Report of Public Comments

Title:	Board Technical Relations Working Group (BTRWG) – Final Report for Public Comment
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Section I: General Overview and Next Steps

This report will be submitted to the SIC and Board for their consideration with a view to reaching a decision on structural changes to the TLG.

Section II: Contributors

At the time this report was prepared, two community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
European Telecommunications Standards Institute (ETSI)	Bernardo Correia	ETSI

Individuals:

Name	Affiliation (if provided)	Initials
Marilyn Cade	/	MC

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

General comments

MC: The role of the TLG and other technical advisors to ICANN's Board needs reform and extension into the community. The TLG with four entities and a rotating non voting Board seat is based on

history and may not be the best approach to procure neutral technical advice as ICANN has evolved and internet governance issues have matured. There is no mechanism to add entities to the TLG and the rotation system limits the ability to match technical expertise to a given challenge at a given time. Technical advice from liaisons should also be available to the bottom-up processes of policy development. The TLG liaison focuses on the Board and does not engage with the SOs/ACs/SGs. These aspects make it difficult to establish accountability, to measure effectiveness or how the four TLG entities improve their understanding of ICANN. The TLG entities should engage and interact within ICANN's broader processes as needed and it may also be time to expand the notion of "technical" advisory function (e.g. to include UNESCO, WIPO, IEEE, GMSA or the IGF Executive Secretariat). Technical liaisons should be independent and accountable experts, not non-voting Board Members. An exception is appropriate for the GAC Chair and the RSSAC liaison. ICANN's Board and community deserve independent experts in economic and legal studies and in technical areas. Given the number of technical advisors who declare "conflicts", it is clear that the Board cannot assume independence of technical advice. A different role for technical advisors is needed and this deserves discussion with the broader community. Technical advice must be transparent to enable interaction with the broader community. Technical advisors, and Liaisons should have clearly defined roles and accountability with the expectation that they provide advice and serve as ambassadors between their organizations. The TLG needs significant change – including possibly moving it outside of the Board, and expanding it to a more inclusive model. This may be resisted by the four entities and it is important to recognize that they are significant players as key allies in the Internet eco system – but it isn't clear today how the present approach fully advises ICANN, and is improving the relationships and interactions from ICANN back into the four entities.

In response to Recommendation: *ICANN should consult with the TLG's constituent bodies individually about what relationship and involvement in governance mechanisms is appropriate for the respective organization. This consultation should be undertaken by the ICANN Board or senior staff.*

ETSI: ETSI welcomes this recommendation and is available to discuss with ICANN officials the best route to ensure a continuous collaboration. Mr. Francisco da Silva (Board member) and Mr. Bernardo Correia (Secretariat External Relations Officer) are the appointed ETSI representatives to the ICANN TLG for 2012.

MC: ICANN should consult with the AC/SGs/SOs and with other entities that ICANN should maintain an ongoing relationship with. ICANN should also invite leaders from the present TLG to engage in dialogue with the broader community at an ICANN meeting about what relationship and involvement is appropriate. Organizations such as UNESCO, WIPO, OECD, APEC, CITEL should be invited to this dialogue. The role of the non-voting technical advisors/liaisons within the Board is unclear. The need to declare conflicts of interest in their advice creates a challenge for the Board, being thus denied independent expert advice. Providing advice only to the Board is minimizing the role of the SGs/SOs/ACs, and this must be addressed. Proposals about 'reciprocity' of appointment of liaisons is inadequate, and does not address the question of what function and role technical experts/liaisons play within ICANN's decision making. Consideration of any appointment of liaisons f*rom* ICANN to any entity should include understanding of the purpose, what authority such a liaison would carry, and to whom the liaison reports.

<u>In response to Recommendation</u>: *ICANN should not disband the TLG before it has substantially concluded these consultations. We believe that a time frame of six months should be sufficient to substantially conclude these consultations.*

ETSI: ETSI agrees that it is too premature to disband the TLG without having consulted directly all stakeholders relevant to the discussion.

MC: ICANN could continue the TLG during 2012, but focus on concluding consultations with the community during the first two public meetings of ICANN. Interactions with the present TLG members and additional organizations should take place between public meetings. A report for public comment should be provided of proposed changes. Today's technical liaison approach may not meet the needs of ICANN's Board, or its various constituent entities. The discussion of the TLG also needs to reflect other considerations, such as changes in the role of technical advisors and liaisons. Neutral, non-biased, and non-conflicted technical advice is needed by retaining independent and accountable technical experts. There has been a tendency to substitute that in a variety of areas, with proposals that staff take over recruitment and outreach; or staff act as providers of technical advice, etc. A collaborative approach is more effective for ICANN, and this issue needs reflection and discussion more broadly within the ICANN community.

<u>In response to Recommendation</u>: *ICANN should work to strengthen and better institutionalize the mechanisms for obtaining technical advice and input, including at the Board level. It is the recommendation of this Working Group that, given the ICANN Board's current mode of operation, the organization continues to need technical advice and expertise within the Board's deliberations, such as the expertise and advice that has been provided by liaisons appointed by the TLG. A decision to disband the TLG should be made only in conjunction with simultaneously addressing this issue.*

ETSI: ETSI agrees that the valuable role of TLG is to connect the ICANN Board with appropriate sources of technical advice. This role should be maintained. Effectively, the ICANN board seat allows ETSI to insert technical understanding to the board deliberations from the Telecom ecosystem perspective. Technical Liaisons have an important role to provide for that ICANN has the right balance in technical knowledge. Finally, ICANN Board Liaisons are key ambassadors for the understanding of ICANN in their own organizations.

MC: Technical advice on matters that are relevant to ICANN's activities and decisions should be provided. However, the process and manner for providing such technical advice needs reexamination. The present four participants must play a role in developing an approach. This may require a substantial change in how the TLG conducts its consultations, and how it may be effective within ICANN and its broader community of stakeholders. It is possible that the Board and Community assume that Liaisons are ambassadors to advance acceptance and understanding of ICANN within their organizations. That ambassador role is valuable, but not apparent to the broader ICANN community. Active interaction involving multiple players and shared work activities deepens understanding and acceptance between entities.

<u>In response to Recommendation:</u> *The Nominating Committee is designed for broad participation. The TLG provides for participants in the Nominating Committee who are connected to the broader technical community. ICANN should maintain this connection, and should continue the TLG's role of*

fulfilling it.

ETSI: ETSI fully agrees with this recommendation as it believes that the NOMCOM's invaluable main characteristic is of bringing together different stakeholders who contribute understanding of the broad interests of the Internet community as a whole, and knowledge and experience of specific Internet constituencies who have appointed them. The "future TLG" should ensure that this link is maintained.

MC: The Nominating Committee is responsible for selecting Board members with diversity and experience. Change should include a clear understanding of accountability, and what it means to act in the public interest. Just as it would be inappropriate to task the NomCom to select Board members who are economists, marketing executives, software engineers, or affiliated with specific government blocks, it is inappropriate to task the NomCom to select Board members with specific technical expertise. The function of technical advice belongs in a neutral space that is 'procured', and which can be broadened, or flexibly addressed. That means that the TLG's role needs to be reformed, along with all other technical advisors.