Public Comments-Report

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Report of Public Comments

Title:	**Final Report on the Board-GAC Joint Working Group**
Publication Date:	
Prepared By:	Jamie Hedlund

Comment Period:		**Important Information Links**
Open Date:	7 July 2011	http://www.icann.org/en/announcemen
Close Date:	12 July 2011	http://www.icann.org/en/public-
Time (UTC):		http://forum.icann.org/lists/board-gac-

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Section I: General Overview and Next Steps

This document provides an overview of the public comments received in response to the request for public comments on the Final Report on the Board-GAC Joint Working Group (JWG).

The final report reflects the opinions of the members of the working group. This public comment period provided an opportunity for the community to share perspectives on the participation of the Governmental Advisory Committee in the ICANN process. The comments are grouped per objective as noted in the report.

Recommendations of the Final Report of the Joint Board-GAC Working Group will be considered by the ICANN Board of Directors following the public comment period.

Section II: Contributors

At the time this report was prepared, a total of 2 (two) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
GNSO Registries Stakeholder Group	David W. Maher	RySG

Name	Affiliation (if provided)	Initials
Shawn Gunnarson	Kirton&McConkie	SG

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Only two parties filed comments on the JWG Final Report, the GNSO Registries Stakeholder Group (RySG) and Shawn Gunnarson (SG). The comments overwhelmingly supported the recommendations (see Final Report) put forward by the JWG. SG praised the JWG for providing "several thoughtful and productive recommendations and intimating still others." He lists the following recommendations as those that "appear to promise the greatest impact in resolving the problem of integrating the GAC more effectively into ICANN's policy-making process":

1. Experiment with reverse liaisons, where each SO and AC assigns members from their respective constituencies to liaise with the GAC.
2. Clarify that the GAC liaison is not the only mechanism for informing the GAC of the Board's interest in seeking its views.
3. Create a Board liaison to the GAC.
4. Assign a senior ICANN staff member to coordinate with the GAC liaison.
5. Encourage ICANN policy staff to interact with the GAC and its members more routinely.
6. Consider amendments to the ICANN bylaws and GAC Operating Principles clarifying that the GAC may deliver advice to SOs and ACs as well as the Board.
7. Create a register indicating whether and how particular GAC advice was taken into account by the Board.
8. Institute a process for the Board to regularly notify the GAC of proposals that contain public policy issues.
9. Increase the number of face-to-face meetings between the Board and the GAC.

The following summarizes the significant points raised by the commenters and are organized by the objectives and recommendations of the JWG Final Report.

Objective 1: GAC Advice to the Board

RySG: The last sentence under the heading "Policy Development Process" says: "It is also worth noting that the Bylaws call for GAC advice to go solely to the Board, rather than to the other Supporting Organizations and Advisory Committees." The RYSG believes that a modification of this requirement in the Bylaws would facilitate earlier involvement of the GAC in policy development efforts. RySG supports all four of the recommendations for objective 1.

SG: Amendments to the bylaws and GAC Operating Principles should be considered, clarifying that the GAC may deliver advice to SOs and ACs as well as the board. SG agrees with JWG's recommendation to create a "transparent register or consistent record to make apparent whether/when/how the Board has taken into account and/or responded to particular advice from the GAC."

Objective 2: GAC liaisons to the ICANN Board and Nominating Committee

Comment summary:

RySG: RySG is supportive of the recommendations in objective 2 but states that recommendations 5 ("Complement the GAC liaison to the Board with a senior ICANN staff member assigned to coordinate with the GAC liaison to identify issues of mutual interest to the GAC and the Board, to ensure that all ICANN staff are more cognizant of GAC perspectives and concerns, as well as providing issue updates and alerts to the GAC regarding ICANN activities") and 7 ("Ensure that all briefing material prepared for the Board clearly identify those issues of interest/relevance to the GAC) should be expanded to include other SOs and ACs.

RySG als supports option 3 language to amend "the current confidentiality procedures for the NomCom that inhibit discussions between the "GAC liaison" and the GAC membership" and to lift similar restrictions that apply to other SOs and ACs as well.

SG: SG recommends creating a Board Liaison to the GAC and to assign a senior staff member to coordinate with this liaison.

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

RySG: RySG believes that it would be very helpful for the GAC to identify possible possible issues that may involve public policy early in the policy development process. RySG supports the recommendations for objective 3, with strong support for Recommendation 8 ("Explore whether the ICANN ByLaws need to be amended to more affirmatively provide for GAC input to ICANN's policy development processes (vice the current provisions which call for the provision of GAC advice directly to the Board).

SG: ICANN and the GAC should experiment with "reverse liaisons" (i.e., from the SOs and ACs to the GAC).

Objective 4: Support of GAC Activities

RySG: The recommendation for up to 5 FTE in secretariat support seems like too much as the GNSO functions with 1 FTE and 1 part time secretariat staff. The recommendation not to impose a cap on supported travelers should be subject to budget constraints. RySG supports the recommendation that the GAC receive support comparable to the support provided to other SOs and ACs.

SG: SG urges that the recommendation for parity in GAC funding and support should be adopted enthusiastically.

Objective 5: Ways for governments to be informed about ICANN

RySG: The RySG is in complete support of the recommendations for objective 5 and in particular strongly supports recommendation 1 ("That the GAC consider holding a high-level meeting for governments as a way to increase awareness at more senior levels among governments of the work that is conducted by the GAC and ICANN with the aim of informing governments about the work and role of the GAC and ICANN, and improving resource allocations in support of this work").

Objective 6: GAC interaction with the ICANN Board and community

RySG: effective GAC interaction with the GNSO requires more than one hour sessions at in-person meetings three times a year. In cases where there are issues of strong interest to the GAC involving particular GNSO stakeholder groups, special meetings between the parties would be useful.

General Comments

There is support for a consideration to amend the ICANN bylaws and GAC Operating Principles clarifying that the GAC may deliver advice to SOs and ACs as well as the Board.

GAC advice should be recorded as well as how it was taken into account by the Board. The Board should implement a process to regularly notify the GAC of proposals that contain public policy issues.

The number of GAC and Board meetings should be increased.

Section IV: Analysis of Comments

Both commenters voiced strong support for all of the recommendations contained in the JWG Final Report. There was recognition that while other SOs and ACs are capable of speaking for the constituency group as a whole, GAC members are limited to only being able to speak for their respective governments. They noted that the GAC's character as an organization of national representatives contributes to the difficulty of properly integrating the GAC into ICANN's policy development processes.

The commenters agreed that the recommendations would improve GAC integration into ICANN's policy development processes and provided additional ideas for consideration. For example, they both called for amending ICANN's bylaws and the GAC's Operating Principles to explicitly allow the GAC to provide advice to SOs and ACs. They also urged the GAC and the Board, and the GAC and other SOs and ACs, to meet more frequently. SG recommended the designation of a Board liaison to the GAC and supported implementing a trial of reverse liaisons from the SOs and ACs.

Finally, there was enthusiastic support for the GAC to receive travel and secretariat support at par with the other SOs and ACs.

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.