

GAC Engagement in GNSO Policy Development Process

Updated [13 May 2014](#)

Phase of the PDP ¹	Opportunity for input	Current Method for seeking input	Proposals (including Suzanne/US proposal, see Annex A)	Issues / Questions
JSSUE SCOPING²				
1. Request for Issue Report	An Advisory Committee may raise an issue for policy development by action of such committee to request an Issue Report, and transmission of that request to the Staff Manager and GNSO Council.	Open to any AC to use – see Issue Report Request Form here https://community.icann.org/x/GQIIAg		What is the mechanism for the GNSO to identify an issue for a PDP? What is the timeframe for this work? Response from MK: there is no set mechanism – it may, for example, be an issue recommended to the GNSO for policy development by another GNSO effort, based on information / concerns from a certain SG/C or an outstanding commitment to review existing policies.
2. Preliminary Issue Report	Public comment period on Preliminary Issue Report to encourage additional data / information as well as views on whether PDP should be initiated	Announcement posted to ICANN & GNSO web-site and public comment forum opened Announcement sent to the GAC Secretariat for distribution		Is this considered “Issue scoping”? Wouldn’t we want the GAC to share views re any potential or actual public policy aspects of an identified issue? How is “issue scoping” conducted and by whom? Response from MK: The Preliminary Issue Report is developed by ICANN Staff and

Marika Konings 13/5/14 15:55

Deleted: IDENTIFY & LAUNCH Does this correspond to the other chart, e.g. “Issue Identification”? If so, we should match each phase to the actual/literal names used in the chart.

¹ Note, only includes those phases that currently have a community engagement component

² Per graphics on <http://gnso.icann.org/en/basics/consensus-policy/pdp>

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				<p>aims to scope the issue and provide any information that may be relevant to further consider the issue, in addition to a recommendation on whether or not the issue is in scope for GNSO policy development as well as a staff recommendation on whether to initiate a PDP on the issue or whether there are any other considerations that need to be taken into account as part of the GNSO Council deliberations to initiate a PDP. This Preliminary Issue Report is put out for public comment and everyone is invited to provide input on the information in the Preliminary Issue Report (was all the relevant information covered, is there any information relevant to this topic missing) and/or whether the GNSO Council should initiate a PDP on the topic (in cases of Issue Reports that</p>

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				<p>were not requested by the ICANN Board, in which case there is no intermediate vote).</p> <p>From Mikey: Could there be a mechanism for the GAC to form a “comment drafting” sub-group? Could the results of that drafting-group either be brought back to full GAC for review/approval (which may be hard logistically), or simply be submitted directly as a volunteer/designated “birds of a feather” group that doesn’t speak officially for the GAC but is broadly representative? These early-stage public comments are a great help because they influence/frame the issues/direction of the Working Group at an easy-to-modify stage. Pending further clarification of this “stage”, we should focus on how to engage the GAC in issue identification and issue scoping</p>
<p>ISSUE REPORT</p>				

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3. Rejection of PDP requested by Advisory Committee	If GNSO Council rejects initiation of a PDP requested by an AC, then option to meet with AC reps to discuss rationale followed by possible request for reconsideration	Process has not been used to date.		
4. Developing charter for the PDP Working Group	Drafting team to develop charter for PDP WG open to anyone interested	Announcement posted to GNSO website Announcement sent to GAC Secretariat for distribution		From Mikey: Could this “comment drafting” idea also be expanded to include participation in GNSO charter-drafting teams? We should definitely explore this concept, assuming the proposed PDP contains public policy elements where GAC input would be particularly constructive at the outset. These teams are another very-informal process where participants from the GAC, either as individuals or as members of a “birds of a feather” group, would be welcome. Drafting-teams are usually short-duration (6-8 weeks). They are without

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				<p>power or authority – they prepare a draft charter which then goes to the Council for amendment and approval. Again, this looks like an opportunity for early-stage issue-framing course corrections from the GAC. Depending on the issue at hand, perhaps this approach could be “tested” first before adoption?</p>
<p><u>WORKING GROUP</u></p>				
<p>5. Working Group</p>	<p>PDP Working Group is open to anyone interested to participate, either as an individual or as a representative of group / organization</p>	<p>Announcement posted to the GNSO web-site and, if timely, included in Monthly Policy Update Announcement sent to the GAC Secretariat for distribution</p>		<p>From Mikey: Would the GAC be open to assigning an unofficial liaison to PDP Working Groups, which would allow the early sharing of information and (informal) feedback? Such a liaison could be in the form of an observer who is subscribed to the mailing list (not requiring active participation / attendance)? Worth pursuing further</p>

