Internet Corporation for Assigned Names and Numbers (ICANN)
Board of Directors / Governmental Advisory Committee (GAC)
Joint Working Group (JWG) on the Review of the Role of the GAC

Terms of Reference

This joint working group was established to conduct a review of the role of the GAC within ICANN, in accordance with the ICANN Board of Directors resolution at its 26 June 2009 meeting in Sydney, Australia (Annex A), and the GAC Communiqué from the GAC meeting in Sydney in June 2009 (Annex B) . This action was prompted by the report of the President's Strategy Committee in March 2009 and Annex A of the Affirmation of Responsibilities, *Joint Project Agreement (JPA)*, item 7 (Annex C).

Membership of the JWG

1. ICANN Board. The ICANN Board has appointed the following Board Members to the JWG, and has named a Board co-chair:

Raimundo Beca
Ram Mohan
Ray Plzak, co-chair
Jean-Jacques Subrenat
Katim Touray

2. GAC. The GAC will participate in an open-ended manner and has named a GAC co-chair: Heather Dryden, Canadian GAC representative

Background

The Governmental Advisory Committee was established by Section 2, paragraph 1 of Article XI of the ICANN bylaws. Specific activities of the GAC are described in sub-paragraphs a and f through k and the GAC Operating Principles, dated 5 April 2005

Meetings

The JWG shall hold open face-to-face meetings and provide an opportunity for community input. Intersessional teleconferences will also be held, so that the JWG can accomplish its objectives.

Engagement with the ICANN community

The joint working group shall ensure that the ICANN community is engaged in a fully consultative process, including via open joint working group face-to-face meetings, providing an opportunity for community input and shall determine any additional measures in such a manner and time in order to support its ability to complete its other objectives by their established completion dates

Objectives

The JWG shall produce a final report on the review of the role of the GAC containing analysis as well as recommendations, as appropriate, to the ICANN Board, no later than the Brussels meeting in June 2010, on the objectives listed below.

The JWG shall maintain the flexibility to produce analysis and/or recommendations on particular items, as appropriate, to the ICANN Board ahead the final report.

Objective 1 GAC advice to the Board

ICANN Bylaws Article XI, Section 2, Paragraphs 1i through 1k provide for the interaction between the Board and the GAC regarding advice. The GAC Operating Principles provide implementation details that have been adopted by the GAC regarding advice to the ICANN board.

The joint working group shall:

identify any GAC and/or Board processes that exist to accomplish this task, the nature of each process, the effectiveness of each, and whether improvements shall be made to any of these processes, or if any should be discontinued, or if any should be established.

Objective 2 GAC liaisons to the ICANN Board and Nominating Committee

ICANN Bylaws Article XI, Section 2, Paragraph 1f provides for the establishment of a liaison from the GAC to the ICANN Board and the ICANN Nominating Committee.

The joint working group shall:

analyze the mode of operation of these liaisons, including in comparison to other liaison arrangements, as well as the effectiveness of their operation, and whether improvements can or should be made...

Objective 3 GAC liaisons to the ICANN Supporting Organizations and Advisory Committees

ICANN Bylaws Article XI, Section 2, Paragraph 1g provides for the establishment of liaisons from the GAC to ICANN Supporting Organizations and other ICANN Advisory Committees.

The continued evolution of ICANN and its policy development processes has further led to an increased focus on the nature of GAC interaction with other parts of the ICANN community.

The joint working group shall:

identify each of the liaisons, analyze the mode of operation of each of these liaisons, the effectiveness of their operation, and whether improvements can or should be made to facilitate GAC work with ICANN Supporting Organizations and other ICANN Advisory Committees.

examine the effectiveness of GAC interaction with other parts of the community, particularly related to ICANN's policy development processes, and whether improvements can be made to these arrangements.

Objective 4 Support of GAC activities

The ICANN board asks the group to consider measures to enhance support of the GAC's work including interpretation of meetings, translation of documents, and extension of travel support for GAC members from the Least Developed Countries, and remote participation at GAC meetings

The joint working group shall:

consider the role of ICANN staff in supporting the current and future needs of the GAC (including briefings, access to third party advice, collaboration tools, facilitation of face-to-face meetings) as a priority. Experience with regard to the support provided by ICANN to other advisory committees and supporting organizations shall be drawn upon.

identify measures that could enhance the support of the GAC's work, taking into account cost factors for the measures, identify implementation parameters, and identify any operating processes or procedures that would be required to implement the measures.

