Policy & Implementation

Overview of key documents & existing processes

WG Required Readings

- Annex A of the ICANN Bylaws & GNSO Policy Development Process Manual – form the basis for how a PDP is currently conducted
- Staff Discussion Paper – published in January 2013, from a staff perspective outlines main issues and includes a draft framework identifying a number of steps and criteria that may facilitate PI related questions
- Community input received on Staff Discussion Paper & Beijing session – provide insight into community views as well as additional ideas

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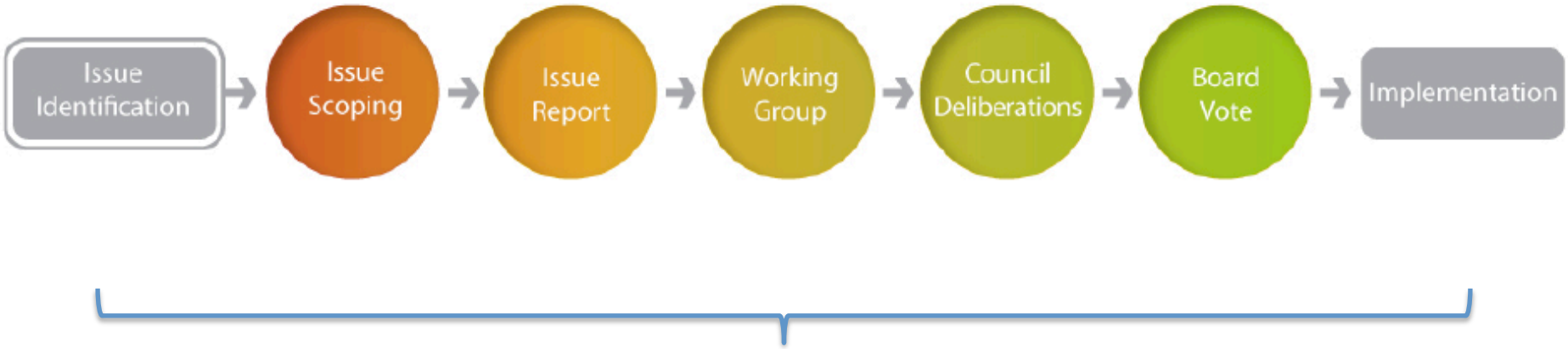
GNSO
Policy Development Process

Background

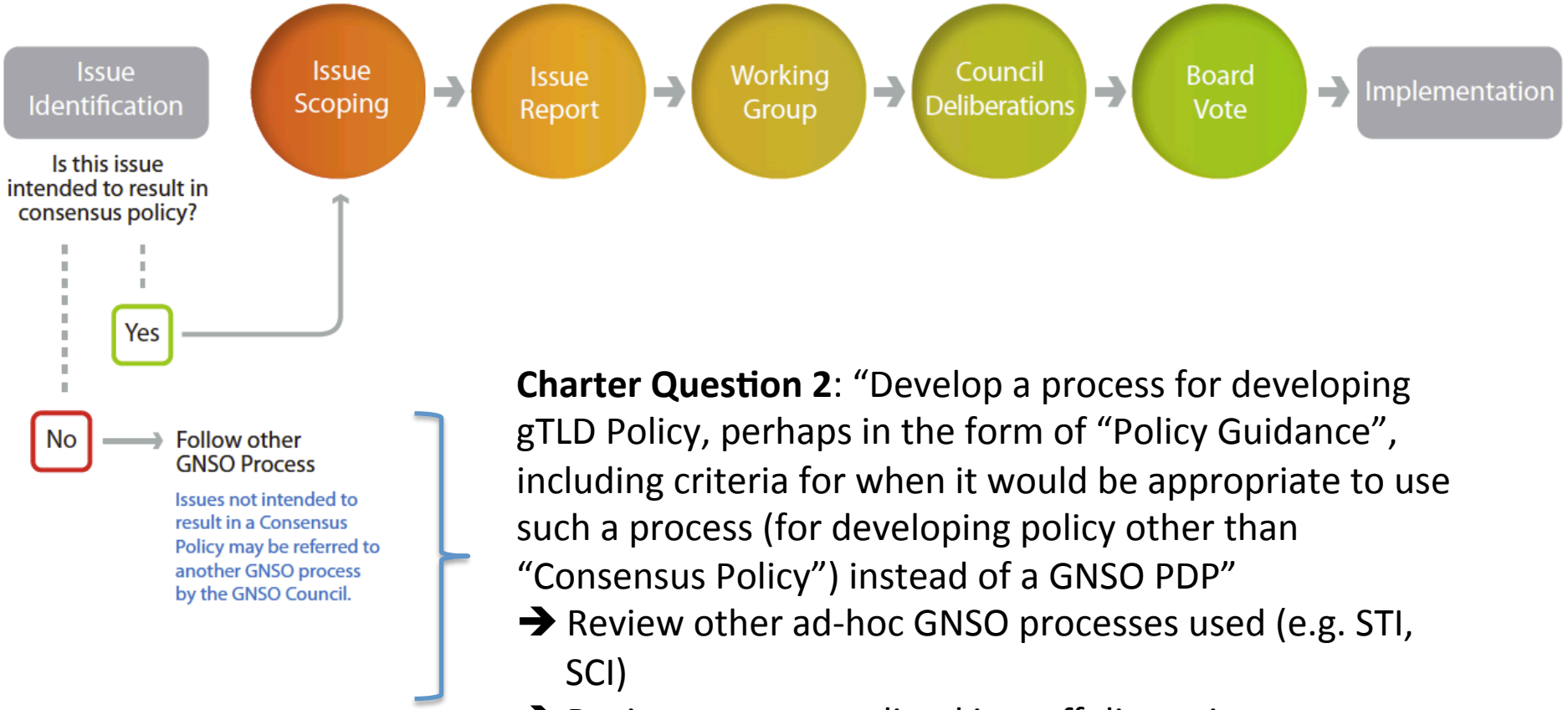
- As part of the last GNSO review the GNSO Council was tasked to develop ‘a new GNSO policy development process that incorporates a working group approach and makes it more effective and responsive to ICANN’s policy development needs’
- Revised PDP adopted by the ICANN Board in December 2011
- Revised PDP rules applicable to all ongoing and new PDPs since that date



