



**Governmental Advisory Committee**

Marrakech, 28 June 2006 v1.9

## **GAC Communiqué – Marrakech**

**June 2006**

### **I. INTRODUCTION**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Marrakech, during June 24-28, 2006.

The participating GAC Members comprised representatives from 41 members and 4 Observers.

The Governmental Advisory Committee expressed warm thanks to the Government of Morocco and the organisers for hosting the meeting in Marrakech.

### **II. WHOIS and New gTLDs**

The GAC Working Group on GNSO issues continued its focus on the development of GAC Principles applicable to the WHOIS database and to the introduction of new gTLDs, with the intention of sharing a stabilized draft with the community in Sao Paulo and to enable the GAC to provide guidance to the ICANN Board.

Consistent with the GAC's commitment to providing information and advice on the range of public policy aspects of WHOIS data, representatives from Consumer Protection Agencies in three GAC members, OPTA in the Netherlands, MIC in Japan, and the FTC in the U.S. who made presentations during an open session with the GNSO outlining their respective perspectives and concerns regarding the accuracy and timely access to WHOIS data.

Some of them and some GAC members also expressed concerns regarding the implications for enforcement of laws of the recent GNSO Council decision on a definition on the purpose of WHOIS data. Some GAC members expressed concerns that formulation 2 would also not provide an appropriate definition for the purposes of WHOIS.

The GAC appreciates the interpretation of the GNSO Council Chair that formulation 1 does not imply that a decision has been taken to remove any data from public access.

The GAC believes therefore that the final definition of the purpose of WHOIS data needs to reflect the public policy concerns expressed by GAC members. The GAC is intending to produce policy advice on the purpose and use of WHOIS in the form of principles for the Sao Paulo meeting.

### **III. IDN**

A joint ICANN and GAC Workshop outlined the challenges and issues in the area of IDN. The various presentations emphasized the implementation and the public policy issues concerning the IDN deployment.

The GAC appreciates the intention of ICANN's Presidential Advisory Committee on IDN to perform a technical test of two approaches to the insertion of Internationalized Domain Name (IDN) labels into the root zone of the DNS along with a timeline. The GAC awaits the outcome of the technical tests which will provide information to address policy issues.

The GAC also proposes that policy issues as outlined in the GNSO preliminary issues report relating to IDN at the top level dated 28<sup>th</sup> May 2006 should be identified, prioritized and addressed in cooperation with GNSO, ccNSO as well as the broader ICANN community.

### **IV. IPv6**

The GAC's Working Group on IPv6 held a joint session with the NRO Executive Council and the ASO Chair, where they had a very fruitful exchange on the proposed IPv6 allocation policy, followed by internal discussion within the working group.

The GAC notes that the RIRs have completed their policy development process in relation to the allocation of IPv6 addresses and welcomed the proposal under consideration by the ASO. The GAC will endeavour to provide advice within the proposed time frame.

Noting the ongoing development of IPv6 the GAC encourages ICANN to keep the policy under review in the light of technical developments and evolution of demand.

Noting the possibility that the request for advice from the GAC would be done inter-sessionally between Marrakech and Sao Paulo, the GAC would like to remind the Board that such timelines to respond continue to be a challenge.

## **V. Notice of Inquiry from the Department of Commerce and request for feedback by the President's Strategy Committee**

The GAC welcomed a presentation from the US government representative on the Department of Commerce's Notice of Inquiry regarding the continued transition of the technical coordination and management of the Internet domain name and addressing system. The GAC expressed confidence that the decision on the MoU between ICANN and the United States Department of Commerce and will be taken in the light of the WSIS principles. The GAC welcomed the report from the President's Strategy Committee on the improvements to the inherent multi-stakeholder model of ICANN. The GAC welcomes both initiatives to seek feedback on the evolution of the ICANN multi-stakeholder model.

The GAC considers it important to engage in a further structured discussion on this matter at the Sao Paulo meeting. The GAC recognizes that many of the issues put forward in the above initiatives are part of the ongoing efforts of enhanced cooperation within the ICANN context already being undertaken by ICANN Board and GAC Joint Working Group.

## **VI. GAC EVOLUTION**

### **GAC internal organization and work plan**

Following its previous decisions, the GAC endorsed the document, which was developed by GAC's Working Group on the future of the GAC, describing necessary improvements in its working methods. The document will be posted on the GAC website.

