

# ICANN | GNSO

Generic Names Supporting Organization

## GNSO Council Virtual Strategic Planning Session 02-04 November 2020 Meeting Report

### Status of This Document

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This is the outcome document from the fourth GNSO Council Strategic Planning Session held virtually in November 2020. This successful event saw the GNSO Council: 1) assess and discuss how to best prioritize the GNSO's workload by reviewing both the existing and newly-developed GNSO project management tools and 2) reaffirm its understanding of its role as the policy development process manager and discuss strategies that will assist in empowering the GNSO Council to deliver on its priorities and commitments.

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# 1 Executive Summary

## A. Background

This is the outcome document from the fourth GNSO Council Strategic Planning Session (“SPS”) held remotely over multiple sessions, beginning on 5 November 2020 and ending on 24 November 2020. The originally-planned meeting was arranged to be funded through an Additional Budget Request that was submitted by the GNSO Council in the previous calendar year; however, because the meeting took place virtually, no funds were ultimately used. The SPS sought to build upon the important work and projects that had been initiated following the first SPS in 2018, second SPS in 2019, and third SPS in early 2020.

The objective of the fourth SPS was to: (1) welcome and integrate new councilors in a virtual environment and ensure all councilors are aware of their role and responsibility as a GNSO Councilor and the resources at their disposal; (2) reach a common understanding of the GNSO Council’s workload, priorities, and commitments in the calendar year ahead, (3) develop an understanding of the tools that allow for the alignment of program management with the resources available and/or identification of resources needed.

In advance of the meeting, the Council leadership team met extensively with GNSO Policy Support staff to develop a comprehensive agenda for the meeting, and circulated preparatory materials to members of the Council in advance of the meeting for their close and comprehensive review.

The meeting had a strong attendance of GNSO Councilors and the GNSO Council liaison to the GAC with active and vocal participation from all GNSO Stakeholder Groups and Constituencies. The sessions were facilitated by GNSO Council Leadership, Philippe Fouquart (GNSO Chair), Pam Little (GNSO Council Vice-Chair), and Tatiana Tropina (GNSO Council Vice-Chair).

In the interest of transparency, all of the preparatory materials for this meeting have been archived at this URL:

<https://drive.google.com/drive/folders/19XhUXvQzGF6cq7MBkua7BOalLoloD4kl>.

Additionally, all relevant Council procedures (including the GNSO Operating Procedures, Policy Development Process Manual, GNSO Working Group Guidelines and the new Empowered Community processes and procedures) are publicly available at this URL: <https://gns0.icann.org/en/council/procedures>.

## B. Terminology

Where there are references to the Council within this document, please note this refers to the GNSO Council. Similarly, references to Working Groups refer exclusively to Policy Development Process (“PDP”) working groups that have been chartered or managed by the GNSO.

## C. Focus

The meeting spanned seven sessions, which are detailed below. Note, that due to the virtual nature of this SPS, the same topic was offered over multiple sessions to accommodate multiple timezones.

### **Session 1: Agenda for GNSO Council Threats & Opportunities Brainstorming Session**

**Date and Time:** Thursday 5 November at 19.00 UTC

The overarching goals of this session were:

- Understand SG/Cs perspectives on Council’s opportunities and threats to help inform the direction of the SPS
- Better understand the relationship and interaction between SGs/Cs and Council
- Learn from previous Council members’ experiences and benefit from their guidance

### **Session 2: Topic-based Plenary Session**

**Date and Time:** Tuesday, 10 November at 2020 at 19:00 UTC for 2 hours

The overarching goals of this session were to:

- Ensure a common understanding of the Council’s priorities and commitments for the year ahead;
- Evaluate and identify working methods that empower the GNSO Council with the contribution from all Council members to deliver on its priorities and commitments

### **Session 3: Breakout session on first topic – OPTION 1**

**Date and Time:** Thursday, 12 November at 2020 at 10:00 UTC for 90 minutes

**Topic 1:** Empowering the GNSO Council to deliver on its priorities and commitments

The overarching goal of this session was have the Council reflect on the following questions:

- What information is needed to better align planning with resources?
- What early warning mechanisms can be explored to alert SG/C/AC/SOs to upcoming work and allow for adequate preparation and identification of volunteers / expertise?
- How can planning be better aligned with ICANN’s budget process?
- How and when should the Council say ‘no’ or ‘not now’?

- Are there other aspects that the Council should focus on to ensure better alignment between ADR and resource management?

**Session 4:** Breakout session on first topic – OPTION 2**Date and Time:** Thursday, 12 November at 2020 at 18:30 UTC for 90 minutes**Topic 1:** Empowering the GNSO Council to deliver on its priorities and commitments

The overarching goal of this session was have the Council reflect on the following questions:

- What information is needed to better align planning with resources?
- What early warning mechanisms can be explored to alert SG/C/AC/SOs to upcoming work and allow for adequate preparation and identification of volunteers / expertise?
- How can planning be better aligned with ICANN's budget process?
- How and when should the Council say 'no' or 'not now'?
- Are there other aspects that the Council should focus on to ensure better alignment between ADR and resource management?

**Session 5:** Break out session on second topic - OPTION 1 (see above)**Date and Time:** Tuesday, 17 November at 2020 at 10:00 UTC for 90 minutes**Topic 2:** Council Action / Decision Radar – from theory to practice, how to align program management with resources**Session 6:** Breakout session on second topic – OPTION 2 (see above)**Date/time:** Tuesday, 17 November at 2020 at 19:00 UTC for 90 minutes**Topic 2:** Council Action / Decision Radar – from theory to practice, how to align program management with resources**Session 7: SPS Wrap-up****Date and Time:** Tuesday, 24 November at 2020 at 18:30 UTC for 90 minutes

The Council used this session to review the outcomes and action items of the previous sessions.

