Overview GRC Subgroup Implementation work session 5 December 2022

Exercises:
What should be included <-> What should be excluded
What is important, what is nice to have
Who should implement? ccNSO or ICANN org
The results of the 3 exercises were shared before the call.

Combing these elements results in the following table:

| Overview of results GRC. 5 December meeting | | |
|---|---|---|
| Who should implement? | **Principle** | **Nice to Have** |
| ccNSO | Avoid re-litigation of policy as part of implementation | Copy (GNSO) IRT document |
| | Communication IRT with org on cost, duration etc. of implementation | Capture genesis of policy and implementation |
| | Create IRT: to assist org, as ownership of policy, point of contact | Urge PDP WG members to join IRT |
| | IRT to check policy against SOP and sign-off by Council, Formal closure of policy implementation | Council Liaison to IRT |
| | Formal closure of policy implementation, closure of IRT | Receive order of cost of implementation |
| | | |
| ICANN org | Formal closure of policy implementation | Copy CIF (?)(ICANN org consensus policy implementation framework) |
| | Document/report on Standard Operational Procedures (SOP) resulting from policy and its implementation | Provide order of cost of implementation |
| | Transparency on implementation: communication to IRT, and community on progress against planning | Provide impact legal position under Californian law |
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Mapping the results of the GRC subgroup exercise on the GNSO IRT – Principles

| Mapping Overview of results GRC. 5 December meeting to IRT | | |
|---|---|---|
| Who should implement? | ccNSO | GNSO |
| **Principle** | **Avoid re-litigation of policy as part of implementation** | IRT volunteer recruitment process and requirement for volunteers (section 1 A& B) |
| | Communication IRT with org on cost, duration etc. of implementation | At a minimum send to all volunteers of the PDP WG (Section 1 C) Include at least one member of the original WG (section II A) |
| | Create IRT: to assist org, as ownership of policy, point of contact | IRT open to all interested parties (II B) |
| | IRT to check policy against SOP and sign-off by Council, Formal closure of policy implementation | GNSO Council Liaison to IRT  (Section II C) |
| | Formal closure of policy implementation, closure of IRT | Limited role: assist to develop implementation details (Section III A) |
| | | No re-litigation of outcome of policy (Section III B) |
| | | ICANN staff provide regular updates to IRT on progress (Section IV A) |
| | | Deadlines to provide feed-back (Section IV B) |
| | | Meeting specifics/operations (Section V) |
| | | |
| **Nice to have** | Copy (GNSO) IRT document | If time between adoption and close of WG: education of volunteers (section 1 D) |
| | Capture genesis of policy and implementation | Involve different stakeholder groups (effort) (Section 1 E) |
| | Council Liaison to IRT | Include summary of project in work plan (Section IV A. b.) |
| | Urge PDP WG members to join IRT | |
| | Request order of cost/effort of implementation | |
| | Request impact legal position under Californian law | |
| | Request Copy CIF (?)(ICANN org consensus policy implementation framework) | |

**Outcome 16 January session**

| | Mapping Overview of results GRC 16 January meeting | |
|---|---|---|
| Who should implement? | ccNSO | Reference/Text |
| Preamble | **General Preamble: about overall process from policy development to Board decision to implementation to operational policy to review of policy, parties with each their own responsibilities that are shifting over the phases**<br><br>Capture genesis of policy and implementation: see preamble per IRT | |
| | **Role of IRT. (see section III, GNSO IRT)** | The IRT is convened to assist staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations. |
| **Principle** | **Avoid re-litigation of policy as part of implementation** | The IRT is not a forum for opening or revisiting policy discussions. Where issues emerge that may require possible policy discussion, these must be escalated, using escalation procedure |
| | **No involvement in individual cases** | The IRT is not a forum to discuss individual cases or opening policy discussions to address specific cases. Where those issues emerge that may require possible policy discussion, these must be escalated using escalation procedure |
| | **Escalation procedure to get from implementation back to policy changes, if so required (GNSO Section V E** | If disagreement between ICANN Staff and the IRT or any of its members on the implementation approach proposed by ICANN Staff, escalation possible to ccNSO Council. Ultimately the ccNSO Council to decide how to proceed. Options are among others<br>• a PDP or<br>• further guidance to the IRT and/or ICANN staff on how to proceed.<br>This process also applies to cases in which there is agreement |

