

ICANN | GNSO

Generic Names Supporting Organization

GNSO Policy Development Process 3.0

How to increase the effectiveness and efficiency of the GNSO Policy Development Process

Status of This Document

This document provides an overview of the discussions to date as well as proposed incremental improvements to the GNSO Policy Development Process (PDP). This document will be shared with the Council members, GNSO Stakeholder Groups and Constituencies for their consideration and input to the GNSO Council. The GNSO Council will then consider all input received and update the document accordingly.

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1 Executive Summary

This paper synthesizes the challenges as well as possible improvements related to the Generic Names Supporting Organization (GNSO) Policy Development Process (PDP) that were identified as the result of a number of discussions over the recent months. The paper identifies a number of immediate and longer term possible improvements that the Council and PDP Working Groups could consider implementing to enhance efficiency and effectiveness of GNSO policy development activities.

The challenges and possible improvements cover the following categories:

- Working Group dynamics
- Working Group leadership
- Complexity of subject matter
- Consensus building
- Role of the Council as the manager of the PDP

The GNSO Council would like to request GNSO Stakeholder Groups and Constituencies to review this document and especially the proposed incremental improvements. Should there be any additional implementation steps, additional improvements that should be considered and/or edits made to the ones proposed (including those areas where improvements have not yet been proposed), this input should be shared with the GNSO Council as soon as possible. Following that, the GNSO Council intends to consider which proposed incremental improvements it would like to move forward with and/or recommend that PDP WGs do so. Other ICANN SO/ACs that are interested in this topic and would like to share their viewpoints are of course welcome to do so as well. Input can be shared with gnso-secs@icann.org.

2 Background

In January 2018, the GNSO Council held an inaugural three-day Strategic Planning Session. On Day 3 of this meeting, the GNSO Council reviewed the workload for the year ahead and identified potential milestones, noting that the current average timeline for delivery of an Initial Report has increased at least 2-4 times compared to previous PDPs. Five PDPs are currently ongoing, ranging in duration from 1000 days to 2200 days, with three of these not even having published their Initial Report.

In addition to noting the increased duration of the PDP lifecycle, the Council began to identify challenges being encountered in PDPs, informed by [a staff discussion paper](#) on optimizing increased engagement and participation while ensuring efficient and effective policy development. Concerns were shared in relation to the challenges raised by the paper for bottom-up participation in ICANN's policy making processes, with broad agreement that the situation at present in Working Groups is not ideal. Key among the challenges that the various GNSO Working Groups face are increasing PDP participant and observer numbers, onboarding new participants, divergent motivations and desired outcomes, and difficulties in reaching consensus. Critical discussions centered on how the GNSO Council, as manager of the policy development process pursuant to ICANN's Bylaws, can and should act in addressing these and other challenges as they arise in PDP Working Groups. See <https://gnso.icann.org/en/correspondence/gnso-council-to-chalaby-07mar18-en.pdf>.

In order to engage the broader GNSO community in this discussion, the GNSO Council organized [a collaborative session](#) involving the members of the current PDP Leadership Teams as well as the broader community to summarize key points from the Strategic Planning Session, elaborate on the challenges that PDPs presently face and identified, and begin to brainstorm possible solutions.

This paper aims to synthesize the challenges that were identified as part of these discussions as well as possible improvements — both immediate and longer term — that the Council and PDP Working Groups could consider implementing to enhance efficiency and effectiveness of GNSO policy development activities.

3 Challenges Identified

The first GNSO Review, which was completed in 2012, brought significant changes to the GNSO Policy Development Process (PDP), which moved from a task force model in which only a select number of GNSO appointed members could participate to an open working group model in which anyone interested could participate. Outreach activities and the international attention given to ICANN through the IANA Stewardship Transition have contributed to a significant increase in GNSO PDP Working Group membership numbers. From an average of 15-25 WG members pre-2015, currently PDP WGs have a membership of around 200 WG members (see Annex A). In addition, topics under discussion are arguably more complex and divisive compared to previous efforts, and as a result, the work of some PDPs has been broken into various phases which also has an impact on the overall duration. As a result of these changed dynamics, a number of overarching challenges were identified.

