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Generic Names Supporting Organization

GNSO Council Strategic Planning Session
29 November – 1 December 2023
Meeting Report

Status of This Document

This is the outcome document from the seventh GNSO Council Strategic Planning Session that took place in Washington, DC from 29 November – 1 December 2023.

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Executive Summary

Background

This is the outcome document from the seventh GNSO Council Strategic Planning Session (SPS) held in Washington, D.C. from 29 November – 1 December 2023. The meeting sought to build upon the important work and projects that had been initiated following the previous Strategic Planning Sessions, beginning with the inaugural SPS in 2018.

The main objective of the 2023 SPS was for the GNSO Council to discuss and agree on what it means to be the "Manager of the PDP", and after reaching agreement on the meaning, to work together to become an effective and focused PDP manager. Council Leadership felt that gaining a mutual understanding of the meaning of the Council's role and remit would empower it to successfully deliver on its known priorities and commitments while allowing it to navigate unforeseen work and challenges with a shared vision.

Nearly the entire GNSO Council attended the meeting, with active and vocal participation from all GNSO Stakeholder Groups and Constituencies.

The preparatory materials for this meeting have been archived in the interest of transparency at this URL:
https://drive.google.com/drive/folders/0AIQZptr8pxm5Uk9PVA.

Additionally, all relevant Council procedures (including the GNSO Operating Procedures, Policy Development Process Manual, and GNSO Working Group Guidelines) are publicly archived at this URL: https://gnso.icann.org/en/council/procedures.

Terminology

Where there are references to the "Council" in this document, please note this refers to the GNSO Council. Similarly, references to "Working Groups" refer to Policy Development Process (PDP) working groups that have either been chartered by, or fall within the management of, the GNSO.

Focus

The SPS took place over 2.5 days, and the proposed themes and objectives were as follows:

- Welcome and integration of new Councilors;
- Continued discussion of the GNSO 20th Anniversary Session around how to future-proof the GNSO
        - What does the Council do well?
        - What are tangible ways the Council could improve?
        - What does the Council do that it shouldn't/doesn't need to?
        - What are examples of what the Council should do but does not?;
- Discuss and reach agreement on what it really means for the Council to be "Manager of the PDP";
- Based on a shared understanding of what it means to be "Manager of the PDP," create an environment of collegiality, predictability, and trust;
- Ensure that Councilors are familiar with existing tools and information concerning the GNSO Council's role and responsibilities, and determine if improvements or changes are needed; and
- Share practical skills and knowledge that contribute to fulfilling the role of a GNSO Council member.

Outcomes

This report provides further details on the discussions, agreements, and action items that were developed, discussed, and agreed to during the 2023 GNSO Council Strategic Planning Session.

The following main challenges and opportunities were identified for the upcoming year, namely:

- Challenge of understanding the status and next steps of GNSO policy recommendations following Council adoption and seeking further clarity on the process after the Council adopts recommendations;
- Challenge of how to address unplanned work, noting that while it is not possible to establish formal rules due to the uniqueness of every situation, the Council agreed to examine each request closely to determine what to take on, while feeling empowered to say no or not now;
- Challenge of potential external threats to and perceptions of the multistakeholder model and how transparency, predictability, and effectiveness in the Council's management of PDPs could be a helpful tool to combat negative external perceptions;

- Opportunity to further clarify the role of Council Liaisons to PDPs and IRTs and, where relevant and possible, provide additional resources to ensure liaisons are empowered to perform their roles effectively;
- Opportunity to improve effective two-way communication inwardly within the Council, and outwardly to Councilors' respective constituencies, ICANN org, and the Board, including creating an informal quarterly meeting with the Board;
- Opportunity to establish a regular cadence for discussing the Council's workload, using the Council's Project List;
- Opportunity to clarify the role and remit of Council small teams, noting that while there has been scrutiny of the transparency and increasing use of small teams, the Council believes clarity to the Small Team Guidance could address the transparency concerns and allow the Council to continue utilizing Small Teams to advance its work and increase its efficiency.

This SPS report provides more details on the desired outcomes, including how the Council arrived at these outcomes and importantly, the accompanying action items they agreed to in order to address the identified concerns and opportunities.

To check on the progress of the implementation of these action items and allow for updates to be made, GNSO Support Staff will work with Council Leadership to schedule a post-SPS meeting in the 4-6 month timeframe.

Day 1

Objectives

At the opening of the SPS, the Chair identified four overarching goals for the 2.5 days. The overarching goals included:

(1) How can the Council (along with Support Staff) work together to make topics more digestible to ensure that every Councilor has a baseline understanding of the work in the Council's portfolio?
(2) What are the best ways to ensure continued engagement from the GNSO Council as a whole (not just a few representatives)?
(3) What does it mean to be the "Manager of the Policy Development Process (PDP)", and can the Council come away with a mutual understanding of this?
(4) How can the Council assist in promoting a future-proof GNSO?

In addition to the above identified goals, the Chair also asked Councilors to consider the following questions during all discussions:

(1) What does the Council do well?
(2) What are tangible ways the Council could improve?
(3) What does the Council do that it shouldn't/doesn't need to?
(4) What are examples of what the Council should do but does not?