Charter Question 1: "Develop a set of principles that would underpin any GNSO policy and implementation related discussions, taking into account existing GNSO Operating Procedures"

➔ Review GNSO WG Guidelines and PDP Manual for existing principles

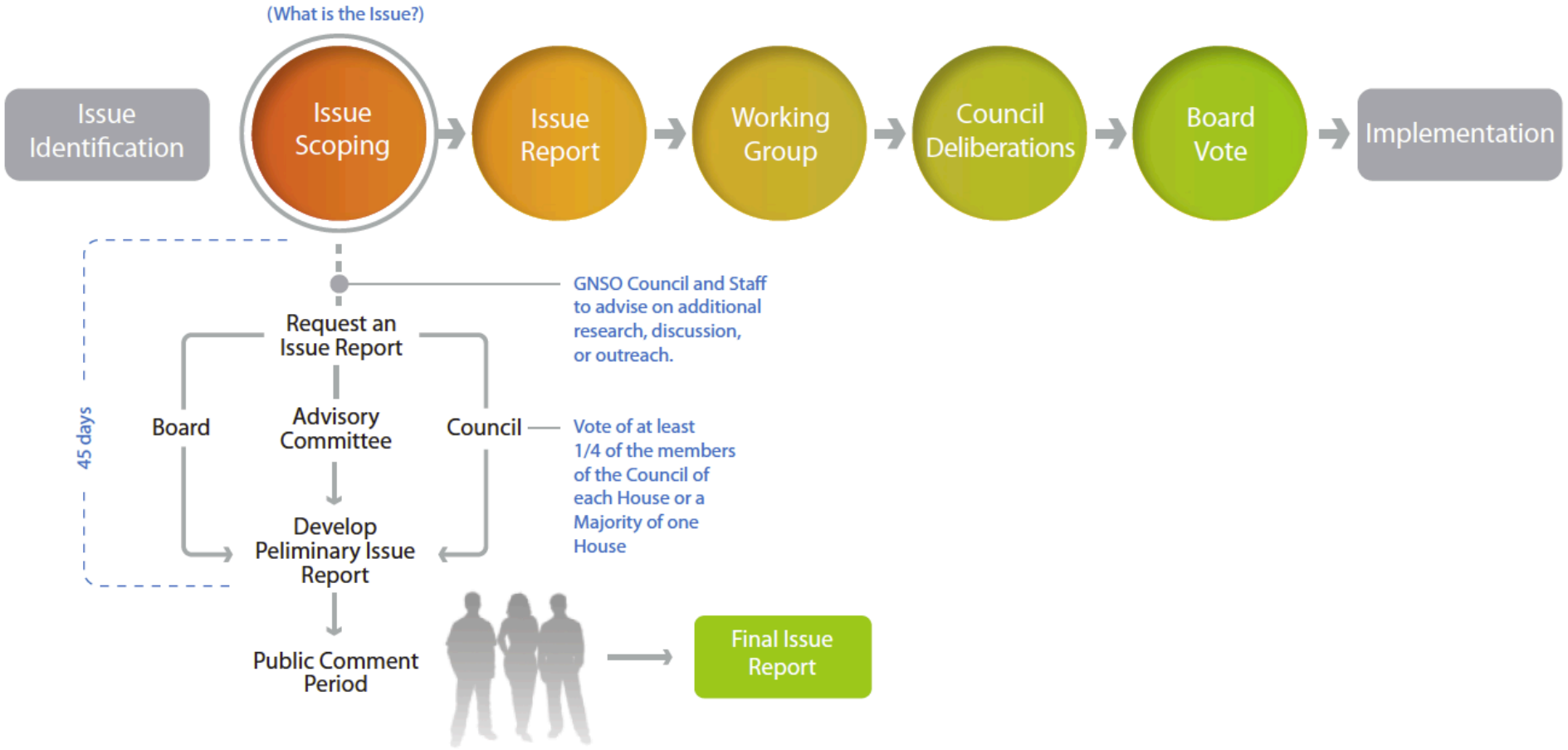
➔ Review proposed principles in Staff Discussion Paper