3.1 Working Group Dynamics - Challenges

'Social loafing': As highlighted in the [staff discussion paper](#), 'social loafing', a commonly observed phenomenon in which members of larger groups exert less effort towards group goals, can be observed. This appears to frustrate the ability to focus on finding consensus and instead seems to have the effect of discussions turning into zero sum games rather than efforts at compromise. Furthermore, with growing size, teams and groups may experience reduced cooperation, higher levels of member dissatisfaction, and increased turnover in membership. At the same time, the bulk of the work still appears to continue to fall on a relatively small number of community members partly because some community newcomers lack the skills, knowledge, and/or resources to contribute meaningfully from the start, which may frustrate more experienced volunteers. The longer the PDP lifecycle, the more WG members that drop out, potentially resulting in a 'consensus by exhaustion' situation.

Communications: Finding a balance between input / decisions during WG meetings versus email list conversations is also proving challenging. Most groups have the practice of not taking a decision on the basis of a single call, but if WG members do not review call recordings and/or transcripts or only express their opinion on the mailing list, it may result in conversations dragging out or being redone. By the same token, there seems to be a tendency for list or chat conversations to be more provocative and controversial – is there an issue of following standards of behavior and working towards compromise when it comes to online conversations?

3.2 WG Leadership - Challenges

Leadership appointment and review: Large working groups are difficult to moderate, even for the most experienced leaders in the ICANN community. Similarly, a significant time commitment is demanded from those volunteering for leadership positions (as well as WG members) as the overall timeframe for a PDP can span several years. To a certain extent, this concern has been addressed by creating leadership teams that – in theory – facilitate spreading the workload. In reality, most WG chairs participate in all meetings and are involved in the review and sign-off of

all related documents / messages. At the same time, larger leadership teams require more coordination and more support. Even though leadership training programs are available, leaders are selected by PDP members (Council would not ordinarily do this) without reference to documented prerequisite skills or requirements. Likewise, there are no established practices or processes for reviewing leadership roles nor a formal process whereby a WG can request or appoint new leadership. The skills and expectations from chairs evolved in last year and their role include more tasks such as project management related

3.3 Complexity of subject matter - Challenges

Interdependencies: The complexity of PDPs has been in part caused by interdependencies between issues - how to break PDPs into workable pieces while addressing these interdependencies. The complexity of the subject matter under consideration has also resulted in PDP Working Groups that now typically operate in multiple phases, using chunking as an approach creating various sub-teams and/or work tracks responsible for different subjects within those phases. Any outcomes from sub-teams / work tracks subsequently need to be assessed by the full Working Group, which increases the risk of redoing the work of a sub-team / work track, especially if a sub-team / work track membership was unbalanced or dominated by certain viewpoints.

Preparation and keeping current: There is also a substantial amount of information that is expected to be reviewed and digested by WG members – not everyone is able to prepare and stay current in a timely manner & which hampers progress. Equally, for those WG members for whom English is not their native language it may make reviewing complex materials even more difficult. For WG members joining later in the process, there is a substantial amount of history and materials to be reviewed in order to contribute in an effective and timely manner; depending on where a WG is in the process, this may not even be possible which in turn results in rehashing issues that were already addressed or dealt with. Should there be minimum requirements when it comes to knowledge and expertise as well as certain commitments made by WG members who want to participate?

External support: In addition, many PDP Working Groups require external support either in the form of legal advice and/or data / research that is deemed necessary to help inform the deliberations. Often highly complex and/or technical issues are under consideration, while there is currently no requirement to have a demonstrable basic knowledge of the issues at hand before one can start actively participating. In combination with the ability to join at any point during the WG process, this often results in a substantial amount of time that is spent on education and repeating basic knowledge which could potentially be more effectively done in a different setting.

3.4 Consensus Building - Challenges

Consensus building is not an exact science but an art. It requires patience, dedication and a willingness to find consensus. The GNSO Working Group Guidelines provide guidance to WG Chairs on the process to determine whether or not consensus has been achieved, but there is significant room for interpretation as to how this is applied in practice. Similarly, the appeal

process set out in Section 3.7 could benefit from detailed examination and clarification of the steps involved.

Willingness and ability to compromise: In order to build consensus, WG members need to be willing and able to compromise on previously established positions. Recently, WGs have seen a significant increase in individual members who do not represent anyone but themselves and individuals who have been engaged to represent the interests of a third party. There appears to be a fear of giving in and giving up ground at the expense of others. This leads at times to an apparent difficulty (sometimes unwillingness) to listen and meaningfully consider others' viewpoints. As noted in the staff discussion paper, this could be the result of social loafing and decreased levels of trust in larger groups. There needs to be an incentive to compromise – if concerns expressed by others are not shared, accepted or understood, it is unlikely that those happy with the status quo are willing to compromise.

