**GAC Related Recommendations**

**Assessment of ATRT1 Recommendations 9-14**

**Findings of ATRT1:** The ATRT1 recognized that the existing GAC-Board relationship was dysfunctional and provided six recommendations aimed at improving 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]](#footnote-1)

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]](#footnote-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 a super majority of the Board requirement for the Board’s rejection of GAC advice.

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.

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 100 to 129. There has also been a 77% increase in the level of in-person participation at ICANN meetings since 2010. 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, Norway 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.

**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]](#footnote-3) Some comments noted that the” role of the Board and the relationship between the Board and the GAC is unclear.”[[4]](#footnote-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]](#footnote-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]](#footnote-6) Some commenters feel that implementation remains unsatisfactory as some key GAC related recommendations have not yet been fully implemented.

**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 most 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.

|  |  |
| --- | --- |
| **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. Issue of proposing and adopting related Bylaws changes remains open. |
| 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 |

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

**Hypothesis of problem**:Notwithstanding the substantial progress made by ICANN and the GAC in implementing the ATRT1 recommendations, there are a number of issues with respect to the GAC that need evaluation. There is a perceived lack of transparency of GAC work methods as well as concern about the inherent barriers for participation in ICANN due to the complexity of the ICANN model and the immense level of information. 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. 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]](#footnote-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]](#footnote-8)

The GAC has achieved notable progress in defining and providing greater visibility into the GAC consensus process, resulting in an amendment to Principle 47 of the GAC’s Operating Principles in October 2011 at the Dakar meetings. Principle 47 states that “consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection.” [[9]](#footnote-9)

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.”[[10]](#footnote-10) 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.”[[11]](#footnote-11) 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.” [[12]](#footnote-12) 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.”[[13]](#footnote-13) Currently, “GAC external dialogue seems to be mainly Board-­‐focused and the opportunity to interact with the wider ICANN community seems constrained.” [[14]](#footnote-14)

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.”[[15]](#footnote-15) Continuing in that vein, comments questions whether 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?” [[16]](#footnote-16) Comments also suggested that ICANN should 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.

Several commenters also focused 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]](#footnote-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]](#footnote-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]](#footnote-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]](#footnote-20) One comment notes “the deployment of innovative consultation tools may help restore the balance in order to achieve meaningful response levels.”[[21]](#footnote-21) In addition, several commenters note that “ICANN’s opening of new offices may provide new global awareness, but will not fix problems.”[[22]](#footnote-22)

Lastly, comments highlighted the need to incorporate the GAC into policy discussions early 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]](#footnote-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]](#footnote-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]](#footnote-25) In addition, comments highlighted that while all input is valuable, there are often barriers to exchanging information.[[26]](#footnote-26) Comments noted that while GAC/Board interactions and processes have improved more could be done recommending that the ATRT2 specifically examine, “…a more dynamic and interactive exchange in open GAC/ Board meetings.”[[27]](#footnote-27)

*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]](#footnote-28)

During discussion with the GNSO, some ATRT2 participants noted (in their own observational capacity, not speaking on behalf of the GNSO) 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]](#footnote-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]](#footnote-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, 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]](#footnote-31) ForATRT1 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]](#footnote-32)

In response to early ATRT2 analysis, staff further elaborated that the Global Stakeholder Engagement (GSE) team 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 report was proposed by staff for circulation to the GAC chair. 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.

Staff also informed ATRT2 that 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.

Staff also informed ATRT2 that GSE 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.

**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**: None

**Relevant ICANN published procedures**: None

**Relevant GAC Operating Principles:** Principle 47, footnote 1, as amended October 2011.

**Findings of ATRT2:** The ATRT2 has identified three major issues that affect the GAC’s ability to effectively interact with the Board and community at large that 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 barriers for participation both within the GAC and in ICANN more generally. More effective procedures in the GAC, easier access to information from ICANN as well as a better explanation of the ICANN model will uphold a continuous and effective level of participation in the 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*

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 ATRT1 Recommendation 10.)

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.)

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

6. The Board and the GAC, through the BGRI, should identify and implement initiatives that can remove barriers for participation, including language barriers, and improve understanding of the ICANN model and access to relevant ICANN information for GAC members. The Board should request that the GAC analyze how it can improve its procedures to ensure more efficient, transparent and inclusive decision-making. The Board should suggest to the GAC that it develop a code of conduct for its members that could include 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 should 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.

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

9. The Board should instruct the GSE 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;
* 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).
* Making ICANN’s work relevant for stakeholders in those parts of the world with limited participation; and,
* 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.

*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.

