GNSO Improvements – Top Level Plan

21 June 2008

Prepared by the GNSO Improvements Planning Team

STATUS OF THIS DOCUMENT

This is the second DRAFT version of the GNSO Improvements Top Level Plan. It is being circulated to the GNSO Council and to the community for discussion and further development.

SUMMARY

The following pages contain some initial documentation on methods that can be followed in beginning the work required to transition from the current GNSO organization to the type of organization ultimately recommended by the ICANN Board. Before these methods can be put into practice, the plan needs to be reviewed by the GNSO and the ICANN community at large and approved by the GNSO council and endorsed by the ICANN Board.
# GNSO “IMPROVEMENTS” PROCESS DOCUMENTATION

## Background

Prepared by the GNSO Improvements Planning Team

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1. **GNSO “IMPROVEMENTS” PROCESS DOCUMENTATION**
2. **THE PLANNING PROCESS**
3. **DRAFT ORGANIZATIONAL CHART FOR GNSO IMPROVEMENTS PROJECT:**
4. **PROPOSED STANDING COMMITTEE CHARTERS**

### PROPOSED STANDING COMMITTEE CHARTERS

#### GNSO Process Standing Committee

1. **Description of GNSO Process Standing Committee**
2. **Working method for GNSO Process Standing Committee**
3. **Membership in the GNSO Process Standing Committee**
4. **Other Participants in the GNSO Process Standing Committee**
5. **Goals and Milestones for the GNSO Process Standing Committee**

#### GNSO Operations Standing Committee

1. **Description of GNSO Operations Standing Committee**
2. **Working method for GNSO Operations Standing Committee**
3. **Membership in the GNSO Operations Standing Committee**
4. **Other Participants in the GNSO Operations Standing Committee**
5. **Goals and Milestones for GNSO Operations Standing Committee**

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**GNSO Improvements Top Level Plan**

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GLOSSARY
GNSO “Improvements” process documentation

The following pages contain some initial documentation on methods that can be followed in beginning the work required to transition from the current GNSO organization to the type of organization ultimately recommended by the ICANN Board. Before these methods can be put into practice, the plan needs to be reviewed by the GNSO and the ICANN community at large and needs to be approved by the GNSO Council and the ICANN Board.

The material in this document, which is a subset of the information that can be found on the GNSO wiki at https://st.icann.org/gnso_transition/, describes the creation of two committees that would be responsible for making sure that the substantive work of implementing the recommendations is done. The wiki also contains other information which is offered as starting material for discussion by these committees, but which is not part of the material being reviewed or submitted for approval in this process.

The plan for the process is for this document to be discussed in the GNSO as well as distributed for an open comment period. After the comment period, the planning team will consider any changes required by the comments received and will submit an updated version to the GNSO council for deliberation and vote. Public comments may be submitted to policy@icann.org.

The goal, assuming the plan is approved by the Council and endorsed by the Board, is to initiate the actual work of the committees described in this proposal at the end of the Paris meeting in June 2008.

This proposal contains the following elements:

• An Overview of the GNSO Improvements Process
• A proposed charter for two committees to make concrete implementation proposals for GNSO change according to the design defined in the Board recommendations:
  1) GNSO Process Standing Committee - A revised PDP process as well as guidelines for working groups
  2) Operations Standing Committee - A set of operational recommendations for the GNSO going forward.

A glossary of terms used in the text is also included.

Background

Board Motion that initiated this work:
Resolved (2008.02.15.03), the ICANN Board directs staff to open a public comment forum for 30 days on the GNSO Improvements Report, draft a detailed implementation plan in consultation with the GNSO, begin implementation of the non-contentious recommendations, and return to the Board and community for further consideration of the implementation plan.

