

GNSO IMPROVEMENTS



Board Governance
Committee GNSO
Review Working Group
25 June 2007

San Juan, Puerto Rico



GNSO Improvements Working Draft

- Working draft document of BGC Working Group posted to encourage discussion; does not represent position of BGC, Working Group, or Board.
- We appreciate your participation and input
- We will carefully consider your comments here, and on line, in developing a proposed set of recommendations for BGC

Message to Community

- Board committed to working with the community to approve & implement GNSO improvements.
- There are no easy answers, but now is the time to offer potential solutions.
- At this point in the GNSO review process, recommended changes must be identified, and we must work towards a final set of recommendations for the Board to consider.

BGC GNSO Review Working Group

- At Lisbon meeting, BGC/Board created working group of current/former Board members to manage the GNSO improvement process and recommend to BGC a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications.

Independent Reviews

- This is part of ICANN's ongoing commitment to its evolution & improvement, which includes a comprehensive schedule for independent review of ICANN's structures, as well as of the Board.
- Reviews intended to ensure an independent examination of the role and operation of key elements of ICANN; are conducted in an objective manner by independent evaluators, under guidance from the Board, with opportunity for public comment on the results of the reviews.

BGC Working Group's Working Draft

- 19 June 2007, BGC WG posted -- for discussion with BGC and the community in San Juan and on line -- a working draft and supporting documents.
- Includes discussion of areas of emerging agreement, possible recommendations, and questions that need to be addressed.
- Does not reach, and should not be interpreted as reaching, any definitive recommendations or conclusions at this time, for there is not yet agreement among all members of the BGC WG.

BGC WG Objectives Include:

- Maximizing ability for all those interested to participate in the GNSO's processes;
- Ensuring recommendations are developed on gTLD "consensus policies" for Board review;
- Maximizing quality of policy outputs, ensuring policy work gets right support and is informed by expert advice & substantive stakeholder input;
- Supporting Council efforts to prioritise & benchmark GNSO objectives, align resources;
- Ensuring PDPs based on thoroughly-researched, well-scoped objectives, & run in predictable manner that yields results that can be implemented effectively.

Emerging BCG WG Agreement

- Formalize working group model as focal point for policy development; make PDP more inclusive, representative, effective, efficient.
- Move GNSO Council focus from legislative body/voting to strategic entity/management and oversight of PDP.
- Constituency structure can benefit from improvements; considering different ideas.
- See working draft for a fuller discussion of all points.

Process



- Public comments and discussion of the working draft in San Juan and afterwards; working draft posted for 30 days of public comment.
- BGC WG will consider all input and prepare final draft for public comment and consideration by the BGC (likely in August).
- BGC will consider the WG report and public comments, and finalize its recommendations on GNSO improvements for Board action – with more opportunities for public comment.



Working Groups – Emerging Recommendations

- Significant support in BGC WG for Working Group model as foundation for consensus policy development work (and other activities) in the GNSO.
- Notices on creation of working groups should be posted clearly, broadly as possible, inside & outside ICANN community, in different languages, in advance.
- Working Group should have strong, experienced, respected, neutral Chair appointed by GNSO.
- GNSO should develop operating principles for Working Groups to promote development of sound policies; e.g. dissenters can't stop a group's work by opposing a decision, when Chair believes WG has duly considered concerns of dissenters, group can move on.

Working Groups - Questions

- How would working group approach be aligned with ICANN's contractual obligations on development of "consensus policies"?
- Are there other models of an organization using consensus-based working groups & decision-making processes that it would be helpful to learn from?
- What kind of operating principles should GNSO develop for working groups to promote development of sound policies?
- What kind of operating principles should GNSO develop for working groups to promote development of consensus?
- What kinds of conflict-of-interest disclosures or protections are necessary in a working group model?
- What are the budget implications of moving to a working group model?
- What might be the right balance between conducting work on mailing lists and in person?

Policy Development Process – Emerging Recommendations

- Self-assessment by Council & its working groups can lead to improvements in GNSO policy work.
- Better align PDP process with ICANN's strategic & operations plans.
- Better align PDP process with ICANN's consensus policies as defined in its contracts with registries/registrars; reflect this in Bylaws.
- Council should propose updated draft PDP procedures for Board approval; include greater flexibility (e.g., establish timelines for working groups).

PDP – Questions

- What are ways to encourage the PDP process to align better with ICANN's strategic plan and operations plan?
- What are ways to encourage the PDP process to align better with ICANN's consensus policies as defined in its contracts with registries and registrars? Should this be reflected in the Bylaws?
- How might the GNSO improve the PDP rules? Would it emphasize the importance of the work that must be done before launch of a working group or other activity, such as public discussion, fact-finding, and expert research in order to define properly the scope, objective and schedule for a specific policy development goal? What other issues are important? How much flexibility can the Council have in adjusting the rules (e.g., with respect to timelines for working groups? Other issues?)

