PPSC Joint Work Team Session Agenda

- **PDP Team Introduction: Jeff Neuman**
  - Current GNSO PDP Overview
  - Goals of PDP Work Team
  - Detail: Current PDP & Board Recommendations
- **WG Team Introduction: J. Scott Evans**
  - Task Force vs. Working Group Comparison
  - Council Experience with WGs
  - Team Deliverables: WG Charter Guide & WG Model

PDP Team Introduction

Jeff Neuman, Interim Chair

28 February 2009

Board Recommended Improvements

Revise the PDP Process

- Align with contractual requirements and bylaws
- Periodic Council self review assessment and metrics
- Align with ICANN strategic operations objectives
- Council: manager of PDP process vs. legislative body
- Preparation: scoping, discussion, research, scheduling
- PDP Team: establish model charter, rules, & procedures

Current GNSO PDP Overview

- Set forth in Annex A of the ICANN Bylaws
- Very specific about the process, voting thresholds and time frames that must be followed throughout
- Begins with Board, Council or AC "raising an issue"
- Staff prepares "Issues Report" within 15 days following Council vote (special rules apply)
- Council votes on whether to initiate a PDP
- Special rules apply to convene "Task Force" or Working Group
- Charters and Terms of Reference are developed
- Constituency Statements and Public Comments solicited
- Preparation of Initial and Final Reports

Current GNSO PDP (Cont'd)

- GNSO Council votes on whether to recommend a policy change to the Board
- Board considers for action upon GNSO Council recommendation
- Again, specific rules, voting thresholds and timeframes apply to each step
- Thinking has evolved over time – the Council has moved away from Task Forces to using a Working Group model in all recent policy work
- Using "drafting teams" and pre-PDP "working teams" or "design teams" with Council-drafted charters today
- Council is also using a set of consistent "work rules" for WGs

Goals of PDP Work Team

- Generate a new PDP structure, including model and charter documents.
- Supported by Staff, the team's recommendations will be considered by the PPSC, submitted to the GNSO Council, and ultimately must be approved by the ICANN Board.
- Once approved, the new rules will become part of the GNSO's operating procedures, including changes to Annex A of the ICANN Bylaws, which currently govern the GNSO policy development process.

The Policy Development Process

Detail: Current PDP and Board Recommendations

Background

- "Consensus policies" are a set of defined issues described in ICANN's contracts with registries and registrars
- Consensus Policies on the topics described in Section 4.2 of the RAA adopted in the specified manner (Section 4.3) are binding on registrars
- Registry Contracts also describe Consensus Policies, but use language different than the RAA
  - Registry Agreements expressly exclude specific topics
  - Consensus Policies on topics described in the Agreement (such as Section 3.1 for .com) are binding on the Registry if adopted in the specified manner (such as Section 3.1(b) for .com)

Consensus Policies and Future PDPs

- Consensus Policies should track with ICANN's contractual requirements, and should be clarified in the Bylaws
- The GNSO may provide general advice on other policy issues related to gTLDs, but additional analysis is needed to determine if this advice can be enforceable on registries or registrars under contract with ICANN
  - Other policies may require revisions to the contracts or the consent of the affected party
  - See http://www.icann.org/en/legal/briefing-on-implementation-200ct02.htm

Voting Thresholds

	CURRENT	FUTURE
Create an Issues Report	At least 25% of members present	Either > 25% vote of both houses or simple majority of one house
Initiate a PDP within scope	> 33% of Council Members present	> 33% of vote of both houses or > 66% vote of one house
Initiate a PDP not within scope	Supermajority vote of Council members present	> 75% vote of one house and a simple majority of the other
Approval of a PDP without Supermajority	Clear statement of all positions held by Council members	Simple majority of both houses, but at least 1 rep supports from 3 of 4 SGs
Approval of a PDP with Supermajority	> 66% of members present	> 75% majority in one house and simple majority in the other

Note: Future voting thresholds are used to describe the PDP process in following slides

- Current: the Board, ACs and the GNSO Council may 'raise an issue' (automatic when from Board or AC; otherwise requires approval by 25% of Council members present)
- New: GNSO Council may "raise an issue" by a vote either greater than 25% vote of both houses or simple majority of one house

- The Board emphasized the work that should be done before launch of a working group or other activity.
- Public discussion, fact-finding and research is needed early. Might include workshops, RFI, expert opinion, etc.
- Strengthen staff and expert support.
- Should "raising an issue" remain the same, be expanded, be limited?
- Should "raising an issue" follow a certain procedure, require certain information or address certain questions?

