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4   # GNSO Improvements Implementation Plan

5   # 24 September 2008

6   # Prepared by the GNSO Improvements Planning Team

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10 ## STATUS OF THIS DOCUMENT

11 This is the fourth DRAFT version of the GNSO Improvements Implementation Plan

12 prepared for distribution to constituencies and other ICANN bodies for discussion in

13 anticipation of GNSO Council action on 16 October 2008.

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16 ## SUMMARY

17 The following pages contain some initial documentation on methods that can be
18 followed in beginning the work required to transition from the current GNSO
19 organization to the type of organization recommended by the ICANN Board.
20 Before these methods can be put into practice, the plan needs to be reviewed by
21 the GNSO, approved by the GNSO Council and reported to the ICANN Board.

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Prepared by the GNSO Improvements Planning Team   Page 2 of 15
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1 GNSO "Improvements" process documentation

2 The material in this document, which is a subset of the information that can be
3 found on the GNSO wiki at https://st.icann.org/gnso_transition/, describes the
4 creation of two committees that would assist in implementing the GNSO reform
5 recommendations. The wiki also contains other information, which is offered as
6 starting material for discussion by these committees, but which is not part of the
7 material being reviewed or submitted for approval in this process.

8 The goal is to initiate the actual work of the committees described in this proposal
9 in the Cairo meetings in November 2008.

10 This proposal contains the following elements:

11   • An Overview of the GNSO Improvements Process

12   • A proposed charter for two committees to make concrete implementation
13   proposals for GNSO change according to the design defined in the Board
14   recommendations:

15   1) Policy Process Steering Committee – to recommend revisions to the
16   PDP process, as well as guidelines for working groups.

17   2) Operations Steering Committee – to recommend a set of operational
18   guidelines for the GNSO going forward.

19 A glossary of terms used in the text also is included.

20 *Background*

21 Board Motions that initiated this work:

22   *Resolved (2008.02.15.03), the ICANN Board directs staff to open a public*
23   *comment forum for 30 days on the GNSO Improvements Report, draft a*
24   *detailed implementation plan in consultation with the GNSO, begin*
25   *implementation of the non-contentious recommendations, and return to*
26   *the Board and community for further consideration of the implementation*
27   *plan.*

28   • Report of the Board Governance Committee GNSO Review Working
29   Group On GNSO Improvements
30   • Public Comments
31   • 28 August 2008 ICANN Board Resolutions
32   • Other Background Information

1 **Planning Team Members**

2 The members of the Planning Team involved in preparing this information are:

3 <u>GNSO</u>

4 • Avri Doria (NomCom appointee, GNSO Council chair)

5 • Chuck Gomes (Registry constituency, GNSO Council vice-chair)

6 • Olga Cavalli (NomCom Appointee)

7 • Philip Sheppard /Mike Rodenbaugh (Commercial and Business Users
8 Constituency)

9 • Robin Gross/Milton Mueller (Non Commercial Users Constituency)

10 • Ute Decker/Kristina Rosette (Intellectual Property Constituency)

11 • Wolf-Ulrich Knoben (Internet Service Providers Constituency)

12 • Tim Ruiz/Jon Nevett (Registrar Constituency)

13 <u>Liaisons</u>

14 • Susan Crawford - liaison from the Board Governance Committee.

15 <u>Policy Staff</u>

16 • Denise Michel

17 • Liz Gasster

18 • Robert Hoggarth

19 • Ken Bour

20 <u>GNSO Secretariat</u>

21 • Glen De Saint Géry

22 The Planning Process

23 The Planning Team

24 The Planning Team has the following roles:

1 1. To propose a work structure for implementing operational changes
2   recommended by the Board Governance Committee Working Group on
3   GNSO Improvements (BGC WG). This structure will be used to
4   implement all GNSO Improvement recommendations adopted by the
5   Board except for the seating of Councilors in the new bicameral voting
6   structure.

7 2. To monitor and report on the progress of the transition, including periodic
8   updates to the GNSO Council and to the ICANN Board. This group will
9   not be assessing policy-related deliverables or outcomes, those
10   deliverables will be forwarded directly to the Council for consideration.

11 3. To assist any of the committees, teams or working groups as necessary in
12   their processes.

