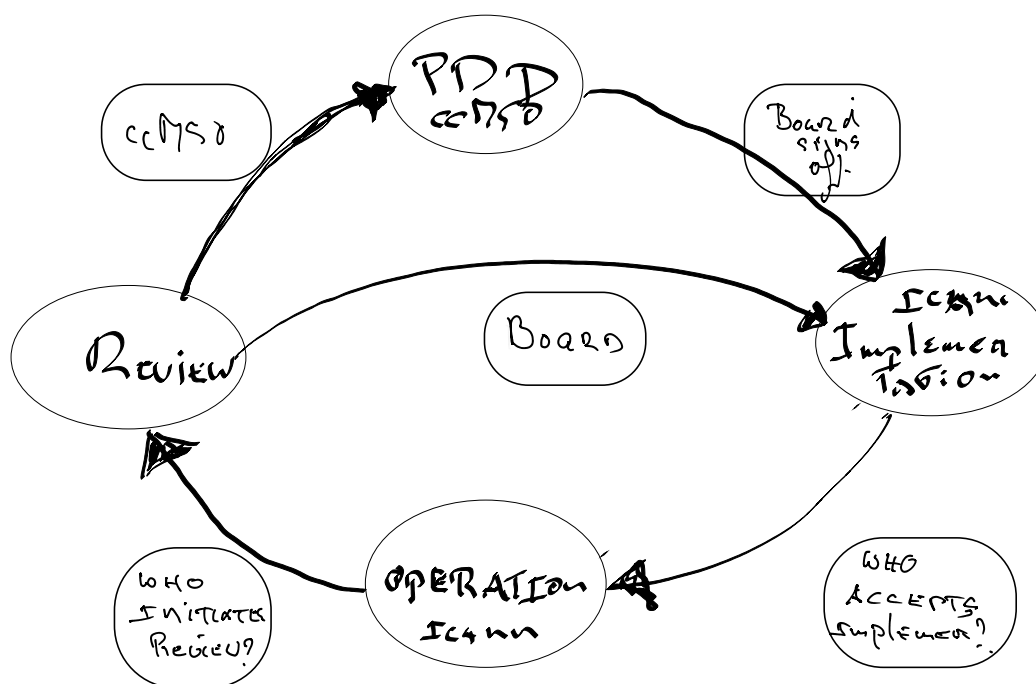**Was Headings Document**
Version 3 | 2 March 2023

For review and completion

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

Lifecycle of policies

Lifecycle of policies and the roles and responsibilities of the ccNSO and ICANN
One of the core responsibilities of the ccNSO to develop policies related to ccTLDs and directed to ICANN (Annex C, ICANN Bylaws). The process for developing these policies is defined in Annex B of the ICANN Bylaws. Once a policy has been developed, i.e., supported by the ccNSO, it is submitted to the ICANN Board for its consideration and adoption (Annex B), following its own procedures, including a public comment period and invitation to the GAC to provide advice.

Upon adoption of the policy proposals by the Board, the policy must be implemented. The Board directs the CEO of ICANN or a designate to implement the policy. To date documentation of the roles and responsibilities of the ccNSO and ICANN (Board and Staff) has not been developed (due to lack of need). To ensure clear lines of communication, predictability of the process, and setting expectations, the ccNSO looked at the experiences with respect to GNSO developed policies and based on the interaction between the GNSO

and ICANN developed a set of principles that would describe the role of the ccNSO. However, it is outside the remit of ccNSO develop such a framework for ICANN (Board and Staff). Given the diverse nature of the ccNSO proposed policies (retirement of ccTLDs, IDNccTLD selection process, and review mechanism of certain decision) it is unclear to the ccNSO ICANN function will be mainly responsible for handling the implementation and act as point of contact.

