

**Governmental Advisory Committee
Chairman**



Vint Cerf
Chairman of the Board
ICANN

Geneva, 2 April 2007

Re: GAC advice on 16 October 2006 call for Input on the Development of Transparency and Accountability Management Operating Principles

I am writing to provide the ICANN Board with advice from the Governmental Advisory Committee on the issues of transparency and accountability of the Board. This is a refinement of the preliminary input provided as Annex II to the GAC Communiqué of the Sao Paulo meeting of December, 2006. This advice is informed by and consistent with paragraph 48 of the World Summit on the Information Society Geneva Declaration of Principles, and paragraph 29 of the Tunis Agenda for the Information Society, which state:

The Internet has evolved into a global facility available to the public and its governance should constitute a core issue of the Information Society agenda. The international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet, taking into account multilingualism.

In this context, the GAC takes note of the Affirmation of Responsibilities for ICANN's Private Sector Management Approved by the ICANN Board of Directors, 25 September 2006, which forms part of the Joint Project Agreement with the United States Department of Commerce, which states:

ICANN hereby affirms and agrees to be guided by the following responsibilities... :

(2) Transparency: ICANN shall continue to develop, test and improve processes and procedures to encourage improved transparency, accessibility, efficiency, and timeliness in the consideration and adoption of policies related to technical coordination of the Internet DNS, and funding for ICANN operations. ICANN will innovate and aspire to be a leader in the area of transparency for organizations involved in private sector management.

(3) Accountability: ICANN shall continue to develop, test, maintain, and improve on accountability mechanisms to be responsive to global Internet stakeholders in the consideration and adoption of policies related to the technical coordination of the Internet DNS, including continuing to improve openness and accessibility for enhanced participation in ICANN's bottom-up participatory policy development processes."

The GAC further takes note of the ongoing consultation on mechanisms to promote accountability and transparency, and the summary of comments provided in January 2007. The GAC is pleased to provide the following comments to assist the Board in its goal of becoming increasingly transparent and accountable in its operations:

1. 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.
2. 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, or reviews to be undertaken, 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 also should be provided for the community to seek reconsideration of decisions taken by the Board. 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 to ensure appropriate levels of transparency. 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.
 - The Board should attempt to minimize the use of *in camera* sessions. When an *in camera* session is held, the Board should publish the fact that such a discussion has taken place and the reasons for that.
3. These comments do not address accountability mechanisms related to the selection of the ICANN Board. The GAC does consider it important to make progress in this area, as a complement to efforts to improve transparency. The GAC recommends that the ICANN Board examine the existing process for selecting Board members, with a view to developing institutional means to assure all communities that the Board is accountable to their interests. The GAC would encourage the Board to undertake an open process to consider possible mechanisms to assure accountability, particularly in the absence of traditional ways to hold Board members accountable.

The GAC wishes to assure the ICANN Board and other members of the ICANN community of our continuing commitment to participate in the development of accountability and transparency mechanisms, and our willingness to provide further information and advice.

Yours sincerely

-signed-

Janis Karklins
Chairman