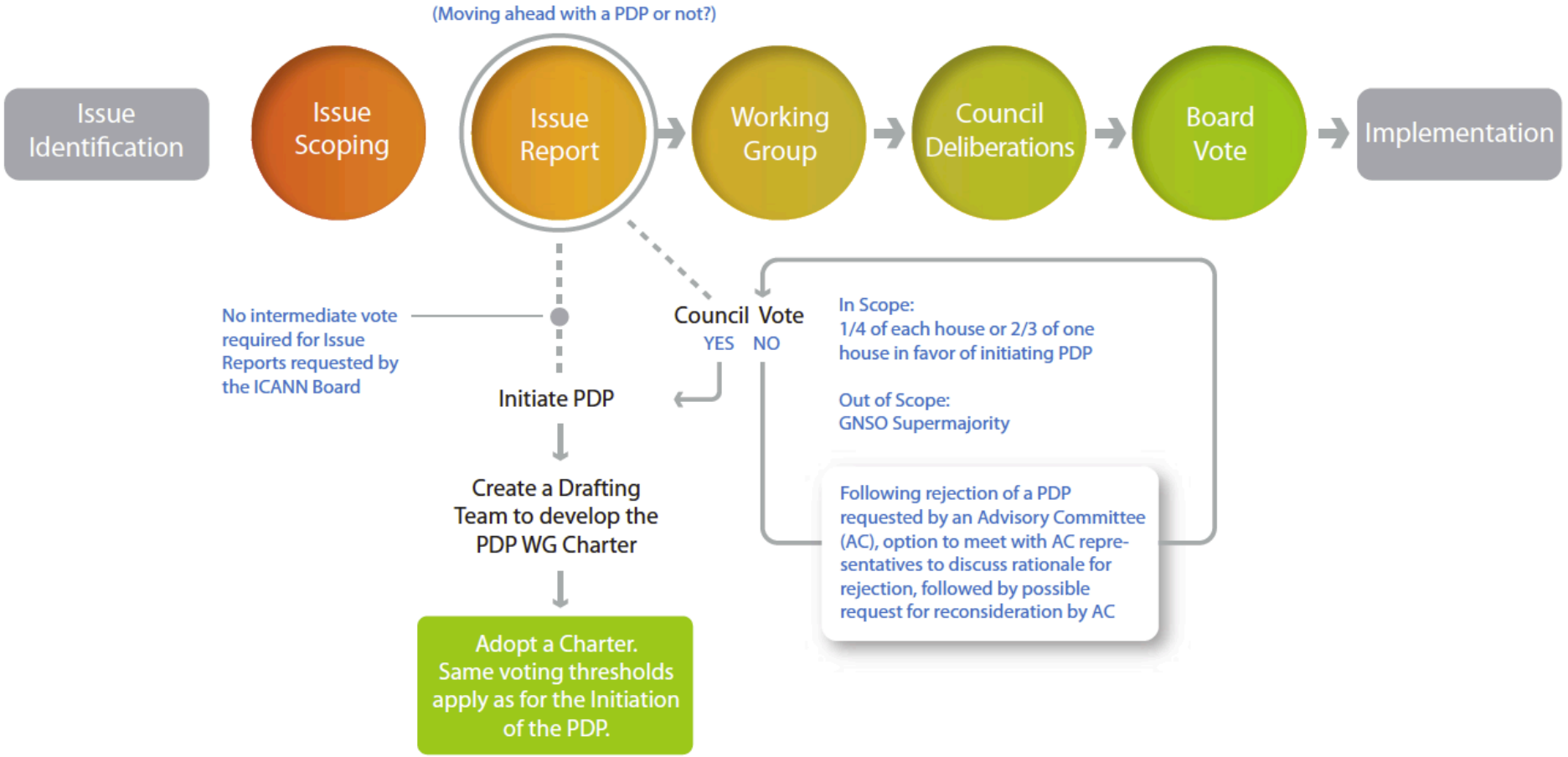


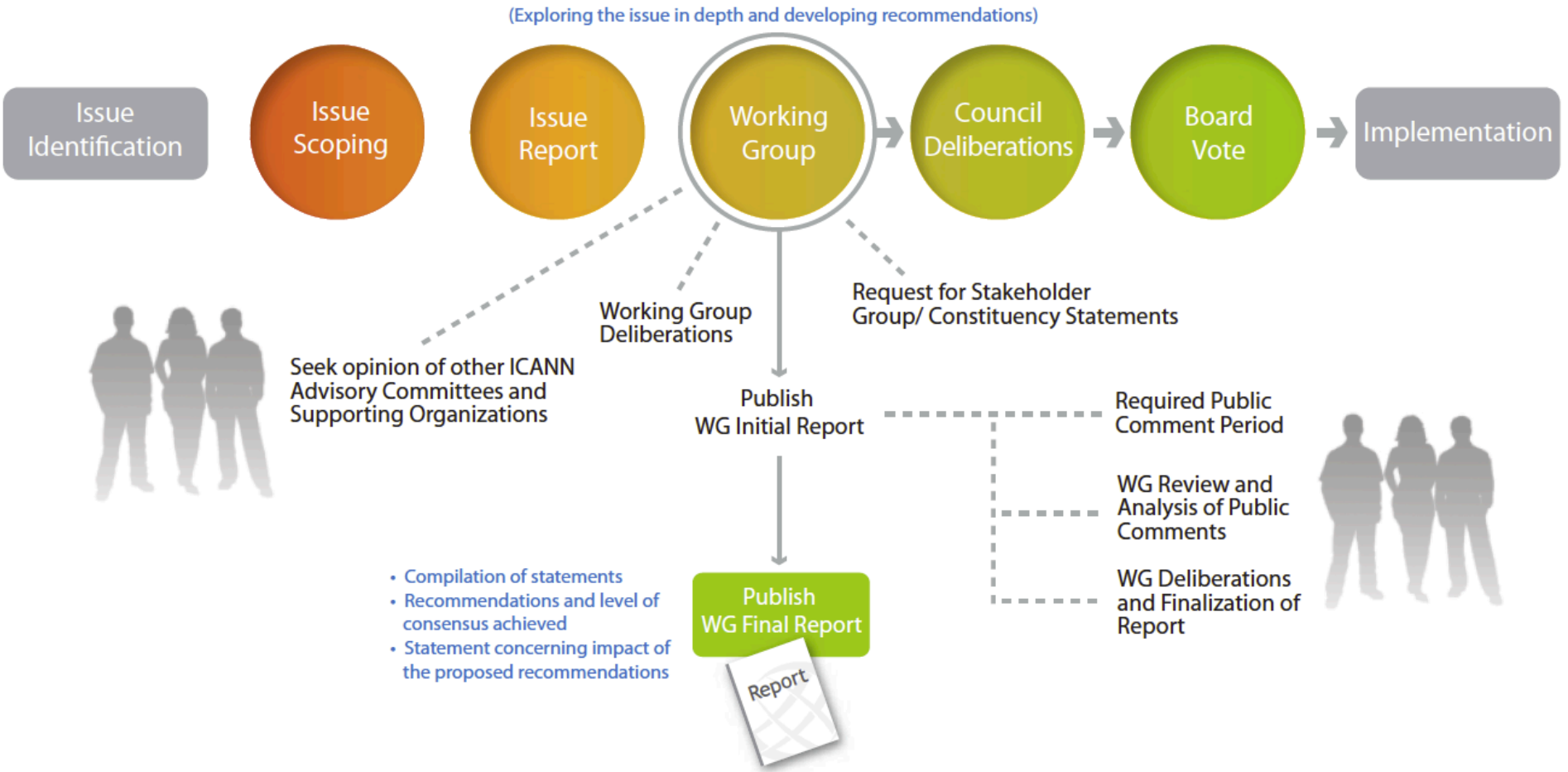
Charter Question 2: "Develop a process for developing gTLD Policy, perhaps in the form of "Policy Guidance", including criteria for when it would be appropriate to use such a process (for developing policy other than "Consensus Policy") instead of a GNSO PDP"

➔ Review other ad-hoc GNSO processes used (e.g. STI, SCI)

➔ Review process outlined in staff discussion paper


(What is the Issue?)
Issue Identification
Issue Scoping
Issue Report
Working Group
Council Deliberations
Board Vote
Implementation
45 days
Request an Issue Report
Board
Advisory Committee
Council
GNSO Council and Staff to advise on additional research, discussion, or outreach.
Vote of at least 1/4 of the members of the Council of each House or a Majority of one House
Develop Peliminary Issue Report
Public Comment Period
Final Issue Report


(Moving ahead with a PDP or not?)
Issue Identification
Issue Scoping
Issue Report
Working Group
Council Deliberations
Board Vote
Implementation
No intermediate vote required for Issue Reports requested by the ICANN Board
Initiate PDP
Council Vote
YES
NO
In Scope:
1/4 of each house or 2/3 of one house in favor of initiating PDP
Out of Scope:
GNSO Supermajority
Following rejection of a PDP requested by an Advisory Committee (AC), option to meet with AC representatives to discuss rationale for rejection, followed by possible request for reconsideration by AC
Create a Drafting Team to develop the PDP WG Charter
Adopt a Charter. Same voting thresholds apply as for the Initiation of the PDP.