13 ## Steering Committees (SC)

14 From the BGC WG Report:

15 *The Board has found it useful to establish several committees to focus*
16 *specific attention on some of its many ongoing responsibilities, such as*
17 *the Committee on Meetings and the Committee on Conflicts of Interest.*
18 *The Council may wish to follow this pattern by establishing committees of*
19 *4-5 members to guide work in a certain area where focused attention and*
20 *follow-up are required. The subject just mentioned – benchmarking and*
21 *trends analysis – might be a candidate for such an approach. Staff and the*
22 *Council are encouraged to consider other areas where the establishment*
23 *of smaller committees might be useful. Another area that might be*
24 *appropriate for management by committee (along with legal and policy*
25 *staff support) is consideration of conflicts-of-interest issues as they arise.*
26

27 The Planning Team recommends the use of two focused steering committees. It
28 is essential that the steering committees are focused on GNSO or GNSO Council
29 processes and practices and not on gTLD policies, which will be the province of
30 working groups.

31 The two steering committees proposed by the Planning Team are:

32 • **Policy Process Steering Committee**: oversees overall efforts to enhance
33   the Policy Development Process (PDP), including serving as the
34   coordinating body for separate teams tasked with developing proposals for
35   a new Working Group (WG) model and new PDP procedures. This
36   committee will be responsible for making recommendations concerning
37   processes and methods involved in the transition to a WG model and

1 revisions to the GNSO PDP, which is closely tied to the transition to a WG
2 model. This committee should operate in an inclusive and transparent
3 manner. Membership in the committee and in the work teams should be
4 drawn from both existing and emerging constituencies, as possible.

5 • **Operations Steering Committee**: oversees efforts to enhance the
6 GNSO's structure, constituencies, and communications. This committee
7 should task various work teams to develop proposals to implement
8 recommendations related to these areas and should operate in an
9 inclusive and transparent manner. Membership in the SC and in the work
10 teams should be drawn from both existing and emerging constituencies,
11 as possible.

12 *Adopting, modifying or terminating a Steering Committee*

13 The GNSO Council must adopt the charter that initiates the work of the steering
14 committees. This should be done by a motion for approval of a charter which is
15 duly seconded and which receives a supermajority vote of Council members
16 present. The Council also must approve any material changes that are made to
17 the work items or milestones or committee composition. All such work plans and
18 committee composition decisions, including termination of the steering
19 committees, will be done by a motion within the Council that is duly seconded
20 and which receives a supermajority vote in compliance with the current GNSO
21 Council voting guidelines or at least a sixty (60%) vote of both houses in the
22 recently approved GNSO Council voting system.[1] Neither Steering Committee is
23 intended to be a permanent entity. Their respective charters will expire at the
24 ICANN annual meeting in 2009, unless specifically renewed by the GNSO
25 Council by at least a sixty (60%) vote of both houses in the recently approved
26 GNSO Council voting system.

27 *Membership in Steering Committees*

28 It will be the responsibility of the GNSO Council to approve membership of any
29 steering committee. Depending on the definition and role of a particular
30 committee, suggestions for membership may come from diverse sources, i.e.,
31 the GNSO Council, the stakeholder groups, the constituencies, other Supporting
32 Organizations or the Advisory Committees, the committees themselves, the

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[1] Any issues related to performance or conduct of individual members of a steering committee
should be addressed directly by the steering committee leadership and, if not resolved, should be
brought to the Council.

1 teams formed by the steering committees, the Board and on occasion the ICANN
2 staff.

How many in a Steering Committee

4 While the Board recommends that a steering committee be composed of 2-4
5 Council members, it remains to be seen whether this is a workable formula for
6 the GNSO. Certainly in the transition period and perhaps beyond, the
7 constituency structure usually dictates that there be place for at least 6 members
8 and more if the NomCom appointees and liaisons are to be included. During the
9 transition period, an attempt should be made to keep the steering committees
10 small, with 12 members or fewer.

Who can be in a Steering Committee

12 The Board recommendation seems to indicate that membership in a steering
13 committee should be limited to GNSO Council members. It has been recent
14 Council practice, however, to permit other constituency members to substitute for
15 Council members in task forces and in committees of the whole. In the transition
16 period, membership in the steering committees will permit such substitution from
17 the existing and emerging constituencies or the liaison's SO or AC.

