

Governmental Advisory Committee (GAC) Advice Consideration Process

Process Background:

As per the ICANN Bylaws, the ICANN Board receives advice from Advisory Committees including the Governmental Advisory Committee (GAC). GAC advice is tracked and managed via the Action Request Register (ARR) a centralized system supporting a consistent and repeatable process for tracking and managing advice received by the Board.

GAC advice is advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues. GAC advice is embodied in a written communication where the specific advice is clearly marked as such, has a clearly stated proposal for action(s) by the Board, and explains the underlying rationale for its advice. GAC advice is provided in accordance with the [GAC Operating Principles](#) and is duly considered, accepted, or rejected by the Board in accordance with Section 12.2 (a)(x-xi) of the ICANN Bylaws. Typically, the GAC formulates advice recommendation during ICANN public meetings which are then issued in the form of a GAC Communiqué at the conclusion of the ICANN meeting.

Process Scope:

The role of the GAC and the scope of its advice is described in [Article 12](#) of ICANN's Bylaws. Advice received from the other three Advisory Committees (ALAC, RSSAC, and SSAC) is not in scope for this process. Advice from these Advisory Committees is managed via a separate process.

Process Activities:

This process focuses on what happens to advice from the GAC after it is received by the Board via a communiqué or otherwise in writing; this process does not describe procedural aspects related to the development of the advice on the part of the GAC. The process includes five phases, from acknowledgment of the advice to closure.

1. Receive & Acknowledge

The first phase of the process is to receive and acknowledge the advice from the GAC. Once GAC advice is finalized and incorporated into a communiqué, it is issued by the GAC Chair to the ICANN Board. The communiqué is then acknowledged and published on both the GAC and ICANN websites. Finally, the communiqué is logged in the ARR system.

2. Understand

After receipt, the ICANN organization reviews the communiqué and performs an analysis on behalf of the ICANN Board on each piece of GAC advice in the communiqué. Information is compiled for potential questions to the GAC that may have emerged during the review. Clarifying questions are then drafted and shared with the Board. Board members finalize the clarifying questions for sharing with the GAC ahead of a Board-GAC conference. This conference, usually carried out by phone/electronically, is expected to take place within 30 days of the date the communiqué was issued. During the conference, Board members and members of the GAC discuss views and seek to clarify each question raised.

3. Evaluate & Consider

Based on the Board-GAC conference, the Board develops a response to the GAC advice. The ICANN organization supports the Board in the development of the response. Typically, the Board issues a resolution with the finalized Board response.

If the Board accepts the GAC advice, this response is conveyed to the GAC, which has the opportunity to assess the Board's response. Should the GAC accept the Board's response, it communicates this acceptance to the Board. The Board then directs the ICANN organization to implement the GAC advice (if necessary). If the GAC does not accept the Board's response and a mutually acceptable solution can be found, the Board develops new responses based on the GAC's additional clarifications. If no mutually acceptable solution can be found, a final disagreement procedure will be invoked as per the ICANN Bylaws section 12.2.a.(x) and 12.2a.(xi).

The final disagreement procedure is also invoked if the Board does not accept the GAC advice outright. This response is also conveyed to the GAC, and the procedure then begins.

4. Implement

The fourth phase of the process is focused on implementation of the advice based on the outcomes of Phase 3, Evaluate & Consider. If it has been determined that implementation is not required, the advice is moved to Phase 5, Close.

For those items of GAC advice requiring implementation, the ICANN organization develops an implementation plan and shares it with the GAC and the Board as appropriate. The ICANN organization then executes the implementation plan and reports on implementation progress. Once it has been determined that the advice has been implemented, the advice is moved to Phase 5, Close.

5. Close

The final part of the process focuses on ensuring that the advice has been processed appropriately based on the outcomes of Phases 3 and 4. As noted above, in the case that the Board and GAC must invoke a final disagreement procedure, the outcome of the advice depends on the outcome of the procedure.