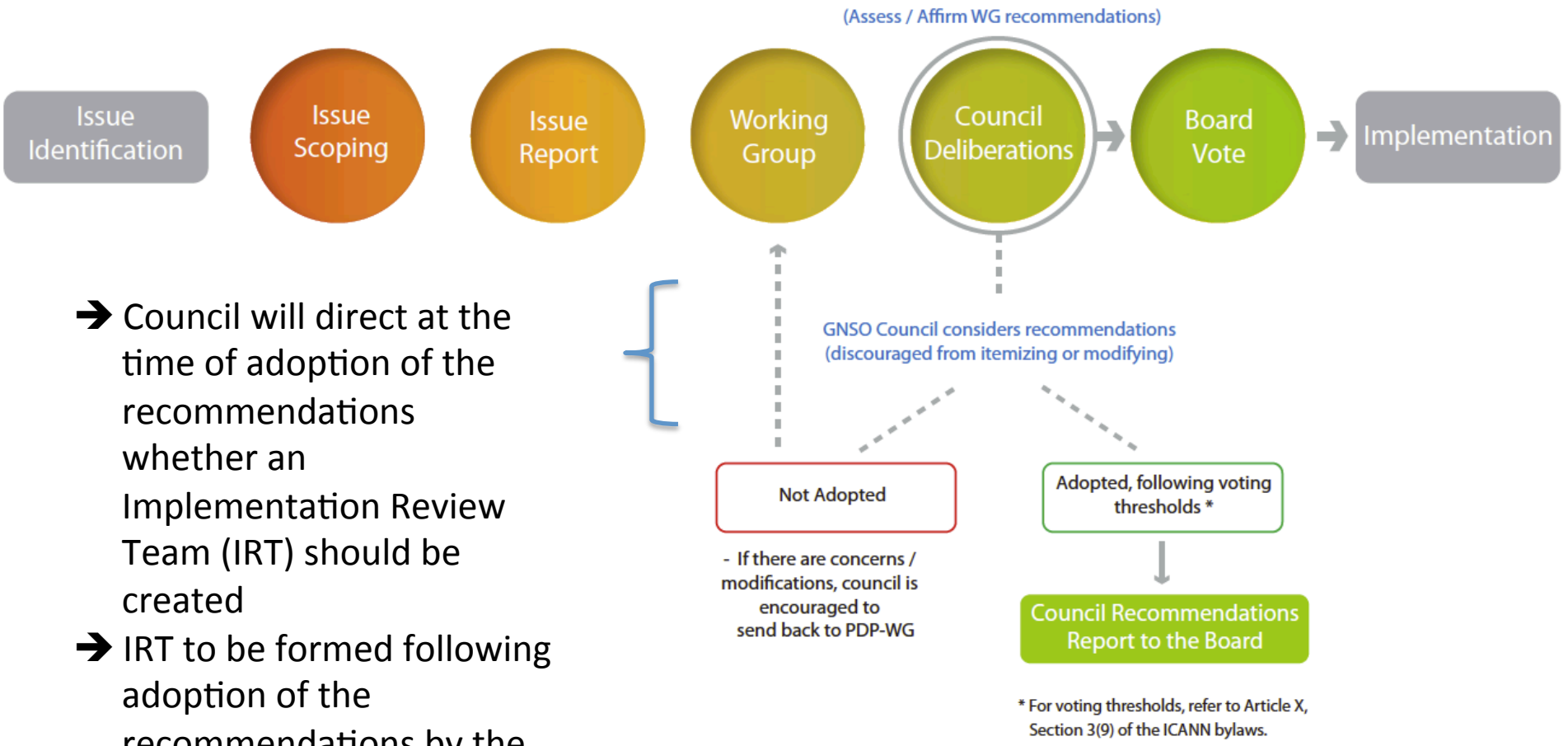


➔ Input received from ICANN Staff throughout the process, as applicable / time allows

➔ PDP Recommendations vary in detail and scope – some can be in the form of high level principles, while other provide exact language for contract provisions.

