Public Comment Summary Report

Policy Status Report: GNSO Policy & Implementation Working Group Recommendations

Open for Submissions Date:
Thursday, 16 May 2024

Closed for Submissions Date:
Tuesday, 02 July 2024

Summary Report Due Date:
Thursday, 18 July 2024

Category: Policy

Requester: ICANN org

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Open Proceeding Link: https://www.icann.org/en/public-comment/proceeding/policy-status-report-gnso-policy-implementation-working-group-recommendations-16-05-2024

Outcome:

In total, five (5) Public Comments were submitted by a range of stakeholders across the community on the the Policy Status Report on the Policy & Implementation Recommendations accepted by the GNSO Council and adopted by the ICANN Board in 2015.

Numerous constructive suggestions for improvement and clarification were provided by both organizations and individuals. All the Public Comments received will be carefully considered by the authors and ICANN org for inclusion in the final version of the report. Ultimately, this report will serve as an important tool for the GNSO Council in its review of policy- and implementation-related efforts.

Section 1: What We Received Input On

ICANN org sought input on the Policy Status Report on the Policy & Implementation Recommendations accepted by the GNSO Council and adopted by the ICANN Board in 2015. The report discusses the contents of the Policy and Implementation Recommendations and their performance against stated objectives by the GNSO Council and the ICANN community, based on readily available data, staff observations, and analysis to date. The report is intended to serve as input to the GNSO Council's review of the policy- and implementation-related efforts.

Input on all areas of the report was welcomed, with particular emphasis on comments on the use and performance of the following policy development and implementation processes and guidelines:

- The GNSO Expedited Policy Development Process (EPDP)
- The GNSO Guidance Process (GGP)
- The GNSO Input Process (GIP)
- The Implementation Review Team (IRT) Principles & Guidelines
- The Consensus Policy Implementation Framework (CPIF)

Section 2: Submissions

Organizations and Groups:

Name	Submitted by	Initials
Intellectual Property Constituency (IPC)	Patrick Flaherty	IPC
Business Constituency	Business Constituency	BC
At-Large Community (ALAC)	At-Large Advisory Committee (ALAC) Policy staff	ALAC
The Registrar Stakeholder Group (RrSG)	Sarah Wyld	RrSG

Individuals:

Name	Affiliation (if provided)	Initials
Herson Javier Apaza Rios	ENTORNO FINANCIERO SEGURO BY SFE SRL	N/A

Section 3: Summary of Submissions

There were five submissions to the Public Comment proceeding. For the purpose of this summary, a summary of key themes from each comment is highlighted below. All comments are available in full on the Public Comment page.

Herson Javier Apaza Rios - ENTORNO FINANCIERO SEGURO BY SFE SRL

This submission found the report to be a "clear and well-organized document" but highlighted that "the current implementation process lacks follow-up for statistical risk assessment and to inform future policy iterations." The submission recommended monitoring the outcomes of

minority viewpoints that were not incorporated into the final policy as potential "benchmarks", focussing on "viewpoints with material importance, meaning they have a significant impact", with possible criteria involving financial, operational, and legal considerations suggested. This task was identified as being well-suited to the work of an Implementation Review Team, with every IRT able to "apply this follow up as part of their responsibilities" and monitor the data to improve future policies.

The Registrar Stakeholder Group (RrSG)

The RrSG comment approved the contents of the report as "a significant undertaking by ICANN org to gather information about how these various policy and implementation processes have been used so far" and generally agreed with its conclusions. Several suggestions were offered on how to improve the processes described in the report, such as the standardization of timelines for EPDPs and an enhanced role for the GNSO Council in deciding whether early input is required. The RrSG agreed with the report in advocating for greater research and data gathering on the policy and implementation process and felt that the report itself could be improved in this regard, by the addition of "metrics about meeting frequency and meeting duration so as to better understand their impact". However, while reiterating its commitment to a "transparency of interests" within the multistakeholder model, the RrSG cautioned that support for process reform must be accompanied by efforts to avoid "unexpected consequences", such as the re-litigation of resolved issues.

Business Constituency (BC)

The BC offered several assessments and recommendations in its comment.
While defending the importance of early input statements, the BC generally approved of suggestions to accelerate the EPDP process, advocating the use of "clearly defined and structured charters and the pre-collation of relevant data and subject matter expert input" prior to commencing work on EPDPs, to avoid lengthy clarification discussions. This focus on preparation and clearly defined objectives was also evident in remarks on the GGP, which was seen to potentially benefit from the adoption of enhanced working practices and the provision of "guard rails to ensure all parts of the community are heard and the consensus reached on final outcomes acceptable to all". However, the BC also regarded the report's focus on perceived shortcomings of the GGP on the Applicant Support Program to be "unmerited" and "somewhat subjective." Additions and modifications to the CPIF were advised to be undertaken with a clear rationale and following consultation, to "avoid scenarios where community members feel that their recommendations are ignored or overridden", while new policy and implementation research should be undertaken with community involvement and for practical goals. An overarching concern for the BC was that proposed policy be evaluated for "fitness of purpose" at every stage of the policy and implementation process; for example, the IRT could identify flaws in consensus policy for attention and potential action.