Topic 1: Future-Proofing the GNSO

Following the communication and agreement on the goals for their time together, the Council continued its discussion coming out of the GNSO 20th Anniversary Session during ICANN78, where past and current GNSO leaders and participants were asked to specifically consider, "How can we work together to future-proof the GNSO?"

During the ICANN78 20th Anniversary Session, participants noted the following general themes:

1. Continue to cultivate trust both internally and externally
2. Work together to identify big picture goals and shared objectives
3. Understand and trust the role and utility of Council small groups
4. Understand and focus on what it means to be the manager of the PDP
5. Consider time zone issues creating tangible barriers to active participation to those not located in a favorable time zone

In order to utilize their time together most effectively, Councilors agreed to focus on the GNSO Council rather than the GNSO as a whole when considering the best methods for future-proofing. Specifically, Councilors discussed how to best cultivate trust amongst Councilors by striving to use effective two-way communication. For example, Councilors noted that as individual members, they are the representatives of the Council's work and need to effectively communicate progress and issues back to their constituency groups and raise issues communicated by the constituency groups back to the Council.

Additional themes noted during the opening included the importance of agreeing on shared objectives, ensuring awareness around the enhanced transparency and importance of using Small Teams to effectively advance the Council's work, and to discuss what it really means to be an effective manager of the PDP. Councilors noted that managers should strive for success, so in thinking through success, what does it mean for the PDP manager to achieve successful outcomes? The Council discussed this topic at length, and the outputs of that discussion are discussed below in Section C.

Lastly, Councilors who have participated in the GNSO for many years noted that the current Working Groups and Small Teams have been working well together; however, in the not-so-distant past, there were issues with co-chairs not working together, Working Groups participants purposely delaying progress, extreme discord among Working Group participants that led to dysfunctional communication, et.al. The Council noted that the improvements from PDP 3.0 were put in place to avoid some of these past pitfalls; however, the Council agreed to consider how to keep this positive momentum going.

The themes in this introductory session were helpful for setting up later discussions during the SPS.

Topic 2: What does it mean to the Manager of a PDP?

The Council spent the majority of its first day together discussing what it means to be the Manager of the PDP and how the Council can best work together in this role.

In order to generate the discussion of what it means to be the manager of the PDP, Councilors were asked to review a variety of hypothetical scenarios,[1] which were based on fact patterns the Council either has or could encounter in its work. Specifically, Councilors were asked what the Council's role as PDP manager would entail during the following stages of a PDP:

- Request Issue Report
- Initiate a PDP / Review and acknowledgement of a project change request.
- Consideration of a Final Report with full consensus recommendations

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[1] The hypotheticals are included as an annex to this report.

- Consideration of a Final Report with several recommendations that have strong support but significant opposition, or lower.
- Operational Design Phase
- Non-adopted recommendations
- Non-action by the Board on Council approved recommendations
- Delayed initiation of implementation
- Issue arises during the implementation of PDP recommendations
- The GNSO's role in the Empowered Community - Using the recent example related to Grants Program

Council's Role in Requesting an Issue Report

During the session on whether to request an Issue Report for the hypothetical presented, the Council agreed that the first question to ask before pursuing an Issue Report is:

Is the issue(s) presented within the scope of the GNSO? In other words, is this an issue(s) the GNSO can develop policy for?

After determining the issue is within the scope of the GNSO, the Council noted it should determine that all relevant stakeholders have been consulted prior to requesting the Issue Report. In the hypothetical presented, some Councilors noted it would be valuable to consult the Security and Stability Advisory Committee (SSAC) and Governmental Advisory Committee (GAC) to ensure the groups who have been referenced in the request are able to provide input prior to an official request for an Issue Report. This enables the Council to comprehensively present the issue in its request.

Council's Role in the Review and Acknowledgement of a Project Change Request

During the session on considering a project change request, the Council noted it is important to understand the root cause of why a Working Group is submitting a project change request, i.e., extension, updated division of work, etc. Councilors also noted multiple project change requests for the same project are highly undesirable, and, accordingly, the Council needs to lean on the designated Council Liaisons to the Working Groups/EPDP Teams to flag these issues early to mitigate delays and avoid unwanted surprises as much as possible.

In recognition of the importance of the liaison role in ensuring the Working Group is managing its work according to the agreed plan, Councilors agreed that Council liaisons may need additional preparation materials and training.

In response to additional training tools, Melissa Allgood, who is responsible for developing tools for training leaders on consensus building, noted there will be

additional tools available for better understanding the [Consensus Playbook](#), including an ICANN Learn Course, and a devoted workshop for chairs and leaders available soon.

Additional ideas suggested by Councilors include:

- Council liaisons to provide more regular check-ins as part of the AOB portion of Council agendas
- Ensure Chairs have the tools necessary to work according to their project plan, including potential use of outside facilitators, face-to-face meetings, additional vice-chairs to assist with the work, etc.
- An agreed list of baseline questions asked to Chairs on a regular basis, such as during a dedicated webinar[2]
- Active use of existing project management tools (Project List, Monthly Project Package) to ensure Councilors are aware when risks, delays, and unforeseen changes arise during the course of a PDP

Some of the themes mentioned in relation to Project Change Requests resulted in specific action items, which are included below for ease of reference.

