The GNSO Council welcomes this opportunity to provide input on the Second Accountability and Transparency Review Team (ATRT2) Final Report and Recommendations to the ICANN Board of Directors.

First of all, the GNSO Council would like to express sincere thanks and appreciation to the members of the ATRT2 for all their hard work on this report and acknowledge the efforts the ATRT2 undertook to reach out to the community to obtain input, including the GNSO Council.

In relation to the specific recommendations in the Final Report, as the manager of the GNSO Policy Development Process (PDP), the GNSO Council has focused its review and input here on those recommendations that directly pertain to the PDP. As such, the GNSO Council is pleased to report that many of the recommendations put forward by the ATRT2 have also been independently or similarly recognized by the GNSO Council as areas for improvement and further exploration as part of the GNSO PDP improvements effort the GNSO Council has been working on (see http://gnso.icann.org/en/drafts/pdp-improvements-table-16jan14-en.pdf for further details) under a broad theme of continuous improvement.

More specifically:

ATRT2 Final Report: Recommendation #10.1. To enhance GNSO policy development processes and methodologies to better meet community needs and be more suitable for addressing complex problems, ICANN should:

a. *In line with ongoing discussions within the GNSO, the Board should develop funded options for professional services to assist GNSO policy development WGs. Such services could include training to enhance work group leaders' and participants' ability to address difficult problems and situations, professional facilitation, mediation, negotiation. The GNSO should develop guidelines for when such options may be invoked*

b. *The Board should provide adequate funding for face-to-face meetings to augment e-mail, wiki and teleconferences for GNSO policy development processes. Such face-to-face meeting must also accommodate remote participation, and consideration should also be given to using regional ICANN facilities (regional hubs and engagement centers) to support intersessional meetings. Moreover, the possibility of*

meetings added on to the start or end of ICANN meetings could also be considered. The GNSO must develop guidelines for when such meetings are required and justified, and who should participate in such meetings.

c. *The Board should work with the GNSO and the wider ICANN community to develop methodologies and tools to allow the GNSO policy development processes to utilize volunteer time more effectively, increasing the ability to attract busy community participants into the process and also resulting in quicker policy development.*

GNSO Council Response: In relation to 10.1a, b and c, as part of its efforts to continually improve and enhance its policy development activities, the GNSO is already actively working on a number of improvements to enhance and streamline the GNSO Policy Development process as mentioned above including; exploring the option of F2F PDP WG meetings, utilizing professional services to support policy development activities and activities to facilitate the recruitment and integration of new WG volunteers. Implementation of several of the proposed improvements is already actively underway. Some of these may be initially implemented as pilot projects to determine their effectiveness and as such, the GNSO Council supports the ATRT2 recommendations to make adequate funding available to implement, or at least trial, these proposed improvements to enhance and streamline the GNSO PDP. Regular status updates on the progress of implementation are expected to be provided to the GNSO and the broader community.

ATRT2 Final Report: Recommendation #10.2. The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided to ICANN policy development processes and that the GAC has effective opportunities to provide input and guidance on draft policy development outcomes. Such opportunities could be entirely new mechanisms or utilization of those already used by other stakeholders in the ICANN environment. Such interactions should encourage information exchanges and sharing of ideas/opinions, both in face-to-face meetings and intersessionally, and should institutionalize the cross-community deliberations foreseen by the AoC.

GNSO Council Response: The GNSO Council is pleased to report that the GAC and GNSO have jointly formed a Consultation Group on Early Engagement. This group is the result of meetings and discussions between the GAC and the GNSO at the ICANN meeting in Buenos

Aires as well as previous ICANN meetings. The group aims to explore options and make concrete proposals for a set of enhanced regular interactions as well as for early engagement of the GAC in relation to GNSO policy development activities. The primary objective of the Consultation Group is to look in detail into and to develop recommendations on; an agreed process for ongoing smooth and timely information exchange between the GAC and the GNSO, an agreed process for ongoing smooth early engagement of GAC in GNSO PDP projects, an agreed procedure for how to proceed in cases where GAC early input is in conflict with a GNSO proposal and a mutual agreement could not be reached, and proposals for accommodating the different working methods between the GAC (which tends toward an intense, "episodic" norm) and the GNSO (which is geared toward constant ongoing level of effort). A status update is expected to be provided during the GAC-GNSO Joint Meeting in Singapore. For further information, please see the mailing list archives at http://mm.icann.org/pipermail/gac-gnso-cg/.