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6. Working Group	PDP WG is required to reach out at an early stage to obtain input from other SO / AC	PDP WG will send email request for input to SO/AC Chair and secretariat Request will typically include questions / input that input is sought on as well as a deadline for input (noting that additional time may be requested if needed)	<ol style="list-style-type: none"> 1. Submit Premise of the PDP to the GAC for Review and Comment 2. Engage in Consultations with the GAC as Necessary and Appropriate 3. Working Group Incorporates Input from the GAC 	<ul style="list-style-type: none"> • What is meant with 'premise'? At this stage the WG normally puts forward the charter questions and/or any other issues related to the PDP for input to all SO/ACs. • What would be the timeframe required for the GAC to be able to review and comment? • Would the GAC indicate upfront whether it intends to comment or not, or is the WG expected to wait until a GAC response is received? • If substantial time is needed to develop a GAC response, would it be acceptable if the WG would continue with its deliberations, noting that GAC input is forthcoming? • Who determines whether consultations are needed and how/when are these

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				<p>conducted?</p> <ul style="list-style-type: none"> • A WG is required to acknowledge input received from other SO/ACs but may or may not agree with the input. If it does not agree, it will outline the rationale for its disagreement in its report. Is that in line with 'incorporates GAC input'? • Should this feedback be considered 'Advise' or are the current Bylaws an impediment for the GAC to provide 'Advice' to GNSO Working Groups on public policy issues? (Note, from the GNSO's perspective GAC input in the earlier stages of a WG does not have to be formal advice, but it would be helpful to get some informal information like what issues the GAC thinks may have public policy

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				<p>implications as well as any other input the GAC may have during the PDP so that the WG could discuss it).</p> <ul style="list-style-type: none"> If lead time is too short for full GAC consensus, would it be possible to establish an ongoing sub-group of the GAC that could provide broadly-representative, but informal, comments to WGs at this stage of the process?
7. Working Group	Initial Report published for public comment	Announcement posted to ICANN & GNSO web-site and public comment forum opened Announcement sent to the GAC Secretariat for distribution	Send to the GAC for Review	<ul style="list-style-type: none"> Does the communication on the opening of the public comment forum meet the request to 'send to the GAC for review'? If not, what is intended / expected? Would it be useful to expand this process to transmit Initial Reports to ALL AC/SOs for review, if they so choose?
<u>COUNCIL DELIBERATIONS</u>				
8. Council	Council Recommendations	N/A	GNSO Council to Consult	<ul style="list-style-type: none"> What is intended /

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Deliberations	Report to the Board which also includes an overview of consultations undertaken and input received		with the GAC Prior to Final Decision	<p>expected? Is this similar to the Board notification of the GAC prior to it considering policy recommendations for adoption? If so, how much time would be required for such consultations (note, typically the GNSO Council will vote on the first or second meeting following the submission of the Final WG Report). If another form of consultation is foreseen, how would this look / happen in practice?</p> <ul style="list-style-type: none"> • What happens if the GAC recommends that the GNSO Council should not adopt the recommendations, or if possible changes are suggested? • Should this feedback be considered 'Advice' or are the current Bylaws an impediment for the GAC to

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				<p>provide 'Advice' to GNSO Working Groups on public policy issues? (</p> <ul style="list-style-type: none"> • If the GNSO Council followed GAC Advice, would that bind the Board at a later stage so that the Board loses the right to disregard it? • If GAC Advice were also directed at the GNSO Council, would or should that be a second opportunity for the GAC to give Advice? If so, what would be the consequences of that? <p>From Mikey:</p> <ul style="list-style-type: none"> • Aren't there some steps missing here? This implies that the Final Report drafting process ends with the Initial Report, but what about the process where: <ul style="list-style-type: none"> ○ the WG incorporates the comments and

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				<ul style="list-style-type: none"> creates a Final Report ○ the Council reviews the Final Report ○ the Council (optionally) sends the Final Report back to the WG for revision ○ the Council determines whether to send the Final Report to the Board <p>Aren't all of these steps additional opportunities for GAC/GNSO engagement?</p>
BOARD VOTE				
9. Board Vote	Public comment forum prior to Board consideration of recommendations	Announcement posted to ICANN & GNSO web-site and public comment forum opened Announcement sent to the GAC Secretariat for distribution		<ul style="list-style-type: none"> • From Mikey: Are there similar opportunities for informal/"birds of a feather group" GAC participation in this public-comment process?
10. Board Vote	Requirement for the	Board will notify GAC		<ul style="list-style-type: none"> • From Mikey: What is the

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	ICANN Board to inform the GAC if policy recommendations affect public policy concerns			mechanism for modifying a Final Report if the GAC determines there is a public policy concern? Is the Board responsible for making those changes, or should it be sent back to the GNSO, and ultimately the WG, for revision?
IMPLEMENTATION				
11. Implementation	Council has the option to form Implementation Review Team to assist Staff in developing the implementation details (in principle open to all)	Call for volunteers will be circulated to PDP WG		<ul style="list-style-type: none"> • From Mikey: Are there similar opportunities for informal/"birds of a feather group" GAC participation in the Implementation Review Team?
12. Implementation	Implementation plans may be posted for public comment or additional consultations held depending on nature of policy recommendations	Announcement posted to ICANN & GNSO web-site and public comment forum opened Announcement sent to the GAC Secretariat for distribution		<ul style="list-style-type: none"> • From Mikey: Are there similar opportunities for informal/"birds of a feather group" GAC participation in this phase of the process?

