

# GAC Open Forum

IGF 2014 Istanbul

Governmental Advisory Committee (GAC)



- GAC Basics
- Preparing to participate,  
Inter-sessional work and  
Working Groups
- GAC-Communique
- Q&A

# GAC Basics

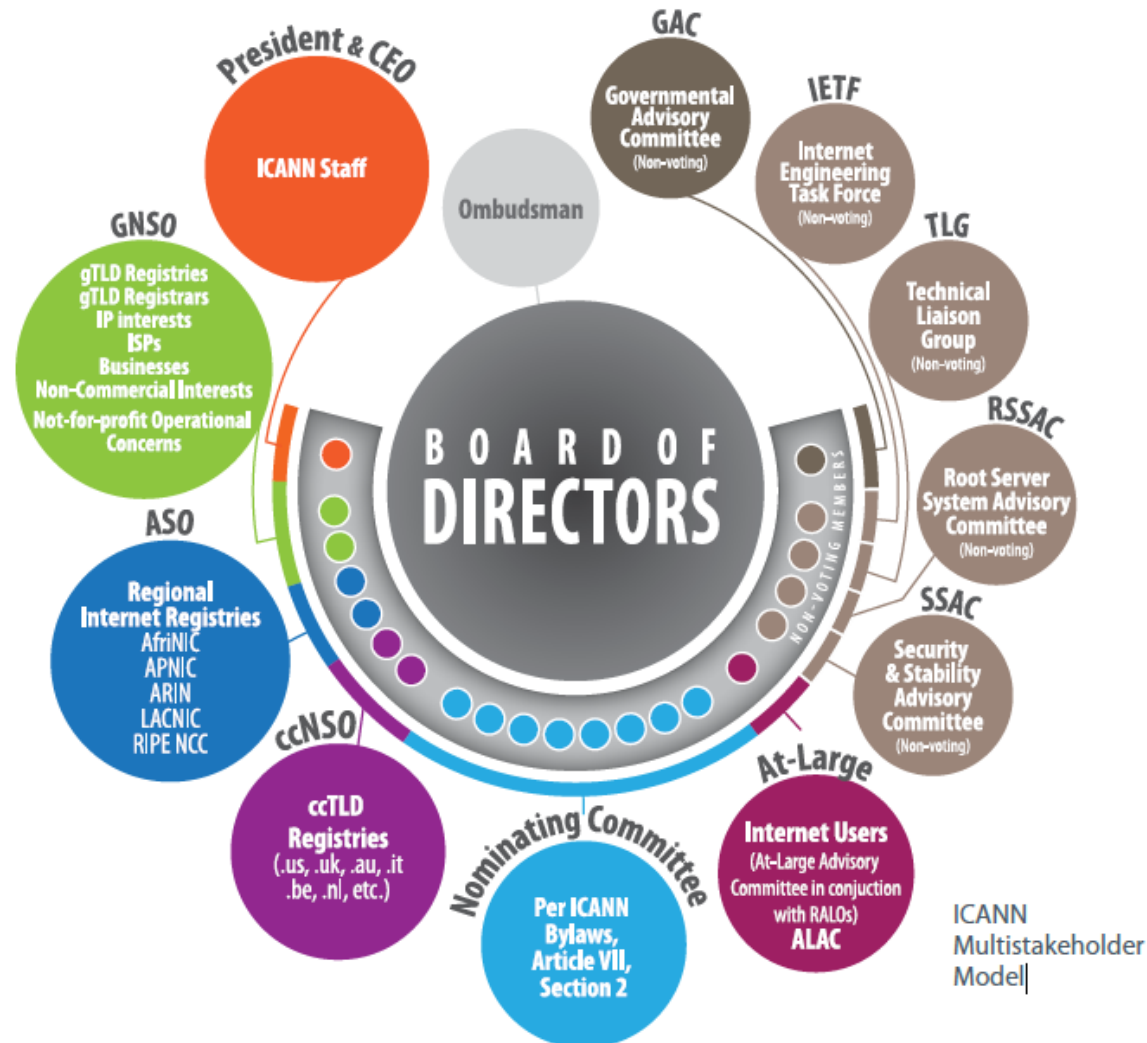
# What is the GAC?

The Governmental Advisory Committee (GAC) is one element of the multistakeholder structure of ICANN:

- Supporting Organizations (GNSO, ccNSO, ASO): develop and recommend policies to the ICANN Board concerning the Internet's technical management within their areas of expertise.
- Board of Directors: ultimate authority to approve or reject policy recommendations.
- Advisory Committees (ALAC, GAC, SSAC, RSSAC) : advise the ICANN Board and, in certain cases, can raise issues for policy development.