ATRT2 Final Report: Recommendation #10.3. The Board and the GNSO should charter a strategic initiative addressing the need for ensuring more global participation in GNSO policy development processes, as well as other GNSO processes. The focus should be on the viability and methodology of having the opportunity for equitable, substantive and robust participation from and representing:

a. *All ICANN communities with an interest in gTLD policy and in particular, those represented within the GNSO;*

b. *Under-represented geographical regions;*

c. *Non-English speaking linguistic groups;*

d. *Those with non-Western cultural traditions; and*

e. *Those with a vital interest in gTLD policy issues but who lack the financial support of industry players.*

GNSO Council Response: One of recommendations in relation to the GNSO's efforts to improve and streamline the GNSO PDP relates to increasing the pool of PDP WG volunteers. The proposed implementation of this recommendation for GNSO PDP improvement includes a review of existing outreach efforts and to determine whether there are any actions the GNSO Council should be taking to increase the pool of PDP volunteers. The GNSO Council suggests that if the ICANN Board decides to adopt this recommendation, it may also want to consider reviewing the wider ICANN outreach and engagement activities that may not

specifically relate to the GNSO, but which do focus on engaging currently under-represented groups within ICANN to determine whether there any additional activities need to be undertaken in order to meet this recommendation.

The ATRT2 report documents how a very small group of dedicated volunteers carry an extraordinary proportion of the working-group load and correctly identifies this as a major concern. We note that simply increasing the pool of people aware of and in some way engaged with ICANN should not be viewed as the goal. Ultimately what is needed is a larger and more diverse group of active and effective volunteer participants in PDP working groups.

Although outreach is an important part of the effort and crucial for bringing new volunteers to ICANN, the path to this goal should not end at simply recruiting a large diverse group of people. Rather, there needs to be a clear and well-supported progression for community volunteers to gain the skills, knowledge and experience needed to broaden the ranks of active PDP participants and leaders.

We support reversing the current trend of too little focus on the recruiting, development and support of capable volunteer policymakers while increasingly following the expedient path of hiring expert panels, expanding staff and hand-picking "community representatives" through opaque "selection committees."

> *ATRT2 Final Report: Recommendation #10.4. To improve the transparency and predictability of the policy development process the Board should clearly state to what degree it believes that it may establish gTLD policy in the event that the GNSO cannot come to closure on a specific issue, in a specified time-frame if applicable, and to the extent that it may do so, the process for establishing such gTLD policies. This statement should also note under what conditions the Board believes it may alter GNSO Policy Recommendations, either before or after formal Board acceptance.*

GNSO Council Response: As stated in the ICANN Bylaws, the GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. In this context, the ICANN Board generally approves policy recommendations developed by the SOs. The GNSO Council recognizes that in the absence of a gTLD policy, the Board may set a process or procedure to the extent one is needed in order to conduct business which is subject to modification if the GNSO later develops a policy on the same topic. However, it is not the role and should not be the role of the Board to establish gTLD Policy as that is the specific remit of the GNSO.

ATRT 2 Final Report: Recommendation #4 The Board should continue supporting cross-community engagement aimed at developing an understanding of the distinction between policy development and policy implementation. Develop complementary mechanisms whereby the Supporting Organizations and Advisory Committees (SO/AC) can consult with the Board on matters, including but not limited to policy, implementation and administrative matters, on which the Board makes decisions.

GNSO Council Response: Although this recommendation does not specifically relate to the GNSO PDP or the GNSO, the GNSO Council would like to take this opportunity to point out that work is actively under way in the GNSO on a closely related topic, where a Policy & Implementation Working Group has been formed to develop recommendations in relation to a set of principles that would underpin any GNSO policy implementation related discussions. The WG is expected to make recommendations on:

- o A process for developing gTLD policy, perhaps in the form of "Policy Guidance," including criteria for when it would be appropriate to use such a process (for a process developing something other than "Consensus Policy") instead of the GNSO Policy Development Process;
- o A framework for implementation related discussions associated with GNSO Policy recommendations;
- o Criteria to be used to determine when an action should be addressed by a policy process and when it should be considered implementation; and
- o Further guidance on how GNSO Implementation Review Teams are expected to function.

As noted before, the GNSO Council appreciates this opportunity to provide feedback and remains available should there be any questions or clarifications needed.