**Additional GNSO Council Development Session****Date and Time:** Monday, 8 February 2021 at 10:00 UTC and 20:00 UTC for 60 minutes.**Topic:** What Does it Mean to Manage the Policy Development Process?

## D. Outcomes

This report provides further details on the discussions, agreements, and action items that came out of the fourth GNSO Council Strategic Planning Session.

The key outcomes of the meeting can be summarized as follows:

- **Availability and Utility of Tools:** New and existing councilors were introduced to and reminded of, respectively, the existing and evolving tools available to them so they can better understand and disseminate the salient information to their constituencies regarding project pipelines, Council priorities, and the Council's availability and capacity to take on work in the future.
- **Council Organization:** Councilors expressed general satisfaction with the existing working methods but discussed methods for making Council meetings more interactive by encouraging more Councilors to assume speaking roles during the monthly Council meetings; in other words, fewer "monologues" from Council leadership and more individuals or small teams volunteering for specific agenda items, resulting in a broader sense of ownership and greater speaker diversity.
- **Formalization of ad hoc mechanisms:** Councilors supported the continued use of a combination of ad hoc groups and structured caucuses, to be formed on an as needed basis. In considering pros and cons of working in ad hoc groups versus more organized standing caucuses, Councilors noted that different approaches may be appropriate to handle different issues. For example, some controversial issues may be best addressed by structured small groups with a representative model, while smaller, less controversial topics could continue to be handled on an ad hoc basis.
- **Polarization:** While polarization on some issues may be inevitable due to the diverse interests and priorities within the Council, Councilors agreed to help reinforce the respective roles of PDP WGs, Council, and IRTs to help prevent re-litigation of issues in multiple fora. Councilors also noted that training in facilitation strategies contained in the Consensus Playbook could also help to reduce the level of polarization.
- **Council Action-Decision Radar:** Councilors discussed the need to have more information about available people resources relative to the overall project pipeline in order to enable them to make informed decisions about prioritization. The more data Council has about available resources and the resources necessary for upcoming work, the better positioned it is to say

“no” or “not now.” If it is clear that the community has reached or exceeded its capacity, it may be appropriate to put a moratorium on new work. To that end, some councilors suggested active feedback and/or a survey to SG/Cs to gain further insight into the resource capacity of the community, as this is particularly difficult for the Council to project without further information.

- **Planning:** To the extent that the GNSO Council can project budget/resource needs and communicate these in a clear, concrete manner to ICANN org, ICANN org is better positioned to assess these needs as part of the budget process.

## Session One

### A. Focus for Session 1

#### *Opportunities and Threats Brainstorming Session*

The overarching goals of this session were to:

- Understand SG/Cs perspectives on Council’s opportunities and threats to help inform the direction of the SPS
- Better understand the relationship and interaction between SGs/Cs and Council
- Learn from previous Council members’ experiences and benefit from their guidance

### B. SG/Cs perspectives on Council’s opportunities and threats

During the first part of this session, the GNSO Council Chair asked the chair of each GNSO stakeholder group and constituency to:

a) briefly introduce the group and how it works with its respective Council members

b) share the group’s perspective on the main opportunities and threats from the GNSO Council for the upcoming year and beyond.

The following chairs presented on behalf of their groups:

**Registrar Stakeholder Group:** Ashley Heineman

**Non-Commercial Stakeholder Group:** Bruna Martins dos Santos

**Business Constituency:** Claudia Selli

**Intellectual Property Constituency:** Heather Forrest

**Non-Commercial Users Constituency:** Raphaël Beauregard-Lacroix

**Not-for-Profit Operational Concerns Constituency:** Raoul Plummer

**Registry Stakeholder Group:** Samantha Demetriou

**Internet Service Provider and Connectivity Constituency:** Wolf-Ulrich Knoblen

**Key Takeaways:**

1. The Council observed that many constituencies expressed capacity concerns; accordingly, over the course of the upcoming sessions, Council leadership asked the Council to think about how to best evaluate constituency capacity.
2. The Council agreed that it should think carefully about how to action the items that come out of its Strategic Planning Session.
3. Many councilors agreed that the Council should try to scope work as tightly and precisely as possible so that potential volunteers can have a more accurate assessment of how long a project/commitment will take.

**Registrar Stakeholder Group:**

Opportunities:

- Priority for Registrars is getting moving on the Transfer Policy Review. RrSG has already started preparing its comment in response to the Preliminary Issue Report.

Challenges/Threats:

- Time and resource constraints
- Issues of previously-agreed upon issues being re-litigated at the IRT phase

**Non-Commercial Stakeholder Group**

Opportunities:

- Capacity building and gathering more volunteers for policy work

Challenges/Threats:

- Not enough volunteers to contribute to the policy development work
- Lack of resources for implementation of PDP 3.0 and EPDP Phase 2A

**Intellectual Property Constituency**

Opportunities:

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- EPDP Phase 2A
- Make SSAD actually workable for its users
- RPM Phase 2 allows the opportunity to review the UDRP from the perspective of the filer
- Remote ICANN meetings - allow ICANN to reach into areas that we may not have otherwise been able to reach
- GNSO Review - allows the Council to reflect on where we are today

**Challenges:**

- What does the GNSO do when we don't agree on issues? (DNS abuse, NomCom seats for GNSO, PDP implementation (PPSAI))
- How to handle local laws that conflict with GNSO policies
- How to manage workload of ICANN remote meetings

**Non-Commercial Users Constituency****Opportunities:**

- Help new members' participation level

**Not-for-Profit Operational Concerns Constituency****Opportunities:**

- Online meetings can allow greater participation
- NPOC will be doing all of its policy work through the NCSG policy council

**Registry Stakeholder Group****Opportunities:**

- Consider different representation models like representative models vs. open models

