RECOMMENDATION 31: GAC LIAISON ON PDP WORKING GROUPS

STRATEGIC ALIGNMENT

Part One – Which ICANN Objective does this meet

Promote ICANN's role and multistakeholder approach. See Strategic Plan, page 19 at:
https://www.icann.org/en/system/files/files/strategic-plan-2016-2020-10oct14-en.pdf

Alignment with Strategic Objectives

Goal	Encourage community role in implementation.
Project/Recommendation	That the GAC-GNSO Consultation Group on GAC Early Engagement in the GNSO Policy Development Process continue its two work streams as priority projects. As a part of its work it should consider how the GAC could appoint a non-binding, non-voting liaison to the Working Group of each relevant GNSO PDP as a means of providing timely input.

SCOPE DESCRIPTION

Scope Statement

1. Staff to confirm the status of implementation of the GNSO GAC Consultation Group recommendations and if/how this approach was considered by the CG.
2. The GNSO Review Working Group to determine whether this recommendation has been implemented.
3. If the recommendation has been implemented, GNSO Review Working Group to detail how it has been implemented.
4. If not, GNSO Review Working Group to detail what parts of the recommendation are still outstanding and recommend how these are expected to be implemented.

Out of Scope

The above scope is sufficiently clear.

Assumptions

That the GNSO GAC Consultation has completed its work and thus the GNSO Review Working Group should suggest an alternative option or options to address the goal of this recommendation.

Deliverables

Options for how to enable GAC participation in PDP Working Groups while recognizing that an individual GAC member cannot be considered to represent the GAC even if informally.

OPTION ANALYSIS

Consider whether a liaison is necessary or whether a GAC member of a Working Group provides a sufficient level of participation.

SOLUTION

1. Staff has determined that the GNSO GAC Consultation Group has completed its work. See: GAC-GNSO Consultation Group wiki: https://community.icann.org/x/phPRAg. Because the work has been completed, the recommendation cannot be implemented as stated. It addition, consultation with the GAC has previously indicated that the recommendation for the GAC to appoint a non-binding, non-voting liaison to the Working Group of each relevant GNSO PDP cannot be implemented as the GAC has made it clear that no individual member of the GAC can be considered to represent the interests of the GAC on a PDP Working Group, even informally.

2. Staff notes that the GAC Consultation Group recommended the implementation of a "Quick Look Mechanism" (QLM) to facilitate early engagement of the GAC in the issue scoping phase of the GNSO PDP on a pilot basis. As of 19 February 2016, the Quick Look Mechanism had been applied for three GNSO Issue Reports, namely the Issue Report on the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS, the Issue Report on new gTLD Subsequent Procedures and the review of Rights Protection Mechanisms (RPMs) in all gTLDs. See also: https://gnso.icann.org/en/drafts/gac-quick-look-mechanism-19feb16-en.pdf. In addition, the GNSO GAC Consultation Group Final Report and Recommends, "to make the QLM a standard feature of the PDP, factoring in the possible simplification/generalization of the process proposed in the 'GAC Quick Look Mechanisms Experiences to Date' document. The proposed revisions to the GNSO Operating Procedures that were published in the public forum that closed on 10 August 2017 suggested the following language to be included in the PDP Manual:

> **Notification by GNSO Liaison to the GAC to initiate GAC Quick Look Mechanism:** Following the adoption of the request for an Issue Report, or the receipt by the GNSO Council of a request for an Issue Report by the ICANN Board, the GNSO Liaison to the GAC notifies the GAC Secretariat of this request. The GAC Secretariat is expected to confirm receipt of the notification and indicate if any additional information on the issue is needed in order to proceed with the Quick Look Mechanism (QLM). The QLM is used by the GAC to establish whether the issue subject to the request for an Issue Report has potential public policy implications and, if so, flag this at an early stage to the GNSO. The outcome of the QLM is expected to be submitted by the GAC Secretariat as part of the public comment forum on the Preliminary Issue Report.

Staff notes that the QLM provides an early opportunity for the GAC to engage prior to the establishment of a PDP, which could address the aspect of the recommendation of "timely input."

3. An additional option that the Review Working Group identified was whether participation of GAC members as members or observers on PDP Working Groups could fulfill the goal of recommendation. Staff determined that there are already examples of GAC members actively participating in Working Groups, such as the New gTLD Subsequent Procedures Working Group (Subpro WG), and as members providing feedback to the GAC. Other mechanisms currently employed are:
    a. Provision of newsletters and advance notice of topics for Sub Teams to the GAC so that it may track topics of interest for potential early input;
    b. Invitation for a the GAC to provide a co-leader for a Work Track or Sub Team (such as the proposed Subpro WG Work Track 5) as well as members of Work Tracks or Sub Teams;
    c. GAC members participate in Work Tracks and Sub Teams in the full Working Group meetings.

Provisions in the PDP Manual:

4. GAC members already have the option to be members and observers on PDP Working Groups and outreach should continue to be made when PDP Working Groups are established to invite GAC

members to participate as PDP Working Group members and/or observers. The PDP Manual already requires that specific outreach should be made to groups that have expertise or valuable input. In particular, section 2.1.1 Announcement of a Working Group, in the PDP Manual states, "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." Furthermore, section 2.2.1 states, "Additionally, the Chair should ensure that particular outreach efforts are made when community reviews are done of the group's output, to include reviews from the interests or expertise that were not adequately represented." These are in addition to the proposed revisions described in 2 above, as recommendation by the GNSO GAC Consultation Group.

5. Staff hereby suggests that the original recommendation cannot be implemented as currently worded, but that mechanisms exist to implement the goal of the recommendation for the GAC to provide timely input, including upon the request of a PDP Issue Report, outreach to encourage participation in or observing PDP Working Groups, provision of updates and topics, and examples of current participation and feedback. Furthermore, the PDP Manual requires specific outreach for participation from Supporting Organizations and Advisory Committees in PDP Working Groups.

GNSO Review Working Group Determination:

The GNSO Review Working Group has determined that the recommendation is implemented via current mechanisms for the GAC to provide timely input to PDP Working Groups.

KEY DEPENDENCIES

GAC willingness to provide members or observers to GNSO PDP Working Groups.

RISK IDENTIFICATION

That there will not be sufficient volunteers to provide GAC representation on every PDP Working Group.

KEY PERFORMANCE INDICATORS

It is not clear to staff whether a KPI applies to the implementation of this recommendation.

NECESSARY TO PROCEED

Next Phase Activities/Resources

Requirements exist in the PDP Manual for outreach when PDP Working Groups are established to encourage GAC members to provide timely input, and to participate as members or observers. This outreach can be part of the usual call for volunteers when a PDP Working Group is established. Requirements include outreach for input when Working Group community reviews are done.

APPROVERS	
Name	**Completion of Recommendation Approved by Consensus**
GNSO Review Working Group	25 September 2017

Attachments, as applicable:

- None