

<b>RECOMMENDATION 19: WORKING GROUP PERFORMANCE</b>	
<b>STRATEGIC ALIGNMENT</b>	
<b>Part One – Which ICANN Objective does this meet</b>	
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: <a href="https://www.icann.org/resources/pages/strategic-engagement-2013-10-10-en">https://www.icann.org/resources/pages/strategic-engagement-2013-10-10-en</a> .	
<b>Alignment with Strategic Goals</b>	
<b>Goal</b>	<ul style="list-style-type: none"> <li>- Shared understanding by Board, staff and stakeholders of the allocation of responsibilities for design, development and implementation of policy and operational processes.</li> <li>- Shared understanding of the roles, responsibilities and accountability of the Board, staff and stakeholders.</li> <li>- Board, staff, and stakeholders use best practices and exercises appropriate behavioral norms.</li> </ul>
<b>Project/Recommendation</b>	As strategic manager rather than a policy body the GNSO Council should continue to focus on ensuring that a Working Group has been properly constituted, has thoroughly fulfilled the terms of its charter and has followed due process.

<b>SCOPE DESCRIPTION</b>	
<b>Scope Statement</b>	
<ol style="list-style-type: none"> <li>1. Staff to provide applicable guidance from the current Working Group Guidelines and as directed by the Working Group develop a suggested procedure for periodic review of Working Group constitution, membership, and activity.</li> <li>2. The Working Group will determine whether this procedure will require changes to the GNSO Operating Procedures, and if so, direct staff to complete a revision for public comment and approval by the GNSO Council.</li> <li>3. The GNSO Review Working Group to determine whether this recommendation has been implemented or whether further steps need to be taken to meet the intent of the recommendation.</li> </ol>	
<b>Out of Scope</b>	
The above scope is sufficiently clear.	
<b>Assumptions</b>	
That applicable guidance exists in the Working Group Guidelines concerning procedures for reviewing Working Group constitution, membership, and activity.	
<b>Deliverables</b>	
Further guidance if the Working Group deems it is required.	
<b>OPTION ANALYSIS</b>	
None were considered or were necessary to be considered.	

## SOLUTION

Staff research found the following:

1. The GNSO Working Group Guidelines include Section 2.1.1: Announcement of a Working Group, as follows:

“After a decision has been taken to form a Working Group, it is important to circulate a ‘Call For Volunteers’ as widely as possible in order to ensure broad representation and participation in the Working Group. Depending upon the scope of the Working Group and its intended subject matter, the following avenues could be explored:

- Publication of announcement on relevant ICANN web sites, including by not limited to the GNSO and other Supporting Organization and Advisory Committee web pages.
- Distribution of announcement to GNSO Stakeholder Groups, Constituencies, and/or other ICANN Supporting Organizations and Advisory Committees.
- Circulation of announcement to organizations that are considered to have expertise/knowledge/interest in relation to the subject matter of the Working Group.
- One-to-one outreach from either the GNSO Chair or the Interim WG Chair to the Chair of other ICANN Supporting Organizations and Advisory Committees either known to have an interest in the subject, or those where it is felt that their input into the discussions will be valuable. Individuals known to be knowledgeable or interested could be similarly approached.”

2. Additionally, the GNSO Working Group Guidelines address GNSO Working Group Sub Team representational balance in Section 2.2.1: Chair, as follows:

“The Chair [of the GNSO PDP WG] should underscore the importance of achieving overall representational balance on any sub-teams that are formed. The Chair should make it clear that participation on sub-teams is open to all and he/she should encourage representational balance to the degree possible. However, it should be understood that there will not always be volunteers from every interest group and that it is often acceptable to have a small sub-team that is not totally representational perform an initial role that will later be reviewed by a broader more representational group. In those cases where initially there is insufficient balance, the Chair should make a special outreach effort to those groups not represented. In all cases where the Chair believes that one set of interests or expertise is missing from a group, special efforts must be made to bring that interest or expertise into the group via invitation or other method and the situation must be documented in the final report, including a discussion of the efforts made to redress the balance.”

3. The GNSO Working Group Guidelines specifically address the issue of representation in WGs in Section 3.2: Representativeness, as follows:

Ideally, a Working Group should mirror the diversity and representativeness of the community by having representatives from most, if not all, CO Stakeholder Groups and/or Constituencies. It should be noted that certain issues might be more of interest to one part of the community than others. The Chair, in cooperation with the Secretariat and ICANN Staff, is continually expected to assess whether the WG has sufficiently broad representation, and if not, which groups should be approached to encourage participation. Similarly, if the Chair is of the opinion that there is over-representation to the point of capture, he/she should inform the Chartering Organization.

4. From Section 8 of the GNSO PDP Manual: Development and Approval of the Charter for the PDP:

“Upon initiation of the PDP, a group formed at the direction of Council should be convened to draft the charter for the PDP Team<sup>1</sup>. The Council should indicate the timeframe within which a draft PDP Charter is expected to be presented to the Chair of the GNSO Council. Such a timeframe should be realistic, but at the same time ensure that this task is completed as soon as possible and does not unnecessarily delay the formation of a Working Group. The elements of the Charter should include, at a minimum, the following elements as specified in the GNSO Working Group Guidelines: **Working Group Identification; Mission, Purpose and Deliverables; Formation, Staffing and Organization, and; Rules of Engagement.**”