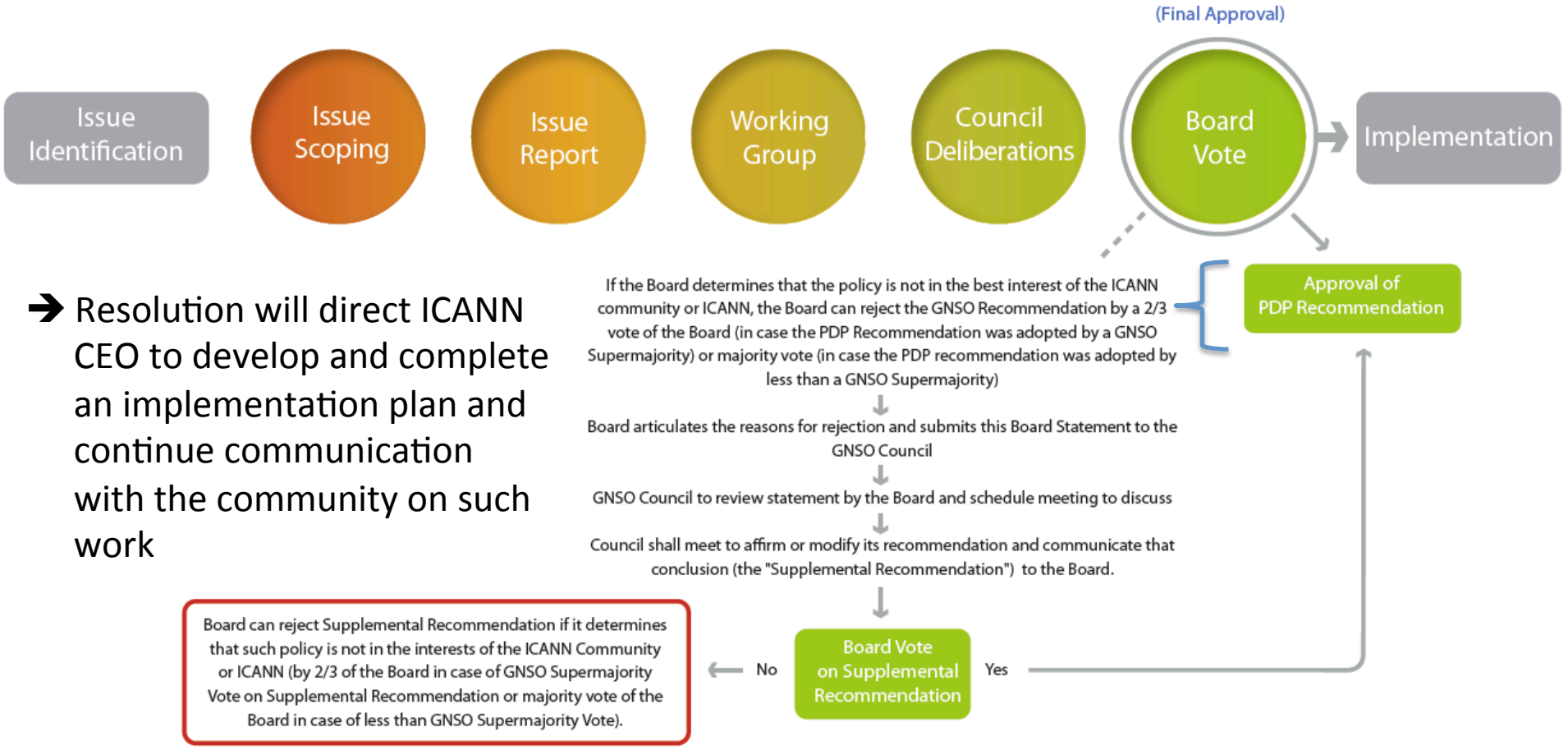
➔ Final Reports may also include implementation guidance and/or questions that need to be addressed as part of the implementation process

