

ICANN | GAC

Governmental Advisory Committee

29 January 2016

Dr. Steven Crocker
Chair, Board of Directors
Internet Corporation for Assigned Names and Numbers (ICANN)
cc Marcus Kummer, BGRI Co-Chair
Manal Ismail, BGRI Co-Chair

Ref: GAC Advice Effectiveness Review Report

Dear Dr. Crocker,

I am writing to follow up a matter raised in the GAC's meeting with the Board in Dublin last year, namely a review of GAC advice effectiveness commissioned by the GAC.

It is appropriate for the GAC to periodically review both whether and how effectively ICANN has taken GAC Advice into account. This should be examined at both the policy and implementation levels. At the GAC meeting during ICANN53 in Buenos Aires, the independent ACIG GAC Secretariat was asked to undertake a review of this effectiveness, commencing with GAC Advice from ICANN44 in Prague 2012 through to ICANN52 in Singapore 2015. The report from this review was tabled to the GAC during the Dublin GAC meeting.

The key finding of this review is that it is difficult in some cases to determine and track:

- Whether (or not) the ICANN Board has accepted the GAC Advice;
- Where there is clear evidence that the advice has been accepted, to what degree the advice has been implemented; and
- Whether or not the GAC feels the implementation is adequate to meet their original intent in providing the advice.

The review also shows that wherever GAC Advice seeks to impose restrictions, safeguards, checks, rules, verification, authentication, other minimum behavioural expectations or 'standard setting' on another party, the likelihood of ICANN accepting and implementing the advice in the precise way that the GAC have requested, decreases. Conversely, the less contentious the advice is and the less it impacts other parties, the more likely it is to be implemented.

At the Dublin meeting, the GAC expressed the view that the current situation was not satisfactory and that there is a transparency and accountability issue for both ICANN and the GAC. The six recommendations in the report were endorsed, with further consideration to be given to the question, how far the GAC may also need to see through the implementation of its advice, in order to make sure it is implemented according to the GAC's expectations. As the BGRI has, in its previous work related to the implementation of the ATRT recommendations, dealt with some aspects of these issues, the GAC decided at the Dublin meeting to invite the BGRI to consider options for taking forward the recommendations in the report.

I now submit the GAC Advice Effectiveness Review to you and request that you provide it to the Board representatives of the BGRI. The GAC would like the BGRI to review the full report and in particular Recommendation Six which states that:

The BGRI should:

- *Consider the recommendations in this paper and provide its views to the Board and the GAC on appropriate next steps; and*
- *Review the arrangements for the provision of "GAC Advice" agreed during the ATRT1 process and provide their views of what constitutes GAC Advice to both the Board and the GAC.*

I look forward to hearing from you in due course on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Th. Schneider', with a long horizontal flourish extending to the right.

Thomas Schneider
Chair, Governmental Advisory Committee