The GAC took a decision to synchronize its work program with ICANN strategic plan and activities of other constituencies. To implement this by Sao Paulo meeting the GAC will introduce a bi-annual planning and will elaborate an annual work program. The work program will reflect GAC priorities, outline objectives and define delivery timeline.

### **ICANN Board and GAC cooperation**

The GAC welcomes the work of the ICANN Board and GAC Joint Working Group, which since the meeting in Wellington held two conference calls, and appreciates the positive outcome of the meeting in Marrakech.

The GAC endorses the Communications Timeline document (attached), which should improve the GAC's participation in ICANN's policy development processes by earlier engagement with relevant ICANN constituencies, as well as secure timely and precise routine communication.

The GAC welcomes ICANN's outreach program and commits itself to participate in its implementation.

The ICANN Board and GAC Joint Working Group in the run-up to Sao Paulo meeting will work on synchronization of GAC priorities with ICANN's strategic plan, will address issues related to evolution of GAC and the ICANN framework, will engage in discussion on a permanent solution for the GAC secretariat and will support internal GAC discussion on contingency planning.

## **VII. OTHER MATTERS**

### **Handover of the GAC Secretariat**

The GAC took note of the handover of the GAC Secretariat from the European Commission to the Government of India with effect from 1<sup>st</sup> July 2006.

### **GAC election 2006**

The GAC nomination and election process for the position of the Chair and Vice-Chairs is now open with the intention that a new Chair shall be installed by the first meeting of the GAC in 2007.

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The GAC warmly thanks all those among the ICANN community who have contributed to the dialogue with GAC in Marrakech.

The next GAC meeting will be during the period of the ICANN meeting in Sao Paulo, Brazil, December 2006.

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Marrakech, 28 June 2006

Encl.

1. Improvements of the working methods of the GAC
2. Communication timelines between the ICANN Board and the GAC

## Improvements of the working methods of the GAC

### Aim

1. In order to contribute to achieving the objectives of enhanced cooperation within the ICANN context, at the March 2006 Wellington meeting the GAC acknowledged that there was a need for the GAC to consider changes in its working methods to enable it to interact more routinely with ICANN Board and the community.
2. Significant work on the improvements of the working methods was done by Working Group 7 (managed by Italy and Mexico) in 2004 July to improve the administrative and logistical proceedings of the GAC and its Working Groups. This paper builds on the 2004 contributions from Australia, Italy, Japan, Norway, Singapore, Sweden, Taiwan and the USA, as well as contributions made during the Wellington (March 2006) and Marrakesh (June 2006) meetings.
3. The following proposals are for discussion and adoption during the Marrakesh GAC meeting. Once adopted, the relevant parts of the document would constitute binding guidelines to the GAC Secretariat\* and GAC members.

### General considerations

4. GAC should introduce bi-annual planning (targets, objectives) by developing a work plan as well as defining objectives for each meeting.
  - GAC must maximize the use of its existing resources and focus on three/four priority issues.
  - A work program should be established for 2 years and modified as appropriate. Adoption/revision of the program should take place during the first meeting of the year. It should be harmonized with ICANN strategic priorities and decision making timelines.
  - An annual work plan would define short term priorities and would help set targets (deliverables) for each meeting
  - An annual review of all of its Working Groups and Task Forces should be conducted during the first meeting of the year to monitor progress and ensure that their existence is still warranted.
  - Mandate and timeframe of activities (sunset clause) should be agreed when new Working Group is being set up.

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\* In form of Handbook for Secretariat

## Roles

### Chair and Vice Chairs

5. The Chair is responsible for organizing and leading the work of the GAC and for communicating, as accurately as possible, the decisions or opinions of the GAC and its members to the Board of ICANN and to other ICANN's constituencies.
6. There is recognition that the Vice Chairs play an important role in assisting the Chair during the plenary. One suggestion is for the Vice Chairs to take a more active part in the leadership of the plenary meetings in order to gain more experience for the future. To do that, the Vice Chairs could divide the issues and take responsibility for them. By being involved in the issues, they could help the Chair steer the discussions forward at the plenary.

