Following the publication of ICANN's Draft FY16 Operating Plan and Budget, the GNSO Council welcomes the opportunity to provide comments and feedback through ICANN's Public Comment Forum.

As the manager of GNSO policy development process, the GNSO Council has focused[1] on the aspects of the budget as they relate to GNSO policy development support and related resources as part of the proposed ICANN FY16 budget. However, it is also important to note that, in addition to an extensive number of GNSO policy development activities, the GNSO through its Constituencies and Stakeholder Groups, is also closely involved in a large number of cross-community efforts. All of these activities require appropriate resources to ensure the effectiveness of ICANN's bottom-up policy development processes, one of ICANN's core functions.

At the request of the GNSO Council, a group of Councilors reviewed the FY16 budget and examined the proposed budget allocations, focusing especially on whether resources directed at policy development seem appropriate, both in relation to the GNSO's current workload, but also in view of any planned policy activities for FY16.

Based on this review[2], the GNSO Council would like to provide the following feedback:

1. General Feedback
   - The budget plan could be structured more clearly. For a reader without specialist financial reporting experience, it is very difficult to understand which portions of the budget either directly or indirectly support the Community as an integral part of the bottom-up multi-stakeholder model.

2. Staffing and outside expertise
   - Data in the table on page 9 of the Draft FY16 Budget By Portfolio and Project ('1.1 Resource Allocation') indicates that in the coming financial year 27 FTEs will support policy development, or around 8% of total FTEs. In a recent GNSO Council information session, David Olive informed the Council that policy staff supports around 150 sessions during each ICANN Meeting, a number that is unlikely to decrease. The budget indicates that 16 new staff hires are expected for FY16, yet none of these seem to be in Policy Support. The Council commends the support that is provided to the GNSO by the policy team, but feels strongly that ICANN management should be mindful of staff not being overextended. With planned initiatives such as the Purpose of gTLD Registration Policy Development Process (PDP) and work on new gTLD Subsequent Rounds, the GNSO Council expects that additional resources are needed and therefore will be made available but we were not able to detect these based on the information provided.

   - Slide 40 of the FY16 Draft Budget and Operating Plan (Section 2.2) indicates the intent to improve the current WHOIS policy, and in doing so, making it consistent with applicable data protection and privacy laws. What, if any, part of the draft budget is allocated to bringing in the required expertise to provide answers to questions on conflicts between WHOIS policies and legal jurisdictions with stricter privacy and data protection laws?

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[1] These comments are intended to complement any input that may be provided on the FY16 Budget by GNSO Stakeholder Groups and Constituencies.
[2] The items that were understood to be intended to specifically support the SO/ACs and policy development activities were extracted from the budget; a spreadsheet containing this overview is attached to this document.

The GNSO Council notes that the ICANN Board has, to some extent, addressed this in its latest resolution (https://www.icann.org/resources/board-material/resolutions-2015-04-26-en#1.f) stating:

"The Board recognizes that additional resources may be needed for the conduct of this unique policy development process. The Board commits to reviewing the GNSO's proposed plan and schedule, as well as Staff's assessment of the resources required to implement this proposed plan, and to supporting appropriate resourcing for the conduct of this PDP."

This is somewhat reassuring, however, further clarification, not currently provided in the draft FY16 Operating Plan and Budget would be helpful.   We believe that, to be successful, this policy development process will require additional resources. These may include; funding for a consultant to support the working group, face to face meetings and ability to request expert advice.   Due to the broad nature of this PDP a paid facilitator may be appropriate to ensure the work progresses.   The GNSO recommends a separate line item and funding for this specific initiative.

3. Evolution of Policy support
    - The overall budget allocated to policy development and supporting the SO/ACs, including constituency travel support, is 11.4 million US Dollars as far as the Council could see from the documents that provided – see attached spreadsheet overview. If this is the total figure, the Council feels that it represents a comparatively small figure of the overall budget. If there are more funds allocated to SO/AC support, what are they and why are they not more clearly marked in the budget?
    - The Table on page 9 of the Draft FY16 Budget By Portfolio and Project '1.1 Resource Allocation', indicates that the budget allocated to SO/AC support has increased from 8.3m USD in FY15 to 10.9m USD in FY16. However, as ascertained from David Olive's information session to the Council, the FY16 includes community travel support, whereas the FY15 budget did not. The Council would like to know what travel support amounted to in FY15 to have a better comparison of these figures. The Council would also encourage ICANN to provide data that allows for easier comparison of similar budget lines across different departments.
    - This budget is part of ICANN's 5-year Strategic Plan. One of the Strategic Plan's objectives is to evolve the policy development process to be more accountable, effective, efficient and inclusive. The Council believes that a budget allocation of 11.4m (less than 10% of the overall budget) is at the lower end of what we expect to see. David Olive informed the GNSO Council that there are other shared support infrastructure capabilities that are in the budgets of other departments, as such a more detailed listing that reflects these figures would be useful.

The Council acknowledges that, in addition to the specific Policy and SO/AC Engagement yearly budget allocation that we are addressing in this comment, the GNSO is also able to apply for additional funding in each Financial Year for particular projects as part of the Special Budget Request process. Indeed, the Council has come to view this additional process as an important resource for GNSO policy work, and has sought to take advantage of the opportunity, as has the various GNSO Stakeholder Groups and Constituencies. Nevertheless, such additional funds are subject to approval on a per-request basis and as

such can only supplement the "main" budget that is the primary means of funding ongoing GNSO work.

It is noteworthy to mention that this statement, although on behalf of the GNSO Council, has not been submitted following a formal motion and vote, but is being submitted in the absence of any objection from members of the GNSO Council.

The GNSO Council is looking forward to receiving a response to the questions and discussing the issues raised in this comment further. Councilors would also welcome any additional details that can be provided and might help the Community to understand better the proposed budget. Finally, the GNSO Council would like to encourage ICANN to be as proactive as possible in future budget planning, indicating more effectively which portions of the budget directly support the Supporting Organization and Advisory Committees and their important work as the pillars of ICANN's bottom-up multi-stakeholder processes.