

Proposed GNSO Process for ICANN Board to Reverse Adoption of GNSO Policy Recs

Closed for Submissions: 22 January 2026 | 23:59

Penholders: Yao Sossou

About NCSG

NCSG represents the interests of non-commercial domain name registrants and end-users in formulating the Domain Name System policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organizational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, etc, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999, we have facilitated global academic and civil society engagement in support of ICANN's mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues.

Introduction

The Non-Commercial Stakeholders Group (NCSG) appreciates the opportunity to provide input on the proposed updates to the GNSO Operating Procedures concerning a process for the ICANN Board to reconsider or reverse its adoption of GNSO policy recommendations.

As the home for civil society, academia, and non-commercial Internet users within the GNSO, the NCSG has a long-standing interest in ensuring that ICANN's policy development ecosystem remains predictable, transparent, accountable, and respectful of bottom-up consensus processes, while recognizing the Board's fiduciary duties and responsibilities under the Bylaws.

The absence of a clearly defined mechanism for reversing an adopted GNSO policy recommendation represents a genuine procedural gap. The NCSG, therefore, welcomes the effort to document such a process and appreciates the intent to strike a balance between flexibility for the Board and appropriate procedural guardrails for the community. However, we also have some concerns and suggestions for improvements, detailed below.

General support for addressing the procedural gap

The NCSG agrees that it is preferable to explicitly define a process for reconsideration or reversal of adopted GNSO policy recommendations rather than relying on ad hoc practices.

Codifying such a mechanism in the PDP Manual and the GNSO Guidance Process (GGP) Manual improves:

- Institutional clarity and predictability
- Transparency for the broader ICANN community
- Mutual accountability between the Board and the GNSO Council

The experience arising from the New gTLD Subsequent Procedures PDP, including the handling of Recommendation 20.6, demonstrates the risks of ambiguity when roles, expectations, and escalation paths are not clearly documented.

Safeguarding the bottom-up Multistakeholder model, community engagement, and transparency

While recognizing the Board's fiduciary obligations, the NCSG stresses that any process enabling reversal of adopted policy recommendations must not undermine the integrity or authority of the GNSO PDP.

The NCSG also notes the importance of ensuring coherence between this proposed reversal process and existing GNSO mechanisms, including the PDP, GGP, and the broader Predictability Framework developed under the New gTLD Subsequent Procedures PDP.

The NCSG strongly supports provisions requiring clear written explanations when the Board seeks to reverse an adopted GNSO recommendation.

In particular, the NCSG emphasizes that:

- Reversal of an adopted policy recommendation should remain exceptional, not routine.
- The process must clearly distinguish between:
 - Reconsideration due to material changes in circumstances, new information, or unforeseen risks; and
 - Disagreement with policy outcomes that were properly developed through the PDP.
- The proposed mechanism must not create incentives to bypass or weaken consensus-based policymaking by shifting substantive policy debates to post-adoption stages, and should have clear mechanisms to avoid those situations at all costs.
- Avoid duplicative or conflicting procedures;
- The initial documentation and statements should:
 - Identify the specific concerns prompting reconsideration;
 - Reference the relevant fiduciary, legal, or operational considerations;
 - Clarify why existing accountability mechanisms (e.g., implementation dialogue or guidance processes) are insufficient.
 - Detail how the reversal (or the original policy implementation) specifically impacts end-user rights such as online privacy, freedom of expression, and accessibility.

- There should be public documentation that is sufficient to allow community understanding and scrutiny, with a mandatory 10-day public comment period following the issuance of the "Board Statement" but prior to the final reversal vote.
- All documents related to this process should avoid subjective wording, especially in the rules that establish it. For example, "sparingly and only where deemed necessary" does not provide the necessary level of legal certainty. As an alternative, objective criteria:
 - Reversal must be predicated on material, documented new information that was not available during the PDP.
 - The Board should explicitly demonstrate that implementation could put public interest or human rights at risk or violate ICANN's Core Values
- The NCSG therefore supports the inclusion of explicit thresholds, procedural steps, and documentation requirements that ensure reversals are justified, well-reasoned, and narrowly scoped.
- There should be timely notification to the GNSO Council, with enough opportunities for the Council to provide input or seek clarification, which also means a larger timeframe for community consultations;
 - This is necessary because the 60–90 day window for a GNSO Council response is insufficient for the volunteer-led non-commercial community to conduct thorough internal consultations
 - A minimum of 90 days, with a provision for a further 60-day extension upon request, would be a more reasonable alternative.

In Conclusion

To sum up, the NCSG supports the GNSO Council's effort to address a real procedural gap by proposing a defined process for Board reconsideration or reversal of adopted GNSO policy recommendations. With appropriate guardrails, transparency requirements, and respect for the bottom-up multistakeholder model, such a process can enhance institutional accountability without weakening community-driven policymaking.

This is why the NCSG remains wary of any mechanism that expands Board discretion at the expense of community-led policy development. We urge the GNSO Council to integrate these guardrails to ensure the Board's reversal power is a measure of last resort, governed by objective criteria, robust human rights analysis, and transparent procedures.

The NCSG expresses its sincere gratitude for the chance to provide feedback and guidance on important ICANN policy matters as such. We therefore extend our thanks to the ICANN Staff for their diligent consideration of our remarks and look forward to our concerns being addressed, with the proposed updates being refined and implemented, through a continued dialogue.