Question #	Question	Sub-question	Input	P&I WG Draft Response
1	**What guidance do the ICANN core values (Bylaws Article 1, Sec. 2) directly provide with regard to policy development work and policy implementation efforts? (e.g., multi-stakeholder participation).**		**ISPCP:** To our understanding, this article makes reference on how policy development work (4., 7., 11.) should be worked on. There's 1 hint (8.) on implementation: « …applying documented policies neutrally and objectively, with integrity and fairness." *The WG should discuss whether this covers the requirements satisfactorily.* **RySG: Points based on the relevant values quoted are---** − Input should be sought from impacted parties in the policy development and implementation decision processes. − Accountability does not end with policy development but continues through policy implementation efforts and follow-up evaluation.	**Input noted.**
2	**What guidance do other ICANN core values provide that relate indirectly to policy development**		**ISPCP:** As outlined under the article the core values are expressed in very general terms. As usual in these cases there is room to understand indirect guidance to policy development and policy implementation being	**Input noted.**

			associated with some of the terms used – depending on where the reader is coming from.	
and policy implementation? (e.g., effective and timely process).			E.g. core value 9. Elaborates on « acting » which includes « policy making and implementation ».	
			RySG: Points based on the relevant values quoted are---	
			– "Stability, reliability, security and global interoperability" are top priorities in all of ICANN activities and must be treated as such in policy development and policy implementation.	**Noted**
			"ensure that those entities most affected can assist in the policy development process." => Oftentimes parties that are most affected have expertise that is essential in not only developing policy but also implementing it.	**Noted** and being addressed by enabling where possible in proposed model(s)
			– Acting with a speed that is responsive to the needs of the Internet while, as part of the decisionmaking process, obtaining informed input from those entities most affected." => There needs to be a balance between timeliness and allowing for informed input from all impacted parties. Put another way, the process of seeking input from all impacted parties should not be bypassed because ICANN staff or the ICANN Board determine that a matter must	**Noted** and being addressed by enabling where possible in proposed model(s)

				be resolved in a more timely manner than the process allows.	
3	"Questions for Discussion" contained in the Policy versus Implementation Draft Framework prepared by ICANN staff. (See, http://www.icann.org/en/news/public-comment/policy-implementation-31jan13-en.htm).			**ISPCP:** In general agree to the existing separation of policy development (GNSO) and implementation (staff) but see potential for improvements regarding the communication during the implementation phase. Whether a mandatory community implementation review team would be the best solution depends on the various PDP subjects and the parties concerned. Potential benefits of such a model should be investigated by the WG.	**Input noted. The model of a mandatory community implementation review team to be investigated.**
				RySG: Points based on the relevant values quoted are---	
				– "should the level of implementation that should be part of the actual PDP be detailed?" => To the extent possible, PDP recommendations should include implementation detail, but that will not always be possible. ****Each policy development effort will need to be evaluated by the GNSO relative to its own unique characteristics. All PDP WGs should be encouraged to provide as much implementation detail as possible within a reasonable timeframe.	**Noted** and being addressed by enabling where possible in proposed model(s)
				Factors that should be considered include: i) the complexity of the policy issues; ii) the diversity of views in the impacted community;	**Noted** and being addressed by describing these as desirable where

			iii) estimated time to complete the PDP; iv) estimated time to develop implementation details; v) urgency of completing the entire process. **In some cases, it may be more effective to separate policy development from implementation plan work …... 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.**	**possible in proposed model(s)**
			– **"Should it be mandatory to form a Community Implementation Review Team whose task it is to provide guidance and/or clarification as needed to ICANN Staff?" => should not be mandatory. It would be unnecessary in cases where the PDP WG was able to provide adequate implementation details in its recommendations.**	**Noted** and being addressed where possible in proposed model(s)
			Where that is not possible, a Community Implementation Review Team may be very useful. One additional question that should be asked is this: *Would it be helpful to form multiple Implementation Review Teams in cases where the overall policy recommendations are fairly complex and can be divided into discrete categories that require different types of expertise?*	**Noted** this matter is **yet to be fully discussed and deliberated by the WG**

