GNSO Improvements Implementation Plan

16 October 2008

Prepared by the GNSO Improvements Planning Team

STATUS OF THIS DOCUMENT

This is the final version of the GNSO Improvements Implementation Plan approved by the GNSO Council at its meeting on 16 October 2008.

SUMMARY

The following pages contain some initial documentation on methods that can be followed in beginning the work required to transition from the current GNSO organization to the type of organization recommended by the ICANN Board. Before these methods can be put into practice, the plan needs to be reviewed by the GNSO, approved by the GNSO Council and reported to the ICANN Board.
# GNSO “IMPROVEMENTS” PROCESS DOCUMENTATION

## Background

Planning Team Members

## THE PLANNING PROCESS

The Planning Team

Steering Committees (SC)

## STEERING COMMITTEE CHARTERS

### GNSO Policy Process Steering Committee (PPSC)

- Description of the PPSC

- Working method for the PPSC

- Membership in the PPSC

- Goals and Milestones for the PPSC

- Decision making for the PPSC

- Initial PPSC Teams

### GNSO Operations Steering Committee (OSC)

- Description of the OSC

- Working method for the OSC

- Membership in the OSC

- Other Participants in the OSC

- Goals and Milestones for OSC

- Decision making for the OSC

- Initial OSC Teams

## GNSO IMPROVEMENTS DRAFT ORGANIZATION CHART

## GLOSSARY
GNSO “Improvements” process documentation

The material in this document, which is a subset of the information that can be found on the GNSO wiki at https://st.icann.org/gnso_transition/, describes the creation of two committees that would assist in implementing the GNSO reform recommendations. The wiki also contains other information, which is offered as starting material for discussion by these committees, but which is not part of the material being reviewed or submitted for approval in this process.

The goal is to initiate the actual work of the committees described in this proposal in the Cairo meetings in November 2008.

This proposal contains the following elements:

- An Overview of the GNSO Improvements Process
- A proposed charter for two committees to make concrete implementation proposals for GNSO change according to the design defined in the Board recommendations:
  1) Policy Process Steering Committee – to recommend revisions to the PDP process, as well as guidelines for working groups.
  2) Operations Steering Committee – to recommend a set of operational guidelines for the GNSO going forward.

A glossary of terms used in the text also is included.

Background

Board Motions that initiated this work:

Resolved (2008.02.15.03), the ICANN Board directs staff to open a public comment forum for 30 days on the GNSO Improvements Report, draft a detailed implementation plan in consultation with the GNSO, begin implementation of the non-contentious recommendations, and return to the Board and community for further consideration of the implementation plan.

- Report of the Board Governance Committee GNSO Review Working Group On GNSO Improvements
- Public Comments
- 28 August 2008 ICANN Board Resolutions
- Other Background Information
Planning Team Members

The members of the Planning Team involved in preparing this information are:

GNSO
• Avri Doria (NomCom appointee, GNSO Council chair)
• Chuck Gomes (Registry constituency, GNSO Council vice-chair)
• Olga Cavalli (NomCom Appointee)
• Philip Sheppard /Mike Rodenbaugh (Commercial and Business Users Constituency)
• Robin Gross/Milton Mueller (Non Commercial Users Constituency)
• Ute Decker/Kristina Rosette (Intellectual Property Constituency)
• Wolf-Ulrich Knoben (Internet Service Providers Constituency)
• Tim Ruiz/Jon Nevett (Registrar Constituency)

Liaisons
• Susan Crawford - liaison from the Board Governance Committee.

Policy Staff
• Denise Michel
• Liz Gasster
• Robert Hoggarth
• Ken Bour

GNSO Secretariat
• Glen De Saint Géry

The Planning Process

The Planning Team
The Planning Team has the following roles:
1. To propose a work structure for implementing operational changes recommended by the Board Governance Committee Working Group on GNSO Improvements (BGC WG). This structure will be used to implement all GNSO Improvement recommendations adopted by the Board except for the seating of Councilors in the new bicameral voting structure.

2. To monitor and report on the progress of the transition, including periodic updates to the GNSO Council and to the ICANN Board. This group will not be assessing policy-related deliverables or outcomes, those deliverables will be forwarded directly to the Council for consideration.

3. To assist any of the committees, teams or working groups as necessary in their processes.

Steering Committees (SC)

From the BGC WG Report:

The Board has found it useful to establish several committees to focus specific attention on some of its many ongoing responsibilities, such as the Committee on Meetings and the Committee on Conflicts of Interest. The Council may wish to follow this pattern by establishing committees of 4-5 members to guide work in a certain area where focused attention and follow-up are required. The subject just mentioned – benchmarking and trends analysis – might be a candidate for such an approach. Staff and the Council are encouraged to consider other areas where the establishment of smaller committees might be useful. Another area that might be appropriate for management by committee (along with legal and policy staff support) is consideration of conflicts-of-interest issues as they arise.