In developing its principles to guide the role of the ccNSO, it was unclear who, if anyone, will have to sign off on the end-result of the implementation process. The assumption is that implementation is meant to turn the policy into reality and before ICANN and ccTLDs can act upon in accordance with the implemented policy, the implementation must become effective (implementation is accepted and setting an effective date). Assuming, this will be ICANN, the ccNSO Principles foresee a role for the ccNSO as well.

Once the implemented policy has become effective, it is assumed it is operated by ICANN.

Over time it has become standard practice that policies and its implementations are reviewed. For example, RFC 1591 and its implementation were reviewed through the ccNSO Delegation and Redelegation review working group, and the IDN Fast Track Process has been reviewed 3 times at the instigation of the Board (per requirement in the Fast Track Implementation Plan), and at the initiative of the ccNSO (leading up to the IDNccPDP4 Issue report). In addition, some of the ccNSO proposed policies require a review after an event or time period. To date, the roles and responsibilities of the ccNSO and ICANN with respect to these reviews have not been delineated.

Finally, depending on the outcome of a review, the implementation could change (FoI and aspects of the Fast Track) or the policy needs to revised (IDNccTLD selection process) or newly developed (Retirement of ccTLDs and Review Mechanism). Again, the roles and responsibilities of the ccNSO and ICANN with respect to amending the implementation have not been well described. If a policy needs to revise or newly developed Annex B of the Bylaws applies, where the roles and responsibilities of the ccNSO and ICANN are described.

**Headings Guideline: ccNSO roles and responsibilities implementation of ccNSO policies**

1. Introduction

The goal of this headings document is to propose the roles and responsibilities of the ccNSO Council and newly to be created Implementation Consultation Groups (ICG) with respect to implementation of policies developed by the ccNSO and adopted by the Board. These proposals are derived from and after review the GNSO Implementation Review Team Principles.

The focus is on the roles and responsibilities is on the interaction of the ICG with ICANN Staff to assist Staff in developing the implementation details for a ccNSO policy. In addition the role of the Council is detailed based on the headings.

However, the roles and responsibilities of ICANN staff and Board with respect to the implementation of ccNSO policies are not fully understood and have not been considered in

detail to date. In the view of the GRC this second part is critical for the successful and predictable implementation of policies developed by the ccNSO .
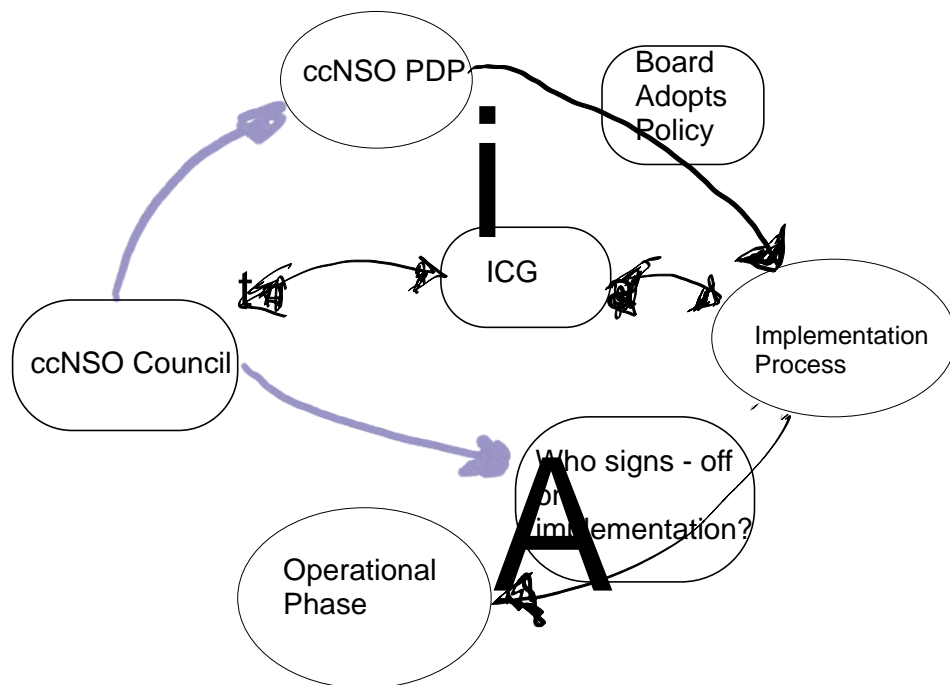
2. Purpose & Scope of ICG Guideline

