



29 April 2013

Dr Steve Crocker, Chair, ICANN Board
Mr Cherine Chalaby, Chair, ICANN Board New gTLD Program Committee

Dear Steve, Dear Cherine,

GNSO Council Statement on Policy Management in ICANN's GNSO

During the Public Forum at the ICANN Meeting in Beijing, I delivered a statement on behalf of the GNSO Council. Chris Disspain, in his capacity as Chair of the session, requested that we provide the statement to you in writing. In fact, it was the Council's intent to do so in any case so we thank you here for this public recognition of our position.

"At this meeting we have held numerous productive and forward looking meetings including a refreshingly full, frank and positive session with the board and CEO. So, thank-you for that session.

With this backdrop we offer:

A Statement on behalf of GNSO Council of ICANN

First, we would like to remind the ICANN Board, Staff and broader community that the GNSO is the only entity charged in the bylaws of ICANN with policy development and providing recommendations to the Board on substantive policies relating to generic top level domains.

In this context:

The GNSO Council, the policy management body of the GNSO, recently provided advice in response to a letter from staff to the effect that an issue being considered was a matter of policy, rather than implementation. However, at the time, it was Staff's view that the issue was implementation and not policy. Accordingly, it was the Staff's decision to proceed with implementation of what the majority of the Council considered policy.

The Council's firmly held view is that; when there is not an agreement on whether or not such an item is policy, as in this case, that the Staff and/or the ICANN Board must, at minimum, refer back to the Council before proceeding further.

As a general point, it is the Council's view that should it provide policy advice to the Staff and/or the Board in the future, then in the event that Staff and/or Board seek to act in a manner that is not consistent with the Council's advice, then the Staff and/or Board must consult with the GNSO Council, explain the rationale behind its decision, and allow the Council, at a minimum, to respond to the Staff or Board's decision."

Yours sincerely,

Jonathan Robinson
Chair, ICANN GNSO Council