- [Report of the Board Governance Committee GNSO Review Working Group On GNSO Improvements](#)
- [Public Comments](#)
- [Other Background Information](#)

**Planning Team Members**

The members of the planning team involved in preparing this information are:

**GNSO**
- Avri Doria (NomCom appointee, GNSO Council chair)
- Chuck Gomes (Registry constituency, GNSO Council vice-chair)
- Olga Cavalli (NomCom Appointee)
- Philip Sheppard (Business Constituency)
- Robin Gross/Milton Mueller (Non Commercial Users Constituency)
- Ute Decker (Intellectual Property Constituency)
- Wolf-Ulrich Knoben (Internet Service Providers Constituency)
- No current appointee (Registrar Constituency)

**Liaisons**
- Susan Crawford - liaison from the Board Governance Committee.

**Policy Staff**
- Denise Michel
- Liz Gasster
- Robert Hoggarth
- Penelope Wrenn
The Planning Process

The Planning Team

The Planning team has the following roles:

1. To propose a work structure for implementing operational changes recommended by the Board Governance Committee Working Group on GNSO Improvements (BGC WG). This structure will also be used to implement all recommendations as appropriate once GNSO Improvements recommendations have been adopted by the Board.

2. To monitor and report on the progress of the transition once the report has been approved by the ICANN Board and the initial plan has been approved by the GNSO council. That is, once the initial process has been defined by the planning committee, reviewed by the constituencies and the community and approved by the GNSO council, the structures defined in that plan will become functional and will be used as the basis for recommending further activities. At this point the planning committee will, however continue to monitor and will continue to create monthly updates in advance of Board meetings to the GNSO Council and to the ICANN Board. This group will not be assessing policy-related deliverables or outcomes, those deliverables will be forwarded directly to the Council for consideration.

3. To assist any of the committees, teams or working groups as necessary in their processes.

Standing Committees (SC)

From the BGC WG Report:

The Board has found it useful to establish several committees to focus specific attention on some of its many ongoing responsibilities, such as the Committee on Meetings and the Committee on Conflicts of Interest. The Council may wish to follow this pattern by establishing committees of 4-5 members to guide work in a certain area where focused attention and follow-up are required. The subject just mentioned – benchmarking and
trends analysis – might be a candidate for such an approach. Staff and the Council are encouraged to consider other areas where the establishment of smaller committees might be useful. Another area that might be appropriate for management by committee (along with legal and policy staff support) is consideration of conflicts-of-interest issues as they arise.

The planning team is recommending that the initial process include the use of two standing committees with a focused role whose charters are subject to review at the end of each year. It is essential that the Standing Committees are focused on GNSO or GNSO council processes and practices and not on gTLD policies which will be the province of Working Groups.

The two Standing Committees proposed by the planning committee are:

• **GNSO Process Standing Committee**: oversees overall efforts to enhance the policy development process including serving as the coordinating body for separate teams tasked with developing a proposal for a new working group model and a new policy development process. These teams will be responsible for making recommendations concerning processes and methods involved in the transition to a GNSO Working Group (WG) model. This SC will also consider the revision of the Policy Development Process (PDP) which is closely tied to the transition to a WG model.

• **Operations Standing Committee**: oversee efforts focused on recommendations concerning GNSO structure, constituency enhancements, and communications. This committee could also task special focus groups to develop proposals to implement recommendations related to these areas and would operate in an inclusive and transparent manner. Membership in the SC and in the work teams would be drawn from both existing and emerging constituencies.

**Adopting, modifying or terminating a Standing Committee**

It will be the responsibility of the GNSO council to adopt the charter that initiates the work of a Standing Committee. This will be done by a motion for approval of a charter which is duly seconded and which receives a supermajority vote of council members present. The council will also be responsible for approving the membership in a Standing Committee and for any changes that are made to the work items or milestones. All such work plan or membership decisions will be done by a motion within the council that is duly seconded and which receives a majority vote of the council members present. A Standing Committee may be terminated by a supermajority vote of the council.
Membership in Standing Committees

It will be the responsibility of the GNSO council to approve membership of any standing committee. Depending on the definition and role of a particular committee, suggestions for membership may come from diverse sources, i.e., the GNSO council, the stakeholder groups, the constituencies, other Supporting Organizations or the Advisory Committees, the committees themselves, the teams formed by the standing committee, the Board and on occasion the staff.

How many in a Standing Committee

While the Board recommends that a standing committee be composed of 2-4 council members, it remains to be seen whether this is a workable formula for the GNSO. Certainly in the transition period and perhaps beyond, the constituency structure usually dictates that there be place for at least 6 members and more if the NomCom appointees and liaisons are to be included. During the transition period an attempt will be made to keep the standing committees small, with 12 members or fewer.

