

To the Board:

The GNSO is pleased to report it is making substantial progress on GNSO reform issues.

This progress is manifest at the Constituency level from both existing and in-formation constituencies who are working on the required changes. At the level of Council a structure has been adopted with two steering groups and underlying work teams to deal with the key operational and policy changes (reference).

Staff have prepared a preliminary checklist of activities (attached) that is under discussion in Council with a view to adopting this checklist with the following changes:

- a) prioritisation
- b) Interim transitional changes necessary to meet the June 2009 deadline to put in place an interim functional Council
- c) longer term changes necessary to fully implement the required reform.

The Council will follow certain principles in this process:

1. Leadership elections will be de novo based on the enfranchised new interim body 2. Full outreach and bottom up discussion at each stage of transition.

Timetable

At present Council believes the June 2009 deadline is achievable but that will be ultimately determined by the cooperation and capacity of the GNSO's underlying volunteer bodies as well as staff resources. Council will inform the Board in due course if it believes there will be any slippage in this aspiration.

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Attached is the current version of the report on the process being produced by the staff. This represents a view of the state of the discussion at the time of sending and is not guaranteed to remain the same as the discussions progress. This report has not been reviewed in detail by the GNSO Council or the GNSO Constituencies at the time of this writing.

Than you,

Avri Doria  
Chair GNSO Council

## **GNSO Council Report To ICANN Board of Directors on GNSO Council Restructuring Implementation/Transition Efforts 5 December 2008**

Pursuant to ICANN Board Resolution 2008.10.01.15, this report from the GNSO Council summarizes the status of its current plans for seating the new GNSO Council by the ICANN Asia Meeting in June 2009.

Despite a tremendous community workload of substantive policy issues, the GNSO Council is pleased to report it is making significant progress overall on GNSO reform issues. This progress is manifest at the Constituency level (where existing constituencies and those in-formation are working on the required changes directed by the Board), at the new Stakeholder Group level (where significant efforts are being devoted to discussing and developing operating principles and charters) and at the Council Level (where the overall planning and coordination functions are taking place).

At the Council level, the Council has made a fundamental decision to bifurcate the Council restructuring implementation /transition effort from its other operational improvement implementation efforts.<sup>1</sup> This parallel-effort strategy will allow the GNSO community to charter and populate the work teams needed to produce specific recommendations for operational implementation efforts while the Council devotes its attention to implementing the new bicameral Council structure.<sup>2</sup> The latest version of that separate implementation plan currently under discussion by the Council immediately follows this introductory text.

As part of this planning effort, the Council is working with the Staff to develop a plan and timetable that identifies and prioritizes the critical decisions that must be made during the transition to a new bicameral structure. The Council expects to continue its internal discussions throughout the month of December to confirm the inventory of key decisions requiring discussion, to identify and confirm the

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<sup>1</sup> On 16 October the Council approved a high-level implementation plan designed to address the extensive inventory of operational changes approved by the Board including development of a new PDP process and the transition to a new working group model for policy, among others. A copy of that plan was widely discussed during the ICANN Meeting in Cairo and is available for review on the GNSO Improvements Web Page at <http://www.icann.org/en/topics/gnso-improvements/gnso-improvements-implementation-plan-16oct08.pdf>.

<sup>2</sup> In the Council's view, there are few, if any, reasons why the bicameral structure cannot be implemented regardless of the progress of the implementation of the other GNSO Improvement recommendations. Obviously, for the impact of the changes to have maximum effect, the GNSO Improvement recommendations must also be implemented in a timely manner, but if some of those take longer than June 2009, it would not likely limit the ability to implement the bicameral voting structure.

critical paths necessary to achieve full implementation and to establish the appropriate work team structures to address the various implementation matters requiring community discussion and agreement.

At present, the Council believes the June 2009 deadline is achievable but that will be ultimately determined by the cooperation and capacity of the GNSO's underlying volunteer bodies as well as Staff resources. The Council will inform the Board in due course if it believes there will be any slippage in this aspiration.

## **GNSO Council Restructuring Implementation Plan** **(5 December 2008 Draft Version – still subject to Council discussion)**

### *I. Fundamental Community Principles To Be Followed:*

1. Leadership elections will be de novo based on the enfranchised new interim body.
2. Full outreach and bottom-up discussion at each stage of the transition.

### *II. Council Implementation Priorities (not necessarily sequential in all cases):*

1. Develop, obtain approval and implement Stakeholder Group (SG) charters;
2. Ensure that constituencies complete their tasks sufficiently enough to support the SG model;
3. Develop a procedure for electing a chair if the Council does not succeed in getting 60% approval by both houses;
4. Ensure that the GNSO Rules of Procedure are revised to accommodate the bicameral model before June;
5. Develop a transition plan for the time from when the new bicameral Council is seated until the chair and vice chairs are elected;
6. Seat Councilors in the bicameral Council; and
7. Elect Chair and vice chairs.

