

Advice & PDP Improvements

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*European Regional At-Large Organization (EURALO) Days
09 November 2022 | Brussels, Belgium*



Agenda



Advice Improvements



PDP Improvements



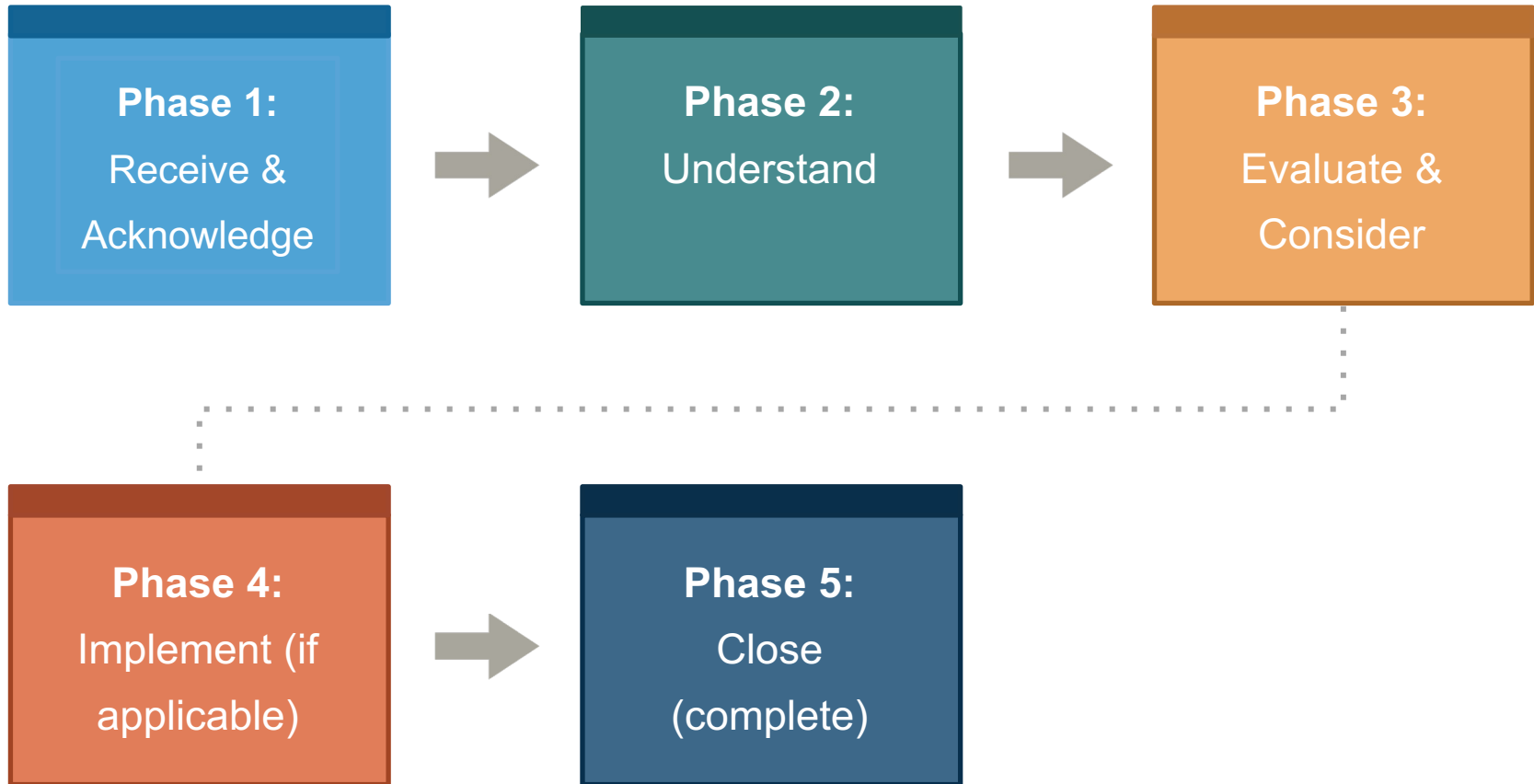
Q & A

Advice Improvements

Background

- The ICANN Board receives Advice from the Advisory Committees (ACs) as set forth in [Article 12](#) of the ICANN Bylaws. Advice received is documented on the ICANN org [website](#).
- The 2017 Process Documentation Initiative created a [workflow document](#) and [handbook](#) to provide more transparency into the process by which the ICANN Board reviews and considers Advice received from the ACs. **The output of this initiative is referred to as the Board Advice Process.**
- Throughout the Board Advice Process, ICANN org assists the ICANN Board in its consideration of the Advice received from the ACs via the **five Board Advice Phases**.
- Each AC chair receives **quarterly reports** of their respective AC's submitted Advice, including where each piece of Advice currently is within the five Board Advice Phases.