Who can be in a Standing Committee

The Board recommendation seems to indicate that membership in a standing committee should be limited to GNSO council members. It has been recent council practice to allow for other constituency members to substitute for council members in task forces and in committees of the whole. In the transition period, membership in the committee, while primarily composed of council members will allow for substitution from the existing and emerging constituencies or the liaison’s SO or AC.

Standing Committee working teams

At the discretion of a majority of the members of a Standing committee, a Standing Committee can create working teams to focus on specific tasks that are part of the chartered work plan of the Standing Committee. Any such teams should have a specific charter and should report their results to the Standing Committee. It would be the job of the Standing Committee to coordinate the work of any such teams and to present the GNSO council with well formed proposals that take into account the work of any of the relevant teams. Standing Committees will have to balance between the necessity of bringing enough people to the table to do the work without straining a few volunteers and the scalability and complexity of the team structure they create.
Transparency for Standing Committee and their teams

All work done in a Standing Committee or in one of its teams must be made public. For this purpose, publicly viewable wikis, mailing lists with public archives and meeting minutes must be available. All formal meetings must be either recorded or transcripted, with the recording or transcript made public within a reasonable time frame.

Start Date for Standing Committees

The initial Standing Committees should be formed no later than 27 June 2008.
Draft organizational chart for GNSO improvements project:

![Organizational Chart for GNSO Improvements Project](chart.png)
Proposed Standing Committee Charters

GNSO Process Standing Committee

Description of GNSO Process Standing Committee

The GNSO Process Standing Committee will be responsible for recommending and reviewing any processes used within the GNSO and its council for developing policy recommendations. Recommendations are made in the BGC WG report for substantial changes to the processes used by the GNSO council for developing policy. The immediate goal of this Standing Committee is to initiate the process for developing recommendations for all process changes needed to meet the requirements of the BGC WG report. Once the first set of changes has been implemented, the GNSO Process Standing Committee will be responsible for reviewing the functioning of the new processes and for recommending any further changes, should they be required. One example of such continuing work would involve the review of the post delivery reports of working groups that has been suggested in the BGC WG report.

The GNSO Process Standing committee would also take on new tasks related to processes within the GNSO. Another set of tasks, for example, might involve setting up formal procedures, guidelines and mechanisms to be used within the GNSO for policy initiation and policy deliberation. Future work could also include establishing guidelines for the practice of drafting teams as used in the GNSO council and other ad-hoc mechanisms that are used by the council from time to time. Another area that may involve future work items for this committee includes establishing guidelines for the interactions between the ICANN volunteers of the GNSO and its council and the ICANN policy staff.

This standing committee will also be responsible for recommending any changes in the structure of standing committees to the full council.

Two initial work items are clearly delineated in the BGC WG Report:

- Establishing new rules for the Policy Development Process (PDP) that are based on an open community Working Group model for the deliberative process
- Establishing procedures and guidelines for the functioning of the policy Working Groups.
Working method for GNSO Process Standing Committee

One possible working method for the committee would be to initially create two separate teams, one tasked with developing a proposal for a new working group model (WG Team) and the other a new policy development process (PDP Team). In this case the Process Standing Committee would serve as the coordinating body for these separate teams.

This committee would be responsible for combining the results into a proposal. The proposal would need to include the guidelines for the working groups and the suggested bylaws changes for the PDP process.

One reason for exploring the establishment of two teams is that while the work needs to be coordinated, the detailed work of a PDP that is acceptable for the legal purposes of modifying the contractual conditions within the picket fence allowance of contracts is inherently different from the group dynamics oriented work required for establishing workable community based working groups.

Membership in the GNSO Process Standing Committee

- GNSO council chair and/or vice chair
- 1 representative from each constituency (need not be a Council member)

1 NomCom appointee

Other Participants in the GNSO Process Standing Committee

- Liaison or an appointed representative from each designated group
- GNSO secretariat
- 1 ICANN policy staff representative

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1 The current practice is to allow as many NomCom appointees to participate in the various committees as wish to. As they do not belong to any particular constituency, this has appeared a reasonable solution. However, on those occasions where membership in a committee or other working entity is restricted to just one constituency member, it may be reasonable to ask the NomCom appointees to select one of their number to serve. In such a case, that serving NomCom appointee would have a responsibility of informing the other NomCom appointee of the activities of the committee and for bringing in any other viewpoints that the other NomCom appointee would express. It would not, however, be incumbent on the chosen appointee to actually represent or vote as instructed by the remaining NomCom appointees.
Goals and Milestones for the GNSO Process Standing Committee

- To be determined by the standing committee and approved by the Council

Process Standing Committee Teams

Note: The following is some initial work that has been done to flesh out some of the ideas. It will be the task of the committee once it is established and possibly the teams it creates to review these ideas for relevance and validity. These descriptions should be seen as placeholders that may be useful for starting conversations and suggestions for possible processes and a template that can be used for defining the SC Teams.

