

Proposed discussion of Cross-SO/AC policy development work

Background – In the last two years, the GNSO has adopted an open “working group” model for policy development, in which any individual or organizational representative may participate. Indeed, many recent GNSO working groups have included representatives from other SOs and ACs, who have participated as individuals (or as representatives of their organizations), not as representatives of their SO or AC.

Recently, several cross-constituency working groups have been formed to examine policy and implementation issues that are of interest to a broader community. Charters were developed for these groups which incorporated a combination of working group procedures and definitions derived from existing processes used by these groups. We think the need for and value of cross-SO-AC working groups is likely to increase, which suggests that it may be useful to consider whether special rules and guidelines are needed to assure that the outcomes and recommendations developed by such groups meet current bylaws requirements and that the weight or significance of recommendations developed by these groups, including next steps for further consideration or approval, are clearly defined and understood.

Issues to consider:

- What subjects are suitable or eligible for cross-community WGs (CWGs)? The mandate for policy development in the ccNSO, ASO and GNSO is clearly and to some degree narrowly defined. Should topics that fall within the mandates of existing policy development bodies be excluded from CWGs on the theory that policy development is the prerogative of the relevant SO (note that the GNSO allows anyone, including other SO/AC reps, to participate in that process). Maybe there are issues for which CWGs are appropriate, but should those topics be identified first?
- Should the rules be different depending on whether the result is likely to be a new consensus policy recommendation vs. general advice for the board or staff (such as on a pending implementation matter)?
- Should the rules be different depending on whether the group is formed as cross-SO or cross-SO/AC? For example, should there be a distinct process when any or all of the three policy development Councils work together (a cross ccNSO-GNSO PDP for example) vs. a cross SO/AC effort (such as the recent Recommendation 6 Working Group which included the full GAC and ALAC on par with the GNSO)? Currently the advisory committees play a distinct role under the bylaws (Article XI), which may include policy advice but which does not speak to direct participation in an SO PDP.
- What are the rules that should apply at each stage: to launch the group; to approve a charter; to nominate and elect co-chairs; to make statements of interest and disclosures of interest; to

determine consensus; to resolve conflicts or lack of consensus; to provide for public comment and input; etc..?

- What should the next steps require following development of a recommendation by CWG? Does each SO and AC “revert” to existing review and approval procedures? This may be necessary because today the outcome of CWGs does not have any official standing, which may mean that any policy recommendation developed in a CWG context would still need to go through the individual processes in order to become 'formal' policy. If policy is the desired outcome, it might be duplicating work if a CWG is formed instead of following an existing policy development process.
- Should we also explore other models of facilitating cross-community co-operation? For example, if an issue is considered within the GNSO scope, but the Council foresees that a specific consultation / participation of interested SO/ACs will be needed, it could propose the formation of a Cross constituency WG, conducted within the GNSO that follows the GNSO PDP model, but with elements of the historic Task Force model in which each SO/AC could have a “seat” on such a WG, in addition to GNSO stakeholder groups / constituencies, but ultimately it would be the GNSO Council that decides on the recommendations. This would allow for broad participation and early input, while at the same time assuring that policy is developed in accordance with the PDP in the bylaws.