Steering Committee working teams

19 At the discretion of a majority of the members of a steering committee, a steering
20 committee can create working teams to focus on specific tasks that are part of
21 the chartered work plan of the committee. Any such teams should have a
22 specific charter and should report their results to the steering committee. It
23 would be the job of the steering committee to coordinate the work of any such
24 teams and to present the GNSO Council with well formed proposals that take into
25 account the work of any of the relevant teams. Steering committees will have to
26 balance between the necessity of bringing enough people to the table to do the
27 work without straining a few volunteers and the scalability and complexity of the
28 team structure they create.

Transparency for Steering Committee and their teams

30 All work done in a Steering Committee or in one of its teams must be made
31 public. For this purpose, publicly viewable wikis or other group collaboration
32 tools, mailing lists with public archives and meeting minutes should be available.
33 All formal meetings must be either recorded or transcribed, with the recording or
34 transcript made public within a reasonable time frame.

1   *Start Date for Steering Committees*

2   The initial steering committees should begin forming as soon as possible after
3   Council approval of this implementation plan. Interim Chair duties can be
4   assumed by the GNSO Council Chair or Vice Chair followed by appointments of
5   constituency representatives and assignment of Staff support. The first steering
6   committee meetings should be scheduled as soon as practicable after Council
7   approval.
8

9   ## Steering Committee Charters

10   ### *GNSO Policy Process Steering Committee (PPSC)*

11   **Description of the PPSC**

12   The PPSC will be responsible for reviewing processes used within the GNSO for
13   developing policy and recommending any changes. The BGC WG report
14   contains recommendations for substantial changes to the processes used by the
15   GNSO for developing policy. The immediate goal of PPSC will be to initiate the
16   process for developing recommendations for process changes needed to meet
17   the suggestions in the BGC WG report. Once the first set of changes has been
18   implemented, the PPSC will be responsible for reviewing the functioning of the
19   new processes and for recommending any necessary further changes. One
20   example of such continuing work would be the review of the post delivery reports
21   of working groups that was suggested in the BGC WG report.

22   The PPSC also will have other duties as assigned by the GNSO Council. Future
23   work might include establishing guidelines for the practice of drafting teams as
24   used in the GNSO Council and other ad-hoc mechanisms that might be used by
25   the Council, as well as establishing guidelines for the interactions between the
26   volunteers of the GNSO and its Council and the ICANN policy staff.

27   **Working method for the PPSC**

28   The PPSC will be comprised of a minimum of two separate teams, one tasked
29   with developing a proposal for a new WG model (WG Team) and the other a new
30   policy development process (PDP Team). The PPSC will serve as the
31   coordinating body for these separate teams.

32   The PPSC will be responsible for combining the results into a proposal to the
33   Council that includes the guidelines for the working groups and the suggested
34   bylaws changes for the PDP process.

1   The PPSC also may consider whether any of the activities called for in the
2   recommendations lend themselves to being addressed through the
3   establishment of a special team.

4   **Membership in the PPSC**

5   Initially, the PPSC will be comprised of the following members:

6   ● GNSO council chair and/or vice chair

7   ● 1 representative from each constituency (need not be a Council member)

8   ● 1 Nominating Committee appointee to the GNSO

9   Other Participants in the PPSC

10   ● Liaison or an appointed representative from ALAC and the GAC

11   ● GNSO secretariat

12   ● 1 ICANN policy staff representative

13   **Goals and Milestones for the PPSC**

14   • To be determined by the PPSC and approved by the Council

15   **Decision making for the PPSC**

16   • Unless otherwise determined by the PPSC members, committee decisions
17   will be made using a "full consensus" process.

18   **Initial PPSC Teams**

19   ● PDP Team
20   This team will be responsible for reviewing the existing PDP in the bylaws
21   and recommending changes to the bylaws to the community and council
22   based on an open community WG model for the deliberative process.

23   ● Working Group Team
24   This team will be responsible for making recommendations concerning,
25   processes and methods involved for the new WG model, including
26   suggestions for transition to the new model.