The Planning Team recommends the use of two focused steering committees. It is essential that the steering committees are focused on GNSO or GNSO Council processes and practices and not on gTLD policies, which will be the province of working groups.

The two steering committees proposed by the Planning Team are:

- **Policy Process Steering Committee**: oversees overall efforts to enhance the Policy Development Process (PDP), including serving as the coordinating body for separate teams tasked with developing proposals for a new Working Group (WG) model and new PDP procedures. This committee will be responsible for making recommendations concerning processes and methods involved in the transition to a WG model and
revisions to the GNSO PDP, which is closely tied to the transition to a WG model. This committee should operate in an inclusive and transparent manner. Membership in the committee and in the work teams should be drawn from both existing and emerging constituencies, as possible.

- **Operations Steering Committee**: oversees efforts to enhance the GNSO’s structure, constituencies, and communications. This committee should task various work teams to develop proposals to implement recommendations related to these areas and should operate in an inclusive and transparent manner. Membership in the SC and in the work teams should be drawn from both existing and emerging constituencies, as possible.

**Adopting, modifying or terminating a Steering Committee**

The GNSO Council must adopt the charter that initiates the work of the steering committees. This should be done by a motion for approval of a charter which is duly seconded and which receives a supermajority vote of Council members present. The Council also must approve any material changes that are made to the work items or milestones or committee composition. All such work plans and committee composition decisions, including termination of the steering committees, will be done by a motion within the Council that is duly seconded and which receives a supermajority vote in compliance with the current GNSO Council voting guidelines or at least a sixty (60%) vote of both houses in the recently approved GNSO Council voting system.¹ Neither Steering Committee is intended to be a permanent entity. Their respective charters will expire at the ICANN annual meeting in 2009, unless specifically renewed by the GNSO Council by at least a sixty (60%) vote of both houses in the recently approved GNSO Council voting system.

**Membership in Steering Committees**

It will be the responsibility of the GNSO Council to approve membership of any steering committee. Depending on the definition and role of a particular committee, suggestions for membership may come from diverse sources, i.e., the GNSO Council, the stakeholder groups, the constituencies, other Supporting Organizations or the Advisory Committees, the committees themselves, the

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¹ Any issues related to performance or conduct of individual members of a steering committee should be addressed directly by the steering committee leadership and, if not resolved, should be brought to the Council.
teams formed by the steering committees, the Board and on occasion the ICANN staff.

**How many in a Steering Committee**

While the Board recommends that a steering committee be composed of 2-4 Council members, it remains to be seen whether this is a workable formula for the GNSO. Certainly in the transition period and perhaps beyond, the constituency structure usually dictates that there be place for at least 6 members and more if the NomCom appointees and liaisons are to be included. During the transition period, an attempt should be made to keep the steering committees small, with 12 members or fewer.

**Who can be in a Steering Committee**

The Board recommendation seems to indicate that membership in a steering committee should be limited to GNSO Council members. It has been recent Council practice, however, to permit other constituency members to substitute for Council members in task forces and in committees of the whole. In the transition period, membership in the steering committees will permit such substitution from the existing and emerging constituencies or the liaison's SO or AC.

**Steering Committee working teams**

At the discretion of a majority of the members of a steering committee, a steering committee can create working teams to focus on specific tasks that are part of the chartered work plan of the committee. Any such teams should have a specific charter and should report their results to the steering committee. It would be the job of the steering committee to coordinate the work of any such teams and to present the GNSO Council with well formed proposals that take into account the work of any of the relevant teams. Steering committees will have to balance between the necessity of bringing enough people to the table to do the work without straining a few volunteers and the scalability and complexity of the team structure they create.

**Transparency for Steering Committee and their teams**

All work done in a Steering Committee or in one of its teams must be made public. For this purpose, publicly viewable wikis or other group collaboration tools, mailing lists with public archives and meeting minutes should be available. All formal meetings must be either recorded or transcribed, with the recording or transcript made public within a reasonable time frame.
Start Date for Steering Committees

The initial steering committees should begin forming as soon as possible after Council approval of this implementation plan. Interim Chair duties can be assumed by the GNSO Council Chair or Vice Chair followed by appointments of constituency representatives and assignment of Staff support. The first steering committee meetings should be scheduled as soon as practicable after Council approval.

