

GAC RESPONSE TO QUESTIONS FROM CCWG-ACCOUNTABILITY WORK STREAM 2 RE SO/AC ACCOUNTABILITY

(GAC responses in *Italics*)

Preamble

The newly-adopted ICANN bylaws created several Work Stream 2 accountability subgroups. The subgroup on SO/AC Accountability is responsible for reviewing how each SO and AC is accountable to its designated community, and potentially to global Internet stakeholders as well. The background and progress for this group are described [here](#).

The new Bylaws charge our subgroup with reviewing and developing recommendations relating to "Supporting Organization and Advisory Committee accountability, including but not limited to improved processes for accountability, transparency, and participation that are helpful to prevent capture". Moreover, the CCWG-Accountability has recommended that the group "Develop a detailed working plan on enhancing SO and AC accountability taking into consideration the comments made during the public comment period on the Third Draft Proposal."

To that end, we are asking each AC and SO chair to point us to resources and documents used to maintain accountability to your respective designated community, taking into account the particular or specific working modalities of each SO/AC (and any subgroups).

Questions (please respond to all that are applicable to your AC/SO/subgroup):

Designated Community:

What is your interpretation of the designated community for your AC/SO, as defined in the ICANN Bylaws and shown below? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?

The designated community of each AC/SO, as defined in ICANN bylaws:

ALAC is "the primary organizational home within ICANN for individual internet users"

ASO is "the entity established by the Memorandum of Understanding [2004] between ICANN and the Number

Resource Organization ("NRO"), an organization of the existing RIRs"

ccNSO is "ccTLD managers that have agreed to be members of ccNSO"

GAC is "open to all national governments (and Distinct Economies upon invitation)"

GNSO is "Open to registries, registrars, commercial stakeholders (BC, IPC, ISPCP), and non-commercial stakeholders"

RSSAC "members shall be appointed by the Board" to "advise the ICANN community and Board on matters relating to the operation, administration, security, and integrity of the Internet's Root Server System"

SSAC members are "appointed by ICANN board" to "advise the ICANN community and Board on matters relating to the security and integrity of the Internet's naming and address allocation systems."

ANSWER

The GAC views its designated community in accordance with:

(a) The ICANN Bylaws¹, which provide that "Membership in the Governmental Advisory Committee shall be open to all national governments. Membership shall also be open to Distinct Economies as recognized in international fora, and multinational governmental organizations and treaty organizations, on the invitation of the Governmental Advisory Committee through its Chair."

(b) The GAC Operating Principles², which provide that:

Principle 14

Members of the GAC shall be national governments, multinational governmental organisations and treaty organisations, and public authorities, each of which may appoint one representative and one alternate representative to the GAC. The accredited representative of a Member may be accompanied by advisers. The accredited representative, alternate and advisers must hold a formal official

¹ Article XI, Section 2

² <https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles>

position with the Member's public administration. The term 'official' includes a holder of an elected governmental office or a person who is employed by such government, public authority or multinational governmental or treaty organisation, and whose primary function with such government, public authority or organisation is to develop or influence governmental or public policies.

Principle 15

Membership is open to all national governments. Membership is also open to distinct economies as recognised in international fora. Multinational governmental organisations and treaty organisations, may also participate as Observers, on the invitation of the GAC through the Chair.

Accountability related policies and procedures:

What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve? Please include, as applicable:

- Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.

- Your policies and procedures to determine whether individuals or organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions.

- Transparency mechanisms for your AC/SO deliberations, decisions and elections. Please describe not only your disclosure practices, but also any efforts that you make to explain the meaning of released material, so that they are more effectively transparent to a wider range of stakeholders.

- Does your AC/SO conduct internal reviews of your accountability related policies and procedures?

- Were these policies and procedures reviewed and/or updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?

ANSWER

The GAC is accountable to its members, who are governments or distinct economies. GAC Member Representatives are accountable to their respective Individual Governments. Individual Governments that are Members of the GAC are accountable through their political and legal structures at the national level as well as any international arrangements to which they may be party.