Outcome 1: After reviewing the program/project management materials, Councilors agreed to reviewing its work in detail on at least a triannual basis.

Proposed Action Item 1: During a session at ICANN79, Council to prepare for a careful review of work captured in the Program Management Tool (PMT) that will conclude or initiate prior to the next AGM, or continue beyond the next AGM. Paul McGrady to coordinate with staff to plan for this inaugural effort.

Outcome 2: Further clarity may be needed regarding the expectations for Council liaisons to GNSO Working Groups. In addition, there may be a need to provide additional resources to ensure that liaisons can perform their roles effectively.

Proposed Action Item 2.1: Staff to catalog all resources regarding the role of Council liaison to GNSO WGs.

Proposed Action Item 2.2: Staff to investigate whether the latest version of the GNSO Council Liaison to GNSO WGs – Role Description is up-to-date and if not, update.

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[2] The following list of questions has been presented to Working Group Chairs during past Council webinars: (1) Are there any new or recurring challenges that have emerged since your last update to the community? (2) How can the Council and/or community assist with these challenges? (3) What does the WG plan to discuss during the ICANN meeting? (4) Is there anything else you would like to update the Council on?

> **Proposed Action Item 2.3**: Once action items 3.1 and 3.2 are complete, Council to discuss whether gaps exist and changes are needed.

Council's Role in Voting on a Final Report of a Working Group

The majority of Councilors noted that if a Working Group presents a report with consensus recommendations, the GNSO Council should vote YES on the Final Report. Councilors noted the following reasons for this conclusion:

- In many cases, the Working Group has made careful compromises over the course of multiple years; for Councilors to engage in a *de novo* review of the recommendations could frustrate the Working Group members and lead them to feel like their work is being undermined at a late stage, which may result in volunteers determining that it is not worth the effort to participate in future PDP efforts if their work can be dismissed by the Council.
- The Working Group members participated in a detailed discussion of the policy questions, and it's not the role of the PDP manager to weigh in on their personal preferences at a late stage.
- The Council has treated this role differently based on the seated councilors at the time; in other words, some councilors strongly believe they should vote YES if the process was followed, and the Working Group members reached consensus. At least one councilor voiced the belief that they should vote based on their assessment of the substance of the recommendations. Because of this discrepancy, Final Reports have been treated differently depending on the make-up of the Council when a Final Report is delivered. This results in an unpredictable result, which is undesirable for both the ICANN process and the multistakeholder model.
- Unpredictable voting and second-guessing the careful compromises of the working group undermines the multi-stakeholder approach.

Some councilors noted they are directed to vote by their constituency, while other councilors have the freedom to vote independently. In light of this, some councilors noted there needs to be better communication between councilors and their respective constituency. Specifically:

- The Working Group and Council are ultimately partners in the PDP process. Councilors should be responsible for asking better questions during the process to be in a position to explain and ultimately champion the recommendations to their constituency.

Other reflections included:

- Why vote if it's a foregone conclusion/rubber stamping exercise?
- Why do Council motions read the way that they do? If it's just a stamp of approval, why are the motions written a certain way?
- Are we a manager of the process, or are we a manager of the decision?

Outcome 3: Councilors agreed that it is helpful to have a common understanding of how outputs from the bottom-up multistakeholder model should be voted upon at the Council level.

Just like the ICANN Board, ICANN org, and ACs, the best time for SG/Cs and their Councilors to avoid "undesirable" outcomes is during the PDP process.

Proposed Action Item 3.1: Council to develop an aspirational (non-binding) statement to reflect that Councilors should not seek to undo bottom-up consensus-driven outcomes of GNSO WGs.

Proposed Action Item 3.2: Once action item 4.1 is complete, Councilors to leverage the aspirational statement to build awareness within their respective SG/Cs.

Council's Role during the Operational Design Phase

Some Councilors noted the Operational Design Phase should generally be avoided if the PDP manual is followed closely. In other words, the Council should "charter for success," and some of this work should be captured during the PDP itself. For example, there may be instances where information such as a cost analysis should be considered earlier in the process because this would allow for the Working Group to course correct, where possible.

Councilors noted that the Council should aim for "no surprises," meaning avoiding a situation where the Council votes YES on policy recommendations, and the Board votes NO on the same recommendations. If the Board is not adopting a recommendation(s), something may have gone wrong in the process.

Becky Burr, who actively participated in the SPS, did note the Board committed to evaluating the ODP after two completed ODPs. The Board will consider if the ODP is adding value or if certain parts of it should be considered during the PDP phase.

The Council noted it would be helpful to hear earlier from the Board or its designated PDP liaison (where applicable) if there are problematic recommendations so that the Working Group can course correct, where possible.

Some Councilors also expressed concern with the materials the GAC and Board review in conjunction with the Working Group's Final Report. While the Council noted some of the materials may be privileged and confidential, it expressed particular concern with the

Recommendations Report. Specifically, some Councilors noted the report seems duplicative, as it appears to summarize existing summaries.

In light of these discussions, the Council is proposing the below outcomes and accompanying action items.

Outcome 4: The Council agreed that it should seek to limit the likelihood of the Council approving PDP recommendations and the Board is unable to adopt the recommendations.