**Challenges:**

- Diversity in business models
- Challenge to the Council's role in the multi-stakeholder model- the arbiter of how policies are implemented (in line with policy recommendations)
- Finding more people to work on more topics b/c membership is limited to Rys that have a contract with ICANN - thinking about the resourcing issue when it comes to initiating new work efforts

**Internet Service Providers and Connectivity Providers Constituency****Opportunities:**

- Council to strengthen its role as manager of the PDP
- EPDP related to data accuracy
- GNSO (structural) review
- GNSO representation - Council leadership in relation to SG/C leadership

**Business Constituency**

## Opportunities:

- EPDP is of central importance - especially unresolved issues in Phase 2A and accuracy
- DNS abuse - would like to see a concrete way forward on DNS abuse
- GNSO (structural) review

**Overall Council Feedback on Opportunities and Threats Discussion:**

- Some councilors agreed that there is a lot of talk about prioritization without thinking of resourcing. Accordingly, the Council needs to understand the capacity of constituencies. How many people/hours is it possible to provide? How do you evaluate your particular constituency's capacity?
- One councilor noted that many ICANN community members are already at saturation point. Most members of the Registrar Stakeholder Group, for example, do not represent large companies that are able to dedicate the needed time to these efforts.
- A former councilor noted that the newly-empaneled Council needs to consider how it will effectively prioritize and action the outcomes from this session, and when can the GNSO community have confidence that the Council will work on these items?
- A councilor noted that the Council should try to scope work as tightly and precisely as possible so that volunteers could have a more accurate assessment of how long something will take.
- A councilor posed the question: within the context of prioritizing - what if Council has no consensus or disagreement? The procedures do not say how decisions should be made. This discussion item is something to take to the breakout sessions - for example, what work should we take on first?

**Wisdom from Outgoing Councilors**

*During the second part of this session, outgoing GNSO Council members were invited to share their perspectives and experiences with the new Council to help inform and guide the new Council in its activities.*

**Keith Drazek** (outgoing GNSO Chair, Council member appointed by RySG): It's important to have better engagement with SG/C chairs. Some PDPs were extended last year, and this made it impossible to add more work; the close of these PDPs will allow the Council to take on new work in 2021. Tools developed by ICANN policy staff will greatly assist Council in its work, and it's imperative for Councilors to familiarize themselves with the available tools.

**Michele Neylon** (Council member appointed by RrSG): In many cases, people will be putting forward a position on behalf of their group, so the position they may be taking isn't necessarily their own position; it is important to understand this nuance when engaging in discussions. There will inevitably be different issues and interests; some may not be exciting or interesting to certain Council members. However, it is important to spread the work amongst all the councilors; in the past, it was common for a small core

of councilors to do the majority of the work, which is untenable over a long period of time.

**Rafik Dammak** (Outgoing GNSO Council Vice Chair, Council member appointed by NCSG): The GNSO is the body responsible for policy-making for gTLDs, and it's important for all councilors to understand that. It is also important to continue the important work of PDP 3.0.

## Session 2: Recap of Opening Session and Overview of Breakout Topics

### A. Focus for Breakout Topic 1 (Sessions 3 and 4)

The focus for the first breakout topic was **how to best empower the GNSO Council to develop concrete proposals that will enable it to deliver on its priorities and commitments** and use that information to start the development of a prioritized work plan for the year ahead and beyond.

Councilors were asked to consider the following questions in its deliberations on this topic:

1. **Tools:** Are there existing or new tools that should be considered that will help further empower the GNSO Council?
2. **Organization:** Are there better ways in which the Council can organize itself to deliver on priorities and commitments. Are there practices in other ICANN bodies that could be replicated?
3. **Formalization:** Will the formalization of ad hoc mechanisms further empower the Council or is there a risk of restraining itself?
4. **Polarization:** How to avoid polarization on controversial topics and allow the Council to focus on its role and remit which is procedural not substantive?
5. **Other:** How to avoid polarization on controversial topics and allow the Council to focus on its role and remit which is procedural not substantive?

### B. Focus for Breakout Topic 2 (Sessions 5 and 6)

The objective of this session is to **assess the current suite of tools and see if there is a need for additional or refined tools to better assist the Council in prioritizing its work and delivering its commitments.**

The Council was asked to consider the following problem statement: The GNSO Council now has a tool to better manage and track projects in the pipeline but how can it be linked to resources available to ensure a realistic planning and pipeline?

During these breakout sessions, Councilors were asked to consider the following questions:

1. **Information:** What information is needed to better align planning with resources?
2. **Early Warning/Preparation:** What early warning mechanisms can be explored to alert SG/C/AC/SOs to upcoming work and allow for adequate preparation and identification of volunteers / expertise?
3. **Planning:** How can planning be better aligned with ICANN's budget process?
4. **Saying "no" or "not now":** How and when should the Council say 'no' or 'not now'? What information is needed to reach that conclusion (see also #1 and #2)?
5. **Other:** Are there other aspects that the Council should focus on to ensure better alignment between ADR and resource management?

## C. Council Discussion

**Key Takeaway based on Council feedback:** In the upcoming breakout sessions, Councilors should consider if there is a neutral framework under which the Council can prioritize its work. Are there models outside of ICANN that the Council could consider if difficult or polarized decisions occur?

### High-level Notes from Councilor Discussion

- A councilor suggested the Council should rethink how to seek legal advice for PDPs, as there is a perception that ICANN may be biased and has a distinct interest in protecting the organization and its staff. How can the Council ensure that this is managed in a fair and unbiased way?
- Support Staff noted with respect to the formal rules for small teams and scoping teams: small teams are composed of Council members who come to the full Council with findings or guidance. Scoping teams may have members from outside the community, for example - the accuracy scoping team.
- A councilor noted that it would be helpful to improve upon the GNSO delivery process - for example, it would be helpful to discuss how to arrange work and that would assist in telling us what tools the Council needs and doesn't need. The Council will not be able to avoid controversial topics and polarization. Instead, the question is - how do we handle the sorts of conflicts that occur? Would it be helpful to look at other consensus models and look at efficiencies?
- A councilor noted It would be beneficial to conduct a proper risk assessment in advance of initiating a new PDP.