5. From Section 9 of GNSO PDP Manual: PDP Outcomes and Process:

“Upon approval of the PDP Charter, the GNSO Council may form a working group, task force, committee of the whole or drafting team (the “PDP Team”), to perform the PDP activities. The preferred model for the PDP Team is the Working Group model due to the availability of specific Working Group rules and procedures that are included in the GNSO Operating Rules and Procedures. **The GNSO Council should not select another model for conducting PDPs unless the GNSO Council first identifies the specific rules and procedures to guide the PDP Team’s deliberations which should at a minimum include those set forth in the ICANN Bylaws and PDP Manual.**”

6. From Section 12 of the GNSO PDP Manual: Council Deliberation (in consideration of a GNSO PDP WG final report and recommendations):

“In the event that the Final Report includes recommendations that did not achieve the consensus within the PDP Team, the GNSO Council should deliberate on whether to adopt them or remand the recommendations for further analysis and work. Although the GNSO Council may adopt all or any portion of the recommendations contained in the Final Report, it is recommended that the GNSO Council take into account whether the PDP Team has indicated that any recommendations contained in the Final Report are interdependent. The GNSO Council is strongly discouraged from itemizing recommendations that the PDP Team has identified interdependent or modifying recommendations wherever possible. In the event the GNSO Council expresses concerns or proposes changes to the PDP recommendations, it may be more appropriate to pass these concerns or recommendations for changes back to the respective PDP Team for input and follow-up.”

7. The GNSO Working Group Guidelines include Section 7.0: Working Group Self-Assessment, as follows:

“A WG Self-Assessment instrument has been developed as a means for Chartering Organizations to formally request feedback from a WG as part of its closure process. WG members are asked a series of questions about the team’s inputs, processes (e.g., norms, decision-making, logistics), and outputs as well as other relevant dimensions and participant experiences. Screenshots of the questionnaire have been

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<sup>1</sup> An amendment to Section 6 of the GNSO PDP Manual indicating that a draft Charter is included in the Preliminary Issues Report is currently subject to an [open public comment period](#), as part of ongoing improvements to the GNSO PDP.

assembled into a PDF (see link below) so that WG participants can review, in advance, how it is designed and what specific information will be solicited.

During the WG's closure process, coordinating with the Chair, Staff will provide a unique link (URL) to the online questionnaire along with open and close dates and any specific instructions. Staff will then perform the following actions:

- Monitor the online process providing status updates to the WG Chair;
- Provide technical assistance to WG members if requested;
- Notify the Chair when all team members have completed the questionnaire; and, following the close date,
- Summarize the feedback in a written report to the Chartering Organization."

In addition, as was noted by the GNSO Review Working Party and included in its assessment, "The GNSO Council, as the manager of policy development processes, oversees this ongoing effort. Updates of each PDP are given to the GNSO Council during each ICANN meeting. A post-PDP Working Group self-assessment is undertaken and the results are forwarded to the Council."

In addition to the [screenshots of the questionnaire](#) used, details on the WG Self-Assessment can be found on its dedicated wiki page here: <https://community.icann.org/x/2Cp-Ag>. These include feedback from WG members on Inputs to the PDP including the Charter/Mission as well as expertise and representativeness of WG members.

Further to the above references, the GNSO Working Group Guidelines include detailed guidance on the due process expected to be adhered to during the course of work of a GNSO WG in Sections 3.3 (Process Integrity), 3.4 (Individual/Group Behavior and Norms), 3.5 (Rules of Engagement), 3.6 (Standard Methodology for Making Decisions) and 3.7 (Appeal Process). Sections 3.6 and 3.7 also include guidance on the role of the Council liaison to a GNSO WG in managing disputes between WG members and a WG Chair, in the event that due process is believed to not be followed.

In addition, ICANN staff is currently engaged in development of a more detailed description of the role of the liaison, including keeping the GNSO Council continuously informed on WG activities in terms of both substance and due process, as well as providing further clarity on the role of the liaison in settling disputes between WG members and a WG Chair, as well as the liaison's role in the appeal process. This will be provided to the GNSO Council for its review upon completion, and is meant to complement existing guidance already present in the GNSO Working Group Guidelines.

During the research conducted, staff found that there is sufficient existing guidance in the GNSO PDP Manual and GNSO Working Group Guidelines mandating the GNSO Council, as the strategic manager of the GNSO PDP, to ensure that a Working Group has been properly constituted to the extent possible, has thoroughly fulfilled the terms of its charter and has followed due process. The PDP Manual also provides the GNSO Council with guidance on its deliberation of the outputs of a GNSO PDP WG, while the GNSO Working Group Self-Assessment provides an opportunity for WG members involved in a GNSO WG to provide their own assessment of the efficacy of the process, with the goal of further improvement in future work.

**Working Group Determination:**

The GNSO Review Working Group has determined that this recommendation has been implemented as there are comprehensive and clear existing guidelines to ensure that a Working Group has been properly constituted, has thoroughly fulfilled the terms of its charter and has followed due process.

**KEY DEPENDENCIES**

Review of existing guidelines in the GNSO Working Group Guidelines as well as current procedures.

**RISK IDENTIFICATION**

None.

**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	21 August 2017

**REVISION HISTORY**

Date	Version	Description	Author
13 July 2017	V1	Original charter.	Julie Hedlund, Policy Director
26 July 2017	V2	Modified based on the discussion on 13 July 2017	Julie Hedlund, Policy Director
28 July 2017	V3	Modified based on the discussion on 27 July 2017 and with additional references suggested by staff	Julie Hedlund, Policy Director

**Attachments:**

None.