GNSO POLICY DEVELOPMENT PROCESS
Opportunities for Streamlining & Improvements

Introduction: Following an initial [presentation](#) and [discussion](#) at the ICANN Meeting in Durban, this paper expands a number of ideas presented that were presented there as possible opportunities to streamline and improve the existing Policy Development Process (PDP).

Background: The Durban presentation highlighted that there are three main misconceptions why the existing PDP is perceived by some as 'broken':

- The PDP is considered slow – On average it takes approximately 2-3 years to complete a PDP, from a request for an Issue Report to a Board vote[1], but compared to the IETF (approx. 1000 days) or the ccNSO PDP (+6 years and going), it does not appear that slow. Also, a multi-stakeholder process is more like a marathon than a sprint as discussions go through various cycles and involve many participants before consensus is usually achieved.

- It is difficult to achieve consensus – Although this is definitely the case for some topics like Whois, this view seems mainly to have been fueled by a recent complicated PDP that failed to achieve consensus and was stopped half-way through (Vertical Integration). In reality 8 out of 9 recent PDPs have resulted in consensus recommendations.

- It is difficult to participate – Some have noted that it may not be easy to participate in a GNSO PDP, but GNSO WGs are open to anyone interested to participate. Furthermore, the process includes at least 3 public comment forums before the Board considers a GNSO recommendation. Also, all ICANN Supporting Organizations and Advisory Committees (SO/ACs) are invited/requested to provide input early on in the process.

Nevertheless, staff experience with recent PDPs that have run under the revised PDP rules which were adopted in December 2012 by the ICANN Board as well as a closer review of the timelines for recent PDPs (see http://gnso.icann.org/basics/pdp-timeline-20aug13-en.pdf), demonstrate that there may be a number of areas where improvements and streamlining of the existing process can be achieved.

Possible Improvements:

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[1] See overview of recent PDP timelines at http://gnso.icann.org/basics/pdp-timeline-20aug13-en.pdf

1. **Include proposed charter as part of the Issue Report**

Currently the practice is that the PDP WG Charter is prepared by a drafting team (DT) that is convened following the initiation of the PDP by the GNSO Council. A review of recent PDPs that have used this approach reveals that the drafting effort increases the PDP timeline by approximately 150 – 250 days as charter development involves a specific and additional call for DT volunteers, weekly calls and sometimes lengthy discussions. A possible alternative could be for the Council, in cases it considers appropriate, to request staff to include a proposed draft charter for the PDP WG as part of the Preliminary Issue Report, so that this proposed charter can also be considered during the public comment forum (including expressing views as to whether a DT should be formed to review, redo or modify the proposed charter). This would allow the GNSO Council to approve the charter for the PDP Working Group at the same time as the initiation of the PDP should it believe it appropriate to do so in that particular case, which could be done through two separate motions. At the same time, nothing would prevent the GNSO Council from discarding or voting down the proposed charter and forming a DT to develop the charter subsequently.

Proposed implementation: The GNSO PDP Manual foresees that 'Upon initiation of the PDP, a group formed at the direction of Council should be convened to draft the charter for the PDP Team'. Applying the suggested approach would not contravene the GNSO PDP Manual. As a result, should there be support from the GNSO Council to try out this approach, it may be instructive to do it for the next PDP as a "trial run", and if over time the Council believes that this approach is helpful, it could be formalized in the GNSO PDP Manual as one of the other alternatives that could be explored for the development of a PDP WG Charter.

2. **Intensity of PDP WG meetings**

Currently a PDP WG's deliberations consist of a series of weekly 1-hour meetings (a total of approx. 40 -50) that are typically spread out over the course of 1 – 2 years[2]. The question is whether this timeframe could be shortened by putting some of those hours together. This

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[2] This spread is also the result of pauses for public comment forums, ICANN meetings as well as holiday periods.

could be done in a couple of ways, none of which would contradict the current WG Guidelines or PDP Manual. For example, a WG could decide that once a month it would conduct a meeting of 2-4 hours, or weekly meetings could be increased to 2 hours. Alternatively, additional face-to-face time could be made available during ICANN Public Meetings or additional funding could be sought for organizing separate F2F WG meetings in exceptional cases for those efforts that are deemed critical and time-sensitive. Obviously such an approach would largely depend on the resources available as well as the availability and commitment of volunteers to spend more compressed/focused time on ICANN activities.

