GNSO Initial Feedback – Contents

• Introduction

• Management Summary

• Specific Topics
  • Transparency considerations of a process ICANN is already doing
  • When appropriate, move the process upstream
  • Make it flexible & discretionary.
  • Understand the implementation details & attendant risks
Introduction

• See this as an effort to improve transparency and consistency

• Reviewed the procedure and identified areas needing clarification in order to achieve full understanding

• Created a list of clarifying questions to aid our understanding and the community's
Management Summary

- PDPs are like snowflakes, all requiring different levels and timing of operational analysis
- The version described in the draft appears to be “over-engineered”
- We see some flexibility built-in but think flexibility should be the hallmark
- We recommend a “framework” rather than one procedure
- In certain circumstances, elements of an operational analysis, requested by a PDP WG or IRT, should be honored
- For now:
  - Do what we need to do for SubPro and EPDP in a transparent way
  - Take the time to get this long-term procedure correct
Transparency considerations

• ICANN is or should have been undertaking a similar effort, i.e., determining operational impacts and reporting same to the Board. This draft is a codification of good management practice

• Does the current draft provide adequate transparency: i.e., does the DFG represent the community?

• DFG and other inputs should be transparent as well (with appropriate balancing, i.e., providing visibility but not slowing the process)

• The next draft of the new process should explicitly identify transparency measures, e.g.,
  o ensure that policy recommendations are not changed (either diminished or augmented)
  o all reporting is public (so that the Board and community receive information simultaneously)
  o the DFG is narrowly scoped to consideration of operational impacts and not empowered to create solutions or “work-arounds,”
When appropriate, move the process upstream

• There are instances in the past where PDP teams requested operational input.

• These will be rare and at the discretion of the Board, staff, or GNSO Council.

• These might take the form of feasibility analyses or other specific information requests (cf., full operational analyses as contemplated by the Draft Concept Paper).

• The process might be a lever for improving / streamlining the PDP, rather than retarding it.
Make it flexible & discretionary

• More “process” should only be deployed only when necessary

• There are risks in over-engineering and adding yet-another complex framework

• We recommend a flexible, discretionary process, with appropriate transparency mechanisms in place

• We rely on and expect ICANN staff to competently marshal necessary resources and also to play a key role
Risks

• Parties, such as ICANN or those not participating in the PDP (e.g., the DFG members), might end up significantly altering its conclusions, ("thumb on the scale")

• The process will inevitably extend the current timelines (our review / flow chart of the process as drafted indicates additional time will be required), and

• The process places additional burdens on the community