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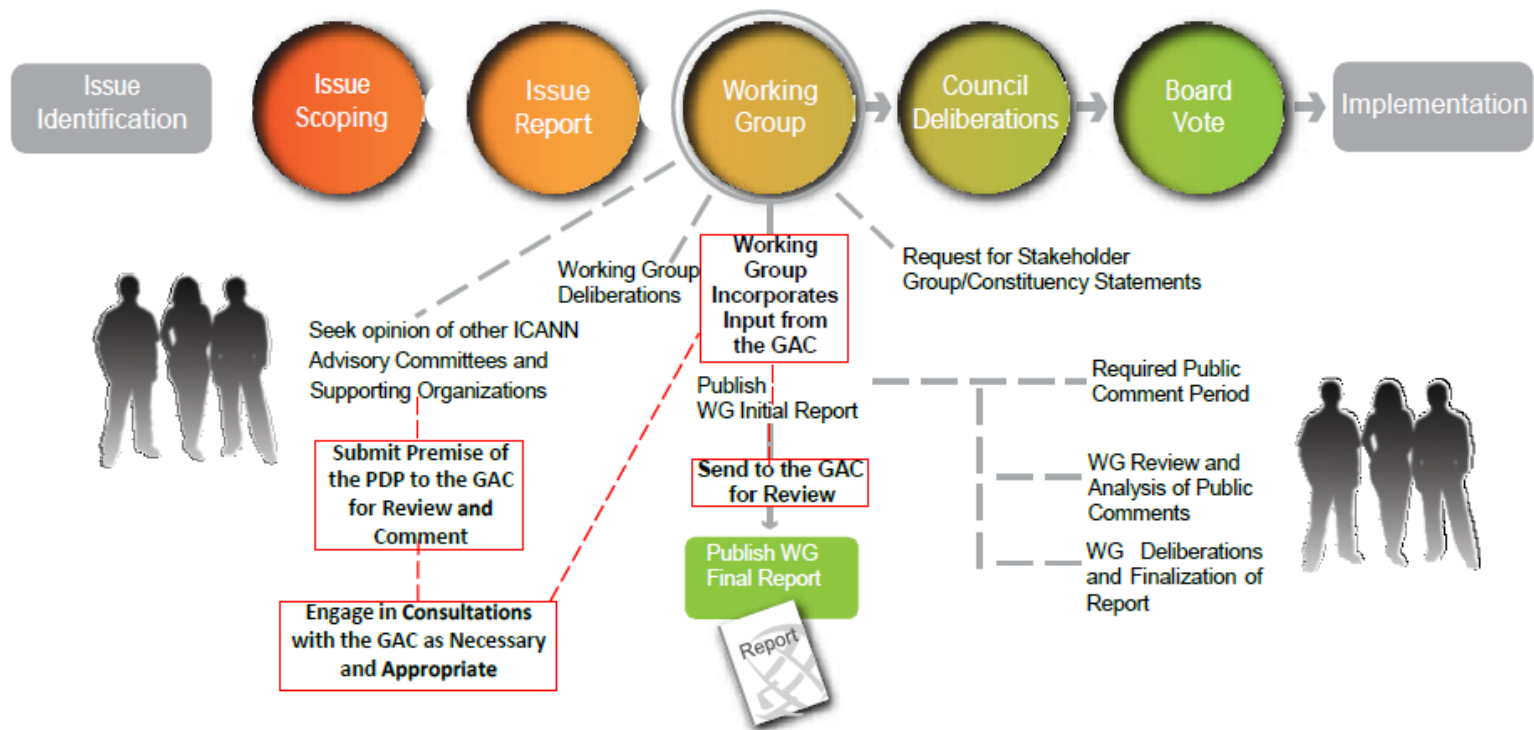
Annex A – Proposal from Suzanne Radell, US GAC Representative

Mikey O'Connor comment on Appendix A

I support this approach to identifying and describing opportunities to mesh GAC and GNSO work processes. My hope would be that we could find similar opportunities earlier and later in the PDP process. "Earlier in the process" is especially interesting to me, as this is when changes and course-corrections are easier to make. I hope that we can find some ways for the GAC to participate in the formative stages of a PDP (especially the Issue Report and chartering) so that WGs are more aware of topics that are of special interest to the GAC during their deliberations.

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