



Governmental Advisory Committee

26 September 2015

Dr Steve Crocker
Chair, Board of Directors
Internet Corporation for Assigned Names and Numbers

Re: Clarification request regarding GAC Buenos Aires Communiqué

Dear Dr Crocker

Thank you for your letter dated 4 September 2015 which asks for clarity on behalf of the ICANN Board New gTLD Program Committee (NGPC) on “certain terminology” that appears in the GAC’s Communiqué issued at the ICANN 54 Public Meeting in Buenos Aires, Argentina.

In the relevant ICANN Bylaws (Article XI: Advisory Committees), the terms “advice” and “recommendation” are both used in relation to the GAC’s advisory role to the Board, although neither term is defined.

In the case of the GAC Safeguard Advice referred to in your letter, I note that the relevant paragraphs are listed under the heading “VI GAC Advice to the Board”. All information provided under that heading is intended as and should be understood as constituting advice to the ICANN Board.

Even though the term “recommends” is used, the matter was discussed and agreed by GAC as an advice. The latter was unanimously confirmed by GAC members through e-mail correspondence. There is a clear expectation of the GAC that the board should follow these “recommendations”. Similarly, the GAC expects that where the ICANN Board does not follow the “recommendations”, the Board should try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution, in accordance with the Bylaws.

In the future, to avoid confusion, the GAC will avoid using the term “recommendation” and instead refer only to “advice”. Where the GAC does not have such an expectation, it will try to make this clear through the use of terms such as “encourages” or “suggests”.

As you are aware, there have been efforts over some time through the Accountability and Transparency Review Team (ATRT) processes to clarify the status of GAC advice to the Board. The GAC had understood the current situation to be unambiguous, but clearly there is still room for improvement. The GAC is currently undertaking a review of GAC Advice, looking at the processes used to track the advice and subsequent implementation, with a view to making improvements. The issues you have raised about ensuring GAC terminology

is clear will certainly be included and we look forward to further discussions with the Board in due course.

I do hope this information provides the clarification you seek. If you have any questions please let me know.

Best regards,

A handwritten signature in black ink, appearing to read 'Th. Schneider', with a long horizontal flourish extending to the right.

Mr Thomas Schneider
Chair, Governmental Advisory Committee