Proposed new recommendations

Hypothesis of problem

The PDP process presume that PDP WG participants led by a Chair with variable skills and background can bring a group together, bridging differences and arriving at a sound policy acceptable to all participants. Both experience and common sense indicates that for particularly difficult problems with widely disparate views, and often financial interests in particular outcomes will not be adequately addressed by such methods.

Background research undertaken

- Summary of ICANN input

  Although these idea have been raised before in the ICANN context, it is only recently that they have been potentially acceptable. At the Beijing meeting, when the concept of professional facilitation was raised, it had some limited proponents. At the Durban meeting, the issue ways openly discussed and there was had significant interest.

  ICANN meetings themselves are a sign that the community values face-to-face meetings, as supported by the Board retreats that are held several time per year and AoC RTs need to have face-to-face meetings to augment other methodologies.

- Summary of community input via the public comment process and face to face meetings

  To be reviewed

- Summary of other relevant research

  An expert study on the PDP has been commissioned by the ATRT2.

Relevant ICANN bylaws

The GNSO PDP is governed by Bylaws Annex A.

Relevant ICANN published policies

None.

Relevant ICANN published procedures

Bylaws Annex A refers to the GNSO Operating Procedures which include rules for Work Groups, but Annex A explicitly allows methodologies other than WGs if

defined by the GNSO, and there is nothing which dictates exactly how operational aspects of WG meetings are to be held.

ATRT2 analysis

Professional negotiating/arbitration skills and a strong incentive to bridge the gaps is needed. The former can be used (presuming adequate budget support)

It is not clear how one provides the incentive to negotiate in good faith and make concessions. In the ICANN context, this has often involved a threat of indeterminate Board action if agreement cannot be reached. It is not clear how that applies in this case.

He current PDP also presumes that virtually all of the work can be done via e-mail and conference calls. Again, experience indicates that face-to-face meetings are extremely beneficial. This too will require budget support.

Draft recommendation including rationale

ICANN including the active participation of the GNSO must develop options for carrying out PDPs with the support of professional negotiators, facilitators and/or arbitrators as well as guidelines for when such options may be invoked.

ICANN must provide adequate funding for face-to-face meetings to augment e-mail, wiki and teleconferences for GNSO PDPs.

Public Comment on Draft Recommendations (to be completed later)

Final recommendation (to be completed later)

Note: Links to relevant documents can be included, provided the link refers to a specific section of a given document. Alternatively, relevant section of other documents may be copies and pasted.