Proposed Action Item 4.1: Staff to document existing steps and measures already in place throughout the PDP continuum that better ensure recommendations are able to be adopted by the ICANN Board.

Proposed Action Item 4.2: Council to review documented steps and measures and perform gap analysis.

Proposed Action Item 4.3: Council to include Outcome 5 as an agenda item for the Council's joint meeting with the ICANN Board at ICANN79.

Outcome 5: Recommendation Report format should be reviewed and if possible, amended in a manner that eliminates potential inconsistencies with the WG's Final Report.

Proposed Action Item 5.1: Staff to investigate origins of the format for Recommendation Reports and understand the process of making edits.

Proposed Action Item 5.2: Assuming edits are feasible, staff to propose edits (and Council to review) to meet the objectives captured in Outcome 2.

<u>Council's Role when there is Non-action or Delay by the Board on Council approved recommendations</u>

Similar to the discussion about the Operational Design Phase, all Councilors agreed that if the Board identifies an issue with policy recommendations in a Final Report (or in the final stages before the recommendations are finalized), it would be helpful to all parties for the Board liaison to flag these issues prior to the Working Group's finalization of the recommendations. In the event this is not possible, the Council noted that another opportunity to flag the issue would be prior to Council approval so that if there is a way to clarify the Working Group's intent, it could be done prior to the Council vote to avoid delays and procedural complications.

Councilors noted Board concerns could be communicated via the Board liaison to the Working Group. Additional options in situations where the Board has concerns after Working Group meetings have concluded include (i) the Board liaison and interested Board members requesting an informal meeting with the Council, and/or (ii) the Board liaison and interested Board members writing a letter to the Council prior to Council approval in order to flag these new concerns prior to the Council's discussion. Returning Councilors noted the informal meetings between the Board and Council have been an increasingly useful tool in addressing potential misunderstandings and communicating nuanced issues. All Councilors noted these interactions are highly preferable to formal letters, largely because regular two-way communication allows for follow-up questions or concerns to be addressed in real time, where possible.

In response to some Council requests or reports sitting with the Board with no response, Becky Burr suggested the idea of an informal Board and Council quarterly check-in where Councilors and designated Board members have an opportunity to discuss outstanding work and requests from both groups. The goal of the informal quarterly interaction is two-fold: it builds on the theme of effective two-way communication by helping to establish trust between the two groups, and it provides an opportunity to discuss outstanding work/mitigate issues and ensure it is on everyone's collective radar.

The Council agreed to a proposed action plan under the umbrella of unplanned work, which includes recommendations not adopted by the Board. While this action plan relates to more than Board and Council communication, the idea of a quarterly check-in is captured here as a part of the Council's plan to mitigate unplanned work and increase Board-Council interaction.

> **Outcome 6**: Councilors observed that unplanned work generally comes from external sources.
>
> **Proposed Action Item 6.1**: Council to consider opportunities to engage in two-way communications with external parties (ICANN org, ICANN Board, SO/ACs) to promote an environment where relevant groups receive early warnings of potential surprises. For example, Council to consider a quarterly check-in with the Board to review and discuss items awaiting response from Board/Council.

Council's Role in Cross Community Working Group (CCWG) Recommendations
The Council spent some time discussing a hypothetical fact pattern that closely mirrored a real scenario regarding a CCWG recommendation. Specifically, when the Board reevaluated the recommendation years after they were already adopted, the Board pursued an implementation that was not seen as consistent with the adopted recommendation (e.g., a Bylaws amendment was not necessary to implement the specific recommendation).

Councilors discussed many concerns with this hypothetical but noted the Council's role in this situation does not fit into the "Manager of the PDP" discussion, as CCWG recommendations are outside the scope of a GNSO PDP, and accordingly, Council's role is more limited in these situations. Councilors highlighted the issue of standing, noting because this is a cross-community matter, the GNSO is not able to resolve a CCWG issue independently. Instead, the issue would require consultation across all groups.

Two other discussions emerged during the presentation of the hypothetical. First, one Councilor noted that there is currently no existing mechanism for the Council or Board to use when either group believes a mistake has been made. For example, if the Board adopts a recommendation and later believes it should NOT have adopted the recommendation, there is no existing lightweight procedural remedy to rectify the perceived mistake. Both Councilors and Board participants noted this is an important discussion to continue since starting a new process is not a desirable option when this issue arises.

Lastly, Board members noted that the proposed quarterly check-in would be a way to avoid future misunderstandings or situations where the Board is unaware that recommendations have been outstanding with the Board for long lengths of time.

Outcome 7: Council identified several potential gaps in policy development where there is not a clear process for addressing certain scenarios (e.g., modifying recommendations that are already accepted by the Board)

Proposed Action Item 7.1: Staff and Council to identify areas where ambiguity may exist and then consider next steps.

Day 2

Topic 1: Now that the Council has a shared understanding of what it means to be Manager of the PDP, does the Council have the right tools for being an effective manager?

Day 2 opened with GNSO Council Support Staff presenting the existing tools to the Council in an effort to aid in a discussion of whether the Council has the tools it needs to be an effective manager of the PDP. More specifically, the purpose of discussing the existing suite of tools was to ensure both new and returning Councilors can have a shared understanding of:

- What tools currently exist?
- Why were these specific tools created?
- How are they meant to be used?