1 **Background on PPSC**

2 ● [Reference from BGC WG Report on WG](#)

3 ● [Reference from BGC WG Report on PDP](#)

4

5 *GNSO Operations Steering Committee (OSC)*

6 **Description of the OSC**

7 The OSC will be responsible for coordinating, recommending and reviewing
8 changes to certain operational activities of the GNSO and its constituencies with
9 a view to efficient outcomes. The BGC WG Report on GNSO Improvements
10 makes a number of recommendations in three operational areas, as follows:

11 1. GNSO Operations – developing any changes needed to the Council's
12 structure and role in response to the Board approved GNSO structure;

13 2. Stakeholder Group and Constituency Operations -- outreach efforts to
14 encourage broader participation in stakeholder groups by explaining the
15 added value of ICANN participation to such groups; and enhancing
16 constituencies per the BGC-WG Report;

17 3. Communications -- improving communication and coordination with other
18 ICANN structures, including members of the ICANN Board, other
19 Supporting Organizations (SOs) and Advisory Committees (ACs).

20 The immediate goal of the OSC is to develop recommendations to implement
21 operational changes contained in the BGC WG Report. Once recommendations
22 have been implemented, the OSC will be responsible for reviewing and
23 assessing the effectiveness of these new improvements and for recommending
24 further operational enhancements as warranted.

25 The OSC also will take on other responsibilities as assigned by the GNSO
26 Council. For example, the Council might have the OSC examine how
27 constituency support might be further enhanced in the future, identify when new
28 training curricula might be called for, or consider how to best align the GNSO
29 Council's work with ICANN's strategic plan on an ongoing basis.

30 **Working method for the OSC**

31 The OSC could be comprised of three separate teams to take on the work of
32 each of the three operational areas described above. The OSC will serve as the
33 coordinating body for these separate work teams. There are two reasons to

1 establish three teams: 1) recommendations span a significant list of topic areas,
2 and dividing the work into three teams may reduce the volume of work asked of
3 each individual participant; and 2) successful implementation of certain
4 recommendations may benefit from special expertise and experience. For
5 example, those who are active in constituency management will have valuable
6 expertise to help the team responsible for developing consistent and transparent
7 rules of constituency participation. Communications experts may have valuable
8 insights on the best collaborative tools to use in a distributed working
9 environment.

10 The OSC work activities could be allocated as follows:

11 ● GNSO Operations Team -- Develop a proposal for Council consideration
12 on GNSO operations-related recommendations. Recommendations
13 considered from the BGC WG Report might include:

14 • Determine what steps are needed to establish the role of the Council
15 as a "strategic manager of the policy process."

16 • Define and develop scope and responsibilities of any other standing
17 "committees" as recommended by the BGC WG (those suggested to
18 date: committee to analyze trends; committee to benchmark policy
19 implementation)

20 • Develop "Statement of Interest" and "Declaration of Interest" forms.

21 • Develop curriculum for training Council members, constituents,
22 facilitators and others.

23 • Prepare clear rules for the establishment of new constituencies within
24 stakeholder groups.

25 • Review and recommend amendments as appropriate regarding
26 methods for introducing new constituencies.

27 ● Constituency Operations Team -- Develop a proposal to implement
28 recommendations focused on enhancing constituency and stakeholder
29 group operations. Recommendations considered from the BGC WG
30 Report might include:

31 1. Develop a global outreach program to broaden participation in current
32 constituencies and to encourage the self-forming of new
33 constituencies.

34 2. Enhance existing constituencies -- develop a recommendation on the
35 following:

1   •   develop a set of top-level participation guidelines based on the
2   principles as defined in the GNSO recommendations

3   •   develop a "tool kit" of basic administrative, operational and
4   technical services available to all constituencies

5   ●   Communications Team -- Improve coordination with other ICANN
6   structures. Develop a proposal to improve communication and
7   coordination for Council consideration.

8   The OSC also may consider whether any of the activities called for in the
9   recommendations lend themselves to being addressed through the
10   establishment of a special team.