### Plenary and Working Groups

7. The role of the plenary is to make decisions and set directions and priorities. It should preside over recommendations made by members and working groups. Recommendations presented at the plenary by members or working groups should be concise in terms of the decision they hope to achieve at the plenary.
8. The working groups, as the name suggests, are responsible for carrying out detailed studies on issues related to the GAC work program and making recommendations to the plenary regarding the appropriate direction to take. All brainstorming should be done at the working group level prior to presentation at the plenary. The working groups must formulate some recommendations before seeking a decision or direction at the plenary. The plenary need not re-open the detailed discussions of the working groups, but simply consider the working group's recommendations.
9. It is also proposed that where necessary, ad hoc Task Groups could be formed to deal with new cross-cutting or extraordinary issues surfaced at the plenary. Task Groups are essentially the same as working groups except that they are formed on a shorter-termed basis and can be disbanded when their objectives have been met.

### Organization of Meetings and New Members

#### Annotated Agenda and Documentation

10. The dates and provisional agenda of the next meeting should be announced at the end of the meeting or soon after.
11. To enable members to be better prepared for the discussions and proceedings, an annotated agenda should be introduced for all meetings (plenary and working groups). The agenda should be circulated at least one month in

advance by the Secretariat, in coordination with the Chair and the working group conveners. Each substantive item in the annotated agenda should also be accompanied with a short issue paper (abstract) and objective (e.g. for endorsement, for discussion, for information). Such a practice would assist in moving the meetings along.

12. Issue papers (abstracts) and discussion documents should be circulated at least 2 weeks prior to the meeting by the Secretariat in coordination with the working group conveners. Documents available on the website should include the date of creation, the unique reference number including the revision number and the author's email address.

#### Communiqué

13. The draft framework of Communiqué should be prepared by the Secretariat before the GAC meeting on the basis of inter-sessional work. The text of Communiqué should be modified by the GAC Secretariat during and on the basis of discussions in the Plenary. The Conveners of working groups are expected to review the respective parts of the draft and guide the Secretariat in developing the draft text.
14. No entries in final Communiqué are possible without discussion in the GAC plenary.
15. The final text of Communiqué should be circulated electronically to the GAC members within an hour after adoption and shall be made publicly available following presentation to the ICANN Board during the Public Forum.

#### Organization of Working Group Meetings

16. More time could be allocated for working group meetings for issues to be thoroughly discussed before the plenary, in order to lessen the strain of the latter of having to deal with in-depth discussions. Whilst most work and communications are being carried out over email prior to the meetings, a dedicated time for every working group to meet would help in consolidating positions and issues before presenting to plenary.
17. The effectiveness of the GAC is to a large extent dependent on the volunteer efforts of its members. The proceedings of the working group meetings should also be recorded. In the event the convener must be assisted by the Secretariat, a request should be made in advance.
18. For the benefit of small delegations with interests in more than one working group, where resources permit, the arrangement of working group meetings could be scheduled such working group do not meet in parallel. This would allow for members to participate in more working groups if they so wish to.

#### Logical Flow of GAC Meetings

19. The day-to-day arrangement of meetings can also help to enhance the GAC meeting. For example, workshops and Working Groups should be held first, followed by Plenary. This flow helps new members to understand the GAC issues, allows for detailed discussion at the Working Group level and is followed by decision-making and direction-setting by the Plenary.
20. The sequence of the GAC meetings should aim at maximizing time for internal discussions and interaction with other ICANN constituencies.

#### Inter-sessional activities

21. Inter-sessional activities should aim at substantive preparation of the next GAC meeting and the development of documents for discussion and/or adoption.
22. GAC should hold regular conference calls. Together with the notice about the conference call which should be made not less than three weeks in advance, a short agenda for discussion, prepared by the Secretariat in collaboration with the Chair, should be circulated. Conference calls are aiming at information exchange and building better understanding on the issues under consideration in the GAC meetings.
23. The GAC website's discussion area should be used to the maximum extent to engage GAC members in discussion of substantive documents.