➔ Final Report may recommend creation of Implementation Review Team

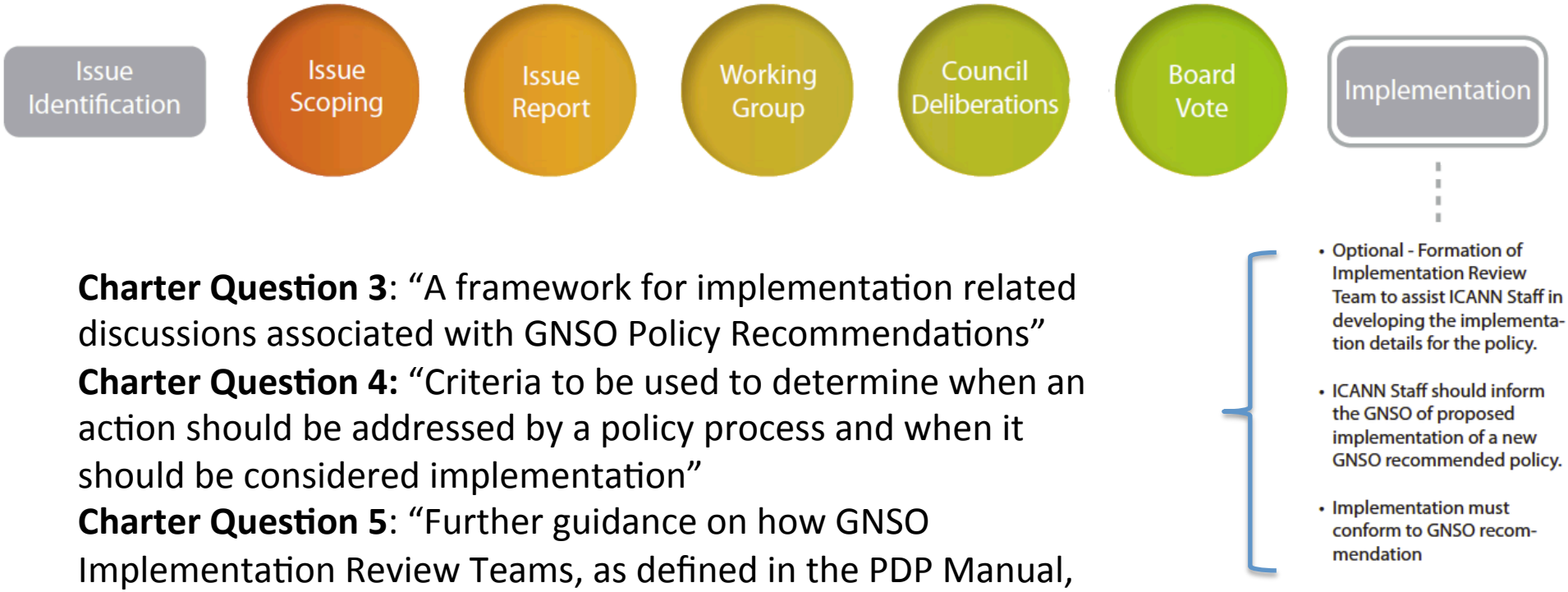


➔ Council will direct at the time of adoption of the recommendations whether an Implementation Review Team (IRT) should be created

➔ IRT to be formed following adoption of the recommendations by the ICANN Board



➔ Resolution will direct ICANN CEO to develop and complete an implementation plan and continue communication with the community on such work



Charter Question 3: "A framework for implementation related discussions associated with GNSO Policy Recommendations"
Charter Question 4: "Criteria to be used to determine when an action should be addressed by a policy process and when it should be considered implementation"
Charter Question 5: "Further guidance on how GNSO Implementation Review Teams, as defined in the PDP Manual, are expected to function and operate"

➔ Review PDP Manual
➔ Review recent IRTs (PEDNR, IRTP Part C)
➔ Review proposed process in Staff Discussion Paper

Implementation from a Staff perspective

Note: not taking into account new gTLD related implementation process

- Throughout PDP, staff likely tasked with implementation is kept abreast and requested to provide input if/when appropriate on implementation related issues (policy staff serves as channel of communication)
- Upon Board approval, internal implementation team is formed that reviews recommendation, identifies any issues that require clarification / further work and develops implementation plan

Implementation from Staff perspective (continued)

- Consultation with IRT if/when appropriate on implementation related questions / implementation plan
- Community consultations / public comment – as deemed appropriate
- Publication of final implementation plan & announcement of effective date

Implementation Questions / Issues

- What happens if issues arise that are considered 'policy' and who makes that determination? PDP Manual notes that 'If the proposed implementation is considered inconsistent with the GNSO Council's recommendations, the GNSO Council may notify the Board and request that the Board review the proposed implementation'.
- How to ensure flexibility in any implementation related framework as one-size may not fit all?
- Implementation is execution of policy recommendations – how to make it work efficiently and effectively while respecting the multi-stakeholder environment?

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Presentation of Staff Discussion Paper & Comments Received