- How can they be improved?

At a high level, the following categories of tools are designed to assist new Councilors in their journey:

(1) **Councilor Onboarding:** When Councilors are elected, GNSO Support Staff sends a list of reading materials, background information, and a list of contact information to consult when questions arise.
(2) **Strategic Planning Session**: This has proven to be an important, face-to-face session designed to get Councilors to agree on a set of goals for the upcoming year and determine how to best work together to achieve the set of goals.
(3) **Incumbent Councilors** – Returning Councilors are available to assist new Councilors and show how they use the existing tools to prepare for Council meetings and additional related work.
(4) **Appointing Stakeholder Group or Constituency** – New Councilors may also contact their appointing group to see if additional tools are available.

The tools designed to assist the Council in managing PDPs and unplanned work include:

- **Portfolio Management Tools/Action Decision Radar** – The Portfolio Management Tool is designed to show Councilors everything the Council has on its plate and within its remit. No Councilor is expected to review this document in detail. Support Staff uses this tool to create the Action Decision Radar. The Action-Decision Radar (ADR) is designed to show the Council what is potentially on the horizon in the next twelve months. It is important to note that if something appears on the ADR, it does not necessarily mean that it will equate to a Council project. Instead, it means a decision needs to be made by the Council, which could mean initiating a project, deferring work, or declining work. The ADR also provides Councilors a window into potential upcoming work where they can flag to their SG/C that more volunteers may be needed.
- **Project List (PDP 3.0)** – The Project List is a document updated on a monthly basis and shows a comprehensive list of the Council's current slate of projects (including current, delayed/deferred, in implementation) and is designed to provide detailed updates as to where a current project stands. This will include where delays are expected, issues that groups are currently discussing, etc. This is an important tool that gives Councilors an opportunity to see warning signs of a project at risk or in trouble.
- **PDP WG Project Package (PDP 3.0)** – Working Group Chairs are required to send the Council a monthly snapshot of their project. This snapshot will flag to the Council if a project is on target to meet its agreed upon delivery date, if it's at risk of not meeting its project plan, i.e., project health. The snapshot also shows the Council how far along the Working Group is in its work, participation metrics, activity metrics, etc.

- **GNSO Council Liaison to the PDP/IRT** – The Council appoints a dedicated representative to follow the work of a Working Group or Implementation Review Team and flag concerns to the greater Council as they arise.
- **Council Participation in PDPs** – Councilors are also allowed to participate in PDPs of interest.
- **Pre-ICANN Conference Briefings** – The GNSO Staff Support Team assists in providing a written briefing of GNSO-related activities prior to ICANN meetings. This briefing is written for the greater community, but it can serve as a resource as to what groups plan to focus on during the upcoming ICANN meeting. Additionally, pre-ICANN meeting webinars are used as a tool for Councilors to hear from active Working Group Chairs regarding where the WG's work stands and if there are any concerns the Council can assist.
- **Council Agenda Planning Document** – Together with GNSO Support Staff, Council Leadership uses the Council Agenda Planning Document to plan future Council agendas. If, at any time, Councilors have a concern from information communicated in a project update (such as delays, unknown dependencies), Councilors may request a dedicated briefing at a Council meeting.

Together, these tools are designed to comprehensively inform the Council of all current and future GNSO-related projects.

Council Interaction with PDP Leadership

GNSO Support Staff provided the history and evolution of the GNSO Policy Webinar, noting the Council used to receive updates from Working Group Chairs during ICANN meetings. However, in an effort to leverage face to face time and make ICANN meeting sessions more of an active dialogue, the Working Group Chair updates were moved to a dedicated pre-ICANN meeting webinar.

After receiving this background information, some Councilors noted they were not aware of the genesis of the GNSO Policy Webinar but noted that if the purpose is for the Council to hear frank updates from Working Group Chairs, the webinar should be for Councilors rather than a larger community update.

Outcome 8: The Council agreed that updates from WG Chairs / Council liaisons should be more purpose driven.

Proposed Action Item 8: Staff to leverage existing format for prep-week webinars and propose a "checklist" of elements for WG Chairs to consider and address when providing updates to the Council. Council to then review staff outputs and amend as necessary.

Council Tools

As noted earlier in this report, Councilors agreed to the idea of discussing the Project List in depth on at least a triannual basis. While many Councilors liked the idea of dedicating part of its meeting time to this discussion, other Councilors noted the importance of reviewing the materials in advance in order to have a fruitful discussion in person. In other words, this triannual review is not designed to be a substitute for reading the Project List, which Councilors are recommended to read every month, each time it is updated.

> (Repeated for Ease of Reference)
> **Outcome 1**: After reviewing the program/project management materials, Councilors present agreed to reviewing its work in detail on at least a tri annual basis.
>
> **Proposed Action Item 1**: During a session at ICANN79, Council to prepare for a careful review of work captured in the Program Management Tool (PMT) that will conclude or initiate prior to the next AGM, or continue beyond the next AGM. Paul McGrady to coordinate with staff to plan for this inaugural effort.