3.5 Role of Council as the Manager of the PDP - Challenges

The Council provides its directions to a PDP Working Group in the form of a charter, but at times the questions posed leave room for interpretation, or insufficient guidance is provided in relation to topics falling outside a charter's scope. Also, data needs are hardly ever addressed at the outset, and as a result need to be dealt with by the WG, leading to unforeseen delays and costs.

PDP WG liaison role: The Council does appoint a Council liaison to the PDP Working Group, but until recently this role was merely a formality. A key outcome of the 2018 Strategic Planning Session was the documentation of Council's expectations of the liaison role to make sure that there is a clear understanding as to the role and responsibilities of a Council liaison vis-à-vis the Council as well as a PDP Working Group.

PDP timelines: PDP Working Groups are required to develop and regularly report to Council on progress against work plans, but there is little oversight of whether work is completed against the plan, and the Council is lacking the mechanism to enforce meeting milestones and/or mitigate risks. There are no examples in recent history where the Council has established a firm timeline or deadline at the outset of a PDP.

Circumvention: Addressing these challenges is important, because if the PDP is perceived as being ineffective or inefficient, this provides incentives to work around and outside of the PDP, for example, by petitioning the Board or working through respective governments. When this occurs, the GNSO fails to deliver on its mandate as set out in ICANN's Bylaws. What role, if any, does the GNSO Council have in preventing such circumvention?

4 Potential Incremental Improvements for Consideration

This section records the ideas and suggestions proposed during the discussions to date to potentially address the challenges outlined in the previous section. Some of these may be immediately implementable without requiring any changes to PDP WG charters or GNSO Operating Procedures, while others may require further work and/or consideration. Similar to the previous PDP Improvements effort, the Council could decide to test and try a number of these approaches as a continuous improvement, and then regularly assess the outcome to determine what works and what doesn't, before incorporating these in the GNSO Working Group Guidelines or PDP Manual.

4.1 Working Group Dynamics – Incremental Improvements

Improvement	#1. Terms of participation for WG members
Description	Require those joining a WG to sign up to a WG member terms of participation outlining the commitment expected from WG members as well as the expectation with regards to multi-stakeholder, bottom up, consensus policy development. This could also include, in certain cases, expected knowledge / expertise required to participate (with options being provided to those not having the requested knowledge / expertise to obtain relevant knowledge / expertise). Different levels of commitment could be attributed to full membership versus observer status.
Objective	Ensure that WG members are committed to working together to find consensus, respecting the ICANN standards of behavior
Focus	Current and future WGs.
Possible Implementation Steps	Develop a Commitment of Participation template that WG members need to actively confirm before they can participate in the WG.

Improvement	#2. Consider alternatives to open WG model
Description	The PDP Manual provides the flexibility to consider different types of PDP Team structures, for example, reference is made to working group, task force, committee of the whole or drafting team. To ensure representation as well as empowerment of WG members, different team structures should be considered, for example, having members designated by SO/AC/SG/Cs while individuals can join as participants or observers. This model has worked efficiently in recent Cross-Community Working Groups. At the same time, there may not be a one-size fits all so different alternatives could be explored so that the approach that is best fit for a specific PDP can be chosen.
Objective	Find the model(s) that best balances representation, inclusivity, expertise, empowerment, accountability and participation.
Focus	Current and future WGs.

Possible Implementation Steps	
Improvement	#3. Limitations to joining of new members after a certain time
Description	Consider a cut-off date after which no new members can join a PDP WG unless the PDP leadership team decides that new volunteers bring a perspective that is not present in the WG and/or underrepresented.
Objective	Limit disruption as a result of members joining after the WG has already been engaged in deliberations for quite some time but allow for flexibility in case new volunteers bring new perspectives or are currently underrepresented in the WG.
Focus	Current and future WGs.
Possible Implementation Steps	

4.2 WG Leadership – Incremental Improvements

Improvement	#4. Capture vs. Consensus Playbook
Description	A playbook or expansion of the GNSO Working Group Guidelines to help WG leaders, members, or participants identify capture tactics as such, along with a toolkit of possible responses to help the WG get back on track without escalating the situation. Example: “Die in the ditch” test - is this a position you are willing to die in a ditch for or is it just an opinion that you are expressing, and you are happy to move on if no one else supports that opinion?
Objective	Empower WG Chairs with additional tools and support to ensure effective and efficient leadership
Focus	Future WG.
Possible Implementation Steps	