Proposed Implementation: A further breakdown could be made per PDP on how many meeting hours it approximately takes for a PDP WG to deliver its Final Report. Based on this information and specific guidance from the GNSO Council on when it expects a PDP WG to deliver its Final Report, the PDP WG could develop its work plan and determine whether any of the above measures should be explored. Furthermore, the GNSO Council could consider requesting under the SO/AC Additional Budget Requests additional funding to be used for PDPs for which it is determined that a F2F meeting outside of ICANN meetings would be essential to the success of that PDP.

3. Increased pool of PDP WG volunteers

The phrase 'Many hands make light work' also applies to PDP efforts. As also highlighted in Durban and elsewhere (see for example http://mm.icann.org/pipermail/atrt2/2013/date.html - PDP Discussion with ATRT2[3], various messages), a core group of volunteers does most of the heavy lifting on most PDP WGs. If a larger pool of volunteers was available, it could mean that measures as proposed under item 2 would be easier to implement as well as spreading work out over more volunteers which may make progress easier[4].

Proposed Implementation: In addition to many other efforts ongoing elsewhere within ICANN that are currently looking at engagement, training and outreach, the GNSO Council

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[3] Note that the ATRT2 has engaged an independent expert to assess the effectiveness of ICANN GNSO PDP – see https://community.icann.org/x/JVF-Ag for further details.

[4] Noting that increasing the total number of volunteers for each WG is not necessarily the goal as larger groups may bring other challenges with them that could hamper progress.

may want to consider whether there are any other measures it could undertake to facilitate the incorporation and recruitment of new volunteers. Also, individual invitations to each SG/Constituency Chair & Executive Committee could be sent inviting them to recruit for the particular PDP WG and asking them to make sure the SG/C is kept up to date with the progress of the group.

4. Require WG representative / participant from each SG/C and possible liaison from SO/ACs

In order to ensure that all GNSO Stakeholder Groups and Constituencies (SG/C) are involved and aware of PDP discussions, the GNSO Council could consider requiring that every SG/C designates a representative (possibly primary and alternate) to the PDP WG who is responsible for ensuring that information flows back and forth between the respective SG/C and GNSO PDP WG. This would ensure that more timely input is achieved and that potential obstacles or other issues could be identified more quickly. Some SG/Cs already use such an approach, which has been proven very useful in identifying issues as well as SG/C positions at an early stage in the process. A similar approach could be considered by inviting/requesting the other ICANN SOs/ACs to each designate an observer to each PDP WG (such an observer could just be a silent participant by being subscribed to the WG mailing list).

Proposed Implementation: Currently the GNSO WG Guidelines don't mandate any 'required participation' but note that 'a Working Group should mirror the diversity and representativeness of the community by having representatives from most, if not all, GNSO Stakeholder Groups and/or Constituencies'. Should the GNSO Council want to build in a firm requirement for representation from each SG/C this could be written into the GNSO WG Guidelines. Alternatively this could also be done in the form of a commitment by all SG/Cs – perhaps solicited from the respective SG/C leaders at the time the Council votes to initiate the PDP - to do their best to provide at a minimum one representative for each PDP effort.

5. Improved online tools & training

This item is closely linked with item 3 and has also been observed by many to be a crucial part of training and motivating volunteers serving on PDP WGs which at the end of the day

will facilitate PDP WG discussions and activities. Also, the reason that some consider it difficult to participate in GNSO PDP WGs may result from a lack of familiarity by community members with the options for participation, GNSO processes, and what's expected of them as WG volunteers. The barrier to entry and participation may not be the result of a lack of participation options but more one of awareness of what those options and processes are.

Proposed Implementation: Several activities are being rolled out in this area over the next couple of months. The GNSO Council may want to review how those activities relate to PDP WG efforts and provide input on how such activities may be further improved / modified in order to contribute to the success of the PDP.

