

# Modifying gTLD Consensus Policies Thought Paper

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# Modifying Consensus Policies

# Background

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- As policy work conducted through the ICANN multistakeholder model continues to expand and become intertwined, some issues have emerged during the implementation where new policy recommendations impact existing consensus policies and require them to be modified.
  - For example: The EPDP Phase 1 recommendations, Recommendation 27 called for updates to existing policies and procedures where the Phase 1 recommendations explicitly or implicitly change other existing policies.
- Since issues are likely to occur more frequently in the future during processes such as the ODP, the ICANN Board is interested in understanding the available processes and procedures in place to modify gTLD Consensus Policies.
- Additionally, ICANN org and the ICANN Board have ongoing discussions on places where there may be a need for process documentation or community discussion on gaps within broader Policy Lifecycle.
- As such ICANN org drafted a thought paper that
  - Provides an overview of the applicable procedures for modifying or amending Consensus Policies
  - Aids in identifying gaps that might benefit from further clarification and discussion.
  - Supports alignment among ICANN org, the ICANN Board, the GNSO Council and the Community on the available steps to modify a Consensus Policy if needed.

# About

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- The paper provides an overview of the applicable procedures to modify Consensus Policies and is divided into 3 sections that review the following topics:
  - Roles and Responsibilities of the the GNSO Council, the ICANN Board, ICANN org, and the Implementation Review Team (IRT) throughout the Consensus Policy lifecycle.
  - Available practices for modification and amendment of policies at different stages of the policy development and implementation life cycle.
  - Illustration of possible process gaps and sample mechanisms to address them

# Procedures to Modify Consensus Policies

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- Section 2 of the paper describes examples of Consensus Policies that have been modified and the process taken for such a modification.
- This section is organized into 3 subsections focusing on the following topics:
  - a. Modifying policy recommendations **before Board approval**, which considers scenarios where GNSO Council approved policy recommendations can be modified prior to ICANN Board approval
  - b. Modifying policy recommendations **between Board approval and policy effective date**, which considers scenarios where an existing policy needs to be modified during the course of implementation.
  - c. Modifying implemented Consensus Policies, which considers when policies that **have already been implemented** require modification through a direct and indirect policy change. For the purposes of this paper
    - A direct policy change is when a PDP is initiated to focus on a specific Consensus Policy.
    - An indirect policy change is when a PDP is not initiated to focus on a specific Consensus Policy but ultimately requires changes to one or more existing Consensus Policies.

# Future Considerations

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- As described above this section illustrates the possible gaps and considerations on how they can be addressed. Below are some of the gaps this paper identified and possible solutions to address them.
- **During Policy Development Process**
  - PDP charter may not expressly indicate whether impacts of the work on other existing policies should be considered.
    - *Add to charter template a general or specific provision/question regarding consideration of impact on existing consensus policies.*
- **During Board Consideration**
  - Impact on existing policies may not be clearly identified in Recommendations Report and/or not clear to Board in taking decision on recommendations.
    - *The work of the Operational Design Phase, if undertaken, may also identify impacts on existing policies, for consideration by the Board.*
    - *Define or formalize steps for Board to seek clarifications where needed.*
- **During Implementation**
  - The CPIF identifies the possibility that existing policies may be modified during implementation, yet it doesn't clarify what steps should be taken if implementing a new Consensus Policy indirectly impacts existing policies
    - *Update CPIF to note that as part of implementing a new policy, ICANN org and the IRT review updates to other policies and incorporate as part of the implementation plan.*

# Next Steps

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- In the spirit of exchanging ideas and observations, ICANN org shared the thought paper with the GNSO Council for consideration and feedback prior to sharing with the ICANN Board.
- An initial 6-week timeframe was provided as a suggestion, but ICANN org is open to additional time frame suggestions if 6 weeks is not feasible for the GNSO Council.
- Once the GNSO Council, and ICANN Board are in agreement with the identified gaps, further discussions can take place to align on whether any org or the GNSO procedures need to be modified.

# Questions?

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# Engage with ICANN



## Thank You

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