At-Large Community (ALAC)

The At-Large Community (ALAC) generally approved of the report's contents, finding it "quite detailed and well-considered." The ALAC found that the processes analysed in the PSR have proved effective in "supporting and enhancing GNSO Policy and Implementation efforts." In particular, the ALAC endorsed the possible improvements relating to the IRT, specifically the

extension of the open and representative model and the suggestions for further research. While the ALAC endorsed the future use of the GGP process, it recommended greater attention to scoping its remit, which it believed would positively impact timelines. On the other hand, the ALAC believes that the GIP "is no longer relevant and should be retired" and should be replaced with current GNSO "small team" guidance and working practices, while it concurred with the report's recommendation for "greater community awareness" and education to avoid misconceptions around EPDP timelines.

Intellectual Property Constituency (IPC)

The IPC concurred with the report's appraisal of the effectiveness of the GNSO processes, noting that they provided important "guardrails" for the community and represented essential mechanisms and procedures for resolving issues arising in relation to GNSO Policy during implementation. Several improvements were suggested, including adjustments to EPDP working group practices and a proposal to capture lessons learned. The GIP was still considered to be theoretically useful, however revisions to the GIP manual were suggested to incorporate practices and learnings from small teams. The IPC was supportive of conducting further research and discussion on modifying IRT practices and the CPIF, advising that "consideration should be given to how to better engage stakeholder groups to ensure participation" and identify improvements.

Section 4: Analysis of Submissions

Overall, commentators supported the conclusions of the PSR, with consensus on proposals for further research, improvements, and modifications. However, some feedback noted important caveats and considerations around these proposals, with comments on the need for community consultation and involvement a recurring theme. ICANN org will update the PSR to incorporate the feedback received, including:

Expedited Policy Development Process (EPDP):

- Suggestions for more rigorous preparation and goal setting prior to launching an EPDP, such as setting an estimated timeline for EPDP completion, robust chartering, and pre-collation of data and SME input to clearly define the EPDP scope and expected outcomes.
- Enhanced working practices, including capturing 'lessons learned' from EPDP working groups to improve future policy reports.
- Clarification of the GNSO Council's role in deciding on the requirement for early input.
- Acknowledgment that some of the proposed improvements - for example, removal of a requirement for early input statements - have been included as options and would be subject to community discussion and agreement.
- Proposal to explore mechanisms to assess continued 'fitness for purpose' of consensus policies throughout the policy and implementation process.

GNSO Guidance Process (GGP)

- Comments and suggestions on how to implement more rigorous and flexible scoping of GGPs.
- Feedback on enlarging community involvement in the GGP process to strive towards pan-community involvement and consensus on final outcomes.
- Inclusion of more context around perceived shortcomings of previous GGP.

GNSO Input Process (GIP)

- Inclusion of contrasting comments on continued relevance and purpose, including suggestions to discontinue the GIP and to put in place a process to formalize the creation and operation of GNSO Small Teams.
- Inclusion of a suggestion to revise the GIP manual to incorporate lessons learned and working practices from GNSO Small Teams.

Implementation Review Team (IRT) Principles & Guidelines

- Inclusion of suggestion for IRT monitoring of the outcomes of minority viewpoints not incorporated into final policy, within limits of IRT role.
- Consideration of the IRT role in assessing the continued "fitness for purpose" of consensus policy during the implementation process.
- Addition of suggestions that future research into IRTs should focus on the effectiveness of current guidelines and improving stakeholder engagement.

Consensus Policy Implementation Framework (CPIF)

- Inclusion of suggestions to consider impact of efforts to modify CPIF, specifically to prevent conflict or duplication of work.
- Note that care must be taken when addressing identified gaps in the implementation process, which should be handled by the GNSO Council with transparency, a clear rationale and due consultation to maintain community buy-in.
- Confirmation of a planned Operational Design Phase (ODP) review.
- Inclusion of suggestion to amend CPIF, to "provide guidance on resolving disagreements regarding non-policy implementation details".

Next Steps

- Expectation that proposed research will be focussed on practical outcomes and involve community input.

Section 5: Next Steps

ICANN org will analyze the suggested changes and update the PSR as deemed appropriate. The final version of the report then will be submitted to the GNSO Council for its consideration.