11 **Membership in the OSC**

12 Initially, the OSC will be comprised of the following members:

13   ●   GNSO council chair and/or vice chair

14   ●   1 representative from each constituency

15   ●   1 NomCom appointee

16 **Other Participants in the OSC**

17   ●   Liaison or an appointed representative from ALAC and the GAC

18   ●   GNSO secretariat

19   ●   1 ICANN policy staff representative

20 **Goals and Milestones for OSC**

21   • To be determined by the OSC and approved by the Council

22 **Decision making for the OSC**

23   • Unless otherwise determined by the OSC members, committee decisions
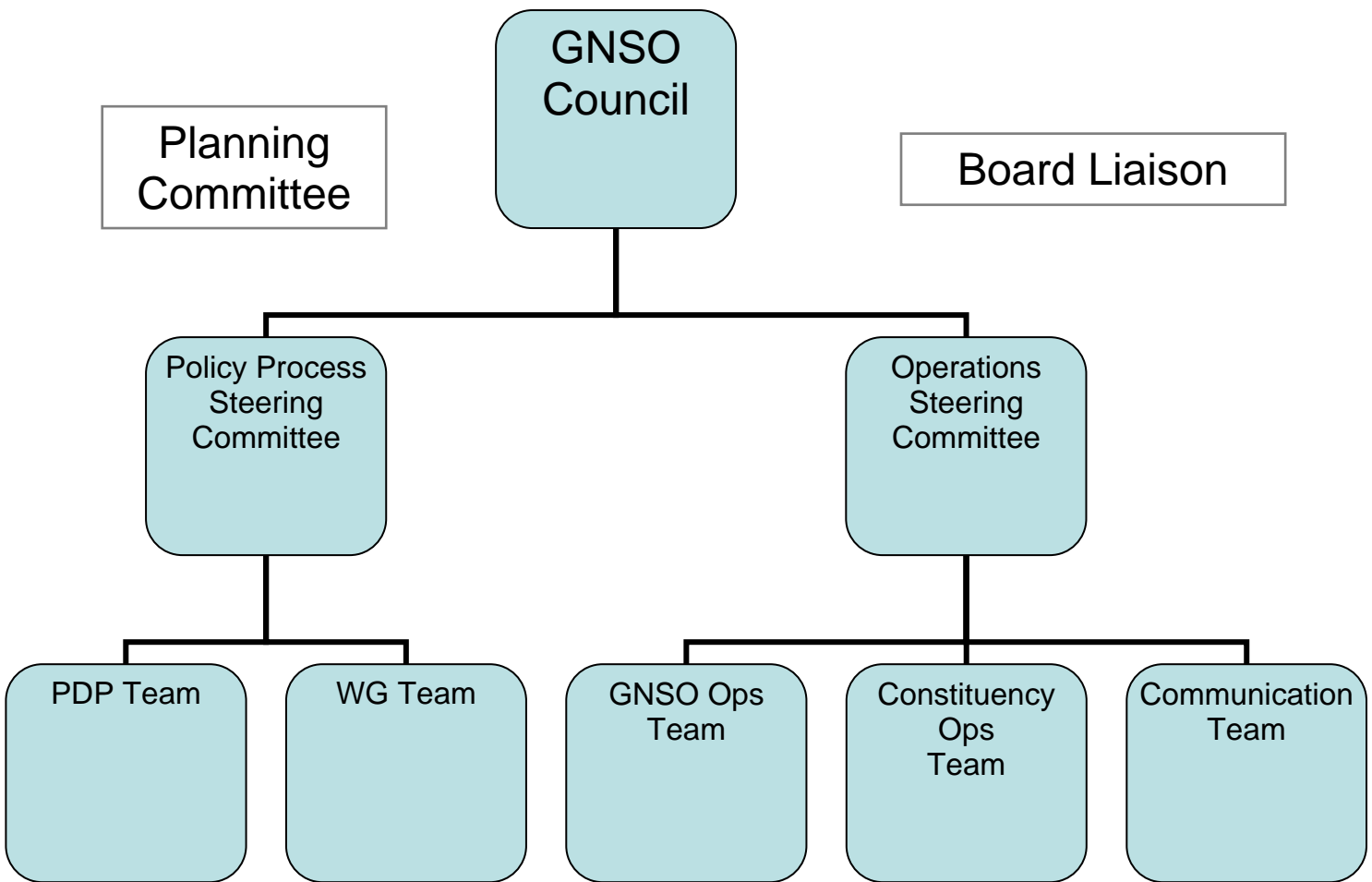24   will be made using a "full consensus" process.