Working Group Review of Public Comment

One issue that came up during the discussion of tools is the perceived lack of comprehensive public comment review. In response, some Councilors noted the detailed Public Comment Review Tool used by Working Groups to ensure all comments are read and considered. Another Councilor noted there may be a communication gap between the Working Group's review of comments and the commenter's awareness that their comments are properly considered. Support Staff noted that, where possible, Working Groups are informed when specific recommendations will be discussed so that commenters who have a particular interest in a specific recommendation(s) can observe the relevant meeting or review the relevant recording/materials after the fact.

> **Outcome 9**: Some Councilors expressed concerns about how public comments are considered by PDPs.
>
> **Proposed Action Item 9**: Staff to document existing processes and if applicable, propose additional mechanisms to better ensure that commenters understand how their comments were considered by the WG. Council to then review staff outputs and amend as necessary.

Topic 2: WSIS + 20 – Continuation of ICANN78 Discussion

Following the discussion from ICANN78, Desiree Miloshevic and Bruna Martins dos Santos agreed to present on how WSIS +20 affects the Council. Desiree and Bruna both

noted that Internet governance is at an inflection point, and the ICANN community needs to get organized, raise awareness, and help safeguard the multistakeholder model.

Councilors discussed narrowing the specific ask of the GNSO Council as there was a lack of clarity on how the upcoming WSIS+20 affects the Council's day-to-day work.

Chris Buckridge, participating as a newly appointed Board member on behalf of the GNSO, noted that it would be helpful for the ICANN community to scenario-plan. He continued that there is not an immediate operational impact on anyone, but the community should be aware that governments may argue that the multistakeholder approach is not working anymore. The ICANN community can assist by participating in the conversation and expressing the importance of the multistakeholder model to maintain a global, interoperable Internet. Additionally, Chris noted it is important not to take the ICANN specific model for granted; the Council can assist by being clear, transparent, and comprehensible in its decision-making.

While some Councilors admitted they did not fully understand the risk, the Council generally agreed that the best way for the Council to specifically support this effort is to simply do its job well and be an effective PDP Manager; the Council's effectiveness serves as evidence of the effectiveness of the multistakeholder model.

Day 3

Topic 1: Communications Small Team Update

Tomslin Samme-Nlar provided an update from the Council Communication Small Team. This Team's work began in April with a goal of developing a communications plan for the Council. Within that overarching goal, the Small Team identified five objectives:

1. Perform a situation analysis of current communications efforts
2. Clarify overall objectives of Council communications
3. Identify the target audience
4. Recommend communications mechanisms that the Council could use, and
5. Determine how to measure success for these mechanisms.

Councilors appreciated the work that went into this report and have requested additional time to discuss the outputs during a monthly Council meeting. Some of the questions Councilors noted for further consideration:

- How can the Council effectively target fellows and get them to focus on the GNSO?
- How can the Council reach the "people who care about ICANN but do not have time to participate"?
- What is the best way to communicate with outsiders and make the information more understandable/readable?
- Could/should the Council consider having a liaison to the broader community? (similar to the liaison to the GAC, ccNSO, etc.)

The Council also discussed the use of small teams more generally and agreed to the following plan to quell some of the transparency concerns with Council small teams:

> **Outcome 10**: In respect of small teams, Councilors present agreed that they remain an important tool and should be flexible and can be right-sized for a given effort.
>
> **Proposed Action Item 10.1**: Staff to propose edits to the small team guidelines (remove "informal"; reframe "frank dialogue" section; swap membership reference to "broader community").
>
> **Proposed Action Item 10.2**: Councilors to leverage small team guidance document to cultivate better understanding of how small teams operate and to dispel misconceptions that may exist, and directly address concerns raised by their respective communities.

In a tangential discussion about how Councilors review materials from Small Teams or an individual Councilor, Council Leadership posed the question: is there a set number of days the full Council needs to review a document before it is sent on? The Council agreed that no formal rules are necessary for communications.

> **Outcome 11**: The Council agreed that for requests for feedback, it is not necessary to establish formal rules. The Council will have a sense of which topics will require more review, including by appointing SG/Cs, and which are non-controversial, and accordingly, be able to set appropriate timelines for review. (No action items identified).

> **Outcome 12**: Council appreciated the presentation from the Communications Small Team and agreed that further discussion is warranted at a future Council meeting.
>
> **Proposed Action Item 12.1**: GNSO Support Staff to add Communications Small Team to upcoming meeting.

Topic 2: Meeting with ICANN CEO and Board Chair

The Council welcomed Sally Costerton and Tripti Sinha to speak at the SPS.

Both Sally and Tripti noted their support for sessions like this that allow for open dialogue and important goal setting. Sally noted the SPS is important for the GNSO and ICANN as a whole; specifically, the spirit with which the GNSO is leading has made an impact on ICANN's work as a whole.

Tripti noted that no matter what goals are ultimately identified out of this SPS, the Board and Council must keep ICANN's mission in mind as it moves forward. Tripti also noted the importance of utilizing the dedicated Board members, Becky and Chris, because the Board treats liaisons as a strong and important tool that assists it in getting its work done and helping to achieve "board readiness," a theme the Council has identified. Tripti also noted the recent use of Council Small Teams has allowed work to move forward.

