RECOMMENDATIONS 18: EVALUATE POST IMPLEMENTATION POLICY IMPACT & EFFECTIVENESS

STRATEGIC ALIGNMENT

Part One – Which ICANN Objective does this meet

Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest. Also, evolve policy development and governance processes, structures and meetings to be more accountable, inclusive, efficient, effective and responsive. See Strategic Plan main web page at: https://www.icann.org/resources/pages/strategic-engagement-2013-10-10-en.

Alignment with Strategic Objectives

Goal	- Shared understanding by Board, staff and stakeholders of the allocation of responsibilities for design, development and implementation of policy and operational processes. - Shared understanding of the roles, responsibilities and accountability of the Board, staff and stakeholders. - Board, staff, and stakeholders use best practices and exercises appropriate behavioral norms.
Project/Recommendation	Recommendation 18: That the GNSO Council evaluate post implementation policy effectiveness on an ongoing basis (rather than periodically as stated in the current GNSO Operating Procedures); and that these evaluations are analyzed by the GNSO Council to monitor and improve the drafting and scope of future PDP Charters and facilitate the effectiveness of GNSO policy outcomes over time.

SCOPE DESCRIPTION

Scope Statement

1. Staff to review the policy review roles are outlined in GDD's Consensus Policy Implementation Framework at: https://www.icann.org/en/system/files/files/gdd-consensus-policy-implementation-framework-31may15-en.pdf.
2. Staff will review how the Expired Registry Recovery Policy (ERRP) review was conducted.
3. The Working Group will consider how reviews of Consensus Policies could be included, and reviewed by the Working Group, followed by a determination of whether future reviews should remain periodic, or become ongoing.

Upon completion of the above steps, the GNSO Review Working Group to determine whether this recommendation has been implemented.

Out of Scope

The above scope is sufficiently clear.

Assumptions

That the recommendations will require changes to the GNSO Operating Procedures.

Deliverables

GDD Consensus Policy Implementation Framework of 31 May 2015

OPTION ANALYSIS

None were considered or were necessary to be considered.

SOLUTION

1. Staff notes that the Global Domains Division, along with the Policy and Compliance Departments of ICANN, have a role in in terms of reviewing the effectiveness of Consensus Policies beyond Consensus Policy Effective Dates. These roles are outlined in GDD's Consensus Policy Implementation Framework at: https://www.icann.org/en/system/files/files/gdd-consensus-policy-implementation-framework-31may15-en.pdf.

2. Staff notes also that the Expired Registry Recovery Policy (ERRP) recommended a review of that policy. No time frame was set. Staff is currently acquiring contractual compliance complaint data and other data sources to begin the evaluation. The process will roughly follow:
   a. Collect appropriate data for review of policy;
   b. GDD, Compliance, Policy team input;
   c. External sources where possible;
   d. Analyze data to determine if intent of policy was met from original WG recommendations;
   e. Contruct a Policy Review document and share with GNSO Council for consideration;
   f. If additional policy work is required, the policy development process shall be invoked;
   g. Else, a review of the policy may occur again in the future.
   The WG could consider whether this recommendation could be revisited following the results of the ERRP Review as that is the first of the reviews to be performed.

3. Staff review of the GDD Consensus Policy Implementation Framework notes that it appears to complete the implementation of the recommendations, except with respect to this statement: "That the GNSO Council evaluate post implementation policy effectiveness on an **ongoing** [emphasis added] basis (rather than periodically as stated in the current GNSO Operating Procedures)". Staff notes that in accepting recommendation 18 the Working Party assigned the implementation level of "medium/hard" to this aspect of the recommendation, recognizing that it may not be feasible to implement "ongoing" reviews. Staff asks whether the WG would separately consider whether this recommendation is feasible.

4. Staff hereby presents the results of the review to the Working Group.

Working Group Determination:

The Working Group determined that the GDD Consensus Policy Implementation Framework of 31 May 2015 completes the implementation of the recommendation that post implementation policy effectiveness evaluations are analyzed by the GNSO Council to monitor and improve the drafting and scope of future PDP Charters and facilitate the effectiveness of GNSO policy outcomes over time. The Working Group further determined that it is not feasible to evaluate post implementation policy effectiveness *"on an ongoing basis"* (rather than periodically as stated in the current GNSO Operating Procedures) it is not feasible to implement this aspect of the recommendation.

KEY DEPENDENCIES

1. Approval the recommendations to be included GNSO Operating Procedures by the GNSO Council.
2. Publication of the revised GNSO Operating Procedures, which occurred on 17 February 2016.

RISK IDENTIFICATION

Risk was identified as lack of approval by the GNSO Council.

KEY PERFORMANCE INDICATORS
It is not clear to staff whether a KPI applies in the implementation of these recommendations.

NECESSARY TO PROCEED
Next Phase Activities/Resources
None.

APPROVERS	
Name	**Completion of Recommendation Approved by Consensus**
GNSO Review Working Group	09 November 2017

REVISION HISTORY			
Date	**Version**	**Description**	**Author**
17 May 2017	V1	Original Draft	Julie Hedlund, Policy Director
17 October 2017	V2	Modified with suggestion for Working Group determination. Modifications agreed to by the Working Group at its meeting on 18 October 2017.	Julie Hedlund, Policy Director

Attachments, as applicable:

- None