- A councilor noted some concerns with small groups: there is sometimes a lack of communication b/w small group members and their constituencies, which can result in agreements in a small team that are unwound when other councilors or community members within the same constituency disagree with the small team agreement. If the Council continues to use small teams, there should be a channel to report into so that non-small team members can be apprised of the progress.
- A councilor noted it is important to assign appropriate SMEs to the right PDPs; liaisons should not act as advocates. Perhaps the Council could consider creating a database to track expertise.
- Councilors asked if there is a list of items that the Council can't say 'no' to even if it wants to? If so, this would be helpful to understand.
- Multiple councilors noted that it is important to examine the criteria that the decisions to proceed (or not) are based off of, and after determining the factors, develop a standard neutral framework under which to examine projects to take on.

## Breakout Topic 1: Empowering the Council to Deliver on its Commitments (Sessions 3 and 4)

### A. Focus for Breakout Topic 1

The focus for the first breakout topic was **how to best empower the GNSO Council to develop concrete proposals that will enable it to deliver on its priorities and commitments** and use that information to start the development of a prioritized work plan for the year ahead and beyond.

Councilors were asked to consider the following questions in its deliberations on this topic:

1. **Tools:** Are there existing or new tools that should be considered that will help further empower the GNSO Council?
2. **Organization:** Are there better ways in which the Council can organize itself to deliver on priorities and commitments. Are there practices in other ICANN bodies that could be replicated?
3. **Formalization:** Will the formalization of ad hoc mechanisms further empower the Council or is there a risk of restraining itself?
4. **Polarization:** How to avoid polarization on controversial topics and allow the Council to focus on its role and remit which is procedural not substantive?

5. **Other:** How to avoid polarization on controversial topics and allow the Council to focus on its role and remit which is procedural not substantive?

**Key-Takeaways:**

1. The Council supported the idea of creating a database of Councilors' skills, interests, and relevant expertise to best assess the appropriate councilors to work on specific topics.
2. Multiple Councilors noted that it may be helpful to have an additional tool or additional function within a tool that shows how one project delay may affect the Council's upcoming pipeline.
3. Multiple Councilors noted it would be helpful to reach out to the ICANN community groups to report on their capacity to contribute to current and upcoming work.

## B. Council Discussion

### 1. ***Tools: Are there existing or new tools that should be considered that will help further empower the GNSO Council?***

- The Council has a suite of tools that staff has been developing and tweaking. In addition to the four main tools (i.e., projects list, program management tool, Action Decision Radar, action items list), Staff has developed a list of active small teams in the Council. In terms of suggestions for additional tools, one Councilor suggested a database of Councilors' skills and interests.
- Some councilors supported having a database of competence/expertise to better identify Councilors and other experts to work on different topics.
- One councilor suggested it would be helpful to have more interactive tools. For example, it would be helpful to see how a delay in one project may impact other work, as well as how many projects are projected to be running in parallel at a particular point in time.
- Some councilors noted the skillset database might be collected through some sort of menu, to make it easier for those participating in the effort to identify their skills; however, there should also be a way to enter skills not on the menu.
- A Councilor suggested documents should be concise. On the issue of scheduling, the Council should consider making discrete schedules breaking down how much time is needed to discuss/address different topics over time to plan the Council's work and meeting agendas effectively. It would be helpful to understand

different consensus building models used by other groups. We might be able to learn from other consensus building cultures.

- A Councilor noted it may be helpful to track the number of man-hours put into PDPs. This will help to understand capacity for taking on future projects. It would also be helpful to ask groups to report on their capacity to contribute to this work. We have to make sure that information going into the database is accurate and represents skills correctly.
- A Councilor suggested the database could also include how much time people have to devote as well as the time zone that people are located in.
- A Councilor noted that lessons can potentially be drawn from the arbitration model, in which different perspectives are collected and then analyzed to find points of convergence. Regarding tools, there are many different channels of information that Councilors need to use -- email, website, wiki, etc. There could be opportunities to improve the website as a point of entry for information on different issues.
- A Councilor noted it could be helpful to have a tool for the community that provides bullets capturing Council's high-level objectives and position on different issues.

***Topic 2: Organization - Are there better ways in which the Council can organize itself to deliver on priorities and commitments. Are there practices in other ICANN bodies that could be replicated?***

- Support Staff noted the work of the Council is organized into Council meetings, small teams focused on specific efforts, the Standing Committee on Budget and Operations (SCBO) and Standing Selection Committee (SSC), ongoing work of the Council leadership team, as well as the work of liaisons to the WGs and the liaison to the GAC. Council meetings are formal and structured, but Council leverages small teams for a lot of the work that needs to happen between meetings. Can the group identify improvements to existing arrangements?
- A Councilor noted the Working Group structure used within the GAC has worked well. The Working Groups are an efficient way to make progress on issues. Engaged leadership was necessary to produce successful outcomes.
- Question for Council consideration -- Should the Council continue with the model of forming ad hoc small teams on a case-by-case/as-needed basis, or develop a more formal structure of small teams/caucuses within Council?
- A councilor noted the Council could save time in Council meetings by making sure that the Council doesn't repeat information and background and recommended Councilors to come prepared so that the discussions can be more engaging with less formality and repetition.
- A councilor noted that Council meetings should not be a monologue. Different topics could be led by different Councilors/small team leads, which would reduce

the workload on leadership and make the small team leads more accountable, and potentially make the discussion more engaging and less repetitive.