Role of ICG- After the Board has adopted the ccNSO recommended policy, but no later than ICANN org informs the ccNSO it has started with the implementation, the ccNSO Council may convene an Implementation Consultation Group (ICG) to assist Staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations

Avoid re-litigation of policy as part of implementation - The ICG is not a forum for opening or revisiting policy discussions. Where issues emerge that may require possible policy discussion, these must be escalated, using the ICG escalation procedure.

No involvement in individual cases - The ICG is not a forum to discuss individual cases nor for 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 - ICG Escalation Procedure- If disagreement between ICANN Staff and the ICG 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

- a PDP or
- further guidance to the ICG and/or ICANN Staff on how to proceed.

This process also applies to cases in which there is agreement between the ICG and ICANN Staff further guidance is needed either from the Council and/or through possible policy discussion.

3. Activities

Communication – It is expected that as part of the communication between the ICG and ICANN Staff, Staff will inform the ccNSO on expected effort from ccNSO, expected duration of implementation, schedule, milestones etc. Request/need for high-level workplan/roadmap of implementation

The ICG/ ccNSO is expected to include the milestones in ccNSO Work plan (role for ccNSO Triage committee to monitor). Meeting frequency, minutes/notes/chairmanship etc. decision-making if any.

It is expected that one of the first joint activities of ICANN Staff and the ICG is to develop rules of engagement per implementation process (see section 4, below)

4. Membership of ICG

Membership of each ICG will be based on ccNSO Committee Guideline: https://ccnso.icann.org/sites/default/files/filefield_47785/guidelines-working-groups-30mar16-en.pdf [ccnso.icann.org]

When the ccNSO is seeking membership for an ICG, former members of the related PDP WG are invited and encouraged to participate as they can provide insight into the original reasoning behind policy recommendations.

One of the members of the ICG will act as liaison to the ccNSO Council (preferably the Council appoints a Councillor, see also the escalation procedure)

Only invite stakeholder groups who were involved in PDP effort itself

If there is an extended period of time between adoption and close of WG / no members of policy wg: education of volunteers is required.

All ICGs 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 traceable to individual contributor).

5. Implementation team and ICG

The following aspects of meetings are expected to be included in the Engagement rules between ICANN and a specific ICG:

- ICANN Staff provide regular updates to ICG on progress
- Meeting frequency and organization of ICANN Implementation team and ICG, minutes/notes/chairmanship etc. decision-making if any.
- ICANN org Staff shall 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. If these deadlines are provided by Staff the ICG must be respect those.
- Include milestones in implementation planning documentation and ccNSO Work plan (later is a role for the ccNSO Triage committee)
- ICG to check if procedures developed as part of the implementation plan align with the policy recommendations.

6. Closure of IRT

ICG to check if procedures developed as part of the implementation plan align with the policy recommendations. ICG can only sing off on implementation if procedures and policy are aligned. Sign-off by ICG before Council signs-off on implementation. Council sign-off is formal closure policy implementation from a ccNSO perspective.

If the ICG determines that it has completed its work, or if the WG cannot achieve its goal(s), the ICG will submit a Final Report to the ccNSO Council. This report should include a recommendation whether the implementation procedures meet the policy requirements. It should also include a recommendation whether to close the ICG.

An ICG is closed by a resolution of the ccNSO Council, referencing and considering the ICG Final Report.

Formal closure of implementation process leads to closure of ICG.

7. Miscellaneous

Review of Guideline after first implementation is completed - This guideline will be reviewed after the first implementation process has been completed and IRT closed. The IRT is expected to conduct 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.

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.