# GNSO Improvements – Top Level Plan

## 22 May 2008

### Prepared by the GNSO Improvements Planning Team

## STATUS OF THIS DOCUMENT

This is the first DRAFT version of the GNSO Improvements Top Level Plan. It is being circulated to the GNSO Council and to the community for discussion and further development.

## SUMMARY

The following pages contain some initial documentation on methods that can be followed in beginning the work required to transition from the current GNSO organization to the type of organization ultimately recommended by the ICANN Board. Before these methods can be put into practice, the plan needs to be reviewed by the GNSO and the ICANN community at large and approved by the GNSO council and endorsed by the ICANN Board.

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# GNSO "Improvements" process documentation

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

The material in this document, which is a subset of the information that can be found on the GNSO wiki at https://st.icann.org/gnso_transition/ , describes the creation of two committees that would be responsible for making sure that the substantive work of implementing the recommendations is done. The wiki also contains other information which is offered as starting material for discussion by these committees, but which is not part of the material being reviewed or submitted for approval in this process.

The plan for the process is for this document to be discussed in the GNSO as well as distributed for an open comment period. After the comment period, the planning team will consider any changes required by the comments received and will submit an updated version to the GNSO council for deliberation and vote. Public comments may be submitted to policy@icann.org.

The goal, assuming the plan is approved by the Council and endorsed by the Board, is to initiate the actual work of the committees described in this proposal at the end of the Paris meeting in June 2008.

This proposal contains the following elements:

- An Overview of the GNSO Improvements Process

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

    1) GNSO Process Standing Committee - A revised PDP process as well as guidelines for working groups

    2) Operations Standing Committee - A set of operational recommendations for the GNSO going forward.

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

## *Background*

Board Motion that initiated this work:

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1    *Resolved (2008.02.15.03), the ICANN Board directs staff to open a public*
2    *comment forum for 30 days on the GNSO Improvements Report, draft a*
3    *detailed implementation plan in consultation with the GNSO, begin*
4    *implementation of the non-contentious recommendations, and return to*
5    *the Board and community for further consideration of the implementation*
6    *plan.*

7   ● [Report of the Board Governance Committee GNSO Review Working](#)
8     [Group On GNSO Improvements](#)
9   ● [Public Comments](#)
10  ● [Other Background Information](#)

11 **Planning Team Members**

12 The members of the planning team involved in preparing this information are:


13 <u>GNSO</u>

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

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

16 • Olga Cavalli (NomCom Appointee)

17 • Philip Sheppard (Business Constituency)

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

19 • Ute Decker (Intellectual Property Constituency)

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

21 • No current appointee (Registrar Constituency)


22 <u>Liaisons</u>

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


24 <u>Policy Staff</u>

25 • Denise Michel

26 • Liz Gasster

27 • Robert Hoggarth

28 • Penelope Wrenn

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1 <u>GNSO Secretariat</u>

2 • Glen De Saint Géry

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# The Planning Process

## The Planning Team

6 The Planning team has the following roles:

7   1. To propose a work structure for implementing the non-contentious
8      operational changes recommended by the Board Governance Committee
9      Working Group on GNSO Improvements (BGC WG).  This structure will
10      also be used to implement all recommendations as appropriate once the
11      full plan has been adopted by the Board.

12   2. To monitor and report on the progress of the transition once the report has
13      been approved by the ICANN Board and the initial plan has been
14      approved by the GNSO council. That is, once the initial process has been
15      defined by the planning committee, reviewed by the constituencies and
16      the community and approved by the GNSO council, the structures defined
17      in that plan will become functional and will be used as the basis for
18      recommending further activities. At this point the planning committee will,
19      however continue to monitor and will continue to create monthly updates
20      in advance of Board meetings to the GNSO Council and to the ICANN
21      Board.  This group will not be assessing policy-related deliverables or
22      outcomes, those deliverables will be forwarded directly to the Council for
23      consideration.

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

## Standing Committees (SC)

27 From the BGC WG Report:

28      *The Board has found it useful to establish several committees to focus*
29      *specific attention on some of its many ongoing responsibilities, such as*
30      *the Committee on Meetings and the Committee on Conflicts of Interest.*
31      *The Council may wish to follow this pattern by establishing committees of*
32      *4-5 members to guide work in a certain area where focused attention and*
33      *follow-up are required. The subject just mentioned – benchmarking and*

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1    *trends analysis – might be a candidate for such an approach. Staff and*
2    *the Council are encouraged to consider other areas where the*
3    *establishment of smaller committees might be useful. Another area that*
4    *might be appropriate for management by committee (along with legal and*
5    *policy staff support) is consideration of conflicts-of-interest issues as they*
6    *arise.*

8 The planning team is recommending that the initial process include the use of
9 two standing committees with a focused role whose charters are subject to
10 review at the end of each year. It is essential that the Standing Committees are
11 focused on GNSO or GNSO council processes and practices and not on gTLD
12 policies which will be the province of Working Groups.

