

## What could it mean to have an open and representative model for the SubPro IRT?

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This document is a draft proposal to inform GNSO Council discussion, and ICANN org would not proceed without the Council's non-objection in applying these suggestions for the forthcoming SubPro IRT.

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### Executive Summary

The SubPro IRT will have to work on the implementation of a large number of recommendations in a limited amount of time. ICANN org is looking to establish an efficient process that reduces the chances for and the duration of roadblocks whilst ensuring openness and transparency.

In this context, and in line with the Representative and Open PDP Model, there will be two categories of participants, having equal possibilities to contribute to the work of the IRT: "representatives", appointed by and representing their SO/AC or GNSO SG/C, and "participants"; there will be no restrictions to the number of participants or their affiliation.

### Membership

The **Representative + Open PDP model** ([see PDP 3.0](#)) states: "The Team consists of GNSO SG and Constituency appointed Members and alternates, as well as appointed members and alternates from the other Supporting Organizations and the Advisory Committees (for those interested to participate or those invited to participate), ICANN org staff Liaisons (if deemed applicable), Board Liaisons (if deemed applicable), Council Liaison(s), 1 neutral Chair, and expert contributors (as invited). (Charter to define composition breakdown)."

Based on this, GDS would suggest that membership is similar to what was used for the [IDNs EPDP](#)<sup>1</sup>. A key difference to the text from the PDP 3.0 that **an IRT does not have a chair**. Expert contributors could either be nominated as representatives or be participants. Both representatives and participants would have to submit an SOI in order to be able to subscribed to the mailing list. Those not willing to submit an SOI can follow the publicly posted mailing list manually and catch up on IRT call recordings.

The IRT would be open to all interested participants. The IRT would have one mailing list, to which all representatives and participants would be subscribed and given equal posting rights - this would also apply to any mailing lists set up for sub groups. To be clear: there would be no members-only IRT mailing list(s).

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<sup>1</sup> Please note that the names of the roles differ from those of the IDNs EPDP, and that there is one less category for the SubPro IRT. In addition, it must be mentioned that all those wishing to attend the meetings and be subscribed to the mailing list will have to submit an SOI.

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## Roles and Responsibilities

Per the [Consensus Policy Implementation Framework](#)<sup>2</sup>:

- **“Global Domains Division (GDD) Staff:** The GDD staff are responsible for the entire implementation lifecycle, from creating an implementation plan, engaging the Implementation Review Team (IRT) (if there is one), consulting with relevant ICANN org staff and any outside parties that are required, and conducting outreach surrounding the implementation, including communicating with the public and relevant stakeholders regarding the progress of implementation.”
- **“Implementation Review Team (IRT):** The Implementation Review Team, if convened by the GNSO Council, will serve as a resource to implementation staff on policy and technical questions that arise. An IRT will typically consist of, but will not be limited to, volunteers who were also involved in the development of the policy recommendations. **As such, the IRT is expected to serve as a resource to staff on the background and rationale of the policy recommendations and return to the GNSO Council for additional guidance as required.** Where relevant, the IRT should also include technical or subject-matter experts and contracted parties who can assist staff in the planning for the technical implementation of a policy change.”

In addition:

- As noted in Section C. of the [IRT Principles and Guidelines](#)<sup>3</sup> The GDD Project Manager will lead the meetings of the IRT.
- In alignment with both IRT Principles and Guidelines and the [Consensus Policy Implementation Framework](#) (CPIF), there is no voting nor consensus calls, not among Members nor among Members and Participants.
- All members (representatives and participants) would have equal rights to speak on calls or post to the mailing list(s).
- All members (representatives and participants) would have equal rights to provide comments/feedback/input/proposed edits on any draft language that staff prepares and shares with the IRT.

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<sup>2</sup> Document has not been updated since 2015, therefore whenever Global Domains Division (GDD) is mentioned, this should be read as meaning Global Domains and Strategy (GDS).

<sup>3</sup> Document has not been updated since 2019, therefore whenever Global Domains Division (GDD) is mentioned, this should be read as meaning Global Domains and Strategy (GDS).

## Proposed Roles and Responsibilities for Representatives and Participants

In line with the Representative + Open PDP model and based on the experience of the IDNs EPDP, there would be two categories of participants:

- **Representatives:** Representatives are expected to participate during the course of the IRT. Representatives are expected to represent the view of their appointing organization, and may be called on to provide the consolidated feedback of their appointed organization of their appointing organization. Members are required to have a level of expertise in SubPro-related topics as well as ICANN policies and procedures. In the event a GNSO SG/C or SO/AC is unable to nominate a Representative, at least one participant should be responsible for keeping their respective group informed of milestones and potential issues that may affect the group. The allocation of representatives among community groups could mirror that of the IDNs EPDP.
- **Participants:** Participants may be from a GNSO SG/C or SO/AC, or may be self-appointed and derive from within the ICANN or broader community. Participants will be able to actively participate in and attend all WG meetings. Participants are encouraged to participate in the IRT throughout its lifecycle and are expected to keep up with all relevant IRT discussions to ensure they remain informed and can contribute when needed. Participants are encouraged to possess similar levels of expertise as Members with respect to SubPro-related issues, ICANN policies and procedures in order to contribute effectively. No upper limit of participants will be set.