**III. Inventory of Key Process and Implementation Decisions to Effectuate Transition to Restructured GNSO Council** (specific decision categories and target dates still subject to Council discussion):

1. Determine form, structure and composition of implementation/transition oversight (drafting team, task force, working group, council subcommittee, etc) (a) Decide whether an oversight team is needed or whether the Council can handle this task directly. (Note: rather than forming one oversight team, it might work for the Council to provide high level oversight and as needed form special drafting teams for specific subtasks) (b) If it is decided to form an oversight team, determine working method and decision-making mechanism of the team (consensus, majority, etc.) and develop a charter and initiate formation of the team.	18 Dec 08
2. Develop and confirm inventory of key process, transition and implementation decisions. (Note: this task could result in the addition and/or modification of implementation tasks)	8 Jan 09
3. Develop goals, milestones and timetable for decisions (Note: this task could result in the addition and/or modification of implementation tasks).	8 Jan 09
4. Establish form and frequency of update/reporting mechanism to Board. (Once defined, recurring reports to the Board will be added to the tasks in this plan).	8 Jan 09
5. Determine/define appropriate Council interface, if any, with stakeholder groups during transition (e.g., coordination, best practices or status reports).	29 Jan 09
6. Determine/define Council interface, if any, with constituency groups during transition (e.g., coordination, best practices or status reports)	29 Jan 09
7. Chair Election for Restructured GNSO Council – Determine appropriate timing (elect before, after or concurrent with new Council being seated). (Note: this task could result in the addition and/or modification of implementation tasks)	28 Feb 09
8. Identification and development of any additional voting thresholds or categories that may be needed (as directed by Board).	4 Mar 09
9. Apportionment mechanism for Nominating Committee Appointees (NCAs) – how are NCAs assigned to each house and the council-level position?	4 Mar 09
10. NCA criteria – supply guidance to Nominating Committee regarding qualification/factors to consider for future appointees?	4 Mar 09
11. Consider new and/or continuing liaison and observer roles from ALAC, GAC and ccNSO.	4 Mar 09
12. Consider application of geographic diversity considerations to selection of Council members. (It may be that this task needs to be completed earlier to allow enough time for Board action if needed and to also provide enough time for Stakeholder Groups to elect Councilors.)	4 Mar 09
13. Consider implications for travel funding	4 Mar 09
14. Determine/define selection/seating/timing process for new council in June 2009 and coordinate with constituencies/stakeholder groups as appropriate – need for clear understanding of whether new election/selections are necessary/appropriate?	4 Mar 09
15. Staggering of Council member terms to ensure smooth transitions in future?	4 Mar 09
16. Application of term limits - if approved by the Board	4 Mar 09
17. Consider impact of June 2009 seating timetable on existing Council member terms and immediately subsequent Councilor terms?	4 Mar 09
18. Chair Election for Restructured GNSO Council -- As directed by Board, establish voting process beyond the first ballot.	9 Apr 09
19. Vice-Chair Selection process for each voting house – timing and mechanisms TBD by each voting house (potential post-June decision)	May 09
20. Revise GNSO Rules of Procedure	May 09

*III. Significant Board/ Bylaw Timelines/Deadlines (does not include implementation of any other “improvements” matters being addressed by 16 October 2008 High-Level Implementation Plan Structure):*

**December 2008:**

- GNSO Council restructuring implementation plan submitted in advance of the 11 December 2008 Board Meeting
- Begin By-law mandated GNSO Council Chair Election process for existing Council (dates taken from GNSO Secretariat draft timetable): Call for Nominations for GNSO Council Chair - Monday 1 December 2008 to Monday 15 December 2008 (2 weeks)

**January 2009:**

- Voting for GNSO Council chair - Monday 5 January to 14 January 2009
- Nominations for GNSO Council Vice Chair – (insert dates)
- 29 January 2009 GNSO Council meeting - Confirmation of the GNSO Council Chair and vote for GNSO Council Vice Chair
- 30 January 2009 - end of term for current Chair and Vice Chair

**February 2009:**

- Early February 2009 - Existing GNSO Constituencies submit confirmation documents to the Board for review in advance of the February 2009 Board Meeting
- Mid-to-Late February 2009 – New GNSO Stakeholder Groups submit formal plans for Board approval.

**March 2009:**

- March 2009 – Board consideration of formal plans of new GNSO Stakeholder Groups (decision timing to be determined).
- Board decision regarding GNSO constituency confirmations?

**April 2009:**

- April 2009 – Board decisions regarding Stakeholder Group plans?
- 30 April – Deadline for confirming decisions on all outstanding transition issues for restructured Council

**May 2009:**

- May 2009 – Board-approved Stakeholder Groups appoint/select/determine Council representatives
- New Council Chair election process confirmed

**June 2009:**

- June 2009 – New Bicameral GNSO Council is seated at the June 2009 GNSO Council meeting in Sydney, Australia.