- **PDP Team**
  This team would be responsible for reviewing the existing PDP in the bylaws and recommending changes to the bylaws to the community and council.

- **Working Group Team**
  This team would be responsible for making recommendations concerning, processes and methods involved for the new GNSO Working Group (WG) model, including suggestions for transition to the new model.

Background on GNSO Process Standing Committee

- **Reference from BGC WG Report on WG**

- **Reference from BGC WG Report on PDP**
GNSO Operations Standing Committee

Description of GNSO Operations Standing Committee

The GNSO Operations Standing Committee will be responsible for coordinating, recommending and reviewing changes to certain operational activities of the GNSO and its constituencies with a view to efficient outcomes. The BGC WG Report on GNSO Improvements makes a number of recommendations in three operational areas, as follows:

1. GNSO Operations – developing any changes needed to the Council’s structure and role in response to the Board approved GNSO structure;

2. Constituency Operations -- enhancing constituencies by making processes more outcome oriented, transparent, accountable and accessible; and by redoubling outreach efforts to encourage broader participation in current constituencies and the self-forming of new constituencies; and

3. Communications -- improving communication and coordination with other ICANN structures, including members of the ICANN Board, other Supporting Organizations (SOs) and Advisory Committees (ACs).

The immediate goal of this Standing Committee is to develop recommendations to implement operational changes contained in the Report. Once recommendations have been implemented, the GNSO Operations Standing Committee will be responsible for reviewing and assessing the effectiveness of these new improvements and for recommending further operational enhancements as warranted. The Operations Standing Committee may also consider taking on other operations-related matters on a standing, or ongoing basis. For example, the Operations Standing Committee might examine how constituency support might be further enhanced in the future, or identify when new training curricula might be called for, or consider how to best align the GNSO Council’s work with ICANN’s strategic plan on an ongoing basis.

The BGC WG Report currently contains a recommendation to restructure constituency representation on the Council. We understand that alternative restructuring proposals will be considered before this recommendation is finalized by the Board, and provide a place-holder here noting that the Operations Standing Committee would have responsibility for implementing whatever structuring plan that is ultimately approved by the Board.
One possible working method for the committee would be to initially create three separate teams to take on the work of each of the three operational areas described above. In this case the Operations Standing Committee would serve as the coordinating body for these separate work teams. There are two reasons to consider establishing three teams: 1) recommendations span a significant list of topic areas, and dividing the work into three teams may reduce the volume of work asked of each individual participant; 2) successful implementation of certain recommendations may benefit from special expertise and experience. For example, those who are active in constituency management will have valuable expertise to help the team responsible for developing consistent and transparent rules of constituency participation. Communications experts may have valuable insights on the best collaborative tools to use in a distributed working environment. If the Operations Standing Committee does opt to establish these three teams, one possible way to allocate the work activities might be as follows:

- **Team #1 – (if required) GNSO Operations** -- Develop a proposal for Council consideration on GNSO operations-related recommendations. Recommendations considered from the BGC WG Report might include:
  - Determine what steps are needed to implement a new Council and constituency structure, including identifying any needed changes to bylaws &/or ops procedures (note that this is a placeholder only at this time, for future activity once Board direction is provided).
  - Determine what steps are needed to establish the role of the Council as a “strategic manager of the policy process”.
  - Define and develop scope and responsibilities of any other standing “committees” as recommended by the BGC WG (those suggested to date: committee to analyze trends; committee to benchmark policy implementation)
  - Prepare suggested changes to bylaws regarding Council’s term limits.
  - Develop “Statement of Interest” and “Declaration of Interest” forms.
  - Develop curriculum for training Council members, also constituents, facilitators and others.
  - Stakeholder group operations -- The restructuring plan suggests the need to establish clear rules for the establishment of stakeholder groups, which would be taken on following further decision-making on GNSO Council structure

- **Team #2 Enhance Constituencies** -- Develop a proposal to implement
recommendations focused on enhancing constituency operations.
Recommendations considered from the BGC WG Report might include:

1. Developing a global outreach program to broaden participation in current constituencies and to encourage the self-forming of new constituencies.