With respect to the WSIS+20 discussions and the concern for the multilateral model replacing ICANN's multistakeholder model, Tripti noted that in recent discussions at a recent IGF meeting, multistakeholderism was overwhelmingly supported. When asked how the Council could assist with the fears of a multilateral model taking hold, Tripti and Sally said the Council needs to continue successfully delivering on the multistakeholder model.

Tripti ended by reminding the Council to take advantage of Chris and Becky's support. The Board will support quarterly meetings to ensure work is moving forward and ensure the Board and Council can engage in real-time dialogue to prevent misunderstandings as much as possible.

Topic 3: Wrap-up and Confirmation of Outcomes

Council Leadership presented the following outcomes during the Wrap-Up, and the Council agreed to proceed with these action items. (Note: these have been included within the relevant section of the report; however, they are catalogued here for ease of use.)

Outcome 1: After reviewing the program/project management materials, Councilors agreed to reviewing its work in detail on at least a tri annual basis.

Proposed Action Item 1: During a session at ICANN79, Council to prepare for a careful review of work captured in the Program Management Tool (PMT) that will conclude or initiate prior to the next AGM, or continue beyond the next AGM. Paul McGrady to coordinate with staff to plan for this inaugural effort.

Outcome 2: Further clarity may be needed regarding the expectations for Council liaisons to GNSO Working Groups. In addition, there may be a need to provide additional resources to ensure that liaisons can perform their roles effectively.

Proposed Action Item 2.1: Staff to catalog all resources regarding the role of Council liaison to GNSO WGs.

Proposed Action Item 2.2: Staff to investigate whether the latest version of the GNSO Council Liaison to GNSO WGs – Role Description is up-to-date and if not, update.

Proposed Action Item 2.3: Once action items 2.1 and 2.2 are complete, Council to discuss whether gaps exist and changes are needed.

Outcome 3: Councilors agreed that it is helpful to have a common understanding of how outputs from the bottom-up multistakeholder model should be voted upon at the Council level.

Just like the ICANN Board, ICANN org, and ACs, the best time for SG/Cs and their Councilors to avoid "undesirable" outcomes is during the PDP process.

Proposed Action Item 3.1: Council to develop an aspirational (non-binding) statement to reflect that Councilors should not seek to undo bottom-up consensus-driven outcomes of GNSO WGs.

Proposed Action Item 3.2: Once action item 4.1 is complete, Councilors to leverage the aspirational statement to build awareness within their respective SG/Cs.

Outcome 4: The Council agreed that it should seek to limit the likelihood of the Council approving PDP recommendations and the Board is unable to adopt the recommendations.

Proposed Action Item 4.1: Staff to document existing steps and measures already in place throughout the PDP continuum that better ensure recommendations are able to be adopted by the ICANN Board.

Proposed Action Item 4.2: Council to review documented steps and measures and perform gap analysis.

Proposed Action Item 4.3: Council to include Outcome 4 as an agenda item for the Council's joint meeting with the ICANN Board at ICANN79.

Outcome 5: Recommendation Report format should be reviewed and if possible, amended in a manner that eliminates potential inconsistencies with the WG's Final Report.

Proposed Action Item 5.1: Staff to investigate origins of the format for Recommendation Reports and understand the process of making edits.

Proposed Action Item 5.2: Assuming edits are feasible, staff to propose edits (and Council to review) to meet the objectives captured in Outcome 4.

Outcome 6: Councilors observed that unplanned work generally comes from external sources.

Proposed Action Item 6.1: Council to consider opportunities to engage in two-way communications with external parties (ICANN org, ICANN Board, SO/ACs) to promote an environment where relevant groups receive early warnings of potential surprises. For example, Council to consider a quarterly check-in with the Board to review and discuss items awaiting response from Board/Council.

Outcome 7: Council identified several potential gaps in policy development where there is not a clear process for addressing certain scenarios (e.g., modifying recommendations that are already accepted by the Board).

Proposed Action Item 7.1: Staff and Council to identify areas where ambiguity may exist and then consider next steps.

Outcome 8: The Council agreed that updates from WG Chairs / Council liaisons should be more purpose driven.

Proposed Action Item 8: Staff to leverage existing format for prep-week webinars and propose a "checklist" of elements for WG Chairs to consider and address when providing updates to the Council. Council to then review staff outputs and amend as necessary.

Outcome 9: Some Councilors expressed concerns about how public comments are considered by PDPs.

Proposed Action Item 9: Staff to document existing processes and if applicable, propose additional mechanisms to better ensure that commenters understand how their comments were considered by the WG. Council to then review staff outputs and amend as necessary.

Outcome 10: In respect of small teams, Councilors present agreed that they remain an important tool and should be flexible and can be right-sized for a given effort.

Proposed Action Item 10.1: Staff to propose edits to the small team guidelines (remove "informal"; reframe "frank dialogue" section; swap membership reference to "broader community").

Proposed Action Item 10.2: Councilors to leverage small team guidance document to cultivate better understanding of how small teams operate and to dispel misconceptions that may exist, and directly address concerns raised by their respective communities.

Outcome 11: The Council agreed that for requests for feedback, it is not necessary to establish formal rules. The Council will have a sense of which topics will require more review, including by appointing SG/Cs, and which are non-controversial, and accordingly, be able to set appropriate timelines for review. (No action items identified).

