20 October 2018   **GNSO CHAIR REPORT 2017/18**

Dear GNSO Council and GNSO community colleagues,

It has been a tremendous privilege to serve as GNSO Chair and GNSO Council Chair from AGM2017 to AGM2018.

At the inaugural GNSO Council Strategic Planning Session held on 29 – 31 January 2018, we explored (amongst other topics) the role and responsibilities of Council leadership. A key Action Item from that session was:

- **Current Council Chair (Heather Forrest) to provide report at the end of her term outlining main challenges/concerns /recommendations in fulfilling the role**

This report is intended to deliver on that Action Item.

The importance of the Council leadership *team*

After having served for three years as a member of the GNSO Council leadership team, I can say with absolute conviction that the considerable policy development and implementation, Empowered Community and general workload the GNSO Council now carries quite simply requires that Council leadership operate as a fully collaborative team. I have been extremely fortunate to be part of two committed and collegial Council leadership teams that have operated seamlessly behind the scenes. That said, because so much of what Council leadership does is 'behind the scenes', there is an unnecessary degree of mystery in what is *actually done* beyond chairing Council meetings and developing agendas. This leads me to two specific comments/recommendations.

First, I wholeheartedly support each of the leadership-related Action Items arising from the Strategic Planning Session which we have not had the opportunity to advance this year:

- *GNSO Council to consider whether existing mechanisms provide for sufficient opportunity to conduct 'emergency' consultations to allow for GNSO Chair to gather input on certain topics and/or decisions that need to be taken.* Rapid response is an inevitable consequence of the imposition of tight timelines (often externally driven) and the need for ICANN Org and community to respond to external changes of circumstances (such as GDPR); in short, the Council must now respond both to its own timeline and every-changing externalities. I believe it is worthwhile for Council in the future to consider how best to channel immediate input from SG/Cs and Councilors to the Council leadership team. While a unified 'GNSO view' may not exist on a given issue, it would be useful for the leadership team to have a clear sense of the substance of positions and how close or divergent these are, rather than merely say: 'The GNSO has not agreed on a position.' One way in which we have experimented with this in 2018 is the Temporary Specification webinar in May 2018 that brought together Council and SG/C leaders; feedback from this session helped us to navigate and bridge differences in the development of the EPDP Charter.
- *GNSO Council to consider whether Council leadership should have a contract/letter of appointment that would outline role, responsibilities and expectations.* I believe this would add transparency and accountability to the work of Council leadership team, reducing the sense of mystery around what leadership does, time and resource commitment, etc. Of course, every leadership team will have a different dynamic based on the individuals involved, and each member of the team will bring his/her own unique spirit and approach, but a documented baseline level of expectations would help all assess the value of leadership's contribution on a regular and ongoing basis. Further, clear documentation of the community's expectations of Council leadership will help to clarify the scope and role of staff support in the leadership team's ability to effectively deliver on its responsibility.
- *Council members to provide leadership team with feedback on leadership team's performance & actions on a regular basis.* This would, in my view, be particularly useful. Quite simply, with the increased

workload and responsibility of the GNSO Council comes increased responsibility for the leadership team. It is more important than ever that we ensure that the leadership team delivers on the community's expectations. ICANN public meetings offer an ideal opportunity for frank face-to-face discussion – perhaps an hour-long 'open house' or drop-in could be scheduled during which Councilors and community members could meet with the Council leadership team to provide constructive feedback.

- *Current Council Chair (Heather Forrest) to provide report at the end of her term outlining main challenges/concerns /recommendations in fulfilling the role.* If the Council and community consider this report useful, I recommend that this practice be normalized going forward to help capture institutional knowledge, ease transition within the leadership team, improve transparency, and facilitate continuity.

I hope that the incoming Council and Council leadership team will seize an opportunity to progress these Action Items through the 2019 Strategic Planning Session and/or a next phase of the PDP 3.0 project. If I can be of any assistance in supporting or championing these improvements, I gladly volunteer.

Second, I encourage those considering Council leadership positions to embrace a fully collaborative and cooperative style, and from the very outset – as early as the time of nominations and election. Chair and Vice Chair nominations should take into consideration the nominees' ability to work together constructively, share workload, and span time zones. Donna and Rafik have contributed more to the Council's day-to-day functioning than I suspect anyone realizes, and it is vitally important that this be acknowledged, not only in fairness to them, but to ensure that a cooperative, collaborative, effective environment continues in the future. It may be helpful within the leadership team to formalize cooperation by establishing 'leads' on any given topic in the so-called 'scary spreadsheet' or Action Items and Projects lists, and to work out as early as possible following the installation of new Council leadership a plan for sharing the workload burden and deadlines across time zones.