The GAC is comprised of representatives of national governments and distinct economies (142 members) and multinational governmental organizations and treaty organizations (31 observers).

# ICANN Board Structure



# What is the role of the GAC?

The GAC's key role is to “consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.” (ICANN Bylaws, Art. XI, Section 2, § 1)

In the Affirmation of Commitments between ICANN and the US DOC of 2009, the DOC “recognizes the important role of the GAC with respect to ICANN decision-making and execution of tasks and of the effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the Internet DNS.” (AoC, §6)

# How does the GAC interact with ICANN?

According to its core values, ICANN should be, “while remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations. “(ICANN Bylaws, Art. I, Section 2, § 11)

ICANN should, “in those cases where the policy action affects public policy concerns, (...) request the opinion of the Governmental Advisory Committee and take duly into account any advice timely presented by the Governmental Advisory Committee on its own initiative or at the Board's request.” (ICANN Bylaws, Art.III, Section 6, § 1c)

# How does the GAC interact with ICANN?

- Board notifies the GAC of any proposal raising public policy issues.
- GAC may put issues to the Board directly by way of comment, advice, recommending action, new policy development, or revision to existing policies.
- In the event that the ICANN Board determines to take an action that is not consistent with the GAC advice, it shall inform the GAC and state its reasons.
- GAC and ICANN Board will then try to find a mutually acceptable solution.
- If no solution can be found, the ICANN Board will state in its final decision the reasons why the GAC advice was not followed.



# GAC Operating Principles

15 Articles and 54 Principles detailing provisions of the Bylaws relating to e.g.

- Scope, meeting & Agenda
- Membership, Observers & Representation
- Chair, Vice Chairs & Election
- Conduct of Business & Secretariat
- Advice Provisions
- Publicity & Revision

# GAC Operating Principles

## Principle 2:

The GAC shall provide advice and communicate issues and views to the ICANN Board. The GAC is not a decision making body.

## Principle 47:

The GAC works on the basis of seeking consensus among its membership. ...consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection. Where consensus is not possible, the Chair shall convey the full range of views expressed by members to the ICANN Board.

# How does the GAC work?

- Three meetings a year in conjunction with ICANN meetings, where it discusses issues with the ICANN Board and other ICANN Supporting Organizations, Advisory Committees and other groups.
- Non-voting liaison to the ICANN Board of Directors and the ICANN Nominating Committee (liaison to other SO/ACs possible)
- Mailing lists and Conference calls
- Website: <https://gacweb.icann.org>
- Translation & Interpretation: 6 UN languages plus Portuguese for all GAC meetings and selected documents
- Travel support for up to 30 participants per GAC meeting
- ICANN Policy Staff and Independent GAC secretariat

Preparing to participate,  
Inter-sessional work and  
Working Groups

# Government Advisory Committee – GAC

Working Groups

# GAC Discussions

- Issues are discussed among the whole GAC membership through:
  - the GAC mailing list,
  - conference calls and/or
  - at GAC meetings
- A topic lead may be designated to further progress discussion on a certain topic of interest / concern
- Working groups may be created to focus efforts and facilitate GAC reaching a decision / providing advice on a certain topic

# Working Groups

- GAC Working Groups
- Joint Working Groups / Consultation Groups
- Review Teams (none currently) / Coordination Groups

# GAC Working Groups

- Groups created to address a specific issue
- GAC members volunteer to participate
- Coordinated by a GAC topic lead
- Examples of GAC WGs:
  - Capacity Building WG
  - GAC Early Warning & Advice on new gTLDs
  - Issues for future rounds of gTLD
  - GAC Working Methods
  - Government Engagement Strategy



# Joint Working Groups

- Cross Constituency membership
- Co-chaired by both constituencies or chaired by a member of the constituency responsible for the subject
- Examples of JWGs:
  - ccNSO-GAC: Framework of Interpretation (FoI)
  - Board-GAC: Board-GAC Recommendation Implementation Working Group (BGRI-WG)
  - GNSO-GAC: GAC-GNSO Consultation Group on GAC Early Engagement in GNSO PDP

# Joint Working Groups

## Work Modalities

- May have separate mailing lists
- Work leads coordinate discussions with other relevant SOs/ACs, as necessary
- Get back to the GAC with:
  - Briefs for the info
  - Drafts for discussion and seeking feedback
  - Concrete proposals seeking feedback and approval
- Cannot move forward without GAC approval of the final outcome

# Joint Working Groups

## GAC-GNSO Consultation Group

- GAC-GNSO Consultation Group on GAC Early Engagement in GNSO PDP
- Co-chaired by GAC & GNSO with members from both constituencies
- Comprises approximately equal numbers of representatives from both constituencies