6. PDP WG Rapporteur

Currently PDP WG Reports are drafted at the end of the WG deliberations in an effort to capture the conversations of the WG and how those conversations led to the recommendations included in the report. An alternative way of developing Reports could be to appoint a rapporteur, who could either be a WG member, GNSO Council liaison, ICANN staff, or a WG member with the support of ICANN staff, who would be tasked very early on in the process to consult with the different WG members as well as the SG/Cs, either individually and/or as a group and on that basis develop a first skeleton report, including possible straw man recommendations which then can be used by the WG as a basis from which to develop its Initial or Final Report. Such an approach is typically used in administrative structures such as the European Parliament, and could result in time gains, although care should be taken that the rapporteur performs such a function neutrally and ensures that the viewpoints of the different groups are respected and incorporated.

Proposed implementation: The GNSO PDP Manual does not prescribe how PDP WGs should conduct their work, so there would be flexibility to try out such an approach should a PDP WG determine that it would be beneficial to its efforts. Alternatively, the GNSO Council could encourage PDP WGs to consider this approach, if it is of the view that this could facilitate the PDP WG deliberations. If over time the Council believes that this approach is helpful, it could be formalized in the GNSO PDP Manual as one of the alternatives a PDP WG could explore in developing its Initial / Final Report.

7. Professional moderation / facilitation & involvement of experts

For those topics that are determined to be controversial or where it is known from the outset that it may be difficult to achieve consensus, the use of professional moderators or facilitators may be beneficial. Furthermore, in certain cases external experts may be able to provide insights that are essential for the WG to complete its works. Such involvement of professional moderators / facilitators / experts would have a financial impact, so careful consideration would need to be given to when / how this approach is to be used.

Proposed Implementation: The GNSO Council could consider making a request under the SO/AC Additional Budget Requests for additional funding that could be used if the Council determined that the involvement of a professional facilitator, moderator or expert would be essential to the success of that PDP.

8. Organize workshops / discussions at the outset

The GNSO PDP Manual notes that 'The GNSO is encouraged to consider scheduling workshops on substantive issues prior to the initiation of a PDP. Such workshops could, amongst others; facilitate community understanding of the issue; assist in scoping and defining the issue; gather support for the request of an Issue Report, and/or; serve as a means to gather additional data and/or information before a request is submitted. Where appropriate, the GNSO Council should consider requiring such a workshop during the planning and initiation phase for a specific issue'. However, in practice this option has hardly been used. Further consideration should be given to how discussions ahead of the request of an Issue Report and/or initiation of a PDP could facilitate the scoping and next steps in the PDP process, possibly linked to F2F opportunities such as during ICANN meetings. Such meetings could also take place in the form of a webinar and could also assist in attracting new volunteers to participate in the eventual WG as interest may be garnered at an early stage through such meetings. Additionally, online discussions on the GNSO web-site or wiki could be explored.

Proposed Implementation: The GNSO Council could further consider how it wishes to use this flexibility in the GNSO PDP Manual to encourage additional dialogue amongst the GNSO community and further understanding of the issues involved at the outset of a PDP.

9. Better data & metrics

As already recognized in the Uniformity of Reporting Final Issue Report (see http://gnso.icann.org/en/issues/uofr-final-31mar13-en.pdf), better access to data and development of metrics could significantly improve the PDP as well as the review of implemented policies. The Metrics and Reporting effort that has recently kicked off is expected to provide useful insights into this area.

Proposed Implementation: The GNSO Council could closely track the efforts of the Metrics & Reporting initiative to ensure that its outcomes enhance the efficiency and effectiveness of the PDP.

10. Develop fast-track process for GNSO Policy "Advice" or "Guidance"

Currently the PDP is the only formal mechanism the GNSO Council has to develop policy. This item is being further explored by the GNSO Policy & Implementation Working Group with the objective being to develop a process that could be used by the GNSO to issue GNSO Policy Advice or Guidance for those situations that do not require "Consensus Policies".

Proposed Implementation: The GNSO Council will need to monitor the efforts of the GNSO Policy & Implementation Working Group closely.

Proposed Next Steps: Following the review of the GNSO Council of these suggestions, further revisions could be made to this paper and/or implementation of those measures that receive the support of the GNSO Council could move forward.