- A councilor noted there are some lessons learned from EPDP's experience using small teams. Representation is important in the small team. Small team members need time to check in with the groups they represent, so the output of the small team is not a surprise to the groups. By focusing on these two attributes, there is less of a risk that issues need to be re-litigated at the plenary level.
- A councilor noted that the Council has made efforts to ensure representation on some of the small team efforts, for example PDP 3.0 and EPDP Rec 7. Representation may be more important when dealing with controversial issues.
- A councilor noted that caucuses provide a structured approach, but the creation of small groups that are more flexible and more ad hoc is driven by the fact that things come up, and they may be hard to attribute to a specific caucus. Caucuses may also contribute to siloed efforts. Perhaps consider a hybrid of small groups and caucuses.
- A councilor who participated in the Universal Acceptance Group noted that a helpful tool from UA was to have separate groups with specific expertise but keep the groups open, so those who are interested but not experts may still attend, if so desired. The output of the groups is the baseline for the full group to work on. The results of these groups is more work product.
- Support Staff noted that the ADR helps set agendas and allows for Councilors to see what is coming; the Council agenda-planning doc is one that all councilors can see and comment on (to date, it's usually on leadership that reviews this, but that doesn't prevent other councilors from commenting on it going forward)

***Topic 3: Formalization: Will the formalization of ad hoc mechanisms further empower the Council or is there a risk of restraining itself?***

- Question for discussion: Small teams are currently formed on an ad hoc basis based on need. Do we want to have more permanent sub-groups that are more formal with a representative structure, like the SCBO and SSC? Would that help to ensure buy-in at the full Council level on the small teams' outputs?
- A councilor noted that more structure could provide more predictability but not all tasks are suitable to a formal structure. For example, the ODP small team is focusing on a one-off task. A formal charter and structure would be overkill. Maybe some issues could be handled in a more structured way while others are handled in a more ad hoc manner.
- A councilor agreed that it is important that all groups are aware of the work and feel represented in small teams. Some formalities are useful. It's important to set expectations.



- Some councilors supported the idea of focusing more on small teams. It might be helpful to look at timezones of participants to ensure they can work efficiently together.
- Some councilors supported having a representative model for small teams.
- A councilor responded that, In principle, representation is a sound objective; however, some topics are only of interest to a few people.
- Small teams should provide email reports to Council after their meetings.
- Several councilors agreed that it would be helpful to operate on a hybrid basis, forming more formal groups where it makes sense to do so and continuing to have ad hoc groups, as well.

***Topic 4: Polarization - How to avoid polarization on controversial topics and allow the Council to focus on its role and remit which is procedural not substantive?***

- Question from a councilor: Do the existing governance documents give us enough clarity about Council's role regarding process vs. substance? From leadership's perspective, these documents are clear that it is the Council's role to manage the policy development process and not to get into the substance.
- A councilor noted that the documents are clear that the role of Council is more procedural. There have been moments where this has been lost among some Councilors. The councilor went on to note that the Council needs to keep reinforcing this point. Polarization creeps into the process when the Council is dealing with very complex issues. Councilors rely on their groups to get informed about the issues and these groups can provide polarizing input. Congress members have staffers that help them get up to speed on the issues they need to address. It might be helpful for Councilors to have access to history and context of the issues to support them in making decisions.
- Councilors support the Council being able to draw on policy support staff to help them understand the issues, where possible.
- A councilor noted that different parties have different interpretations of laws, and, accordingly, the Council cannot use a single source for interpretation of laws.
- A councilor noted that in arbitration, terms of reference are used to document the different interests. The Council could consider drawing on this practice, noting that this context is different from arbitration. In Council/GNSO work, it may be difficult to achieve transparency in understanding interests, but it would be helpful if the Council could work towards more transparency in this regard.
- A councilor noted that if GNSO groups producing the work operate on a representative model, is it easier for the Council to focus on whether the group followed the process, because all of the interests have been taken into account in the group's work. If a group in a WG does not support the recommendations of a WG but the recommendations are still put forward, should Councilors from that group continue to advocate for the position or simply focus on procedure

when considering the outputs? Should they be able to continue to advocate for the issue in the IRT? Should groups that opposed recommendations in a WG be represented in the IRT?

- A councilor responded that the Council cannot shut out the participation of these groups in the IRT. But the IRT is not a place to relitigate issues from the WG. And these groups can use their perspective to help the group understand issues and come to productive solutions.
- Another councilor responded that some members of certain constituencies have unique skill sets or unique knowledge that are helpful at the IRT stage. IRTs should not exclude groups. You could limit participation through a representative model.
- A councilor commented that it is inevitable that there will be differences between groups. This comes up in WGs, again in Council, and also in IRTs. The Council may need to face the fact that polarization is unavoidable, but the Council decision-making method of voting is used to determine outcomes. This may feel adversarial, but we need a means to move forward.
- A councilor noted that the Consensus Playbook provides some lessons that are also reflected in other resources about consensus-building. There may be practices that can minimize, but not eliminate, polarization. These techniques can be taught to group leaders through training.
- A councilor noted that the Council may reduce the risk of relitigating issues by having a lighter way to amend policy. For example, some would argue that the rec 7 issue can only be resolved through launching a new PDP according to the PDP Manual. There should be a better way to resolve inconsistencies that are identified in implementation.

## C. Summary of Action Items from Session 3

### Action Items/Suggestions

**Action item #1:** GNSO Support Staff to assist in creating an online database of sitting GNSO Councilors' areas of interest and subject matter expertise. Councilors to populate the tool truthfully and accurately. (Dropdown menu of choices could be helpful when filling out, but the menu should not be exhaustive.)

**Action item #2:** GNSO Support staff to create a consolidated list of: 1. (Council) members on each active small team, including expected deliverables; timelines, team lead (if applicable); 2. Council members on the Standing Section Committee & Standing Committee on Budget and Operations; 3. Council members who are Liaisons to Working Groups.

**Action item #3:** GNSO Council members to commit to review the monthly documents that are circulated such as the project list and Action Decision Radar.

