**Policy and Implementation Principles for Consideration from Chuck Gomes 1 Dec 2013**

The following list of principles below is provided as a starting point for discussion for the P&I WG Principles sub-team. I cite the source of the principle(s) in parentheses or at the beginning of a set of principles from the same source. It is critical that these be critiqued freely and openly and that other principles are considered as well. Note, with the exception of the first three principles, they are not in any particular order in terms of priority.

1. Policy & implementation processes must both be based in the multi-stakeholder model. (This is a principle that was discussed in the P&I DT.)
2. The policy development process must function in a bottom-up manner; except in emergency cases such as risks to security and stability, the process must not be made by a top-level group and then imposed on stakeholders. (This is a personal opinion.)
3. Implementation processes need not function in a bottom-up manner except in cases where new policy is introduced, and in all cases the policy development body must be involved to confirm that policies are implemented as intended. (This is a personal opinion.) “ICANN Staff should inform the GNSO of its proposed implementation of a new GNSO recommended policy. If the proposed implementation is considered inconsistent with the GNSO Council’s recommendations, the GNSO Council may notify the Board and request that the Board review the proposed implementation. Until the Board has considered the GNSO Council request, ICANN Staff should refrain from implementing the policy, although it may continue developing the details of the proposed implementation while the Board considers the GNSO Council request.” (Section 14 of the GNSP PDP Manual)
4. “. . Implementation should be regarded as an integral and continuing part of the political policy process rather than an administrative follow-on, and seen as a policy-action dialectic involving negotiation and bargaining between those seeking to put policy into effect and those upon whom action depends.” (“Implementation Studies: Time for a Revival? Personal Reflections on 20 Years of Implementation Studies” by Susan Barrett, Public Administration, Vol. 82 No. 2, 2004, p. 253, 1st paragraph)
   * Note that this is from a document that Marika provided early in the WG efforts.
   * This principle relates fairly closely to # 1 above.
5. As much is possible within time constraints, policy recommendations should be clear and unambiguous with performance targets and standards. (“Implementation Studies: Time for a Revival? Personal Reflections on 20 Years of Implementation Studies” by Susan Barrett, Public Administration, Vol. 82 No. 2, 2004, p. 258 last full paragraph) “. . the underlying policy statement should be specific and concrete enough to put stakeholders on notice about possible implementation parameters.” ((GNSO gTLD Registries Stakeholder Group Statement on the Policy versus Implementation - Draft Framework, 21 Feb 2013, last paragraph on p.3)
6. In policy development efforts: “It is the responsibility of the originating SO to provide timely notification to the rest of the community about policy development and/or implementation process. But it is the responsibility of the other SOs and ACs and stakeholders in general to determine whether or not they are impacted by that activity, and to provide their input in a timely manner.” (GNSO gTLD Registries Stakeholder Group Statement on the Policy versus Implementation - Draft Framework, 21 Feb 2013, bottom of p.1)
7. “. . . a proposed change (in policy implementation) is treated as an implementation change unless the objective is to create new obligations on certain parties.” (“POLICY VERSUS IMPLEMENTATION – DRAFT FRAMEWORK”, 31 Jan 2013, p.5, last paragraph) “. . . creation of new obligations on parties would automatically put a proposal in the policy category . . . “ (Summary of Public Comments on Policy vs. Implementation, 25 March 2013, Characteristics of the framework, Policy Development)
8. Administrative updates, error corrections and clarifications to approved policy should be treated as implementation issues without any requirement for public consultation. (“POLICY VERSUS IMPLEMENTATION – DRAFT FRAMEWORK”, 31 Jan 2013)
9. “All PDP WGs should be encouraged to provide as much implementation detail as possible within a reasonable timeframe. . . . To the extent implementation detail cannot be provided, the PDP recommendations should strive to identify areas where additional policy work may be needed based on issues that become evident only in the first cut at implementation.” (GNSO gTLD Registries Stakeholder Group Statement on the Policy versus Implementation - Draft Framework, 21 Feb 2013, second bullet under item a) on p. 4)
10. Policy development should be based on principles of fairness, notice and due process as well as predictability. (Summary of Public Comments on Policy vs. Implementation, 25 March 2013, Characteristics of the framework)
11. Three principles from the ALAC Statement on the Policy & Implementation Working Group, 21 Nov 2013:
    * There must be a methodology to recognize when a decision will impact the community, and such decisions must involve a bottom-up process in addressing those decisions.
    * The processes must be designed to be time-sensitive – unending debate should not be an option.
    * There must be a way to come to closure when the community is divided, and this should not simply give executive powers to ICANN Staff.
12. The following Core Values from Section 2 of the ICANN Bylaws are principles that seem to be directly applicable to policy and implementation:
    * Core Value 4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
    * Core Value 7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
    * Core Value 8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
    * Core Value 9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
13. The GNSO WG Guidelines contain the following that could contain possible policy and implementation principles with highlighting provided by me: “ICANN Staff performs the following two basic functions for any WG, namely secretariat (fundamentally a support function covering logistics) and policy liaison (a support function providing WG assistance in a neutral manner, including drafting, if required, which should reflect faithfully the deliberations of the Working Group).”