

Brussels, 23 June 2010

## **GAC Communiqué – Brussels**

### **I. INTRODUCTION**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Brussels, during June 19 - 23, 2010.

60 members and 4 observers participated in the meeting.

The Governmental Advisory Committee expresses gratitude to the EuRID for hosting the meeting in Brussels and thanks ICANN for supporting the GAC meeting.

### **II. Board/ GAC Joint Working Group on the Review of the Role of the GAC at ICANN**

The JWG met in Brussels and the discussion focused on two main issues for the JWG report, GAC advice to the Board and the role of GAC liaisons. Regarding GAC advice to the Board, in the view of the JWG:

“Any explicit advice, in any written form, constitutes the advice foreseen in the Bylaws. The GAC also advises on the effectiveness of procedures for facilitating interactions between ICANN constituencies for the development of policy.

In addition, the GAC first seeks consensus in its work and this can take time to achieve. If consensus is not possible, a range of views can be provided as advice. The bylaws provide only for GAC advice to be given to the Board and do not include provisions for the other SOs/ACs to formally consider GAC advice”.

Several recommendations are identified, including the creation of a transparent register to record when GAC advice has been provided and to track whether/when/how the Board has taken into account or responded to particular advice from the GAC.

The JWG aims to finalize the report in Colombia and further JWG discussion is anticipated on ways that the Bylaws could formally acknowledge methods for the ICANN constituencies, including the GAC, to provide inputs into the policy development process at an early stage and as the process develops.

### **III. New gTLDs, including the Morality and Public Order issues**

The GAC was grateful to receive a briefing update from ICANN staff on the changes incorporated in version 4 of the Draft Applicant Guidebook (DAG4). The GAC wishes to acknowledge the dedicated work of the ICANN staff in addressing the issues of concern for the GAC. The GAC will provide a full response to DAG4, including issues related to the Morality and Public order, in accordance with the timeline for the public consultation.

The GAC expects to receive response to its letter to the Board in relation to the DAG3.

The GAC believes that the new gTLD process should meet the global public interest consistent with the Affirmation of Commitments. It therefore urges ICANN to set technical and other requirements, including cost considerations, at a reasonable and proportionate level in order not to exclude developing country stakeholders from participating in the new gTLD-process. Key documents should be available in all UN languages. The GAC urges that the communications and outreach strategy for the new gTLD round be developed with this issue of inclusiveness as a key priority.

The GAC appreciates the exchange of views on these issues with the GNSO.

#### **IV. Meeting with ccNSO**

The GAC and the ccNSO held a constructive exchange regarding the scope and work to date of the ccNSO Delegation, Re-delegation and Retirement Working Group, based on a presentation of the Working Group's progress report and initial assessment. The GAC welcomed the ccNSO's invitation to provide comments on the texts and looks forward to further discussions during the annual meeting in December 2010. Other issues addressed during the exchange included an update from ccTLDs and GAC members on pending IDN ccTLD applications under the "fast track" process, the treatment of geographic names in new gTLDs. Moreover, the GAC supports the ccNSO's decision to work jointly with the GNSO, SSAC and ALAC to draft a charter for a potential cross-constituency WG to consider further ICANN's proposals regarding the security and stability of the DNS. The GAC notes that these issues are of significant public policy interest and indicates its willingness to collaborate with other parts of the ICANN community on this important issue.

#### **V. Law enforcement Due Diligence Recommendations**

An absolute majority of GAC members made the following statement:

- The GAC encourages the Board, the RAA Working Group and registrars to work with law enforcement agencies to address their concerns and implement necessary changes without delay.
- Following from the GAC's Nairobi Communiqué, the GAC requests an update of progress on consideration of these proposals, including the Board's consideration of the due diligence recommendations.
- Based on the deliberations in Brussels and the previous meetings, the GAC endorses the proposals from law enforcement agencies to address criminal misuse of the DNS, noting that implementation of these proposals must respect applicable law and respect all requirements concerning the processing of personal data, such as privacy, accuracy and relevance

Some countries felt that further efforts need to be deployed to clarify these proposals.

## **VI. Meeting with Accountability and Transparency Review Team (A&T RT)**

The GAC met with the A&T RT to discuss a number of questions relating to the accountability and transparency of GAC interactions with ICANN. Much of the discussion covered the same areas as those coming out of the work of the JWG, including the nature and treatment of GAC advice provided to the Board and the need for early engagement in PDP activity with the ICANN constituencies. The GAC will work intersessionally to provide a written response to the A&T RT questions.

## **VII. Meeting with NRO**

The GAC welcomed the briefing from the NRO with updates on IP address space management and the depletion of the IPv4 address space. The estimated depletion date for IPv4 addresses was August 2011 and the RIR estimated depletion date April 2012 based on the current allocation rate. The GAC and NRO highlighted the need and importance of cooperation between RIRs and governments for promoting deployment of IPv6 and for addressing the allocation needs for IPv6 address space throughout the world.

## **VIII. GAC Secretariat support**

The GAC discussed a refined proposal to ensure appropriate Secretariat support for the GAC along the lines of a hybrid model, i.e. funded by governments with continued support from ICANN. The GAC accepted the offer from Brazil, Norway and The Netherlands to finance and host a Secretariat for the duration of 5 years

The donor countries have the intention to put in place a lean and flexible Secretariat providing professional and proactive support to the membership. They propose to evaluate the Secretariat after three years in order to explore ways forward after the five year financial support currently guaranteed

These countries will start the necessary arrangements to have this Secretariat operational at the latest from the 41st ICANN/GAC meeting in June 2011, allowing a transition from the current Secretariat provided by India.

## **IX. Election of the GAC officers**

Mr. Janis Karklins resigned from his post of the GAC Chair following his departure from the Latvian government. This resignation is effective on 24 June 2010.

Following provisions of the Article IX of the GAC Operating Principles the GAC appointed Ms. Heather Dryden from Canada to serve as an interim Chair and a non-voting GAC liaison to the Board for the remainder of current Chair's term which ends at the end of the first GAC meeting of 2011. This appointment is effective from 25 June 2010.

The GAC launched the process of nominations for the post of the Chair and three Vice-Chairs. Election of new officers will take place during the Cartagena meeting of the GAC.

Members of the GAC welcomed Ms. Heather Dryden and expressed their gratitude to the outgoing Chair Mr. Janis Karklins for his service to the GAC.

## **X. GAC Operating Principles**

The GAC created an ad hoc working group that will review the GAC Operating Principles. The WG's proposals will be examined during the Cartagena meeting of the GAC.

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The GAC noted the Declaration of the Committee of Ministers of the Council of Europe adopted on 26 May 2010 on enhanced participation of its member states in Internet governance matters and welcomed the Council of Europe as an observer to the GAC.

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

The next GAC meeting will take place during the period of the ICANN meeting in Cartagena, Colombia.