Steering Committee Charters

GNSO Policy Process Steering Committee (PPSC)

Description of the PPSC

The PPSC will be responsible for reviewing processes used within the GNSO for developing policy and recommending any changes. The BGC WG report contains recommendations for substantial changes to the processes used by the GNSO for developing policy. The immediate goal of PPSC will be to initiate the process for developing recommendations for process changes needed to meet the suggestions in the BGC WG report. Once the first set of changes has been implemented, the PPSC will be responsible for reviewing the functioning of the new processes and for recommending any necessary further changes. One example of such continuing work would be the review of the post delivery reports of working groups that was suggested in the BGC WG report.

The PPSC also will have other duties as assigned by the GNSO Council. Future work might include establishing guidelines for the practice of drafting teams as used in the GNSO Council and other ad-hoc mechanisms that might be used by the Council, as well as establishing guidelines for the interactions between the volunteers of the GNSO and its Council and the ICANN policy staff.

Working method for the PPSC

The PPSC will be comprised of a minimum of two separate teams, one tasked with developing a proposal for a new WG model (WG Team) and the other a new policy development process (PDP Team). The PPSC will serve as the coordinating body for these separate teams.

The PPSC will be responsible for combining the results into a proposal to the Council that includes the guidelines for the working groups and the suggested bylaws changes for the PDP process.
The PPSC also may consider whether any of the activities called for in the recommendations lend themselves to being addressed through the establishment of a special team.

Membership in the PPSC

Initially, the PPSC will be comprised of the following members:
- GNSO council chair and/or vice chair
- 1 representative from each constituency (need not be a Council member)
- 1 Nominating Committee appointee to the GNSO

Other Participants in the PPSC
- Liaison or an appointed representative from ALAC and the GAC
- GNSO secretariat
- 1 ICANN policy staff representative

Goals and Milestones for the PPSC

- To be determined by the PPSC and approved by the Council

Decision making for the PPSC

- Unless otherwise determined by the PPSC members, committee decisions will be made using a “full consensus of the members” process.

Initial PPSC Teams

- **PDP Team**
  This team will be responsible for reviewing the existing PDP in the bylaws and recommending changes to the bylaws to the community and council based on an open community WG model for the deliberative process.

- **Working Group Team**
  This team will be responsible for making recommendations concerning, processes and methods involved for the new WG model, including suggestions for transition to the new model.
Background on PPSC

- Reference from BGC WG Report on WG
- Reference from BGC WG Report on PDP

GNSO Operations Steering Committee (OSC)

Description of the OSC

The OSC will be responsible for coordinating, recommending and reviewing changes to certain operational activities of the GNSO and its constituencies with a view to efficient outcomes. The BGC WG Report on GNSO Improvements makes a number of recommendations in three operational areas, as follows:

1. GNSO Operations -- developing any changes needed to the Council’s structure and role in response to the Board approved GNSO structure;
2. Stakeholder Group and Constituency Operations -- outreach efforts to encourage broader participation in stakeholder groups by explaining the added value of ICANN participation to such groups; and enhancing constituencies per the BGC-WG Report;
3. Communications -- improving communication and coordination with other ICANN structures, including members of the ICANN Board, other Supporting Organizations (SOs) and Advisory Committees (ACs).

The immediate goal of the OSC is to develop recommendations to implement operational changes contained in the BGC WG Report. Once recommendations have been implemented, the OSC will be responsible for reviewing and assessing the effectiveness of these new improvements and for recommending further operational enhancements as warranted.

The OSC also will take on other responsibilities as assigned by the GNSO Council. For example, the Council might have the OSC examine how constituency support might be further enhanced in the future, identify when new training curricula might be called for, or consider how to best align the GNSO Council’s work with ICANN’s strategic plan on an ongoing basis.

Working method for the OSC

The OSC could be comprised of three separate teams to take on the work of each of the three operational areas described above. The OSC will serve as the coordinating body for these separate work teams. There are two reasons to
establish three teams: 1) recommendations span a significant list of topic areas, and dividing the work into three teams may reduce the volume of work asked of each individual participant; and 2) successful implementation of certain recommendations may benefit from special expertise and experience. For example, those who are active in constituency management will have valuable expertise to help the team responsible for developing consistent and transparent rules of constituency participation. Communications experts may have valuable insights on the best collaborative tools to use in a distributed working environment.

The OSC work activities could be allocated as follows:

- **GNSO Operations Team** -- Develop a proposal for Council consideration on GNSO operations-related recommendations. Recommendations considered from the BGC WG Report might include:
  - Determine what steps are needed to establish the role of the Council as a “strategic manager of the policy process.”
  - Define and develop scope and responsibilities of any other standing “committees” as recommended by the BGC WG (those suggested to date: committee to analyze trends; committee to benchmark policy implementation)
  - Develop “Statement of Interest” and “Declaration of Interest” forms.
  - Develop curriculum for training Council members, constituents, facilitators and others.
  - Prepare clear rules for the establishment of new constituencies within stakeholder groups.
  - Review and recommend amendments as appropriate regarding methods for introducing new constituencies.

