



Governmental Advisory Committee

Marrakech, 28 June 2006
Final

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 28th 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 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's 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 1st 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.

Marrakech, 28 June 2006

Encl.

Communications Timeline document between the ICANN Board and the GAC

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 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 day¹ 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.

27/06/2006

¹ ICANN Bylaws Article III, Section 6. 1. a