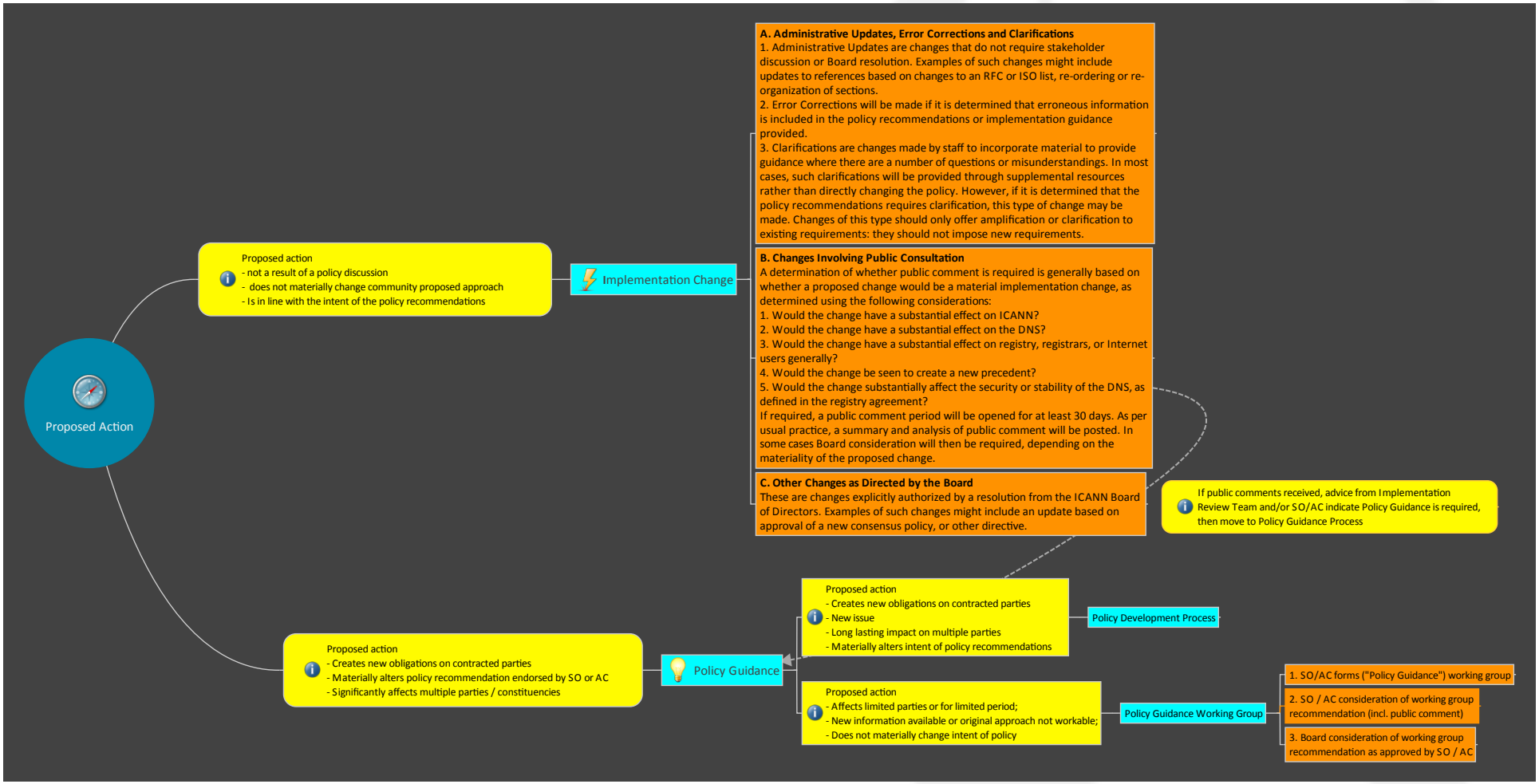
Staff Discussion Paper

- Recognizing increased community focus on what is policy and what is implementation
- PDP process is very detailed and prescriptive, while hardly any guidance on how implementation should be conducted
- Currently no clear process or predictability on how to manage implementation related questions

Content

- Draft framework that identifies a number of steps, criteria and principles
- Identifies a number of questions, as well as suggested short term improvements
- Focus is on developing clear processes and identifying clear roles and responsibilities for the different stakeholders

Draft Framework



Public Comment

- 10 different contributions, mainly from GNSO participants
- Recognize importance of topic & welcome staff paper
- Emphasize that any framework should be forward looking, predictable, clarify the role of different stakeholder groups and based on principles such as fairness, notice and due process
- Also focus on importance of considering implementation related issues as part of policy development
- Suggest review of existing mechanisms / practices to discern possible models
- Broad support to continue dialogue and suggestions on how to move forward

Beijing Session

- Participation mostly from GNSO SG/C, but also SSAC and ALAC
- Session can be reviewed at http://beijing46.icann.org/node/37133
- Notes also available, if interested
- GNSO Council decided to form DT focusing on GNSO related aspects of this discussion

Further Reading

- GNSO Policy Development Process Manual - http://gnso.icann.org/council/annex-2-pdp-manual-16may13-en.pdf
- Annex A of the ICANN Bylaws - http://www.icann.org/en/about/governance/bylaws#AnnexA
- Staff Discussion Paper - http://gnso.icann.org/en/correspondence/policy-implementation-framework-08jan13-en.pdf
- Public comments received on staff discussion paper - http://forum.icann.org/lists/comments-policy-implementation-31jan13/
- Session at ICANN Meeting in Beijing - http://beijing46.icann.org/node/37133
- GNSO PDP – Opportunities for streamlining and improvements - http://gnso.icann.org/en/drafts/pdp-improvements-22aug13-en.pdf

Questions?