Improvement	#5. Active role for and clear description of Council liaison to PDP WGs
Description	Ensure that there is a clear understanding with regards to the role of the Council liaison and how he/she can assist the WG leadership. This may require PDP WG leadership teams to actively involve the liaison in leadership / preparatory meetings.
Objective	Ensure optimal use of GNSO Council liaisons to PDP WGs
Focus	Current and future WGs.
Possible Implementation Steps	Develop clear role description (COMPLETED – see https://gns0.icann.org/en/council/gns0-liaison-wg-22feb18-en.pdf) PDP WG leadership team to consider how to better utilize Council liaison

Improvement	#6. Document expectations for WG leaders that outlines role & responsibilities as well as minimum skills / expertise required
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Description	The GNSO WG guidelines provide a general description of the role of a WG chair, but this is not generally considered in WG Chair selection processes. WGs would benefit from a more detailed description of the role and responsibilities, including expected time commitment, of a WG chair. This could then be coupled with a list of skills and expertise that would also be desirable. This would be helpful for WG selection of, and potential candidates for, leadership positions. WG Chair(s) would be expected to sign off on this job description and agree to the role & responsibility as outlined, and would also serve as a means to hold the Chair accountable to the WG. Similarly, it could be indicated whether there are any incompatibilities that should be considered such as whether someone can be in a leadership role in multiple PDPs at the same time.
Objective	Ensure clear understanding of what the role of a WG chair entails as well as what are considered some of the qualifying skills and criteria.
Focus	Future WGs.
Possible Implementation Steps	Develop a job description for WG Chairs that can be tailored for working groups.

4.3 Complexity of Subject Matter – Incremental Improvements

Improvement	#7. Creation of Cooperative Teams
Description	WG members could form “Cooperative Teams”, which would be distinct from subgroups and drafting teams. “Cooperative Teams” would be comprised of a minimum number of active, committed WG members who attend the majority of WG meetings and are committed to catching up others that are not able to attend meetings. The active members would assist the WG members who are unable to attend all meetings in staying up-to-date on the WG’s progress. The teams could be formed at SG/C level, but this would be for SG/Cs to consider.
Objective	Provide a mechanism for observers / less active members to stay up to date and engaged in a PDP.
Focus	Current and future WGs.
Possible Implementation Steps	

Improvement	#8. PDP Plenary or Model PDP
Description	For those that are new to the subject matter and/or PDPs, provide the opportunity to first learn and observe before being able to join the PDP team. This could be done, for example, in the form of a PDP plenary during which the PDP leadership team explains the status of work and briefs newcomers on the topics under review (this could be done in combination with expert briefings) or a model PDP which would introduce newcomers to GNSO policy development as well as the consensus building.

Objective	Create a mechanism whereby newcomers can observe and learn before getting involved in active PDPs.
Focus	Current and future WGs.
Possible Implementation Steps	

4.4 Consensus Building – Incremental Improvements

Improvement	#9. Provide further guidance for sections 3.6 (Standard Methodology for decision making)
Description	Provide further guidance for WG Chairs and WG membership with regards to what is consensus, how consensus designations are made and what tools can or cannot be used. Similarly, further guidance may be welcome in case there is an appeal under section 3.7 that would result in a faster response to allow a WG to move forward more efficiently during and after the appeal process. Lessons could potentially be learned from other organizations applying consensus as a decision-making methodology or techniques learned during the ICANN leadership academy program concerning mediation and consensus building.
Objective	Ensure there is clarity around how consensus is established and what tools can be used in that regard.
Focus	Future WGs.
Possible Implementation Steps	

Improvement	#10. Document positions at the outset
Description	Scope the different positions at the outset of a PDP so that it is clear from the start where a possible middle / common ground lies. Any restating of positions established at the outset of a PDP should as a result be minimized as these are already known at the outset which will allow focus on finding consensus.
Objective	Ensure that the focus is on finding a consensus position instead of digging in and only defending one's own position.
Focus	Future WGs.
Possible Implementation Steps	