13 The two Standing Committees proposed by the planning committee are:

14    • **GNSO Process Standing Committee**: oversees overall efforts to
15       enhance the policy development process including serving as the
16       coordinating body for separate teams tasked with developing a proposal
17       for a new working group model and a new policy development process.
18       These teams will be responsible for making recommendations concerning
19       processes and methods involved in the transition to a GNSO Working
20       Group (WG) model. This SC will also consider the revision of the Policy
21       Development Process (PDP) which is closely tied to the transition to a WG
22       model.

23    • **Operations Standing Committee**: oversee efforts focused on
24       recommendations concerning GNSO structure, constituency
25       enhancements, and communications. This committee could also task
26       special focus groups to develop proposals to implement recommendations
27       related to these areas and would operate in an inclusive and transparent
28       manner. Membership in the SC and in the work teams would be drawn
29       from both existing and emerging constituencies.

30 ***Adopting, modifying or terminating a Standing Committee***

31 It will be the responsibility of the GNSO council to adopt the charter that initiates
32 the work of a Standing Committee. This will be done by a motion for approval of
33 a charter which is duly seconded and which receives a supermajority vote of
34 council members present. The council will also be responsible for approving the
35 membership in a Standing Committee and for any changes that are made to the
36 work items or milestones. All such work plan or membership decisions will be
37 done by a motion within the council that is duly seconded and which receives a

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1 majority vote of the council members present. A Standing Committee may be
2 terminated by a supermajority vote of the council.

### Membership in Standing Committees

4 It will be the responsibility of the GNSO council to approve membership of any
5 standing committee. Depending on the definition and role of a particular
6 committee, suggestions for membership may come from diverse sources, i.e.,
7 the GNSO council, the stakeholder groups, the constituencies, other Supporting
8 Organizations or the Advisory Committees, the committees themselves, the
9 teams formed by the standing committee, the Board and on occasion the staff.

### How many in a Standing Committee

11 While the Board recommends that a standing committee be composed of 2-4
12 council members, it remains to be seen whether this is a workable formula for the
13 GNSO. Certainly in the transition period and perhaps beyond, the constituency
14 structure usually dictates that there be place for at least 6 members and more if
15 the NomCom appointees and liaisons are to be included. During the transition
16 period an attempt will be made to keep the standing committees small, with 12
17 members or fewer.

### Who can be in a Standing Committee

19 The Board recommendation seems to indicate that membership in a standing
20 committee should be limited to GNSO council members. It has been recent
21 council practice to allow for other constituency members to substitute for council
22 members in task forces and in committees of the whole. In the transition period,
23 membership in the committee, while primarily composed of council members will
24 allow for substitution from the existing and emerging constituencies or the
25 liaison's SO or AC.

### Standing Committee working teams

27 At the discretion of a majority of the members of a Standing committee, a
28 Standing Committee can create working teams to focus on specific tasks that are
29 part of the chartered work plan of the Standing Committee. Any such teams
30 should have a specific charter and should report their results to the Standing
31 Committee. It would be the job of the Standing Committee to coordinate the work
32 of any such teams and to present the GNSO council with well formed proposals
33 that take into account the work of any of the relevant teams. Standing
34 Committees will have to balance between the necessity of bringing enough

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people to the table to do the work without straining a few volunteers and the scalability and complexity of the team structure they create.