Background: Five Phases



Advice Improvements

- ICANN Board. In September 2021, the ICANN Board met with the ACs and identified proposed improvements to be made to the Board Advice Process.
 - The objectives of the proposed improvements are to further enhance:
 - Predictability of the process that the ICANN Board uses to review and decide on Advice it receives.
 - Transparency around how and what decisions are taken by the ICANN Board.
 - Implementability of an AC's Advice provided to the ICANN Board.
1. Further detail and document ICANN Board's role in considering AC Advice.
 2. Advice to be a standing Agenda Item during bilateral sessions held between the ICANN Board and AC.
 3. Development of an Advice Review template to facilitate ICANN Board consideration of Advice received.
 4. Better explain differences between the Action Request Register (ARR) and the Board Advice Register (BAR).

In addition, ICANN org is reviewing its internal processes as well as reporting to support Advice development, consideration as well as implementation.

PDP Improvements

Remember PDP 3.0?

What is PDP 3.0?

- ✓ A non-prescriptive toolkit
- ✓ Additional guidance & guardrails
- ✓ Evolutionary
- ✓ Continuous improvements

What PDP 3.0 is not?

- ✗ Not intended to fix every multistakholder model challenge
- ✗ Not a complete solution
- ✗ Not an endpoint

PDP 3.0 Deployed Work Products

Some work products have been applied to ongoing working groups

many are intended to be applied to new PDP working groups or invoked when circumstances warrant their application

1 Working Group Dynamics

- #1 Statement of participation
- #2 Alternatives to open WG model

2 Working Group Leadership

- #5 Active role for / clear description of Council liaison
- #6 Expectations for WG leaders

3 Project Management

- #11 Enforce deadlines & ensure bite size pieces
- #12 Notification to Council of change in work plan
- #16 Criteria for PDP WG updates

4 Consensus Building

- #4 Consensus Playbook

Immediate impact visible?

Pre-PDP 3.0	Days from charter to Initial Report
SubPro	1824
Rights Protection Mechanisms (RPMs)	1715

Post-PDP 3.0	Days from charter to Initial Report
Phase 2 (SSAD)	515
Curative Rights	456
Phase 2A (legal vs. natural, etc.)	317

Continuous improvement



Following completion of PDP 3.0, various parallel initiatives and projects that touched upon possible further improvements.



PDP Improvements Tracker developed to provide the Council with the ability to track these different proposed improvements



Covers improvements that have come out of the following initiatives: 1) Council Strategic Planning Session; 2) Operational Design Phase; 3) Modifying Consensus Policies; 4) PDP 3.0 Parking Lot items, 5) review of Policy & Implementation recommendations



Incremental next steps allow for progress without creating significant workload as well as regular check-points to confirm whether to proceed.