4.5 Role of Council as Manager of the PDP – Incremental Improvements

Improvement	#11. Enforce deadlines and ensure bite size pieces
Description	A PDP should have a narrow scope and, in those cases where a subject is broad, it needs to be broken into manageable pieces to make the deadline pressure more understandable and achievable. This may require a more regular use of a drafting team to prepare a

	charter for Council consideration. There is a need for pressure, but it must be coupled with limited scope, so that pressure for data and dependency would be able to produce results. This would also require the Council to regularly review PDP WG work plans.
Objective	Ensure clear expectations concerning deliverables as well as a manageable scope of work.
Focus	Future PDP WGs.
Possible Implementation Steps	At the outset of the PDP, the Council or Council leadership meets with the PDP WG to brief the PDP WG on the charter and its expectations. This would allow for any clarifications and/or confirmations at the outset of the process. Council to review PDP WG charters and determine what works well and what doesn't. This could include discussions with current PDP leadership teams to establish what helped PDP WGs in their efforts and what did not.

Improvement	#12. Notification to Council of changes in work plan
Description	Require PDP WGs to notify the Council when a work plan, and in particular the expected delivery dates for the different PDP milestones, are revised with a rationale for why these changes were made and how this impacts interdependencies.
Objective	Enhance accountability of PDP WGs and oversight by GNSO Council
Focus	Current and future PDP WGs.
Possible Implementation Steps	GNSO Council to review all current PDP WG work plans and advise PDP leadership teams that any changes to timeline for deliverables are expected to be communicated to the GNSO Council, including a rationale for these changes. Make better use of project management skills and expertise when developing the work plan Council to provide additional guidance and/or timeframe with regards to the expected delivery of milestones

Improvement	#13. Review of Chair(s)
Description	Despite running possibly for multiple years, there is currently no system in place that allows for the regular review of the functioning of PDP WG leadership teams. The Council could run an anonymous survey amongst the PDP WG to obtain feedback on the WG Chair(s) on a regular basis to facilitate its role as a manager of the PDP. Similarly, there is no process in place that allows a WG to challenge and/or replace its leadership team.
Objective	Allow for regular review of PDP leadership team to be able to identify early on potential issues
Focus	Current and future PDP WGs
Possible Implementation Steps	Chairs could be appointed for a 12 month period, and be required to be reconfirmed by the WG to continue for another 12 month period.

Improvement	#14. Make better use of existing flexibility in PDP to allow for data gathering, chartering and termination when it is clear that no consensus can be achieved.
Description	The existing PDP procedures provide for a lot of flexibility with regards to work that is undertaken upfront, such as data gathering to establish whether there is really an issue that needs to be addressed, chartering - creation of a charter drafting team to ensure that the charter questions are clear and unambiguous but also the ability to terminate a PDP in case of deadlock. As the manager of the PDP, the GNSO Council should make optimal use of this flexibility to facilitate its role as a manager of the PDP as well as setting up PDP teams as best as possible for success. Care should be taken that PDPs are not used to prove / disprove theories – such information should be gathered beforehand.
Objective	Make use of existing flexibility in PDP procedures to ensure that each PDP is set up for success from the outset.
Focus	Current and future PDP WGs.
Possible Implementation Steps	

Improvement	#15. Independent conflict resolution.
Description	In those cases where conflict in WGs is preventing progress and/or existing conflict mechanisms have been exhausted, the Council should have access to independent conflict resolution and/or mediation experts.
Objective	Provide additional mechanisms for conflict resolution for those cases where existing tools have not delivered results.
Focus	Current and future PDP WGs.
Possible Implementation Steps	Council liaison to be proactive in identifying potential issues / challenges that may need mitigation and Council attention.

Improvement	#16. Criteria for PDP WG Updates
Description	GNSO Council to provide criteria for information that needs to be provided by PDP WG leadership teams as part of their updates to be in a position to closely track progress and identify issues at an early stage. This would include a requirement for a PDP WG to provide early warning as well as identify potential risks that could hamper progress.
Objective	Ensure standardized set of information provided by PDP WGs
Focus	Current and future PDP WGs.
Possible Implementation Steps	

Improvement	#17. Resource reporting for PDP WGs
Description	Require PDP WGs to provide regular resource reporting updates to allow for a better tracking of the use of resources and budget as well

	as giving leadership teams the responsibility for managing these resources.
Objective	Allow for resource tracking and oversight, enhancing accountability
Focus	Current and future PDP WGs.
Possible Implementation Steps	Adapt fact sheets used for review teams to monitor and report on progress as well as resources for PDP WGs.

5 Proposed Next Steps

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Annex A – WG Membership Numbers