**Action Item #4:** GNSO Council leadership to consider changes to Council meetings format: less formality and more time for in-depth discussion.

## Break-out Topic 2: From theory to practice, how can the Council better align program management with resources?

### A. Focus for Sessions Five and Six

The objective of this session is to further examine the Council Action / Decision Radar from theory to practice, how can the Council better align program management with resources?

Councilors were asked to consider the following questions in its deliberations on this topic:

1. **Information:** What information is needed to better align planning with resources?
2. **Early Warning/Preparation:** What early warning mechanisms can be explored to alert SG/C/AC/SOs to upcoming work and allow for adequate preparation and identification of volunteers / expertise?
3. **Planning:** How can planning be better aligned with ICANN's budget process?
4. **Saying "no" or "not now":** How and when should the Council say 'no' or 'not now'? What information is needed to reach that conclusion (see also #1 and #2)?
5. **Other:** Are there other aspects that the Council should focus on to ensure better alignment between ADR and resource management?

### B. Problem Statement

The GNSO Council now has a tool to better manage and track projects in the pipeline, but how can it be linked to resources available to ensure a realistic planning and pipeline?

### C. Council Discussion

**Key Takeaways:**

1. Councilors noted that the current tools represent a vast and helpful improvement from previous iterations of the tools, but the one limitation is the current inability to measure the capacity of SGs/Cs. The Council, for example, might be able to determine the critical path for its work if it were able to determine which groups are reaching a limit on capacity. To that

end, it may be helpful to inquire within SG/Cs regarding their capacity in the future via a survey AND to review historical participation of groups to estimate future capacity.

### **High-level Notes from Council Discussion**

#### ***Information: What information is needed to better align planning with resources?***

- A councilor noted the monthly reports and Action-Decision Radar (ADR) are useful. It would be helpful if the ADR allowed for more dynamic analysis.
- One councilor asked what the underlying data used to populate these tools is.
- Support Staff responded that the numbers identified in tools are guesstimates. For example, for the EPDP, the team had 40 people actively participating in that group for 2 meetings per week (4 hours per week). In the plenary session, there were multiple tables - a normal-paced WG, a fast-paced WG, and the third was what the Council does to prepare its action items. For EPDP, would use model 2 - active, fast-paced guesstimate. For each person, 6-8 hours per week contributing to that project.
- Multiple councilors noted the need for a better tool to support resource management.
- Support Staff noted if the Council can pose the questions that they want to answer with the tools, staff may be in a position to adjust the tools to answer those questions.
- With respect to resource management, a councilor noted that even if the tools are perfect, the human element will always make prioritization difficult. Everyone is looking at prioritization from their own perspective and may prioritize things differently than other councilors.
- Others noted that it may be difficult to measure the capacity of different groups. The Council, for example, might be able to determine the critical path for its work if councilors can determine which groups are reaching a limit on capacity. To that end, it may be helpful to ask SG/Cs about their capacity in the future. It might also be useful to look at historical participation to estimate future capacity of groups.
- A councilor noted the four main tools are a vast improvement from what the Council was working with 18 months ago. Coming from PDP 3.0 where the Council has become aggressive in creating a Project Management framework, that has really amplified the tools the Council has now. Both the previous SPS-es were about the "scary spreadsheet". Idea behind PMT is to categorize everything that touches GNSO - operations, reviews, etc. - this will start to put the Council in a better position to quantify everything. Support Staff reviews the PMT every month to refresh the ADR. All of these tools still fall short of aligning the planning and resources. When we talk about resources, we're also instinctively talking about prioritization.

***Early Warning/Preparation: What early warning mechanisms can be explored to alert SG/C/AC/SOs to upcoming work and allow for adequate preparation and identification of volunteers / expertise?***

- Several councilors noted the biggest gap/unknown is the community resources - the Council generally has an idea of how many ICANN staff are deployable, but not sure what the community resources are. Question: what is our process to estimate community resources?
- A councilor suggested it may be helpful to perform outreach, in the form of a survey, to SGs/Cs to identify how many individuals are active contributors for each group.
- A councilor noted it may be helpful to have webinars/open discussions with the SO/ACs to support the exchange of ideas.
- A councilor noted that during the RySG bi-weekly meetings, GNSO Councilors provide an update and share the ADR to support RrSG planning. This is something Councilors from other groups could do as well if they are not already doing so.
- Another councilor noted that the ISPCP also gets updates using the ADR. The information piece is there. The bigger challenge is the engagement part -- getting people to step forward for the work.
- Councilors noted that, when communicating to their SG/C, it would be helpful to know when someone is needed to participate in a project and for how long.

***Planning: How can planning be better aligned with ICANN's budget process?***

- A councilor noted that prior SCBO comments have been very general and not necessarily actionable; in the future, it may be helpful for the Council to provide targeted, specific comments and include detailed rationale to encourage Org to respond in a more precise way.
- A councilor posed the question: is it the Council's job to make persuasive arguments to get the necessary resources to execute on its work? If so, the Council should present the work and the timing of the work and collaborate with ICANN staff on a resourcing plan. It shouldn't be the Council's job to compete with other resources.
- Several councilors observed: it is appropriate for the Council to plan ahead and project certain budget needs and communicate them to ICANN org. This is part of the Council's role. There might also need to be contingency. For example, if no one steps forward to chair EPDP 2A and the Council would need to use a paid resource, there should be a contingency to address these situations.