See <https://community.icann.org/x/e4OLD>

PDP Improvements Tracker

PDP Improvements Tracker

Proposed Improvement	Proposed Next Steps	Consideration Status	Comments	Assigned To	% Complete	
Category I Improvements: Easy to implement and not requiring any changes to existing processes and/or procedures						
1	#1 Enable a process during the PDP to share relevant information and analysis on potential impacts to existing policies, to support consideration by PDP working groups (define this process as part of GDS liaison role) - Origin: Modifying Consensus Policies	Council to review Guidelines for GDS Liaisons to PDPs and determine whether anything further is needed to consider this improvement complete	Agreement to move forward with proposed next steps	Guidelines for GDS Liaisons to PDPs were shared with the GNSO Council during ICANN75 (see https://gnso.icann.org/en/council/guidelines-icann-gds-staff-liaisons-pdp-32eapcc2-art.pdf).	Council Council	
2	#2 The Council should consider sharing with the ICANN Board when certain items are expected to move from Council to Board to facilitate advance planning by the ICANN Board - Origin: Council SPS	Derive from the project list and ADR items expected to be delivered to the ICANN Board in the coming year. In combination with sharing its SPS report, the Council communicates to the Board which items are expected to be forwarded to the ICANN Board for its consideration during that year to allow the ICANN Board to anticipate as part of its planning when it may need to consider GNSO policy recommendations.	Agreement to move forward with proposed next steps	Note that this is also done through the sharing of announcements in relation to upcoming milestone publications, such as the recent webinar on the Transfers Initial Report.	GNSO Staff Support, GNSO Council	
3	#3 Following adoption of a PDP Final Report by the GNSO Council, schedule a meeting with the ICANN Board to allow the GNSO Council, with the assistance of the PDP Chair(s), to present the Final Report and recommendations to the ICANN Board and allow for Q & A. - Origin: Council SPS	An invitation has been sent to the ICANN Board to provide a briefing on the IGO Curative Rights EPDP recommendations. Proposed presentation / slides are to be shared in advance of the meeting with the Board to ensure that it is a neutral representation of the results and does not interfere with independent review. Following meeting, debrief with Council & GNSO appointed Board members to determine if this was helpful and/or whether it should be continued	Agreement to move forward with proposed next steps		Council & GNSO Appointed Board members	
4	Category II Improvements: Some effort to implement, but not requiring any changes to existing processes and procedures					
5	#4 Add to the charter template a general or specific provision / question regarding consideration of impact on existing consensus policies - Origin: Council SPS	Staff support team to create for Council review proposed addition for charter template that would highlight the expectation that a PDP WG is to consider the impact of its recommendation on existing consensus policies. GNSO Council to review proposed addition (note, the template can always be modified as needed to ensure that it is fit for purpose, including calling out specific existing policies that should be factored in)	Agreement to move forward with proposed next steps		GNSO Staff Support, GNSO Council	
6	#5 Include in the Final Report template a section to address any direct or indirect implications for existing policies, to support full consideration by the PDP working groups and the GNSO Council. This may include implementation guidance where appropriate. - Origin: Modifying Consensus Policies	Staff support team to include in the Final Report template a section to address any direct or indirect implications for existing Policies. Inclusion of this section by a PDP Team will be linked to any charter requirement in this regard. GNSO Council to review proposed addition to Final Report template	Agreement to move forward with proposed next steps		GNSO Staff Support	
7	#6 Consider if/how the role of the Board liaison of a PDP can contribute to more effective communication. This could, for example, be done by communicating clearly at the outset of a PDP the expected role of the Board liaison. - Origin: Council SPS	Staff support team to include link to Board Liaison guidelines in charter template so that if Board liaison is included as part of the charter, the role and expectations can be considered in the context of the review of the charter. GNSO Council to review proposed update to charter template	Agreement to move forward with proposed next steps		GNSO Staff Support, GNSO Council	
8	Category III Improvements: Higher level of effort to implement and likely requiring changes to existing processes and procedures					
9	#7 Update CPIF to note that as part of implementing a new policy, ICANN org and the IRT review updates to other policies and incorporate as part of the implementation plan - Origin: Modifying Consensus Policies	Requests GDS to provide an indication of possible timing & consultation of such updates to the CPIF (note, last round of updates were made in 2018 and involved consultation with the GNSO Council / community – the communication should confirm that the expectation is that the same approach would be used).	Agreement to move forward with proposed next steps		Council leadership	
10	#8 Review of Policy & Implementation Recommendations - Origin: Review of Policy & Implementation Recommendations & Review IRT Liaison's role description - Origin: PDP 3.0 Parking Lot Item	Staff support team to provide further detail on what a policy status review (PSR) would be expected to cover and confirm that a PSR does not mean that a review is initiated but it allows Council to consider whether or not a review is appropriate, and what should be considered as part of a review, if initiated. GNSO Council to review PSR details and decide if/how to proceed.	Agreement to move forward with proposed next steps		GNSO Staff Support, GNSO Council	
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Questions?



Annex – Advice Improvements



Improvement #1

Further detail and document ICANN Board's role in considering Advisory Committee Advice.