Creation of the Issues Report by Staff Manager

- Current: To be prepared within 15 days of receiving the request
- Needs to contain:
  - Issue raised for consideration
  - Party submitting issue
  - How that party is affected
  - Support for the issue to initiate a PDP
  - Recommendations from Staff, with opinion of General Counsel on scope of issue

- Board urged consideration of more flexible timeframe – variable depending on issue or a set deadline
- Flexibility to build in additional time for fact-finding, workshop, consultation, research, etc., consistent ICANN's contractual obligations
- Include more information on statement of problem, scoping (history, contractual issues, terms of reference, checkpoints for legal opinion, etc.). Could involve modification of today's "Issues Report" or a different step or activity.

Initiation of a PDP

Issue raised by Board – no vote required	Issue raised by other – > 33% vote of both houses or > 66% vote of one house	If issue is not in scope – > 75% vote of one house and simple majority of other

- If issue is not raised by the Board - PDP initiated by a vote of the GNSO Council
- Different voting thresholds for an issue deemed 'in scope' and 'out of scope'
- Currently no criteria for how Council should review or discuss findings of report – only requirement is to vote within 15 days

- How should the Council review Issues Report and/or other initial fact finding results before deciding next steps?
- PDP Team might want to review existing concepts related to voting thresholds such as 'in scope' and 'not in scope'
- Consider reasonable timelines for discussion, consultation by constituencies, public input, reduced emphasis on voting

Policy Development Process

Working Group | Public Comments | Constituency Statements

- Currently there are strict timelines for submitting constituency statements and producing initial / final report
- Public comment period for 20 days – obligation to 'review' comments received, but few guidelines on what such a review should entail

- Timeframes appropriate to complexity of task, based on the level of consensus on an issue and resources available
- Consider better ways to solicit public comments – means, outreach, format, translation, other considerations
- Flexibility to include additional activities e.g. workshop, RFI, expert input, progress updates during a PDP
- Consider implementation guidelines / assessment of implementation aspects
- New PDP will incorporate WG model

Council Deliberation

Final Report	Outside advisors, optional	Within 10 days after receipt of final report

- Today the Council has 10 days to consider final report and vote on a PDP
- Approval of a PDP w/o supermajority: majority of both houses (>= 1 rep from 3 of 4 SG)
- Super-majority approval: > 75% majority in one house and majority in other house

- Review timeframe
- The Council's role is changing to become more of a strategic manager of the process vs. a legislative body. What are the implications of this for policy development?
- Is there a need for a procedure that describes Council consideration of working group reports (process, criteria, etc.)?

Final Report to the Board

Staff Manager to prepare report

Content of Board report prescribed by by-laws

- Today the Staff manager has 5 days to prepare a Council report to the Board
- Report needs to incorporate amongst others the views of the Council, analysis of how constituencies might be affected and estimation of time needed for implementation

- Review timeframe
- Consider whether other elements should be included in a Final Report, or other changes to current process or requirements
- Should the process differ for "general advice" vs. "consensus policy" recommendations?

Board Vote and Implementation

Different voting thresholds

Provide authorization or guidance to staff for implementation

- Board vote to take place 'as soon as feasible'
- Different scenarios outlined in By-laws depending on level of approval by Council and in case board does not agree with Council recommendation
- As appropriate, board gives authorization / direction to staff to take all necessary steps to implement the policy

- Consider if/how this process should be revised or enhanced in a new PDP
- Consider whether mechanisms might enhance communication/ dialogue with the Board if there are questions or in instances when more discussion would be useful.

Evaluation and Review

Currently no provisions in place

Some PDPs have recommendations for review built in

- No mechanism in place currently to conduct systematic review of success of both policy outcomes and WG process

- The Board recommends that the Council implement a self-assessment process for each WG to conduct at the end of a PDP, including metrics to measure success
- GNSO Council Chair to present an Annual Report on effectiveness of new GNSO policies
- New PDP should be reviewed periodically by the Council, which could recommend further changes

Other Issues Raised by the Board:

- Alternatives to a formal Policy Development Process for developing general advice?
- 'Fast Track' approach for priority / emergency issues?
- Metrics that can bring the PDP more in sync with ICANN's planning?