***Saying "no" or "not now": How and when should the Council say 'no' or 'not now'? What information is needed to reach that conclusion (see also #1 and #2)?***

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- A councilor noted it would be helpful to know how much a project is likely to cost to be in a better position to say “no” or “not now”.
- A councilor noted there are certain topics that are core to ICANN’s mission. With respect to transfers, maybe some groups don’t think it’s exciting, but the reality is the Contracted Parties rely on this and need this work to happen. Some questions to consider asking before beginning work: 1. Is this central to ICANN’s mission? 2. What is the interest level?
- A councilor noted in order to be able to say no or not now, we need to be able to see the full picture. We should think about what we need to be able to see this full picture. For example, the Council needs to be able to see how many projects we have running at the same time at any given point in time in the future and how many volunteers are required.
- A councilor noted if there is no response to an EOI, then there is not sufficient interest/capacity and the work can’t go forward. The Council’s work needs to be volunteer-driven.
- A councilor noted it would be helpful to have a tool that provides a picture of where resources are at capacity.
- Additionally, a councilor noted it’s also important to focus on implementation of policy developed, not just focus on the new topics. It can be disheartening for potential volunteers if they assume there will be no actual practical implementation of their efforts.
- A councilor posed the question: why don’t we limit the number of people who work on some of the most appealing projects so that there are more resources to work on other projects? This should be the role of SG/Cs -- to decide what projects are important to them and to distribute the work among the volunteers. Having too many people on a project can slow the work down.
- A councilor noted there is a difference between saying “no” and saying “not now”. We should be careful about saying “no”, but if we don’t have the right resources we won’t do good policy development, so we should make sure we say “not now” when we need to.
- Councilors noted it’s important to make the “no” or “not now” quantitative and supported by data rather than a subjective argument.
- A councilor noted if the Council trusts its data, it can project what is on its plate, and then put a moratorium on new work for a period of time. The Council also might want to take an “if it’s not broken then it doesn’t need to be fixed” perspective. Less is more. For the industry to thrive it needs a stable regulatory environment.
- Councilors noted longer term advance planning may make it easier for volunteers to plan ahead and make time from projects.

***Other: Are there other aspects that the Council should focus on to ensure better alignment between ADR and resource management?***

- One councilor noted the Council should consider better risk management. While charters are drafted, a small group should concurrently come up with a list of identified risks and come back to the plenary with the risks before a PDP is voted on.

## D. Summary of Action Items from Session 4 and 6

**Action Item #5:** GNSO Chair to remind Councilors to regularly share ADR with their SG/Cs and participate in SG/C meetings to provide updates on Council activities to support resource planning in their groups.

**Action Item #6:** Staff, in consultation with Council, to develop a resource management tool that is responsive to the questions identified by Councilors during the SPS sessions with respect to aligning resources and work planning. As part of the development of this resource tool, consider sending survey to SGs/Cs to gauge community resourcing.

**Action Item #7:** Concurrently in the chartering phase, a small team of councilors can work together on producing a list of risks associated with the work that is to be considered before the charter is adopted.

# GNSO Council Development Session – What Does it Mean to Manage the Policy Development Process?

## A. Focus of Session

This session included a focused discussion, facilitated by Melissa Allgood (Conflict Resolution Specialist at ICANN), on what it means in practice to act as managers of the PDP process, including a group discussion and breakout session work with the objective

to achieve a common understanding, appreciation and understanding of the challenges of the role of a GNSO Council member.

## B. High-level Notes

### **Theme: In decision making - when are you a Councilor vs. advocating the desires of SG/C?**

- Fairly broad spectrum of thought here, with some groups feeling they must be tightly aligned to the will of their SG/C in most situations, while others felt outside voting, their primary obligation was to Council and the need to be process oriented.
- General acknowledgement that these two roles may come into conflict – varied feelings on how large or small of an issue this is in practice.
- Some of those who view their role as tightly aligned to their SG/C did comment that as the conduit between their SG/C and Council, they can guide and influence the discussion of their group. It was noted that this doesn't readily happen with "hot topics," but is often the case with other matters – simply because all volunteers don't have the bandwidth to be up to speed on every issue. SG/C often rely on their Councilors for guidance on broader issues.
- Both sessions discussed how these conflicting loyalties can lead some SG/C to try for "another bite at the apple" on substance and the majority of Councilors did not agree with this phenomenon. A few suggested more education - directed at SG/C's - that Council is not the place to revisit settled issues might help.
- This question reframed – As a Councilor, are you making a decision on Content or on Process?

### **Theme: Should the Council take an active role in the Policy Development Process? If so, how active should it be?**

- Both sessions coalesced around the concept that the GNSO Council must be actively involved in ensuring WG's make progress and don't stagnate. Most agreed that two-way transparency between WG Leadership and Council at every stage along the PDP is beneficial to the process.
- While there was no broad agreement on the appropriate level of involvement and specific actions to be taken, all agreed that each situation is unique and deserves to be treated as such. There was a lot of creativity when discussing possible interventions in each scenario discussed. Most agree that a one size fits all approach does not work.



**Theme: Council Liaison to the PDP**

- The majority of Councilors across both sessions leaned into this role as a key conduit of information and WG management tool. Some expressed a desire to expand and further define this role.

**Theme: How is PDP information conveyed (beyond PDP 3.0 tools)?**

- This was not discussed at length in the both sessions, but there was some basic agreement that Council Leadership bears the role of receiving relevant information and then conveying the necessary portions to the broader Council. Most agreed this is a time-consuming task.

**Takeaways and Suggestions for Consideration**

1. With respect to the distinctions between when to advocate on behalf of a SG/C vs. the duty to act on behalf of the GNSO itself were a bit murky across sessions. Councilors understand their role, but some expressed concern that their SG/C do not have a full understanding of the Councilor role itself. The Council may wish to consider additional education for SG/C membership to provide greater clarity on these issues. While distinctions may not be exactly the same across all SG/C, it appears many in the community would benefit from brighter lines around the various roles of a Councilor.
2. There was broad-based agreement that GNSO policy making benefits from active Council participation, particularly in ensuring the WGs make progress and don't stagnate. Councilors shared creative and varied solutions to the same issues. As challenges arise in PDPs, Council Leadership should consider leaning into this creativity amongst Councilors.
3. In relation to the GNSO Council liaison to the PDP, the GNSO Council may wish to consider additional conflict resolution and coaching training to support the Liaison undertaking a more active role within PDP Leadership. Most agreed that thoughtful consideration should be given when assigning a Liaison.
4. Many councilors expressed positive feedback on the real-world role play scenarios. Most enjoyed the opportunity to revisit familiar scenarios from an academic standpoint. The Council should consider incorporating this type of role play into future development sessions.