#### Engagement of Members

24. GAC representatives should make efforts to contribute fully to the work of the GAC during and between the meetings, as well as to represent the views of their respective governments and distinct economies as recognized in international fora.
25. The engagement of new members is necessary should the GAC wish to achieve active participation at meetings. Whilst resources are available on the GAC website for newer members to get up to speed with the issues facing the GAC, active engagement of these members would be more effective in gearing them up to contribute meaningfully to the process.
26. The Secretariat should assist by establishing contacts between new and older members prior to the meetings. This would facilitate the sharing of information in preparations for the meetings.
27. A standard welcome kit with the background information on the GAC and ICANN, the issues facing the GAC as well as contact information should be given to new members. These materials should also be available on the GAC website, in a section dedicated to new members.



## Communication timelines between the ICANN Board and the GAC

### Communication on Strategic and Policy Issues

It is in the interest of the global Internet community that all ICANN constituencies especially the supporting organizations and advisory committees provide their input into policy development and decision making processes continuously, effectively, constructively and in a timely manner.

The environment of ICANN demands that the principle stated above in the first paragraph be considered in the communication processes of all parties involved.

To maximize the results of cooperation and in order to harmonize the timing of the release of the advisory opinion of the GAC with decision making by the ICANN's Board, it is necessary to implement an "early warning mechanism". This mechanism will provide an early indication of future challenges. The goal is to make GAC aware, very early in any policy development process (PDP) or proposal process, that such work is underway and that it could yield a proposal to the Board that would require public policy advice.

GAC should identify issues where there may be public policy concerns as early as possible and bring them to the attention of other ICANN constituencies.

Early in the policy development process, the Board of ICANN as well as Supporting Organizations, Advisory Committees and ICANN Staff may ask the GAC for advice on related public-policy issues. ICANN and other constituencies may provide initial input (by distributing background information prepared by the staff or by supporting organizations and President's advisory committees) to the GAC in terms of the public-policy questions and impact areas as they perceive them. The GAC, in its deliberations, may take these considerations into account. In order to support the policy development process it may be useful to consider a creation of an ad hoc cross-constituency working group, which would explore options around specific policy issues.

A recent example of a timely indication of a future challenge was the statement of the President and CEO of ICANN, Dr. Paul Twomey, during the Wellington ICANN Board and GAC meeting. Dr. Twomey reminded the GAC of the possible public policy issues related to the introduction of IDNs. It is expected that during the Marrakesh meeting (June 2006) the GAC will discuss possible areas of public policy issues related to IDNs and aim to identify a work program with clearly defined deadlines in relation to IDNs for its work in 2007. In earlier years, an "early warning" was issued concerning IPv6 addressing allocation policy.

The policy development process usually takes time. The GAC should be able to follow the evolution of ideas related to these policies and provide its input when necessary during the policy development process. That requires the capacity for GAC to monitor issues on a long-term basis. Government(s) particularly interested in a given PDP and following closely its development, is/are encouraged to provide input in the work of the GAC on the given issue.

In a more advanced stage of a PDP, when a 21 day<sup>1</sup> public notice is issued by ICANN to its various constituencies for comments on policy being considered for adoption by the Board, it has been noted that for a number of governments and for a variety of reasons, including inter-agency coordination within national governments, insufficient resources devoted to the GAC, limited secretarial support in synthesizing different input from the governments, etc., this 21 day public notice has not been found to be sufficient. Therefore, earlier indications from the Board about public policy considerations of those issues that will soon be considered for adoption could be considered helpful in securing timely responses from the GAC.

### Timely and Precise Routine Communication

Taking into account GAC's limited resources as well as the specificities of governments' consultation and decision-making processes, communication between the ICANN Board and the GAC should be timely. It should become a rule that to the extent possible all communications should be made at least 30 days before the ICANN meeting. GAC will make any effort to respond to timely communications but will alert ICANN Board if it is not in a position to give a response at the meeting and will give an indicative timescale.

It is also important to ensure precision in communication to ensure it is understandable to a multilingual and multicultural audience. Clarity in communication will help both the GAC and the Board and should be considered not only as a time saver, but also as a confidence building measure on sometimes sensitive issues.

GAC is entitled to receive communications on a timely basis, as is the ICANN Board or respective Supporting Organizations (depending on the respective process). Streamlining the decision-making procedures, with full respect to due process, should be aimed at preventing delays in the development of advisory opinions.

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<sup>1</sup> ICANN Bylaws Article III, Section 6. 1. a