### Transparency for Standing Committee and their teams

All work done in a Standing Committee or in one of its teams must be made public. For this purpose, publicly viewable wikis, mailing lists with public archives and meeting minutes must be available. All formal meetings must be either recorded or transcripted, with the recording or transcript made public within a reasonable time frame.
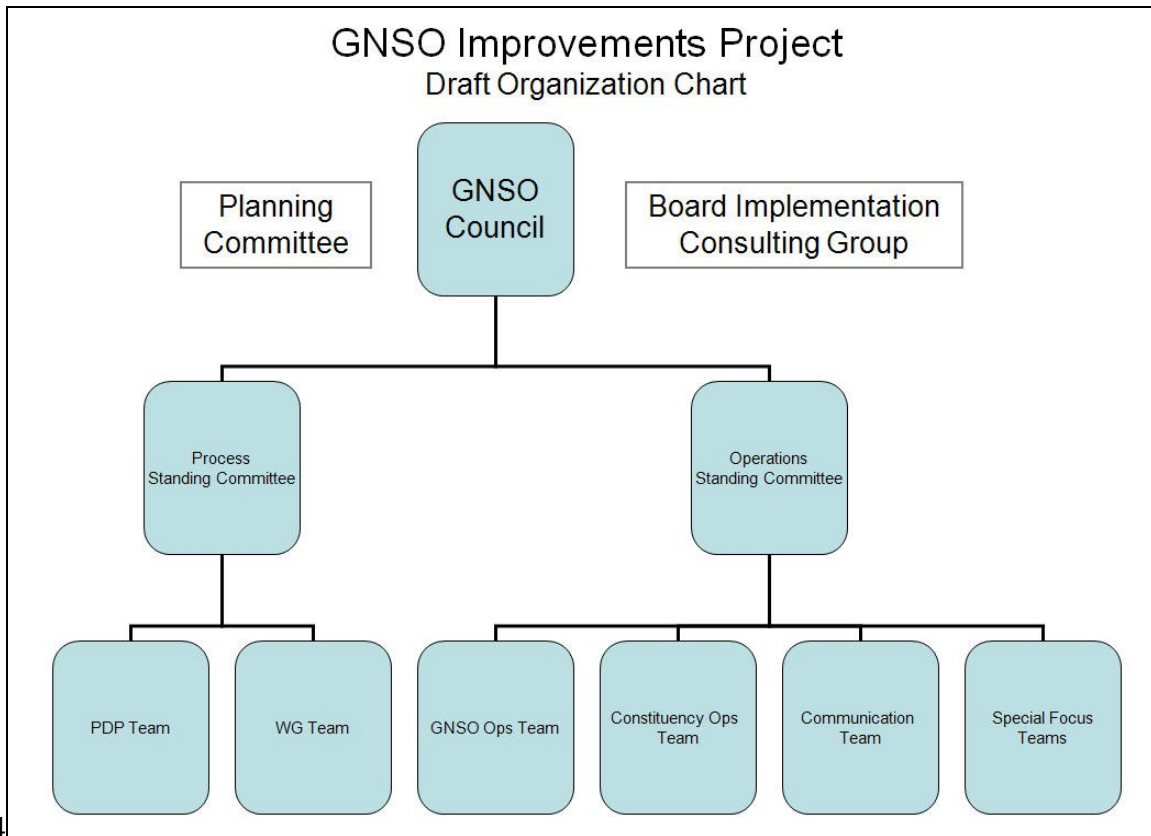
### Start Date for Standing Committees

The initial Standing Committees should be formed no later than 27 June 2008.

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# 1 Draft organizational chart for GNSO improvements
2    project:

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# Proposed Standing Committee Charters

## *GNSO Process Standing Committee*

### Description of GNSO Process Standing Committee

The GNSO Process Standing Committee will be responsible for recommending and reviewing any processes used within the GNSO and its council for developing policy recommendations. Recommendations are made in the BGC WG report for substantial changes to the processes used by the GNSO council for developing policy. The immediate goal of this Standing Committee is to initiate the process for developing recommendations for all process changes needed to meet the requirements of the BGC WG report. Once the first set of changes has been implemented, the GNSO Process Standing Committee will be responsible for reviewing the functioning of the new processes and for recommending any further changes, should they be required. One example of such continuing work would involve the review of the post delivery reports of working groups that has been suggested in the BGC WG report.

The GNSO Process Standing committee would also take on new tasks related to processes within the GNSO. Another set of tasks, for example, might involve setting up formal procedures, guidelines and mechanisms to be used within the GNSO for policy initiation and policy deliberation. Future work could also include establishing guidelines for the practice of drafting teams as used in the GNSO council and other ad-hoc mechanisms that are used by the council from time to time. Another area that may involve future work items for this committee includes establishing guidelines for the interactions between the ICANN volunteers of the GNSO and its council and the ICANN policy staff.

This standing committee will also be responsible for recommending any changes in the structure of standing committees to the full council.

Two initial work items are clearly delineated in the BGC WG Report:

- Establishing new rules for the Policy Development Process (PDP) that are based on an open community Working Group model for the deliberative process

- Establishing procedures and guidelines for the functioning of the policy Working Groups.

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## Working method for GNSO Process Standing Committee

One possible working method for the committee would be to initially create two separate teams, one tasked with developing a proposal for a new working group model (WG Team) and the other a new policy development process (PDP Team). In this case the Process Standing Committee would serve as the coordinating body for these separate teams.