The GAC currently has 170 Members³ and 35 Observers⁴. One approximate guide to the potential number of GAC Members is the total number of United Nations Member States, currently 193⁵. However, it should be noted that there are 54 countries and territories that are not currently members of the United Nations (several of these are GAC members).⁶

The GAC Chair and Vice Chairs, GAC Member Representatives and ICANN staff, in particular those from the Government Engagement team, explain the work of the GAC on a bilateral basis and at relevant meetings and conferences. Non-Members who are eligible to join the GAC are encouraged to do so.

GAC face-to-face meetings regularly include capacity-building and outreach sessions to encourage the widest range of participation by members.

Procedures for becoming a Member of the GAC are available on the GAC website.⁷ All Members may participate in GAC face-to-face meetings, discussion via the GAC e-mail list, inter-sessional teleconferences and GAC Working Groups, and are actively encouraged to do so.

Materials on GAC membership, meetings, key topics, correspondence and meeting notes are published on the GAC website.

Correspondence between the GAC and the ICANN Board is published on the ICANN and GAC websites.

All GAC face-to-face meeting sessions are open (recognising community feedback on this point) and anyone interested can follow them in real time as well as through recordings and transcripts. The

³ <https://gacweb.icann.org/display/gacweb/GAC+Representatives>

⁴ <https://gacweb.icann.org/display/gacweb/GAC+Observers>

⁵ <http://www.un.org/en/member-states/>

⁶ <https://www.quora.com/United-Nations-What-countries-are-not-part-of-the-UN>

⁷ <https://gacweb.icann.org/display/gacweb/How+to+become+a+GAC+member>

GAC Communiqué and minutes of the meeting are published in the six UN languages.

The GAC Chair and Vice Chairs meet regularly and the outcomes of these meetings are minuted and circulated promptly to all GAC members.

The schedule for GAC face-to-face meetings is subject to extensive consultation with GAC members, including teleconferences arranged for different time zones.

Real-time interpretation in the six official UN languages is provided (by ICANN) for GAC face-to-face meetings and inter-sessional teleconferences.

Travel support is provided (by ICANN) to assist GAC members to attend face-to-face meetings according to published criteria.

Decision-making on advice to the Board is usually made at a Communiqué-drafting session at face-to-face meetings. In accordance with the GAC Operating Principles, the GAC works on the basis of seeking consensus of its membership in preparing such advice. By definition this provides all Members with an equal say in reaching agreement.

The GAC Operating Principles (Article IX) provide for regular elections of the GAC Chair and Vice Chairs. If there are more candidates than there are positions available, elections are conducted by the independent GAC Secretariat using a secret ballot.

The GAC participates by appointing members to ATRT and other review teams. All GAC-related recommendations in both the ATRT1 and 2 Final reports have been implemented by the GAC. The GAC also reviews its internal processes and Operating Principles when developments so require.

A High Level Governmental Meeting is held every second year, as part of a scheduled ICANN meeting, to enable Ministers and senior officials to be fully informed of the work of ICANN in general and the GAC in particular, and to provide further support to the GAC as appropriate.

Mechanisms for challenging or appealing elections:

Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include any links where these mechanisms can be consulted.

ANSWER

No. With regard to decisions, as noted above, advice from the GAC to the Board is generally reached by consensus. If there is no consensus, the Operating Principles (Article XII) require the GAC Chair to convey the full range of views expressed by members to the Board.

Any unwritten policies related to accountability:

Does your AC/SO maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.

ANSWER

The GAC has funded, through several of its Members, an independent secretariat function, currently carried out under contract by the Australian Continuous Improvement Group (ACIG). The ability to have policy and procedural analysis and advice independent of ICANN corporate support has enhanced the GAC's ability to communicate effectively with Members and the broader community on substantive issues, and to implement many of the recommendations from the ATRT1 and ATRT2 Reviews.