25 **Initial OSC Teams**

26   ●   [GNSO Operations Team](#)
27   ●   [Constituency Operations Team](#)
28   ●   [Communications Team](#)

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1   **GNSO Improvements Draft Organization Chart**

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GNSO Improvements Project
Draft Organization Chart

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                           ┌──────────────┐
                           │    GNSO      │
                           │   Council    │
                           └──────┬───────┘
┌──────────────┐                  │              ┌──────────────┐
│   Planning   │                  │              │ Board Liaison│
│  Committee   │                  │              └──────────────┘
└──────────────┘                  │
          ┌───────────────────────┴───────────────────────┐
  ┌───────────────┐                              ┌───────────────┐
  │ Policy Process│                              │  Operations   │
  │   Steering    │                              │   Steering    │
  │  Committee    │                              │  Committee    │
  └───────┬───────┘                              └───────┬───────┘
     ┌────┴─────┐                        ┌───────────────┼───────────────┐
┌─────────┐ ┌─────────┐        ┌─────────┐      ┌─────────────┐  ┌─────────────┐
│ PDP Team│ │ WG Team │        │GNSO Ops │      │Constituency │  │Communication│
│         │ │         │        │  Team   │      │  Ops Team   │  │    Team     │
└─────────┘ └─────────┘        └─────────┘      └─────────────┘  └─────────────┘
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1 Glossary

2 **BGC WG:** ICANN Board Governance Committee Working group on GNSO
3 Improvements[2]

4 **Constituency[3]:** Constituencies representing particular groups of community
5 stakeholders are the organizational units that comprise the GNSO Stakeholder
6 Groups. In the ICANN Structure, constituencies are certified by the Board of
7 Directors and specifically named in the organizational Bylaws. They are
8 expected to represent the global interests of the communities they purport to
9 represent and operate, to the maximum extent feasible, in an open and
10 transparent manner consistent with policies and procedures designed to ensure
11 fairness.
12

13 **Drafting Team:** A small ad-hoc group created by the council for the purpose of
14 developing a proposed document for discussion. The types of documents can
15 include a PDP charter, a motion in response to a PDP deliberative process, a
16 letter addressed to another organization, a request or report to the Board or an
17 ICANN senior staff member, or a standard council motion. Drafting teams should
18 include at least two council members as well as other members of the
19 community. The council members on the drafting team will be responsible for
20 maintaining liaison with the council. In most cases, the output of the Drafting
21 Team serves as a recommendation to the council and a starting place for
22 discussions and does not constitute an official position of the council.

23 **PDP:** Procedures for the Policy Development Process as defined in Bylaws
24 Article X Section 6. These are the procedures in effect until the PDPbis has been
25 adopted by the GNSO council and approved by the ICANN Board of Directors.
26
27 **PDPbis:** Policy Development Process as defined in response the BGC WG

28 **Planning Team:** Group formed to initiate the process for making the changes
29 recommend by BGC WG

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[2] **"Improvements":** A reference to the changes to be made in the GNSO in response to the
BGC WG recommendations. The word "Improvements" is in quotes to remind those involved in
the process that whether the changes constitute an actual improvement is something that
remains to be seen and will only be capable of assessment several years after the transition.

[3] This is a working definition that may be modified as appropriate

1
2 **Stakeholder Group:** A GNSO organizational entity specifically defined by the
3 BGC-WG recommendations approved by the ICANN Board of Directors. At
4 present there are four GNSO Stakeholder Groups specifically recognized by the
5 Board: Commercial, Non-Commercial, Registrar and Registry. Stakeholder
6 groups provide the overarching structure for the GNSO Council. They are made
7 up of individual ICANN constituency groups that are themselves specifically
8 certified by the ICANN Board.
9
10 **Stakeholders[4]:** Although the term has been used in many different ways
11 throughout ICANN's history, stakeholders are entities with common interests and,
12 when organized with the ICANN community, are the fundamental units
13 comprising constituencies.
14

15 **Steering Committee (SC):** A long term, small, group formed to develop process
16 and working method recommendations for the approval of the GNSO council.
17 Steering Committees are generally responsibility for forming and coordinating SC
18 Teams for specific topics.

19 **Task Force:** A group of the GNSO council that is defined in the current PDP
20 process.

21 **Transition:** The process of transforming the GNSO and the GNSO council
22 based on the BCG WG recommendations.

23 **Team:** A group of individuals tasked by a Steering Committee with developing
24 specific proposals. The work of Teams will be coordinated by the Steering
25 Committees and their output will be brought back to the Steering Committee.

26 **Working Group (WG):** An ICANN community based group as used in the BGC
27 WG formed in response to a Policy Development Process charter developed and
28 approved by the GNSO council.

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[4] This is a working definition that may be modified as appropriate