This committee would be responsible for combining the results into a proposal. The proposal would need to include the guidelines for the working groups and the suggested bylaws changes for the PDP process.

One reason for exploring the establishment of two teams is that while the work needs to be coordinated, the detailed work of a PDP that is acceptable for the legal purposes of modifying the contractual conditions within the picket fence allowance of contracts is inherently different from the group dynamics oriented work required for establishing workable community based working groups.

## Membership in the GNSO Process Standing Committee

- GNSO council chair and/or vice chair

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

1 NomCom appointee[1]

Other Participants in the GNSO Process Standing Committee

- Liaison or an appointed representative from each designated group

- GNSO secretariat

- 1 ICANN policy staff representative

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[1]   The current practice is to allow as many NomCom appointees to participate in the various committees as wish to. As they do not belong to any particular constituency, this has appeared a reasonable solution. However, on those occasions where membership in a committee or other working entity is restricted to just one constituency member, it may be reasonable to ask the NomCom appointees to select one of their number to serve. In such a case, that serving NomCom appointee would have a responsibility of informing the other NomCom appointee of the activities of the committee and for bringing in any other viewpoints that the other NomCom appointees would express. It would not, however, be incumbent on the chosen appointee to actually represent or vote as instructed by the remaining NomCom appointees.

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## **Goals and Milestones for the GNSO Process Standing Committee**

- To be determined by the standing committee and approved by the Council

## **Process Standing Committee Teams**

*Note: The following is some initial work that has been done to flesh out some of the ideas. It will be the task of the committee once it is established and possibly the teams it creates to review these ideas for relevance and validity. These descriptions should be seen as placeholders that may be useful for starting conversations and suggestions for possible processes and a template that can be used for defining the SC Teams.*

- PDP Team
  This team would be responsible for reviewing the existing PDP in the bylaws and recommending changes to the bylaws to the community and council.

- Working Group Team
  This team would be responsible for making recommendations concerning, processes and methods involved for the new GNSO Working Group (WG) model, including suggestions for transition to the new model.

## **Background on GNSO Process Standing Committee**

- Reference from BGC WG Report on WG

- Reference from BGC WG Report on PDP

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## *GNSO Operations Standing Committee*

### Description of GNSO Operations Standing Committee

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

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

2. Constituency Operations -- enhancing constituencies by making processes more outcome oriented, transparent, accountable and accessible; and by redoubling outreach efforts to encourage broader participation in current constituencies and the self-forming of new constituencies; and

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

The immediate goal of this Standing Committee is to develop recommendations to implement the "non-contentious" operational changes recommended in the Report. Once recommendations have been implemented, the GNSO Operations Standing Committee will be responsible for reviewing and assessing the effectiveness of these new improvements and for recommending further operational enhancements as warranted. The Operations Standing Committee may also consider taking on other operations-related matters on a standing, or ongoing basis. For example, the Operations Standing Committee might examine how constituency support might be further enhanced in the future, or identify when new training curricula might be called for, or consider how to best align the GNSO Council's work with ICANN's strategic plan on an ongoing basis.

The BGC WG Report currently contains a recommendation to restructure constituency representation on the Council. We understand that alternative restructuring proposals will be considered before this recommendation is finalized by the Board, and provide a place-holder here noting that the Operations Standing Committee would have responsibility for implementing whatever structuring plan that is ultimately approved by the Board.

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## 1 Working method for GNSO Operations Standing Committee

2 One possible working method for the committee would be to initially create three
3 separate teams to take on the work of each of the three operational areas
4 described above. In this case the Operations Standing Committee would serve
5 as the coordinating body for these separate work teams. There are two reasons
6 to consider establishing three teams: 1) recommendations span a significant list
7 of topic areas, and dividing the work into three teams may reduce the volume of
8 work asked of each individual participant; 2) successful implementation of certain
9 recommendations may benefit from special expertise and experience. For
10 example, those who are active in constituency management will have valuable
11 expertise to help the team responsible for developing consistent and transparent
12 rules of constituency participation. Communications experts may have valuable
13 insights on the best collaborative tools to use in a distributed working
14 environment. If the Operations Standing Committee does opt to establish these
15 three teams, one possible way to allocate the work activities might be as follows:

16 • Team #1 – (if required) GNSO Operations -- Develop a proposal for
17 Council consideration on GNSO operations-related recommendations.
18 Recommendations considered from the BGC WG Report might include:

19 • Determine what steps are needed to implement a new Council and
20 constituency structure, including identifying any needed changes to
21 bylaws &/or ops procedures (note that this is a placeholder only at this
22 time, for future activity once Board direction is provided).