(NOTE THE COMMENTS BELOW ARE IN REDLINE FOR EASE OF IDENTIFICAITON BUT SHOULD BE ACCEPTED IN THE FINAL)

**Public Comment on Draft Recommendation(s)**: Responses from the community on the suite of GAC related recommendations were generally positive. Egypt commented that “the GAC-related recommendations are of utmost importance and include very constructive ideas.” [[33]](#footnote-33) Support was voiced for efforts to make the GAC more open with one commenter suggesting that the ATRT2 going even further and offered additional recommendations. USCIB specifically commented that “the processes which through the GAC members serve on the GAC is entirely opaque and the community would benefit greatly from a better understanding of how things work.” [[34]](#footnote-34) However one commenter suggested that “some of the ATRT2 requests may be too demanding (publishing all relevant GAC transcripts, positions and correspondence, publishing meeting minutes on the GAC website within seven days after each meeting…) as may expose GAC members to an undesired publicity and shy them away from open talks. That could lead to negotiations and deals being struck on corridors or far from the limelight with few countries taking part in them.[[35]](#footnote-35) Others noted the strong degree of overlap between some of the ATRT2 recommendations and an internal GAC working methods reform effort.[[36]](#footnote-36)

The Danish Business Authority highlighted the importance of the recommendations related to stakeholder engagement while other commenters stressed the importance of an implementation plan. [[37]](#footnote-37) The importance of early engagement of the GAC in ICANN’s various policy development process was raised as a priority by several commenters, but the challenge of this was also highlighted given “the pace of work in GNSO with that of Governments, which are always slower especially when internal consultations have to be carried through.”[[38]](#footnote-38) The GNSO Council pointed out that a recent joint GNSO-GAC initiative has already begun. [[39]](#footnote-39)

There was however concern raised about the call for a code of conduct with some commenters observing that that governments are already under their individual government’s code of conduct, which may vary and would override any other general agreement.”[[40]](#footnote-40) Others suggested that the ATRT2 may have gone beyond its remit stating that “ countries are sovereign to decide their Internet policies in the manner they see fit and don´t have to reveal how they make up their national positions.[[41]](#footnote-41) This was in contrast with other comments that pointed out that “while individual members of the GAC represent their countries, we note the GAC itself is not a government entity, but instead is part of the ICANN structure and is subject to the ICANN bylaws and articles of incorporation. Thus, all GAC processes and procedures should follow the limitations set forth in the bylaws, such as openness and transparency, as does the ALAC and GNSO.”[[42]](#footnote-42) Lastly, concerns were expressed regarding the ambiguity of the wording of the recommendations and suggestion was made to identify a specific responsible body.[[43]](#footnote-43)

**Final recommendation**: -

*Increased transparency of GAC related activities*

1. The ATRT recommends that the Board work jointly with the GAC, through the BGRI, 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 GAC could consider to achieve to improve transparency and understanding include:

1. 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;
2. 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.
3. 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;
4. 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;
5. 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;
6. Establishing as a routine practice agenda setting calls for the next meeting at the conclusion of the previous meeting;
7. Providing clarity regarding the role of the leadership of the GAC; and,
8. When deliberating on matters relating to particular entity give those entities the opportunity to present to the GAC as a whole, prior to deliberations, and to answer questions.

2. The ATRT recommends that the Board work jointly with the GAC, through the BGRI, facilitate the GAC formally adopting a policy of open meetings to increase transparency into GAC deliberations, and establish and publish clear criteria for closed sessions.

3. The ATRT recommends that the Board work jointly with the GAC, through the BGRI, 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

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.)

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.)

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

6. The ATRT recommends that the Board work jointly with the GAC, through the BGRI, C identify and implement initiatives that can remove barriers for participation, including language barriers, and improve understanding of the ICANN model and access to relevant ICANN information for GAC members. The BGRI should consider how the GAC can improve its procedures to ensure more efficient, transparent and inclusive decision-making. The BGRI 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 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 ATRT recommends that the Board work jointly with the GAC, through the BGRI, 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.

8. The ATRT recommends that the Board work jointly with the GAC, through the BGRI, work with ICANN’s Global Stakeholder Engagement group (GSE) team to develop guidelines for engaging governments, both current and non-GAC members, to ensure coordination and synergy of efforts.

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

1. Relationships with GAC and non-GAC member countries, including the development of a database of contact information for relevant government ministers;
2. 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).
3. Making ICANN’s work relevant for stakeholders in those parts of the world with limited participation; and,
4. 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.

*Increase GAC early involvement in the various ICANN policy processes (tied to ATRT 1 Recommendation 12)*

Recommendation was merged and concepts included in the recommendations related to cross community development processes.

.