Finally, I suggest a modification to the SPS Action Item that gives rise to this report (*Current Council Chair (Heather Forrest) to provide report at the end of her term outlining main challenges/concerns /recommendations in fulfilling the role*). While the ultimate responsibility for producing an annual report may rest with the Chair, it should be expected and made clear that the Chair should consult with the Vice Chairs in delivering on this. In that spirit, I have shared and discussed this report with Donna and Rafik prior to publishing it on the Council list.

Council leadership's role in supporting the Bylaws-mandated responsibility of the GNSO Council as manager of the PDP

The so-called 'scary spreadsheet' produced for our January 2018 Strategic Planning Session evidences the significant workload faced by the GNSO Council, with multiple simultaneously running PDPs, IRTs, Standing Committees, CCWGs, RTs, and other activities. The Bylaws hold the GNSO Council responsible in particular for policy development. Having multiple large/multi-track or phase PDPs running simultaneously puts a significant pressure on Council to manage limited resources (staff support, Org budget, volunteer time, energy and goodwill). Council leadership has over the past several years taken a more active role in monitoring PDP timelines, contingencies, and dependencies, and Council has shifted away from passively receiving updates on PDPs. Going forward, the Council will need to decide whether to continue this more proactive approach, and what Council leadership does to facilitate this. Pre-meeting calls with each PDP leadership team are a potentially useful opportunity to identify challenges, obstacles and milestones; these calls can be extremely effective, but only when PDP leaders feel able to speak openly and honestly about PDP progress and problems. The volunteer nature of ICANN participation makes all of us extremely reluctant to comment on our own or others' effectiveness, but this is a reluctance that we all must overcome – with professionalism, collegiality and humility – to mitigate volunteer burnout, identify opportunities to make improvements in a timely manner, and prioritize policy development.

Another matter that we discussed in the Strategic Planning Session is the need for fiscal prudence in PDP effectiveness. The EPDP has offered us a timely opportunity to test the PCST budget system in a GNSO PDP. I hope

that on completion of the EPDP the Council will take the opportunity to evaluate the PCST or another approach to facilitate prioritizing the Council's limited resources. PCST-type information could very usefully be taken into account by Council leadership in allocating time and staff support in increasingly packed ICANN meeting schedules and Council meeting agendas.

More effective use of ICANN Public Meetings to support PDP work

Over the past several years, Council leadership has thought strategically about how to use the limited amount of face-to-face time that Council has each year (as Donna has noted, a mere 17 days). Council's role as manager of the GNSO PDP suggests that this limited time could best be utilized by progressing PDP work. As a result, we have consciously preferred PDP WG face-to-face time over Council meeting time.

To that end, Council leadership has worked increasingly closely with PDP leadership teams to schedule WG sessions in ways to best support PDP work. With unrelentingly more complicated and conflict-prone ICANN meeting schedules, this pre-meeting planning dialogue with PDP leadership has become absolutely essential. Allocating time equitably and appropriately, and with a minimum of conflicts, is an extremely difficult task. One possible improvement in this process would be for Council leadership to develop a template public meeting request form for PDP leaders to identify with as much precision as possible the number of hours needed at an upcoming face-to-face meeting and to specify how this time will be used by the WG with reference to PDP charter deliverables, milestones and timelines. This meeting request form would have a response deadline that is as late as possible to accommodate dynamic PDP work, but as early as possible to fit into the broader ICANN Org meeting planning cycle. Having this information to hand would help Council leadership to allocate limited staff time and room availability more appropriately and equitably, contributing significantly to the overall effectiveness of Council as manager of the PDP.

The importance of the GNSO Operating Procedures

There are many achievements of which I believe that the 2017/18 Council can feel immensely proud. We started the year with a 'scary spreadsheet' that included, amongst other projects, 5 live PDPs and 4 IRTs. We end the Council year having received a Final Report and Recommendations from two of those PDPs (reconvened Red Cross and IGO/INGO Curative Rights) and recommendations to terminate a third (RDS). We also agreed unanimously on a Charter for the GNSO's first ever Expedited Policy Development Process, implemented resource monitoring in the EPDP as a potential model for future PDPs, and delivered a comprehensive set of 14 proposed improvements to the GNSO PDP through the PDP 3.0 project.