			*it's critical that if implementation detail is provided, that it include the input of those operationally responsible for carrying out the policy itself. Policies have been unnecessarily delayed when assumptions were made by various parts of the community with little experience with how technically to reach an envisioned outcome. "[what] guidance should there be on the level of particularity that PDP recommendations should embody and how/where should that be specified? It should be noted that if very specific implementation guidance is desired as part of the policy recommendations, specific expertise (legal, technical) will be needed by WGs developing such guidance." => See the first response to question**** above. "How can such a consultation mechanism, proposed above as a policy Guidance WG, be improved to clarify this advice seeking role?" => GNSO should initiate a WG to develop such a mechanism. ….. ….How could such consultation mechanisms be clarified to better explain the purpose and role and outcomes of the work requested? How can the work of these consultation mechanisms be updated to take into account input from other SO/ACs and the public? =>These questions should be included as part of the charter in the WG "the inability to reach consensus on key issues" =>The RySG does recognize though that	**Noted** and being addressed by enabling where possible in proposed model(s)

			there may be times when 'badly may simply mean that there is no community consensus on how to address the issues where changes are being considered. As long as the status quo would not create any security or stability issues, that may be an acceptable outcome, although not necessarily the only option. In fact, considering the hugely diverse Internet community, it is naïve to assume that we will always be able to reach consensus or that such a consensus should, in and of itself, always be the goal. " "P"olicy becoming everlasting, and long lasting. In contrast, could a little "p"olicy adopted to meet the needs of a specific circumstance (example, the Conficker response) evolve based upon changing circumstances or experience with the effectiveness of the little "p"olicy?" =>Yes. Policies or procedures that are developed to address very specific circumstances should not be continued if the circumstances change. They should be modified or ended as the circumstances change.	
4	What lessons can be learned from past experience?			

| 4a | | What are the consequences of action being considered "policy" vs. "implementation"? | ISPCP: Consequences could be found in the responsibilities allocated (see [response to Question] 3).

RySG: It depends on whether there is a strict dichotomy between policy and implementation in terms of how they are accomplished. For example, if the bottomup multistakeholder process ends once policy is approved and implementation of it begins, then the consequences can be huge. On the other hand, if policy and implementation are considered in one continuum of a bottomup multistakeholder process, then the consequences of an action being considered "policy vs. implementation" are less significant. It is useful to note that the GNSO migrated over time from using the term 'policy vs. implementation' to 'policy & implementation'; this change was made very consciously to emphasize the fact that the multistakeholder process should not end when policy development stops and policy implementation begins.

It should be recognized or acknowledged that there is delineation between the 'policy' and 'implementation' in terms of staff responsibilities. Policy development is supported by ICANN's Policy Team, while implementation is generally handed off to staff outside the Policy Team. | Noted and being addressed by enabling where possible in proposed model(s) |

4b		Does it matter if something is "policy" or "implementation"? If so, why?	**ISPCP:** Maybe regarding responsibilities and legal consequences. **RySG:** It matters in terms of who has the primary responsibility. The supporting organization has the clear responsibility for developing policy with the support of staff. Staff has the primary responsibility for implementing policy in cooperation with the supporting organization. Note though that in either case neither party functions independent of the other. It also matters in terms of the methods used.	**See Q3 above** **Input Noted**
4c		Under what circumstances, if any, should 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?	**ISPCP:** Only in cases the GNSO community and their respective Stakeholder Groups and Constituencies have agreed to. Details to be discussed. **RySG:** PDPs define how policy should be developed but there is currently no document that defines how policy should be implemented. A useful result of the P&I WG would be some guidelines for how policy should be implemented.	**Under discussion in relation to the proposed PGP & PIP** **Input Noted**
4d		How do we avoid the current morass of	**ISPCP:** Clear definitions are necessary.	**WG has developed**

			RySG: main cause of the morass is making a dichotomous distinction between policy and implementation (i.e., policy vs. implementation). As previously stated, policy & implementation should be seen as one continuous multi-stakeholder process that needs to involve the full community throughout. The methodologies may differ for policy development than for policy implementation, but ultimately the policy development body as a whole must confirm that policy is implemented as designed and intended.	working definitions Input Noted
	outcome-derived labeling (i.e., I will call this "policy" because I want certain consequences or "handling instructions" to be attached to it?)			
5	Can we answer these questions so the definitions of "policy" and "implementation" matter less, if at all?		RySG: Yes and see previous comments	Input noted
6	What options are available for policy ("Consensus Policy" or other) and implementation efforts and what are the criteria for determining which should be used?	a. Are "policy" and "implementation" on a spectrum rather than binary?	RySG: Yes	Input noted
		b. What are the "flavors" of policy and what consequences should	RySG: It is not clear that policies come in flavors. If 'flavors' mean categories, here are some possibilities: simple vs. complex; explicit vs. general; policies with well-defined	Input noted

| | | | attach to each "flavor? | implementation details vs. those with few implementation details.

