18 March 2008

TO: ICANN Board of Directors

FROM: Avri Doria, Chair, GNSO Council
                 Denise Michel, ICANN VP Policy Development

This letter is intended to ensure that the GNSO and Staff properly understand the intent of the Board with regard to the GNSO Improvements Project, and to make you aware of the progress that is being made to move forward with the implementation of the improvements recommended in the "GNSO Improvements Report" that is pending with the Board.

At its meeting in New Delhi, the Board directed the Staff to (1) open a 30-day public comment forum on the "Report of the Board Governance Committee GNSO Review Working Group on GNSO Improvements," (2) draft a detailed implementation plan in consultation with the GNSO, (3) begin implementation of the non-contentious recommendations, and (4) return to the Board and community for further consideration of the implementation plan.

Before describing initial progress, we would like to confirm that our understanding of the Board motion is correct regarding the roles of the GNSO, the Staff and the Board in implementing the resolution. While the resolution directs Staff action, we understand this to mean that Staff should coordinate and facilitate implementation and help ensure that the four actions noted in the resolution occur in an effective and timely manner. As noted in the Report, the GNSO Council and constituencies are responsible for recommending the improvements to be made to the GNSO and are expected to drive implementation of key recommendations, and thus have leading roles in developing the implementation plan. It is our understanding that the Board expects the GNSO Council and constituencies to collaborate with staff to provide an implementation plan for Board and community consideration. For the sake of expediency, we will assume that this is consistent with the Board's intentions and expectations unless we hear otherwise, and we will proceed with implementation-related activities with this understanding. We would, however, request the Board's confirmation of this understanding.

Initial Status Report

The open forum comment period commenced on 25 February 2008 and is currently scheduled to close on 25 March 2008. No comments have been received yet in the forum. GNSO Council leadership and ICANN Policy Staff have met and begun the planning process for drafting a high-level implementation plan for further consideration. The following is an overview of our initial thinking and planning activities:

1. We have created a small executive planning team, including the GNSO Chair and Vice Chair and members of the ICANN Policy Staff (to be augmented with a few more constituency representatives; also, the BGC GNSO Review Working Group Chair has been invited to provide a liaison). We envision this team's charter to be to plan the structure and outreach mechanisms for the implementation planning process. The group is moving swiftly to create an implementation planning structure that will involve the ICANN community. Once this structure is created, we envision that one important aspect will be the delivery of regular updates to the Board and to the ICANN community on key activities related to implementation of these recommendations. We note in this vein that given the breadth of the Report's recommendations, an "implementation plan" is necessarily iterative. These future updates will have the benefit of being informed by broader discussion and community collaboration.

2. We note that the categorization of recommendations set forth in the report – 1) working groups; 2) new PDP; 3) restructuring activities; 4) constituency enhancements; and 5) communications – naturally lends itself to development of an implementation plan that follows along those lines. At the outset, subject to further input and community discussion, we are considering the establishment of two standing committees comprising individuals drawn from the GNSO and the broader ICANN community. They are briefly described below, and we will provide further ideas and detail as our planning continues:

    a. One committee could be focused on overseeing overall efforts to enhance the policy development process including serving as the coordinating body for two separate groups tasked with developing a proposal for a new working group model and a new policy development process for Council and Board approval. A process would be created to ensure that this work is done in an inclusive and transparent manner with extensive opportunity for community input and discussion. Following implementation of the GNSO review recommendations, this committee could remain in existence to track, evaluate and assess policy development for the GNSO Council on an ongoing basis. It is expected that as the GSNO and the ICANN community gains experience with working groups and a new PDP, it will be necessary to adapt to the lessons learned.

    b. A second standing committee could be focused on enhancing the other three categories of recommendations (restructuring activities, constituency enhancements, and communications), which we have initially called operational areas; membership would be drawn from both existing and emerging constituencies. This committee could also task groups to develop proposals to implement recommendations related to these three areas and would operate in an inclusive and transparent manner. This committee could also remain in place to track and assess operational-related improvements to gauge their effectiveness (and any need for recalibration) over time.

3.   The Policy Staff is working hard to assist in this process and is developing a draft set of Implementation Notes on the GNSO review recommendations which will be shared with the community for consideration and discussion.   These are intended to provide preliminary ideas on how ICANN might approach implementation of the recommendations contained in the BGC WG Report, which may be useful as a starting point for the work ahead as a detailed implementation plan is developed.

We look forward to robust and broad community participation in the implementation planning process. A webpage will be created to support broad information sharing and participation in the planning process and subsequent implementation of GNSO improvements. As our efforts develop, we will continue to update you on our activities and progress.