**DELIVERABLE II-III CHART - PRIOR (DELIVERABLE I) WG DISCUSSIONS ON QUESTION (A) CATEGORIZED AS CRITERIA OR FRAMEWORK (per WG Charter Questions III & IV)**

**Note: Those designated “Criteria” are marked in blue; those designated “Framework” are marked in red; those designated both are marked in purple; those designated neither are marked in orange**

**Question A: What lessons can be learned from past experience?**

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| **Sub-Questions under (A)** | **WG Discussion from Deliverable I** | **WG Comments on Categorization** |
| a. What are the consequences of an action being considered “policy” vs. “implementation?  b. Why does it matter if something is “policy” or “implementation”?  c. Under what circumstances, if any, may the GNSO Council make recommendations or state positions to the Board on matters of policy and implementation as a representative of the GNSO as a whole?  d. How do we avoid the current morass of outcome-derived labeling (i.e., I will call this policy because I want certain consequences/”handling instructions” to be attached to it)?  e. Can we answer these questions so the definitions of “policy” and “implementation” matter less, if at all? | Question a/b:   * Who is doing the considering? That is the underlying question. If it is considered policy, GNSO Council is expected to act, if it is implementation, staff is tasked to implement. Answer may be different depending on who is considering. Consequence of debate may hold up next steps. * Who should be watching over whether something is policy or implementation once policy recommendations have been adopted? * How can consultation mechanisms be updated to also take into account input from other SO/AC/external parties? Ask others for input - is the matter 'new' policy or wait until someone declares that something is policy or implementation - that would trigger a process / testing whether this is a broadly supported view. * Triggering mechanism that can be proactive or reactive needs to be in place - and a response mechanism needs to be in place * In current environment, IRTs have been given responsibility by GNSO Council to assess whether policy recommendations are implemented as intended and flag to the GNSO Council when this does not happen - however, further processes may need to be defined around that happens   Question c:   * All circumstances, except if the statement relates to changing current or creating new Consensus Policies (which would require a PDP) * Council is composed of representatives of SG/C - unless these oppose, the Council is able to speak on behalf of the Council * Question would be what would be the voting threshold to speak on behalf of the GNSO - currently simple majority applies to all decisions that do not relate to PDP votes * Communications from the Council that are on behalf of just the Council should always be clearly differentiated from communications from the Council on behalf of the GNSO   Question d   * Clearly defined processes and in each of those it is clearly set out how community input can be provided so that no one feels left out of the consideration process and eventual recommendations. * An IRT could fulfill an essential role in this regard   Question e:   * How to deal with issues that are not specifically requested by Board or other entity? Draft process foresees Council ability to invoke process itself, but would need further guidance on possible voting thresholds and/or whether others can invoke such a process * Processes need to be consistent and predictable - at all stages community needs to be working together * If processes are clear, the difference may not matter, only desired outcome * If there is an ability to make a process whereby there is inclusiveness in all decisions and safety valves for when there are disagreements or re-categorization, this may make this distinction less important, but it may not go away completely * Measure the outcome and its effectiveness - also reaffirms the importance of metrics |  |