Constituency Structure – Emerging Recommendations

- Creating 3 or 4 broad Stakeholder Groups as foundation for certain GNSO functions, e.g. electing Council representatives; each of these groups would be made up of one or more specific constituencies self-formed by a stakeholder group.
- ICANN should take steps to clarify, promote option to self-form new constituency as part of Stakeholder Group; should engage in greater outreach to ensure that all parts of the community, (esp. non-English speaking) are aware of this option.
- Council should develop participation rules for all constituencies, with Board supervision only as needed to create principles (e.g., openness, transparency, clarity).

Constituency Structure – Con't

- Should be an emphasis on reaching consensus, compromising to achieve objectives and closure on issues.
- Should be centralized registry of participants of all constituencies and those involved in any policy development work, which is up-to-date and publicly accessible.
- ICANN should provide dedicated staff support for constituencies to assist with standardization, outreach, internal work of constituencies, lowering constituency costs and fees.

Constituency Structure - Questions

- Which 4 broad groupings of stakeholders might best balance objectives of inclusiveness/representation, effectiveness, efficiency?
- Would 4 broad Stakeholder Groups be an appropriate way to balance objectives/organize GNSO's work? Why or why not?
- Would new "Non-Commercial Users Stakeholder Group," perhaps with an Individuals Constituency, overlap with At-Large?
- Should combining registrar and registry interests in the same Stakeholder Group be considered?
- What should be the extent of coordination among constituencies within each Stakeholder Group?
- What would be the roles and responsibilities of these new Stakeholder Groups? And their relationship with the Council?
- Are specific new constituencies needed? (e.g. Individuals Constituency, Domainers Constituency, Others?)
- Have dues been barrier to entry for any constituencies? If so, what should be done about it?



The Council – Emerging Recommendations

- Appears to be significant support for GNSO moving away from policy development model based on voting (can encourage division, not cooperation), and towards more collaborative, inclusive approach; Council should transition from being a legislative body into a strategic manager overseeing policy development.
- Key Council function should be guiding creation of WGs, monitoring their progress. Council would be responsible for launching a WG by deciding on charter & timeline, ensuring that WG has experienced and neutral Chair, performs outreach, has technical expertise.
- Voting should become less important. Still needed for some issues, so appropriate mechanism will need to be in place; mechanism related to question of constituency structure that is developed.
- Should be more frequent contacts between GNSO Chair, members of Board elected from GNSO. Should be more frequent contact among Chairs of GNSO, other SOs and Advisory Committees.

Council - Questions

- Recognizing the link to the question of constituency structure, what should be the voting structure for a revitalized Council?
- Should weighted voting be eliminated? (e.g. if 4 Stakeholder Groups, what would be rationale for weighted voting?)
- If weighted voting is eliminated, would it be for all decisions, or just WG output on policy development?
- Should there be a voting threshold to determine whether a WG has met its mandate and its recommendations forwarded to the Board?
- How many councilors should each Stakeholder Group elect?
- Should the NomCom continue to appoint councilors? If so, how many?
- What process should the Council use to select members for the Board?

Relationship to Other Structures – Emerging Recommendations



- GNSO/Staff should take steps to maintain closer, more supportive relationship as essential component to policy development work that is consistent with ICANN's priorities and resources.
- GNSO should improve coordination with, and among, ICANN's other SOs and other structures.
- Might be useful for 3 SO Chairs to have more communication; perhaps have coordination call with SO and AC leaders and Board Chair and CEO each month/before each ICANN meeting to discuss the agenda, goals.



Other Structures - Questions

- Are there steps the GNSO can take to enhance its relationship with Staff and the rest of the ICANN community?
- Are there steps that Staff can take to enhance its relationship with the GNSO?
- Are the Chairs of the other two SOs, the GAC and the ALAC interested in more coordination?

Concluding Remarks

- Adequate funding included in proposed budget for next fiscal year to support immediate implementation of approved recommendations.
- As BGC WG/community works together to recommend appropriate changes, remember that this is an evolutionary process that reflects the importance of the GNSO to ICANN, builds upon GNSO's successes.
- gTLD policy development is a core function of ICANN, dependent upon volunteers who have helped build the GNSO into what it is today.

More Comments Encouraged

- Email them to:
gnsso-improvements@icann.org
- Updates on BGC WG efforts posted at:
<http://icann.org/topics/gnsso-improvements/>
(linked at “Current Topics” on ICANN homepage)