Outcome 12: Council appreciated the presentation from the Communications Small Team and agreed that further discussion is warranted at a future Council meeting.

Proposed Action Item 12.1: GNSO Support Staff to add Communications Small Team to upcoming meeting.

Outcome 13: Councilors observed that unplanned work generally comes from external sources.

Proposed Action Item 13.1: In respect of managing unplanned work, it is not possible to establish formal rules. Situations will need to be examined closely and the Council should feel empowered to consider each request on a case-a-case basis and determine the appropriate response based on the ask and available resources, i.e., Council could say no or not now. (No action items identified).

Annex: Hypotheticals Discussed During Day 1

Scenario 1

The SSAC leadership attended a public GNSO Council meeting at ICANN100. They raised concerns about the increasing use of AI to combat DNS abuse, citing that on more than one occasion, the AI got it wrong and disabled an important component of DNS infrastructure. Many on the Council are not engineers and much of what the SSAC leadership had to say sounded like a foreign language. The SSAC believes that there needs to be a new Consensus Policy addressing the use of AI in the fight against DNS abuse in order to get better, and more consistent, outcomes. What should the Council do?

Scenario 2

Some within the community are really upset about a lack of a policy designed to address the inability to use an "&" in a domain name string. They say it violates trademark rights because some marks have "&" in them, for example: H&M, Marks & Spencer, Dolce & Gabba, M&Ms, A&W, Ben & Jerry, and H&R Block. In response, the GNSO voted to request a broad issue report, specifically examining (i) non-alphanumeric characters within domain names and the perceived interference with trademark rights, (ii) non-alphanumeric characters and how they relate to universal acceptance, and (iii) a new dispute mechanism for specifically for names with non-alphanumeric characters. The Council has received the very long Issue Report and is scheduled to vote at its upcoming meeting. What should Council do?

Scenario 3

The Bottleneck Issues PDP chair has filed a project change request asking for 6 more months to complete the PDP's work. This PDP is a dependency for at least two other community projects and is already 2 years late. What should the Council do?

Scenario 4

Council has just received a Final Report for the Thorny Issue PDP. The report contains 10 policy Recommendations that received the full consensus of the PDP working team and a motion was submitted to accept the Final Report and transmit the 10 Recommendations and implementation guidance to the Board. In your role as GNSO Councilor, what should you do?

Scenario 5

Council has just received a Final Report for the Intractable Issue PDP. The report contains 10 policy Recommendations that received the full consensus of the PDP working team. The Report also notes 5 additional proposed recommendations that did not receive suitable consensus and therefore are not policy Recommendations. The Final Report also contains implementation guidance. You happen to know that while all of the members of the PDP were in agreement with all 10 of the Recommendations, there are some in your constituency or stakeholder group who are unhappy with these Recommendations. Some believe they went too far. Others believe that they did not go far enough and as a result Thorny Issue isn't really resolved. A motion to accept the Final Report and transmit the 10 Recommendations and implementation guidance to the Board. In your role as GNSO Councilor, what should you do?

Scenario 6

Council sent the Recommendations for the Sticky Subject PDP to the Board. The Board wants more information about how much it will cost in dollars and time to implement the Sticky Subject Recommendations. What should the Council do?

Scenario 7

Council sent the Recommendations for the Omnibus Nightmare PDP to the Board. The Board has non-adopted 5 of the 100 Recommendations. What should the Council do? Are there different scenarios that would change your answer?

Scenario 8

Council sent the Recommendations for the Unpopular Outcomes PDP to the Board. The Board hasn't done anything with these for 8 months.

Scenario 9

The Board approved all of the Recommendations from the Extra Tricky PDP but Staff keeps dragging its feet claiming there are external (evil?) forces at work. The community is divided with some saying events have overtaken the Recommendations while others are saying Staff should implement and, since the Recommendations are policy, they can't be changed without more policy work to displace them.

Scenario 10

Issue arises during the implementation of PDP recommendations (Garden Variety PDP) The Surprisingly Happy PDP sends 5 full-consensus Recommendations to the Council for a vote and notes that the 5 form a "tapestry", i.e. that each of the 5 are interdependent and that the full consensus is based on the assumption that all 5 will be approved by the Board and implemented. The Board approves all of them and congratulates the

community in coming together to solve a problem in such a creative way. During implementation, the Island Nation of Narnia passes a law which, on its face, makes it appear that Recommendation 2 is no longer legal in that jurisdiction.

Scenario 11

To balance their budget, ICANN staff bought a lottery ticket on ICANN's behalf and won. The CCWG on ICANN's Lottery Winnings developed 10 recommendations on how to spend this money, which the Board accepted. Recommendation 3 stated that to incentivize new registrar accreditations, one in every three applicants would have their application fee refunded (winners decided randomly). This recommendation also stated that ICANN's bylaws would need to be amended to state that registrars who did get their fees refunded would be excluded from mechanisms such as the Independent Review Process to challenge the lack of refund. Three years after adopting this recommendation, the Board stated in a resolution that a bylaw amendment was not necessary because they could simply add a provision in the registrar application that effectuated Recommendation 3's intent. How should the Council react?