# Joint Working Groups

## GAC-GNSO Consultation Group

- Holds weekly conference calls alternating between team leads calls and calls for the whole consultation group
- Ongoing consultations and consideration of received comments to ensure everyone is on board at each milestone
- Arranged two gatherings in Singapore and London to further engage in a less formal set-up

# Coordination Groups

## IANA Stewardship Transition Coordination Group - ICG

- Wide representation from all stakeholders
- GAC nominated 5 members (GAC Contact Group)
- Nomination based on principles of diversity, including regional, gender and language

# Coordination Groups

## GAC Contact Group:

- Represent the range of GAC member views at the ICG where known
- Report back any feedback to the GAC
- Keep the GAC informed of significant developments
- Make constructive interventions based on general public policy considerations rather than individual government positions

# Questions / Discussion

# GAC-Communique



# **STRUCTURING, NEGOTIATING AND WRITING ICANN'S GAC COMMUNIQUE**

**Imad Hoballah – Lebanon**

**GAC Open Forum, IGF**

**2 September 2014**

# What is a Communiqué

- The GAC issued a Communiqué at its first meeting in Singapore in 1999 and has continued to do so at each subsequent meeting
- GAC Operating Principle 51 states that
  - After a private meeting has been held, the Chair may issue a communiqué to the Media, such Communiqué having been approved by the GAC beforehand.
- COMMUNIQUÉ is a commonly understood term when governments meet
- A communiqué is simply an official announcement, especially one made to the media (***Oxford English Dictionary definition***)
- The Communiqué serves a useful purpose for both GAC and ICANN
  - It is a clear statement, on the public record, of what GAC worked on and agreed to at its face-to-face meeting
  - It is the main vehicle – but not the only one – for GAC to provide advice to the ICANN Board on public policy aspects of ICANN's activities

# Parts of a Communiqué

- **Details of meetings with other ICANN constituencies** – such as the Country Code Names Supporting Organization (ccNSO) and Generic Names Supporting Organization (GNSO)
- **Internal GAC matters** – such as new Secretariat arrangements
- **GAC advice to the ICANN Board**

# Identifying Issues for Inclusion in a Communiqué

- Through inter-sessional discussions in the lead-up to a face-to-face meeting
- Through a robust agenda-setting process that ensures members are briefed on what needs to be decided on an issue
- In discussions at the meeting
- In response to new issues that emerge during the week-long series of ICANN meetings

# Drafting the Communiqué

- Usually done by the GAC on the Wednesday afternoon of its face-to-face meeting
- **Preparations take place throughout the GAC meeting days**
- This is generally the only closed session of the GAC meeting

# GAC Agreement (Operating Principle)

- The key issue in reaching agreement is
  - **the GAC operates via consensus**
  - this is reflected in **GAC Operating Principle 47**

Consistent with UN practice, consensus is understood to mean the **practice of adopting decisions by general agreement in the absence of any formal objection**

- **Where consensus is not possible, the Chair shall convey the full range of views expressed by members to the ICANN Board**

# Means for Drafting the Communiqué

The drafting session itself produces the Communiqué through several means:

- The GAC tries to give most attention to formal advice to the Board, and to make that advice as clear as possible
- The GAC Secretariat and ICANN support staff assist in the drafting
- GAC members interested in specific issues will work outside the plenary session to develop agreed text
- **Some members have a definite brief from their government on certain issues, while others have more flexibility**
- **Sometimes the GAC simply uses the Communiqué to put on notice that an emerging issue may have public policy implications, ensuring that ICANN and interested parties have time to work with GAC on possible solutions**
- **Sometimes GAC members simply agree to disagree and, in accordance with the Operating Principles, this is reflected in the Communiqué – a recent example being the sensitive issue of the new gTLDs wine and vin**

# GAC Communiqué Publication

The Communiqué is followed by the publication of the minutes of the GAC meeting, usually around four weeks later



# GAC Advice Status

- The GAC deliberates carefully about the wording of the Communiqué because GAC advice to the ICANN Board has a particular status under the ICANN Bylaws.
- The Bylaws (Article XI Section 2) provide that:
  - i. The Governmental Advisory Committee may put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.*
  - j. The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. The Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.*
  - k. If no such solution can be found, the ICANN Board will state in its final decision the reasons why the Governmental Advisory Committee advice was not followed, and such statement will be without prejudice to the rights or obligations of Governmental Advisory Committee members with regard to public policy issues falling within their responsibilities.*

# Recording a GAC Advice

GAC advice to the Board is recorded in a Register of Advice that is available on the GAC website

# GAC-Communique

# Q&A



Welcome to feed-back:  
[gacsec@gac.icann.org](mailto:gacsec@gac.icann.org)

- How was this Open Forum helpful?
- How can we improve for next time?