Objective 5 Ways for governments to be informed about ICANN

The ICANN board asks the group to propose better ways for governments to be informed about ICANN.

The joint working group shall:

identify measures and means that improve the ways for governments to be informed about ICANN, particularly those governments currently not participating in the GAC, and identify any operating processes or procedures that would be required to implement the measures.

Objective 6 GAC interaction with the ICANN Board and community

The ICANN board asks the group to propose better ways for enhanced opportunities for the GAC to interact with the ICANN Board and community.

The joint working group shall:

identify exemplar means and methods for GAC to interact with the ICANN Board and community and to contribute at the earliest opportunity to the Policy Development Processes.

Annex A

EXTRACT of the resolution by the ICANN Board of Directors regarding the creation of the Joint Board-GAC working group, at its meeting in Sydney, June 2009

"8. President's Strategy Committee's Recommendations on Improving Institutional Confidence: The Way Forward

Whereas, the President's Strategy Committee ("PSC") was established in 2006 to advise the President and the Board on strategic issues facing ICANN.

Whereas, during the Midterm Review by the National Telecommunications and Information Administration in February 2008 of the Joint Project Agreement, the PSC was identified by ICANN's Chairman, Peter Dengate Thrush, as the group to facilitate discussions with the community about the issues raised regarding ICANN's planned transition to the private sector.

Whereas, the PSC was asked to outline a plan for developing a transition framework.

Whereas, the PSC conducted several public meetings around the world and ran two online consultations on successive drafts of its documents.

Whereas, the PSC delivered a draft Implementation Plan on Improving Institutional Confidence to the Board at ICANN's Mexico City meeting in March 2009.

Whereas, at the Board meeting on 6 March 2009, the Board thanked the PSC for its work and posted the report for public comment for 60 days.

Whereas, the Board resolution also directed staff to evaluate implementation of the proposals and report its findings to the Board.

Whereas, "Improving Institutional Confidence: The Way Forward," a set of proposed staff implementation recommendations was published on 1 June 2009 <http://www.icann.org/en/announcements/announcement-2-01jun09-en.htm > for community review.

Whereas, a range of community feedback has been received throughout the Sydney ICANN meeting.

Whereas, the Governmental Advisory Committee has proposed a joint Board-GAC working group to initiate a process to consider the role of the GAC within ICANN.

Whereas, the Board has reviewed the recommendations mentioned below from the PSC and considered the public input offered on the recommendations, the consequent staff recommendations and the GAC communiqué of the Sydney meeting.

Resolved (2009.06.26.23), the Board resolves to:

1. Establish a Board-GAC joint working group to review the GAC's role within ICANN and ask this working group to also engage the ICANN community in a fully consultative process on GAC's role within ICANN. ("Improving Institutional Confidence: The Way Forward,"

Appendix A, Recommendation 1.6)   Invite the GAC to nominate a Co-Chair of the joint working group, and request the BGC to nominate five directors, one of whom to serve as Co-Chair, to serve on the joint working group by 31 July 2009.

2. Request the Board-GAC joint working group to consider measures to enhance support of the GAC's work, including interpretation of meetings, translation of documents, extension of travel support for GAC members from the Least Developed Countries, and remote participation at GAC meetings. (1.6.1, 1.6.3)

3. Request the Board-GAC joint working group to propose better ways for governments to be informed about ICANN and for enhanced opportunities for the GAC to meet with the ICANN Board and community. (1.6.2)"

END OF EXTRACT

Annex B

EXTRACT from the GAC Communiqué from its Sydney Meeting in June 2009.

"IV. Role of the GAC

The GAC has held productive discussions during the Sydney meeting on its role, and looks forward to an early opportunity to initiate a joint process with the Board on this important topic in accordance with the Board's commitment in the Affirmation of Responsibilities in the Joint Project Agreement. The GAC proposes a joint working group for this purpose."

END OF EXTRACT

Annex C

EXTRACT From Annex A: Affirmation of Responsibilities, *Joint Project Agreement (JPA)*, item 7:

"7. Role of Governments: ICANN shall work with the Government Advisory Committee Members to review the GAC's role within ICANN so as to facilitate effective consideration of GAC advice on the public policy aspects of the technical coordination of the Internet."

END OF EXTRACT