participation.
<p>6.7. ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to regularize senior officials’ meetings by asking the GAC to convene a High Level meeting on a regular basis, preferably at least once every two years. Countries and territories that do not currently have GAC representatives should also be invited and a stock-taking after each High Level meeting should occur.</p>	<p>Implemented.</p> <p>The GAC has agreed in principle to convene a High Level Government Meeting on a regular basis, aiming for once every two years. Guidelines for holding such meetings have been adopted as a “living document”, to be updated as needed and reviewed regularly in light of ongoing experience. Non-GAC members will be invited (as was done for the London HLGGM in 2014) and a stocktake conducted after each event.</p>
<p>6.8. ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to work with ICANN’s Global Stakeholder Engagement group (GSE) to</p>	<p>Being Implemented.</p> <p>Draft Guidelines for engaging governments, and for co-ordination between GAC and GSE, have been</p>

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develop guidelines for engaging governments, both current and non-GAC members, to ensure coordination and synergy of efforts.	developed and should be finalised by the GAC before or at the Buenos Aires meeting.
<p>6.9. The Board should instruct the GSE group to develop, with community input, a baseline and set of measurable goals for stakeholder engagement that addresses the following:</p> <p>a. Relationships with GAC and non-GAC member countries, including the development of a database of contact information for relevant government ministers;</p> <p>b. 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);</p> <p>c. Making ICANN’s work relevant for stakeholders in those parts of the world with limited participation; and,</p> <p>d. Develop and execute for each region of the world a plan to ensure that local enterprises and entrepreneurs fully and on equal terms can make use of ICANN’s services including new gTLD’s.</p>	<p>Being implemented by ICANN GSE team.</p> <p>This is primarily a matter for the ICANN GSE team. GAC is now working more closely with the team (see response to Recommendation 6.8); has joint discussions at each GAC meeting; and raises appropriate issues on the regular conference calls between ICANN and GAC leadership.</p> <p>The GSE team has advised the following status update:</p> <p>a. Relationships with GAC and non-GAC member countries: The relationships with GAC and non-GAC member countries have been strengthened through staff interactions with the constituent WG. The engagement work occurs within regions in capitals, with regional intergovernmental groups and in Geneva and New York through engagement with the relevant IGOs and IOs. The database of contact information for relevant government ministers is in development but budget constraints may delay implementation.</p> <p>b. 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: currently holding regular webinars and briefings, distributing educational material and hosting DNS regional forums.</p> <p>c. Making ICANN’s work relevant for stakeholders in those parts of the world with limited participation: In practice, GSE is implementing this recommendation in the regions according to community priorities as expressed in the community-driven regional engagement planning and prioritization and at GE Team in Geneva in accordance with stakeholders preferences and global work.</p> <p>d. Develop and execute for each region of the world a plan to ensure that local enterprises and entrepreneurs fully and on equal terms can make use of ICANN’s services including new gTLDs: four regions have strategies that have been developed by the multistakeholder regional communities, including</p>

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	<p>participation from Governments in those regions, whether ICANN GAC members or not. One DNS entrepreneurship centre has been started in Egypt and is serving the Middle East and Africa region. Other regions are looking at it and the prospects of replication look good in developing regions.</p>
New Recommendations from ATRT2	
<p>10.2. The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided to ICANN policy development processes and that the GAC has effective opportunities to provide input and guidance on draft policy development outcomes. Such opportunities could be entirely new mechanisms or utilization of those already used by other stakeholders in the ICANN environment. Such interactions should encourage information exchanges and sharing of ideas/opinions, both in face-to-face meetings and intersessionally, and should institutionalize the cross-community deliberations foreseen by the AoC.</p>	<p>Being implemented.</p> <p>A GAC-GNSO Consultation Group (CG) on GAC early engagement in GNSO PDP was chartered in March 2014. It aims to articulate and obtain agreement on processes/procedures for ongoing smooth and timely information exchange between the GAC and the GNSO; for early engagement of GAC in GNSO PDP projects; for handling of conflict between GAC early input and a GNSO proposal; and, for accommodating the different working methods of the GAC and the GNSO.</p> <p>The CG was formerly meeting bi-weekly, but is not currently doing so due to workload pressures on members from the IANA Transition and ICANN Accountability processes. It has also met face-to-face in the margins of ICANN meetings.</p> <p>A GNSO Liaison to GAC was selected for a one-year pilot starting in October 2014 at ICANN 51.</p> <p>GAC and GNSO have agreed to trial a 'Quick Look Mechanism' to identify possible public policy implications at the issues scoping stage of a GNSO PDP. Further initiatives are being considered by the GAC-GNSO Consultation Group.</p>