PDP Reference Sources:

- BGC Working Group's February 2008 Final Report on GNSO Improvements (especially pages 21–27) http://www.icann.org/topics/gnso-improvements/gnso-improvements-report-03feb08.pdf
- ICANN Bylaws, Annex A: GNSO Policy Development Process

  http://www.icann.org/en/general/bylaws.htm#AnnexA

WG Team Introduction

J. Scott Evans, Interim Chair

28 February 2009

Board Recommended Improvements

Adopt a Working Group Model

- Primary focal point for policy development initiatives
- Participation: open, broad, balanced, knowledgeable
- Strong neutral experienced and respected chair
- Goal: open, honest, respectful consensus
- Statement of interest disclosures
- Staff support, infrastructure, and funding

Comparison of Approaches:

Task Force

- Seats Allocated
- Represent "Constituency"
- Assigned Participation
- Voting Emphasis
- Form Alliances
- Protect Interests

Working Group

- Volunteers-Open
- Broader Representation
- Interest & Knowledge
- Building Consensus
- Explore Solutions
- Discuss Logic/Merits

Council Experience with WGs

- Post Expiration Domain Name Recovery (2009)
- Fast Flux Hosting (2008-Present)
- Domain Tasting (2008)
- Inter-Registrar Transfers (2008)
- WHOIS (2006-Present)

Team Deliverables

Charter Guide[1]

- **What** is the WG expected to accomplish?
- **Why** is this WG important including relevant context?
- **When** should the WG deliver its recommendations?

WG Model

- **How** should any WG operate in conducting its affairs?
- **Who** should participate relative to the mission?
- **Where** should the WG perform its functions?

[1] *Document containing the WT's guidelines for charter development*

Charter Guide: Board Suggestions

Mission and Scope

- Goals, objectives, success criteria
- Outcomes, products, deliverables
- Importance, impact, urgency, & priority

Team Structure/Composition

- Expertise, membership criteria, self-selection, capture safeguards
- Announcements & advertisements
- Declarations of Interest and Constituency Statements

Roles and Responsibilities

- Chair, facilitator, liaison, experts, consultants, advisors
- Budgeting, funding
- Problem escalation/resolution

Disposition

- Durations, milestones, timeframes, extensions
- Status Reporting: substance and frequency
- Project closure and self-assessment

WG Model: Board Suggestions

Project and Team Formation

- Assembly (introductions, diversity, interests, expertise, skills)
- Training requirements, translation/interpretation
- Use of sub-groups/teams, external experts/consultants, ICANN Staff

Individual and Group Behaviors

- Rules of engagement (attendance, participation, commitment, absenteeism)
- Decision-making processes, consensus, quorum requirements
- Norms (e.g. respect, listening, air time, resolving disagreements/disputes)

Assignments and Logistics

- Checklist for WG Chair (including deliverables, deadlines, status reporting)
- Session planning: logistics, frequency, agenda, minutes
- Communications: mailing lists, collaboration tools, doc versioning
- Task assignments: drafting, editing, research, interviewing

Project and Team Closure

- Wrapping Up (interim drafts, last-call)
- Final report and self-assessment

Reference Sources

For Information about:

- **GNSO Improvements:** http://gnso.icann.org/en/improvements/
- **Working Group Wiki:** https://st.icann.org/icann-ppsc/index.cgi?working_group_team
- **Background:** http://gnso.icann.org/en/improvements/background-en.htm
- **Overview:** http://gnso.icann.org/en/improvements/overview-en.htm
- **Reviews:** http://gnso.icann.org/en/improvements/reviews-en.htm
- **Council Organization:** http://gnso.icann.org/en/improvements/structure-en.htm
- **New Constituencies:** http://gnso.icann.org/en/improvements/newco-process-en.htm
- **Stakeholder Groups:** http://gnso.icann.org/en/improvements/stakeholder-process-en.htm
- **News & Events:** http://gnso.icann.org/en/improvements/current-events-en.htm

Thank You!

Policy Staff Resources

Policy-staff@icann.org

Operations Steering Committee: Rob Hoggarth, Sr. Policy Director

GNSO Operations Team: Julie Hedlund, Policy Consultant
Constituency Operations Team: Julie Hedlund
Communications Team: Ken Bour, Policy Consultant

Policy Process Steering Committee: Liz Gasster, Sr. Policy Counselor

New PDP Team: Margie Milam, Sr. Policy Counselor
Working Group Team: Ken Bour, Policy Consultant