## Evaluation

Following the session, a survey was sent to the participants to critically evaluate the Strategic Planning Session. Nine (9) councilors participated in the evaluation.

The survey respondents were asked to respond to the following questions:

**1. Good value for time spent?**

- The majority of respondents either agreed or strongly agreed that the 2021 was a good value for the time spent.

**2. I would recommend this to colleagues.**

- The majority of respondents either agreed or strongly agreed that they would recommend the SPS to colleagues.

**3. I would like to see this event continued next year.**

- The majority of respondents either agreed or strongly agreed that they would like to see the SPS continued next year.

**4. Were the goals of the SPS achieved?**

- The majority of respondents strongly agreed that the goals of the SPS were achieved. (Note: the stated goals were as follows:
  - Welcome and integration of new Council members in a virtual environment
    - Ensure that (new) Council members are familiar with key documents and information concerning the GNSO Council's role and responsibilities;
    - Create an environment of collegiality and trust;
    - Develop practical skills and knowledge that contribute to fulfilling the role of a GNSO Council member.
  - Empowering the GNSO Council to deliver on its priorities and commitments
    - Ensure a common understanding of the Council's priorities and commitments for the year ahead;
    - Evaluate and identify working methods that empower the GNSO Council with the contribution from all Council members to deliver on its priorities and commitments;

- Council Action / Decision Radar – from theory to practice, how to align program management with resources.
  - Develop understanding and tools that allow for the alignment of program management with the resources available and/or identification of resources needed;
  - Based on this understanding, review the Council ADR to ensure that the Council will be able to deliver on the priorities and commitments it has identified for the year head.

**5. What did you think of the overall length and spread of the sessions in the virtual format?**

- The majority of respondents believed the length of the sessions was just right.

**6. Which topics/sessions did you find most useful?**

- Respondents believed the Council meet-and-greet and the session regarding empowering the Council to deliver on its commitments to be the most useful.

**7. Which topics/sessions did you find least useful?**

- One respondent noted the review of ADR did not result in the agreeing nor establishing criteria against which the Council can assess and determine not to take up new work or launch new PDPs.

**8. Meet & greet - Do you feel it was important to have a social / team building activity?**

- All respondents unanimously agreed that it was important to have a social/team building activity.

**9. Any topics you would like to have seen that were not offered?**

- Respondents noted the following topics:
  - Trainings on chairing skills and on diversity
  - Dialogue with board/execs

**10. Recommendations for future events for the GNSO Council**

- Multiple respondents noted their appreciation to staff for putting together a virtual SPS but noted the importance of having an in-person SPS in the future.
- Multiple respondents also noted the preference to have the SPS right after the AGM, noting the timing advantage for new councilors.

**11. Is there anything that could have been done to make up for the constraints of a virtual SPS?**

- One respondent noted more councilors should have been involved in both the planning and the facilitation of the sessions.

**Next steps:**

The Council has begun to take up the Action Items identified throughout this report.

## ANNEX A GNSO 2020 Strategic Planning Schedule and High-level Agenda

**Session 1: Agenda for GNSO Council Threats & Opportunities Brainstorming Session**

Thursday 5 November at 19.00 UTC

1. Welcome & introduction by GNSO Chair Philippe Fouquart (5 minutes)
2. SG/C Chair perspectives (5 minutes each – total 40 minutes)
  - a. Briefly introduce your group and how it works with your respective Council members
  - b. What are from your group’s perspective the main opportunities and threats for the GNSO Council for the upcoming year and beyond?
  - c. If time allows, clarifying questions from Council members
3. Outgoing Council members (5 minutes each – total 40 minutes, if all are able to participate)
  1. Briefly introduce yourself and by whom you were appointed to the GNSO Council.
  2. What are from your perspective the main opportunities and threats for Council members for the upcoming year and beyond?
  3. Any tips or tricks you have for Council members to facilitate their work?
4. Comments / Observations from Council members / Presenters (25 minutes)
5. Conclusion – GNSO Chair Philippe Fouquart (5 minutes)

**Session 2: Topic-based Plenary Session**

**Date and Time:** Tuesday, 10 November at 2020 at 19:00 UTC for 2 hours

**Session 3: Breakout session on first topic – OPTION 1**

**Date and Time:** Thursday, 12 November at 2020 at 10:00 UTC for 90 minutes

**Topic 1:** Empowering the GNSO Council to deliver on its priorities and commitments

**Session 4: Breakout session on first topic – OPTION 2**

**Date and Time:** Thursday, 12 November at 2020 at 18:30 UTC for 90 minutes

**Topic 1:** Empowering the GNSO Council to deliver on its priorities and commitments

**Session 5: Break out session on second topic - OPTION 1**

**Date and Time:** Tuesday, 17 November at 2020 at 10:00 UTC for 90 minutes

**Topic 2:** Council Action / Decision Radar – from theory to practice, how to align program management with resources

**Session 6:** Breakout session on second topic – OPTION 2

**Date/time:** Tuesday, 17 November at 2020 at 19:00 UTC for 90 minutes

**Topic 2:** Council Action / Decision Radar – from theory to practice, how to align program management with resources

**Session 7: SPS Wrap-up**

**Date and Time:** Tuesday, 24 November at 2020 at 18:30 UTC for 90 minutes

**Preparatory Reading:**

<https://drive.google.com/drive/folders/19XhUXvQzGF6cq7MBkua7BOaILoloD4kl>