1. [https://gacweb.icann.org/display/GACADV/GAC+Advice](https://gacweb.icann.org/display/GACADV/GAC%2BAdvice), 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](https://gacweb.icann.org/display/gacweb/GAC%2BOperating%2BPrinciples) [↑](#footnote-ref-1)
2. [https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice](https://gacweb.icann.org/display/GACADV/GAC%2BRegister%2Bof%2BAdvice) [↑](#footnote-ref-2)
3. Shawn Gunnarson, Individual Commenter (see footnote 7) [↑](#footnote-ref-3)
4. Maureen Hilyard, ALAC, (see footnote 7) [↑](#footnote-ref-4)
5. 曹华平, Internet Society of China, (see footnote 7) [↑](#footnote-ref-5)
6. Liu Yue, Chinese Academy of Telecommunications Research, (see footnote 7) [↑](#footnote-ref-6)
7. United Kingdom Government, Mark Carvell [↑](#footnote-ref-7)
8. Alejandro Pisanty [↑](#footnote-ref-8)
9. https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles [↑](#footnote-ref-9)
10. Danish Business Authority, Julia Wolman [↑](#footnote-ref-10)
11. Nominet, Laura Hutchison [↑](#footnote-ref-11)
12. Nominet, Laura Hutchison [↑](#footnote-ref-12)
13. Maureen Hilyard, Affiliation, ALAC [↑](#footnote-ref-13)
14. United Kingdom Government, Mark Carvell [↑](#footnote-ref-14)
15. Danish Business Authority, Julia Wolman [↑](#footnote-ref-15)
16. United Kingdom Government, Mark Carvell [↑](#footnote-ref-16)
17. United Kingdom Government, Mark Carvell [↑](#footnote-ref-17)
18. Nominet, Laura Hutchison [↑](#footnote-ref-18)
19. Danish Business Authority, Julia Wolman [↑](#footnote-ref-19)
20. Nominet, Laura Hutchison [↑](#footnote-ref-20)
21. United Kingdom Government, Mark Carvell [↑](#footnote-ref-21)
22. Rinalia Abdul Rahim, Garth Bruen, Evan Leibovitch, Holly Raiche, Carlton Samuels, Jean-Jaques Subrenat, Affiliation ALAC [↑](#footnote-ref-22)
23. Nominet, Laura Hutchison [↑](#footnote-ref-23)
24. Registries Stakeholder Group, Paul Diaz [↑](#footnote-ref-24)
25. Non Commercial Stakeholders Group, Mary Wong [↑](#footnote-ref-25)
26. Nominet, Laura Hutchison [↑](#footnote-ref-26)
27. Nominet, Laura Hutchison [↑](#footnote-ref-27)
28. Characterization of notes (B.Cute) from ALAC session [↑](#footnote-ref-28)
29. Characterization of notes (B.Cute, E.Bacon) from GNSO session [↑](#footnote-ref-29)
30. [https://community.icann.org/download/attachments/41880363/Consolidated+Responses+to+ATRT2+Questions-ATRT+1+Recommendations+Implementation+%2830Apr%29+Final.xlsx](https://community.icann.org/download/attachments/41880363/Consolidated%2BResponses%2Bto%2BATRT2%2BQuestions-ATRT%2B1%2BRecommendations%2BImplementation%2B%2830Apr%29%2BFinal.xlsx) [↑](#footnote-ref-30)
31. [https://community.icann.org/download/attachments/41880363/Consolidated+Responses+to+ATRT2+Questions-ATRT+1+Recommendations+Implementation+%2830Apr%29+Final.xlsx](https://community.icann.org/download/attachments/41880363/Consolidated%2BResponses%2Bto%2BATRT2%2BQuestions-ATRT%2B1%2BRecommendations%2BImplementation%2B%2830Apr%29%2BFinal.xlsx) [↑](#footnote-ref-31)
32. [https://community.icann.org/download/attachments/41880363/Consolidated+Responses+to+ATRT2+Questions-ATRT+1+Recommendations+Implementation+%2830Apr%29+Final.xlsx](https://community.icann.org/download/attachments/41880363/Consolidated%2BResponses%2Bto%2BATRT2%2BQuestions-ATRT%2B1%2BRecommendations%2BImplementation%2B%2830Apr%29%2BFinal.xlsx) –[It is unclear from the chart of questions whether the response was from the entire group or a specific contributor] [↑](#footnote-ref-32)
33. Egyptian Government, Manal Ismail [↑](#footnote-ref-33)
34. USCIB, Barbara Wanner [↑](#footnote-ref-34)
35. Spanish Government, Gema Campillos [↑](#footnote-ref-35)
36. Spanish Government, Gema Campillos [↑](#footnote-ref-36)
37. Danish Business Authority, Julia Wolman; Registry Stakeholder Group, Paul Diaz [↑](#footnote-ref-37)
38. Registry Stakeholder Group, Paul Diaz; Spanish Government, Gema Campillos [↑](#footnote-ref-38)
39. GNSO Council, Jonathan Robinson [↑](#footnote-ref-39)
40. Egyptian Government, Manal Ismail [↑](#footnote-ref-40)
41. Spanish Government, Gema Campillos [↑](#footnote-ref-41)
42. USCIB, Barbara Wanner [↑](#footnote-ref-42)
43. China Institute of Communications, Jia Pan [↑](#footnote-ref-43)