One achievement that I believe we should be most proud of is the significant upskilling that Councilors have undergone in their awareness and understanding of the GNSO Operating Procedures and the Council's obligations under ICANN's Bylaws. This demonstrates to the ICANN community and the world that we take our responsibilities seriously and will carry them out with procedural legitimacy, transparency and accountability – all the more important in our newly independent ICANN post-IANA transition.

I urge the Council to continue in this direction with efforts to better understand and improve the GNSO Operating Procedures. The initial recommendations of the PDP 3.0 project are, I hope, just the beginning. More can be done to clarify the responsibilities and expectations of PDP chairs, the procedures for resolving disputes arising in PDP WGs, and the role of Council in managing PDP timelines, evaluating PDP Final Reports that diverge from GAC advice, and deferring motions. The Strategic Planning Session of January 2018 presented an invaluable opportunity to discuss these sorts of issues in a comprehensive, intensive fashion. I hope that going forward the Council will build upon the current knowledge base, growing ever more effective, transparent and accountable.

The tyranny of distance and its impact on chairing the GNSO Council

While the heavy workload of the GNSO Chair was not a surprise to me (past Chairs are extremely open and supportive in advising an incoming Chair of what to expect), I had not fully anticipated the physical toll of carrying that workload during mainly Americas/Europe-centric call times. The GNSO Council call rotation this year had three meeting times, which in my local time zone worked out as 0700-0900, 1400-1600, and 2300-0100. In addition to Council meetings, most SG/C and PDP calls are scheduled at Americas/Europe-centric times, for example with 3+1 meeting rotations at 0400 Sydney time x 3 and 'APAC call' at 2300 Sydney x 1. Although I had carefully prepared with my employer the flexibility to devote nearly all of my working time to ICANN this year, the reality has been that the majority of the actual work took place between 2200 and 0800 in my time zone.

This is an ongoing debate in our PDPs: when attendance numbers are low on an 'APAC-friendly' call, it gets proposed that the call time be eliminated. SO/AC leadership calls and ICANN Org webinars are likewise often (but not always) scheduled at times that suit the geographic majority. I have been extremely reluctant to give apologies for late hour calls because doing so may mean that a call time gets eliminated from the rotation due to low attendance, or out of fear of the GNSO missing out on representation or key information. Donna and Rafik have been extremely willing to step up, but Rafik was as equally disadvantaged as I based on his APAC location. For APAC participants, it is simply a case of attend at all hours, or let the work march on without you.

This is a chicken-and-egg problem for which I wish I had a solution. We do at least need to talk frankly and sensibly about this as a community. We cannot hope to attract participants from the APAC region when the majority of calls take place during midnight hours, but we will not attract APAC participants in significant numbers so quickly as to immediately equalize call attendance numbers. Speaking personally, I can say that there is a very significant disadvantage in not just attending, but *chairing* calls during the midnight hours. My ICANN day not infrequently ended by chairing a call finishing at midnight or 0100, and the next day started by chairing a call at 0700. I sincerely hope that my comments here will not be misinterpreted as whinging or accusing. I merely believe that this is a 'low hanging fruit' problem, and addressing it will significantly contribute to ICANN's globalization. We must work out a way of working around the clock without exacerbating our volunteer burnout problem. Again I happily volunteer to participate in any efforts to tackle this problem.

My sincere thanks to you all

I am immensely proud of what we have achieved together. I have learned so much from each member of the Council, and Donna Austin and Rafik Dammak in particular. I thank them most sincerely for their dedication, work ethic, sensibility, support, and unfailing good humour. We have world-class policy and secretariat staff teams supporting the Council who routinely go above and beyond: David Olive, Marika Konings, Mary Wong, Julie Hedlund, Steve Chan, Berry Cobb, Caitlin Tubergen, Emily Barabas, Ariel Liang, Andrea Glandon, Julie Bisland, Michelle DeSmyter, Nathalie Peregrine and Terri Agnew have each helped Council leadership in countless amazing ways. Thank you all for putting your trust in me to lead the GNSO and GNSO Council in the new post-IANA transition environment, to launch our first ever EPDP, and carry on the excellent work of previous GNSO Chairs James Bladel, Jonathan Robinson, Stéphane Van Gelder, Avri Doria, Chuck Gomes, and Bruce Tonkin. It has truly been an honour to carry out this responsibility.

With best wishes,

Heather Ann Forrest

Cc: Cherine Chalaby, ICANN Board Chairman
        Göran Marby, ICANN CEO