**Note:** Representatives would be expected to speak on behalf of their constituency, stakeholder group or SO/AC; participants would speak in their own personal capacity.

Below we pasted relevant sections from the [IRT Principles and Guidelines](#), noting whether, under this draft proposal, the section would apply only to members or to members and participants.

1. As provided in the PDP Manual, the IRT is convened to assist staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations
  - a. Would apply to **representatives and participants**.
2. The IRT is not a forum for opening or revisiting policy discussions.
  - a. Would apply to **representatives and participants**.
3. A. Staff must provide regular updates to the IRT on the status of the implementation and conduct appropriate outreach to the IRT at critical milestones. In some cases, status updates and communications about key implementation developments may also need to be pushed out to the broader community.
  - a. Would apply to **representatives and participants**.

4. Staff must set clear deadlines for IRT feedback on documents and implementation plans and send documents to the IRT in a timely manner to ensure sufficient time for IRT review.
  - a. Would apply to **representatives and participants**.
5. Meetings of the IRT must be scheduled by GDD Staff in a timely manner, in consultation with the members of the IRT. The draft agenda is expected to be circulated by GDD Staff to the IRT at least 24 hours in advance and will send out the call-in details and other relevant materials to all the members of the IRT
  - a. Would apply to **representatives and participants**.
6. Staff must set clear deadlines for IRT feedback on documents and implementation plans and send documents to the IRT in a timely manner to ensure sufficient time for IRT review
  - a. Would apply to **representatives and participants**.
7. There is a presumption that all IRTs will operate with full transparency, with at a minimum a publicly archived mailing list and recording of all IRT calls. In the extraordinary event that the IRT should require confidentiality, the IRT is normally encouraged to conduct its meeting(s) in accordance with the Chatham House Rule as the preferred option, and if necessary, additional rules and procedures may be developed by the IRT in co-ordination with staff.
  - a. Would apply to **representatives and participants**.
8. If there is lack of participation resulting in meetings being canceled and/or decisions being postponed, the GDD Project Manager is expected to explore the reasons (e.g. issues with the schedule of meetings, conflict with other activities or priorities) and attempt to address them (e.g. review meeting schedule).
  - a. Would apply to **representatives only**.
9. However, should the lack of participation be reasonably deemed to be the result of IRT members seeing no specific need to attend the calls as they are content with the direction the implementation is going, ICANN Staff can continue with the proposed implementation plan as long as: i) a notice to this effect is sent to the IRT; and ii) regular meetings are held and regular updates are provided for the public record, including on decisions being taken, on the mailing list and deadlines for input are clearly communicated.
  - a. Would apply to **representatives only**
10. In the event of disagreement between ICANN Staff and the IRT or any of its members on the implementation approach proposed by ICANN Staff, the GDD Project Manager, in consultation with the GNSO Council liaison if appropriate, shall exercise all reasonable efforts to resolve the disagreement.

- a. Would apply to **representatives only**.
11. Should they disagreement prove irreconcilable despite such efforts, the GNSO Council liaison in consultation with the IRT is expected to make an assessment as to the level of consensus within the IRT on whether to raise the issue with the GNSO Council for consideration, using the standard decision making methodology outlined in the GNSO Working Group Guidelines
    - a. Would apply to **representatives only**
  12. This process also applies to cases in which there is agreement between the IRT and GDD staff concerning the need for further guidance from the GNSO Council and/or when issues arise that may require possible policy discussion.
    - a. Would apply to **representatives only**
  13. Any IRT member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the IRT or GDD Staff should first discuss the circumstances with the GNSO Council liaison to the IRT.
    - a. Would apply to **representatives and participants**.
  14. In the event that the matter cannot be resolved satisfactorily, the IRT member should request an opportunity to discuss the situation with the Chair of the GNSO Council or their designated representative.
    - a. Would apply to **representatives only**.
  15. In addition, an IRT member always has the option to involve the ombudsman
    - a. Would apply to **representatives and participants**.
  16. RT deliberations should not be used as a tool to reopen a previously explored policy issue only because a constituency or stakeholder group was not satisfied with the outcome of a previously held process on the same policy issue, unless the circumstances have changed and/or new information is available
    - a. Would apply to **representatives and participants**.