Implementation of policies that are simpler, more explicit and that contain considerable implementation guidance will be much easier to implement.

But depending on the issues involved, it will not always be possible to develop simple and explicit policies with very clear implementation guidelines. | |
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| | | | c. What happens if you change those consequences? | **RySG:** It seems more realistic to be able to change the flavors than to change the consequences. Efforts can be made to develop policies that are as simple and explicit as possible and to include as much implementation guidance as possible. These are worthy goals but there will likely be limitations on achieving them for some policy issues so ultimately there will be cases where the negative consequences are unavoidable. | **Input noted** |
| **7** | **What is the process by which this identification, analysis, review and approval work is done?** | | | | |

7a		How are "policy and implementation" issues first identified (before, during and after implementation)?	ISPCP: Before and during. RySG: The ideal situation is for implementation issues to be made clear in the policy, i.e., before implementation begins. Efforts should be made in policy development to do this but it may not be possible in all cases. It should not be a surprise when policy and implementation issues are confronted during the implementation process. Having established guidelines for dealing with such situations would be very helpful. Proposed guidelines would be a very helpful deliverable from the P&I WG for consideration by the broader community.	Under discussion Noted and being addressed by enabling where possible in proposed model(s)
7b		What is the role of the GNSO in implementation?	ISPCP: - Readjustments of policies which appear hardly to [be] implement[ed] - Check against the policies intended for implement[ation] RySG: The GNSO has the responsibility to ensure that policy is implemented as approved and as intended. That includes ensuring that it is implemented with minimal impact on	Under discussion Noted and being addressed by enabling where possible in proposed model(s)

			affected stakeholders to accomplish the objectives behind the policy.	
7c		**In order to maintain the multi-stakeholder process, once policy moves to implementation, how should the community be involved in a way that is meaningful and effective?**	**ISPCP:** e.g. public comment periods after certain milestones TBD Implementation review teams may be used to keep the community involved. **RySG:** Whether an implementation review team is used or not, the supporting organization should monitor implementation activity to ensure that policy is implemented properly and should be consulted if there is any question about that.	**To be discussed** **Noted** and being addressed by enabling where possible in proposed model(s)
7d		**Should policy staff be involved through the implementation process to facilitate continuity of the multi-stakeholder process that already occurred?**	**ISPCP:** As long as the expert knowledge related to the policies already worked out is needed policy staff should definitely included. **RySG:** Yes and similarly staff with primary responsibility for implementing policy should be involved in a meaningful way during the policy development process.	**Input noted** **Noted** and being addressed by enabling where

			This should engender a more streamlined transition along the policy and implementation spectrum. Representatives from the WG should also be involved as needed and possible.	possible in proposed model(s)
8a		How are "policy and implementation" issues first identified (before, during and after implementation)?	**RySG:** The ideal situation is for implementation issues to be made clear in the policy, i.e., before implementation begins. Efforts should be made in policy development to do this but it may not be possible in all cases. It should not be a surprise when policy and implementation issues are confronted during the implementation process. Having established guidelines for dealing with such situations would be very helpful. Proposed guidelines would be a very helpful deliverable from the P&I WG for consideration by the broader community.	**Input noted**
8b		What is the role of the GNSO in implementation?	**RySG:** The GNSO has the responsibility to ensure that policy is implemented as approved and as intended. That includes ensuring that it is implemented with minimal impact on affected stakeholders to accomplish the objectives behind the policy.	**Input noted**
8c		In order to maintain the multistakeholder process, once policy	**RySG:** Implementation review teams may be used to keep the community involved.	**Input noted**

			moves to implementation, how should the community be involved in a way that is meaningful and effective?	Whether an implementation review team is used or not, the supporting organization should monitor implementation activity to ensure that policy is implemented properly and should be consulted if there is any question about that.	
8d			Should policy staff be involved through the implementation process to facilitate continuity of the multistakeholder process that already occurred?	RySG: Yes and similarly staff with primary responsibility for implementing policy should be involved in a meaningful way during the policy development process. This should engender a more streamlined transition along the policy and implementation spectrum. Representatives from the WG should also be involved as needed and possible.	Input noted