- **Constituency Operations Team** -- Develop a proposal to implement recommendations focused on enhancing constituency and stakeholder group operations. Recommendations considered from the BGC WG Report might include:
  1. Develop a global outreach program to broaden participation in current constituencies and to encourage the self-forming of new constituencies.
  2. Enhance existing constituencies -- develop a recommendation on the following:
• develop a set of top-level participation guidelines based on the principles as defined in the GNSO recommendations
• develop a “tool kit” of basic administrative, operational and technical services available to all constituencies

  • Communications Team -- Improve coordination with other ICANN structures. Develop a proposal to improve communication and coordination for Council consideration.

The OSC also may consider whether any of the activities called for in the recommendations lend themselves to being addressed through the establishment of a special team.

Membership in the OSC
Initially, the OSC will be comprised of the following members:
  • GNSO council chair and/or vice chair
  • 1 representative from each constituency (need not be a Council member)
  • 1 Nominating Committee appointee to the GNSO

Other Participants in the OSC
  • Liaison or an appointed representative from ALAC and the GAC
  • GNSO secretariat
  • 1 ICANN policy staff representative

Goals and Milestones for OSC
  • To be determined by the OSC and approved by the Council

Decision making for the OSC
  • Unless otherwise determined by the OSC members, committee decisions will be made using a “full consensus of the members” process.

Initial OSC Teams
  • GNSO Operations Team
  • Constituency Operations Team
  • Communications Team
GNSO Improvements Project
Draft Organization Chart

- GNSO Council
  - Planning Committee
  - Policy Process Steering Committee
    - PDP Team
  - Operations Steering Committee
    - Constituency Ops Team
    - Communication Team
  - WG Team
  - GNSO Ops Team
  - Board Liaison
Glossary

**BGC WG:** ICANN Board Governance Committee Working group on GNSO Improvements

**Constituency:** Constituencies representing particular groups of community stakeholders are the organizational units that comprise the GNSO Stakeholder Groups. In the ICANN Structure, constituencies are certified by the Board of Directors and specifically named in the organizational Bylaws. They are expected to represent the global interests of the communities they purport to represent and operate, to the maximum extent feasible, in an open and transparent manner consistent with policies and procedures designed to ensure fairness.

**Drafting Team:** A small ad-hoc group created by the council for the purpose of developing a proposed document for discussion. The types of documents can include a PDP charter, a motion in response to a PDP deliberative process, a letter addressed to another organization, a request or report to the Board or an ICANN senior staff member, or a standard council motion. Drafting teams should include at least two council members as well as other members of the community. The council members on the drafting team will be responsible for maintaining liaison with the council. In most cases, the output of the Drafting Team serves as a recommendation to the council and a starting place for discussions and does not constitute an official position of the council.

**PDP:** Procedures for the Policy Development Process as defined in Bylaws Article X Section 6. These are the procedures in effect until the PDPbis has been adopted by the GNSO council and approved by the ICANN Board of Directors.

**PDPbis:** Policy Development Process as defined in response to the BGC WG Planning Team: Group formed to initiate the process for making the changes recommend by BGC WG

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2 “**Improvements**”: A reference to the changes to be made in the GNSO in response to the BGC WG recommendations. The word “Improvements” is in quotes to remind those involved in the process that whether the changes constitute an actual improvement is something that remains to be seen and will only be capable of assessment several years after the transition.

3 This is a working definition that may be modified as appropriate
1 Stakeholder Group: A GNSO organizational entity specifically defined by the BGC-WG recommendations approved by the ICANN Board of Directors. At present there are four GNSO Stakeholder Groups specifically recognized by the Board: Commercial, Non-Commercial, Registrar and Registry. Stakeholder groups provide the overarching structure for the GNSO Council. They are made up of individual ICANN constituency groups that are themselves specifically certified by the ICANN Board.

Stakeholders*: Although the term has been used in many different ways throughout ICANN’s history, stakeholders are entities with common interests and, when organized with the ICANN community, are the fundamental units comprising constituencies.

Steering Committee (SC): A long term, small, group formed to develop process and working method recommendations for the approval of the GNSO council. Steering Committees are generally responsibility for forming and coordinating SC Teams for specific topics.

Task Force: A group of the GNSO council that is defined in the current PDP process.

Transition: The process of transforming the GNSO and the GNSO council based on the BCG WG recommendations.

Team: A group of individuals tasked by a Steering Committee with developing specific proposals. The work of Teams will be coordinated by the Steering Committees and their output will be brought back to the Steering Committee.

Working Group (WG): An ICANN community based group as used in the BGC WG formed in response to a Policy Development Process charter developed and approved by the GNSO council.

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* This is a working definition that may be modified as appropriate