Governmental Advisory Committee

GAC Communiqué – Sao Paulo

December 2006

I. INTRODUCTION

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Sao Paulo, during December 3-6, 2006.

The participating GAC Members comprised representatives from 36 countries and 5 Observers.

The GAC expressed warm thanks to the Brazilian Internet Steering Committee and the organisers for hosting the meeting in Sao Paulo.

II. WHOIS and New gTLDs

The GAC reviewed its draft Principles regarding WHOIS data and incorporated additional perspectives to illuminate the range of public policy interests and concerns related to WHOIS services and their use. The Principles are intended to guide the work within ICANN pertaining to WHOIS services, and the GAC re-stated its intention to adopt these principles at the next meeting at Lisbon in March 2007.

The GAC also debated and discussed the development of GAC principles applicable to the introduction, selection process and

operation of new gTLDs. The GAC stated its intention to adopt these principles at the next meeting at Lisbon in March 2007. It is hoped that the GAC timetable for this initiative will, *inter alia*, enable the GAC to provide timely input to the ongoing ICANN Policy Development Process on new gTLDs.

The GAC acknowledged that its discussions on these issues benefited from the presentations by the GNSO during the public forum outlining the status and scope of its policy development efforts in these areas.

III. IDN

The GAC acknowledged the progress made by the ICANN President's Advisory Committee on IDNs and the laboratory test design plans. The GAC restated the importance it attaches to IDNs as facilitators for the use of the Internet in relation to non ASCII script based languages. The GAC appreciated the issues raised by the GNSO council and felt that issues of public policy should be developed by the GAC on a priority basis and in discussion with GNSO and ccNSO constituencies in the ongoing policy development process.

IV. IPv6

The GAC reviewed developments on the Global IPv6 Allocation Policy, which the ICANN Board ratified on 7th September 2006, and acknowledged the importance of its active involvement in future discussions on the Global IPv6 Allocation Policy.

V. GAC Reform

The GAC finalized the document "Prioritization of GAC's work and introduction of target-based performance" that contained the GAC work program for 2007 (Annex I). The intention of sharing this information is to enable planning and

coordination of GAC's work with the rest of the ICANN community and is particularly driven by GAC's objective to further intensify dialogue and interaction with the rest of the ICANN community.

The GAC undertook discussions regarding how the GAC and ICANN could respond to the challenges stemming from the outcome of the World Summit on the Information Society, particularly the interpretation of enhanced cooperation.

VI. ICANN Board and GAC cooperation

The ICANN Board and the GAC discussed how to better synchronize GAC's work with ICANN strategic priorities. The GAC suggests that the ICANN Board considers developing, in consultation with all constituencies, a "Master calendar" to address important long-term substantive issues. The GAC also had discussions on ICANN's contingency planning.

VII. Transparency and Accountability Principles

The GAC also provided preliminary input to the Board's call for comments on Transparency and Accountability Management Operating Principles. The preliminary input is attached to this Communiqué (Annex II). The GAC intends to provide further input at the Lisbon meeting.

VIII. Elections

The GAC elected the following new officers by acclamation:

Chairman –   Janis Karklins – Latvia

Vice Chairmen –   Pankaj Agrawala – India,
                            Ndeye Maimouna Diop Diagnc - Senegal
                            Frank March – New Zealand,

The current Chairman will be stepping down at the commencement of the next meeting in Lisbon.

Members of the GAC expressed their gratitude to the outgoing Chairman, Mohamed Sharil Tarmizi of Malaysia and Vice Chairman, Stefano Trumpy of Italy.

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

The next GAC meeting will be during the period of the ICANN meeting in Lisbon, Portugal, 24th -29th March 2007.

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Sao Paulo, 06 December 2006

Work program of the GAC for 2007

March 2007

- Public policy implications of the introduction of IDN (discussion)
- ICANN's transparency and accountability (decision on input)
- GAC principles on new gTLDs (approval)
- GAC principles regarding WHOIS data (approval)
- GAC reform, including follow up to WSIS (discussion and decisions as appropriate)
- Contingency planning (discussion of representation in the ENAC)

June 2007
- Public policy implications of the introduction of IDN (discussion and preliminary decisions)
- GAC reform, including follow up to WSIS (discussion and decisions as appropriate)

End of 2007
- Public policy implications of the introduction of IDN (discussion and decisions as appropriate)
- GAC reform, including follow up to WSIS and permanent solution for secretariat (discussion and decisions as appropriate)

It should be understood that this work program will be subject to permanent review and adjustment to arising challenges.

Transparency and Accountability Management Operating Principles for ICANN

The ICANN Board needs to post its agenda publicly in advance of its meetings. A set of minutes of all meetings should also be supplied in a timely fashion. The minutes should indicate what subjects were discussed and summarize reasons for decisions taken. The minutes need not be lengthy, but they are an essential element in any effort to achieve transparency, and an informed community.

In the case of the most important decisions, particularly those involving policy considerations, additional formal processes should be adopted to ensure transparency. For example:

- Notice of what issues will be considered should be published on the web site, along with the timeframe for interested parties to submit comments
- An analysis of the issues should be provided. In many cases, it would be helpful to develop and publish a short discussion paper to help to focus comments.
- When the Board takes a decision on important issues which have generated significant community interest, a written document should be prepared and published. It should briefly summarize the background and context for the issues; and acknowledge and summarize the comments and positions of all interested parties who have provided input to the decision. It should clearly and concisely state the decision, the reasons for it and, in particularly controversial cases, state the Board's reasons for accepting or rejecting the comments and positions provided by interested parties.
- An opportunity should be provided for the Board to be held accountable by its community. It is recognized that

mechanisms already exist which permit appeals of Board decisions, informally through the office of the Ombudsman, or formally through the Reconsideration Committee, and Independent Review mechanisms. To the maximum extent possible any such appeal should be publicly announced, and carried out consistent in a manner similar to that outlined above. Every effort must be made to ensure that requests made via any of these mechanisms are seen to be taken seriously, and are dealt with in a timely manner.

- On occasion, the Board may be required to consider issues and make decisions on issues involving commercial confidentiality, or security issues which cannot be made public. Nonetheless, efforts should be made to publish the fact that a discussion has taken place, and to provide a rationale for the discussions being held behind closed doors.

These comments do not address accountability mechanisms related to the selection of the ICANN Board. However, in most organizations, elections are a fundamental element of an accountability regime. The GAC may want to recommend that the ICANN Board examine the existing process for Board member accountability in its process to develop transparency and accountability management operating principles.