2. Enhance existing constituencies -- develop a recommendation on the following:
   • develop a set of top-level participation guidelines based on the principles as defined in the GNSO recommendations
   • develop a “tool kit” of basic administrative, operational and technical services available to all constituencies

   • Team #3 Improve coordination with other ICANN structures -- Develop a proposal to improve communication and coordination for Council consideration.

In addition, the structure proposed by the planning committee also contemplates the possibility that a standing committee might opt to create one or more special focus teams. The Operations Standing Committee may also want to consider whether any of the activities called for in the recommendations lend themselves to being addressed through the establishment of a special team.

Membership in the GNSO Operations Standing Committee

- GNSO council chair and/or vice chair
- 1 representative from each constituency
- 1 NomCom appointee

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2 The current practice is to allow as many NomCom appointees to participate in the various committees as wish to. As they do not belong to any particular constituency, this has appeared a reasonable solution. However, on those occasions where membership in a committee or other working entity is restricted to just one constituency member, it may be reasonable to ask the NomCom appointees to select one of their number to serve. In such a case, that serving NomCom appointee would have a responsibility of informing the other NomCom appointee of the activities of the committee and for bringing in any other viewpoints that the other NomCom appointees would express. It would not, however, be incumbent on the chosen appointee to actually represent or vote as instructed by the remaining NomCom appointees.
Other Participants in the GNSO Operations Standing Committee

- 1 representative from any constituencies formally involved in the process of formation (once the process for forming a new constituency has been established)
- Liaison or an appointed representative from each designated group (as appropriate)
- GNSO secretariat
- 1 ICANN policy staff representative

Goals and Milestones for GNSO Operations Standing Committee

- To be determined by the standing committee and approved by the Council

Operations Standing Committee Teams

Note: The following is some initial work that has been done to flesh out some of the ideas. It will be the task of the committee once it is established and possibly the teams it creates to review these ideas for relevance and validity. These descriptions should be seen as placeholders that may be useful for starting conversations and suggestions for possible processes and a template that can be used for defining the SC Teams.

- GNSO Operations Team
- Constituency Operations Team
- Communications Team
- Special Focus Teams
**Glossary**

**BGC WG:** ICANN Board Governance Committee Working group on GNSO Improvements

**Drafting Team:** A small ad-hoc group created by the council for the purpose of developing a proposed document for discussion. The types of document can include i.a., a PDP charter, a motion in response to a PDP deliberative process, a letter addressed to another organization, a request or report to the Board or an ICANN senior staff member, a standard council motion. Drafting teams should include at least 2 council members as well as other members of the community. The council members of the drafting team will be responsible for maintaining liaison with the council. In most cases, the output of the Drafting Team serves as a recommendation to the council and a starting place for a discussions and does not constitute an official position of the council.

**PDP:** Procedures for the Policy Development Process as defined in Bylaws Article X Section 6. These are the procedures in effect until PDPbis has been adopted by the GNSO council and approved by the ICANN Board of Directors.

**PDPbis:** Policy Development Process as defined in response the BGC WG

**Planning Team:** Group formed to initiate the process for making the changes recommend by BGC WG

**Standing Committee (SC):** A long term, small, group formed to develop process and working method recommendations for the approval of the GNSO council. Standing Committees are generally responsibility for forming and coordinating SC Teams for specific topics.

**Task Force:** A group of the GNSO council that is defined in the current PDP process.

**Transition:** the process of transforming the GNSO and the GNSO council based on the BCG WG recommendations.

**Team:** Group of individuals tasked by a Standing Committee with developing specific proposals. The work of Teams will be coordinated by the Standing Committees and their output will be brought back to the Standing Committee.

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3 “Improvements”: A reference to the changes to be made in the GNSO in response to the BGC WG recommendations. The word Improvements is in quotes to remind those involved in the process that whether the changes constitute an actual improvement is something that remains to be seen and will only be available to assessment several years after the transition.
Working Group (WG): An ICANN community based group as used in the BGC WG formed in response to a Policy Development Process charter developed and approved by the GNSO council.