| | | between the IRT and ICANN staff further guidance is needed either from the Council and/or through possible policy discussion. |
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| | Communication IRT with org on expected effort from ccNSO, duration of implementation, schedule, milestones,<br><br>Request high level workplan/roadmap of implementation. | From IRT Principles.<br><br>Include milestones in ccNSO Work plan (role for Traige committee |
| | See above purpose to create IRT: to assist org, as ownership of policy, point of contact of ccNSO.<br><br>==Question: Who convenes IRT? ICANN org or ccNSO Council== | The IRT is convened to assist staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations. |
| | Base set up IRT on ccNSO WG Committee Guideline<br><br>Strongly advised that IRTs include at least one participant from the original PDP WG who can provide insight into the original reasoning behind policy recommendations.<br><br>Council has to appoint liaison ( see escalation procedure<br><br>Only invite stakeholder groups who were involved in PDP effort<br><br>Invite individual members PDP WG | https://ccnso.icann.org/sites/default/files/filefield_47785/guidelines-working-groups-30mar16-en.pdf [ccnso.icann.org]<br><br>In addition: all IRTs will operate with full transparency, with at a minimum a publicly archived mailing list and recording of all IRT calls. In the extraordinary event that the IRT should require confidentiality, the IRT is normally encouraged to conduct its meeting(s) in accordance with the Chatham House Rule (not tracable to individual contributor) |
| | If time between adoption and close of WG: education of volunteers (section 1 D) | |
| | IRT to check Standard operating Operating procedures develop in implementation against policy | If the IRT determines that it has completed its work, or if the WG cannot achieve its goal(s), the IRT will submit a Final Report to the ccNSO Council. This report |

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| | recommendations.  Sign-off by IRT before Council signs-off and (formal closure policy implementation) | should include a recommendation whether the SOP met the policy requirements, and recommendation whether to close the IRT. An IRT is closed by a resolution of the ccNSO Council, referencing and taking into account the IRT Final Report. |
| | Formal closure of implementation process -> closure of IRT | ICANN staff provide regular updates to IRT on progress (Section IV A) |
| | | Meeting specifics/operations (Section V) |
| | **Engagement rules between ICANN Implementation team and IRT** <br><br> ICANN staff provide regular updates to IRT on progress (Section IV A) <br><br> Deadlines for IRT to provide feed-back to ICANN (Section IV B) <br><br> Meeting ICANN Implementation team and IRT (Section V) | GNSO IRT Doc Section V Operating Principles as example, except for sub-section E <br><br><br> ICANN org staff to set clear deadlines for IRT feedback on documents and implementation plans and send documents to the IRT in a timely manner to ensure sufficient time for IRT review |
| | Review of Guideline after first implementation | This guideline will be reviewed after the first implementation process has been completed and IRT closed. The IRT is expected to conducted a self-evaluation as part of this first review. After the first review it will be reviewed every 5 years or when considered necessary by the Chair of the ccNSO. <br><br> In order to become effective the updated guideline needs to be adopted by the Council, and published on the ccNSO website. Before |

|  |  | publishing the updated guideline, the Secretariat will include the version number and insert the date of adoption. |
|  | Omission in or unreasonable impact of the Guideline | In the event this guideline does not provide guidance and/or the impact is unreasonable, the Chair of the ccNSO Council will decide upon any questions or issues. However the Charter of a WG, once adopted by the ccNSO Council, always remains paramount. |
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|  | Request impact legal position under Californian law |  |
|  | Request Copy CIF (?)(ICANN org consensus policy implementation framework) |  |