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

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

29 • Prepare suggested changes to bylaws regarding Council's term limits.

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

31 • Develop curriculum for training Council members, also constituents,
32 facilitators and others.

33 • Stakeholder group operations -- The restructuring plan suggests the
34 need to establish clear rules for the establishment of stakeholder
35 groups, which would be taken on following further decision-making on
36 GNSO Council structure

37 • Team #2 Enhance Constituencies -- Develop a proposal to implement

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1     recommendations focused on enhancing constituency operations.
2     Recommendations considered from the BGC WG Report might include:

3       1. Developing a global outreach program to broaden participation in
4          current constituencies and to encourage the self-forming of new
5          constituencies.

6       2. Enhance existing constituencies -- develop a recommendation on the
7          following:

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

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

12       3. Methods for introducing new constituencies.

13     ● Team #3 Improve coordination with other ICANN structures -- Develop a
14       proposal to improve communication and coordination for Council
15       consideration.

16 In addition, the structure proposed by the planning committee also
17 contemplates the possibility that a standing committee might opt to create one
18 or more special focus teams. The Operations Standing Committee may also
19 want to consider whether any of the activities called for in the
20 recommendations lend themselves to being addressed through the
21 establishment of a special team.

22 **Membership in the GNSO Operations Standing Committee**

23     ● GNSO council chair and/or vice chair

24     ● 1 representative from each constituency

25     ● 1 NomCom appointee[2]

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59 [2] The current practice is to allow as many NomCom appointees to participate in the various committees as
60 wish to. As they do not belong to any particular constituency, this has appeared a reasonable solution.
61 However, on those occasions where membership in a committee or other working entity is restricted to
62 just one constituency member, it may be reasonable to ask the NomCom appointees to select one of their
63 number to serve. In such a case, that serving NomCom appointee would have a responsibility of informing
64 the other NomCom appointee of the activities of the committee and for bringing in any other viewpoints
65 that the other NomCom appointees would express. It would not, however, be incumbent on the chosen
66 appointee to actually represent or vote as instructed by the remaining NomCom appointees.

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## 1 Other Participants in the GNSO Operations Standing Committee

2  ● 1 representative from any constituencies formally involved in the process
3     of formation (once the process for forming a new constituency has been
4     established)

5  ● Liaison or an appointed representative from each designated group (as
6     appropriate)

7  ● GNSO secretariat

8  ● 1 ICANN policy staff representative

## 9 Goals and Milestones for GNSO Operations Standing Committee

10  • To be determined by the standing committee and approved by the Council

## 11 Operations Standing Committee Teams

12  *Note: The following is some initial work that has been done to flesh out*
13  *some of the ideas. It will be the task of the committee once it is*
14  *established and possibly the teams it creates to review these ideas for*
15  *relevance and validity. These descriptions should be seen as placeholders*
16  *that may be useful for starting conversations and suggestions for possible*
17  *processes and a template that can be used for defining the SC Teams.*

18  ● [GNSO Operations Team](#)
19  ● [Constituency Operations Team](#)
20  ● [Communications Team](#)
21  ● [Special Focus Teams](#)
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# Glossary

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

**Drafting Team:** A small ad-hoc group created by the council for the purpose of
developing a proposed document for discussion. The types of document can
include i.a., a PDP charter, a motion in response to a PDP deliberative process, a
letter addressed to another organization, a request or report to the Board or an
ICANN senior staff member, a standard council motion. Drafting teams should
include at least 2 council members as well as other members of the community.
The council members of the drafting team will be responsible for maintaining
liaison with the council. In most cases, the output of the Drafting Team serves as
a recommendation to the council and a starting place for a discussions and does
not constitute an official position of the council.

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

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

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

**Task Force:** A group of the GNSO council that is defined in the current PDP
process.
**Transition:** the process of transforming the GNSO and the GNSO council based
on the BCG WG recommendations.

**Team:** Group of individuals tasked by a Standing Committee with developing
specific proposals. The work of Teams will be coordinated by the Standing
Committees and their output will be brought back to the Standing Committee.

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75 [3] **"Improvements":** A reference to the changes to be made in the GNSO in response to the BGC
76  WG recommendations. The word Improvements is in quotes to remind those involved in the
77  process that whether the changes constitute an actual improvement is something that remains
78  to be seen and will only be available to assessment several years after the transition.

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