Proposed improvement:

Agree on and add further detail to the five Board Advice Phases that outline the ICANN Board's role in considering Advice. This detail would compliment existing phases and descriptions that focus on ICANN org's role in assisting the ICANN Board. Improvements would also **provide the community with further clarity and predictability in relation to the ICANN Board's role in the Board Advice Phases.**

Proposed implementation:

- Provide the AC further information about the expected next steps and, if possible, expected timing.
- Identify an ICANN Board shepherd to work with the AC.
- Provide option for the ICANN Board and/or its assigned groups to put forward clarifying questions or request a follow-up conversation.
- Document and publicize other input or materials that have been reviewed by the ICANN Board when considering Advice.
- Enhance the transparency regarding the rationale for ICANN Board decisions relating to Advice.
- Provide a clear statement of expected action, if Advice is referred to another group.
- Provide regular updates to the ICANN Board and AC on the status of implementation.

Progress:

- ICANN org continues to work on developing an overview of Advice under development, including the expected timing of finalization.

Improvement #2

Advice to be a standing Agenda Item during Bilateral Sessions between the ICANN Board and AC.

Proposed improvement: As part of the bilateral meetings that the ICANN Board holds with ACs during ICANN meetings, a standing agenda item will be added to address the status of Advice.

Proposed implementation:

- Ensure that a standing agenda item is added for Advisory Committee bilateral sessions.
- Work with ICANN org Board Advice Team; subject matter expert (SME); and Board shepherd, Board Committee, ICANN Board Working Group and/or Caucus, to ensure that prior to these bilateral sessions an update on the status of outstanding Advice is available.

Progress:

- During ICANN75, the ACs were invited to indicate if there was any Advice they would like to discuss during their bilateral session with the ICANN Board; as well as comment on the proposed approach for implementing this improvement.
 - This will continue for ICANN76 and ICANN78.

Improvement #3

Development of an Advice Review template to facilitate ICANN Board consideration of Advice received.

Proposed improvement: Develop a review template, similar to a Board scorecard, in which the Board's consideration of Advice received would be documented by the ICANN Board (and published).

Proposed implementation:

- A first draft of the review template is being developed. Once finalized, the template will be used to document the consideration of the Advice by the ICANN Board.

Progress:

- Development of the Board review template is underway and is expected to be completed by end of 2022.

Improvement #4

Better explain differences between the Action Request Register (ARR) and the Board Advice Register (BAR).

Proposed improvement: Review the existing materials and communication in relation to the ARR and BAR and provide suggestions for how the overlap as well as differences can be better communicated to the ICANN community.

Proposed implementation:

- ICANN org to review existing materials and propose modifications.

Progress:

- ICANN org is internally working across the various functions to identify ways to better communicate the differences to the community.

Annex – PDP Improvements



PDP Improvements

Improvement #1 – PDP impacts to existing policies

- ❖ Enable a process during the PDP to share relevant information and analysis on potential impacts to existing policies, to support consideration by PDP working groups (define this process as part of the GDS liaison role)
- ❖ Next step: Council to review [Guidelines for GDS Liaisons to PDPs](#) and determine whether anything further is needed to consider this improvement complete

Improvement #2 – Facilitate advance planning by Board

- ❖ The Council should consider sharing with the ICANN Board when certain items are expected to move from Council to Board to facilitate advance planning by the ICANN Board
- ❖ Next step: Derive from the project list and ADR items expected to be delivered to the ICANN Board in the coming year. In combination with sharing its SPS report, the Council communicates to the Board which items are expected to be forwarded to the ICANN Board for its consideration during that year to allow the ICANN Board to anticipate as part of its planning when it may need to consider GNSO policy recommendations.

PDP Improvements (continued)

Improvement #3 – Briefing for ICANN Board on PDP Final Report

- ❖ Following adoption of a PDP Final Report by the GNSO Council, schedule a meeting with the ICANN Board to allow the GNSO Council, with the assistance of the PDP Chair(s), to present the Final Report and recommendations to the ICANN Board and allow for Q & A.
- ❖ Next step: An invitation has been sent to the ICANN Board to provide a briefing on the IGO Curative Rights EPDP recommendations. Proposed presentation / slides are to be shared in advance of the meeting with the Board to ensure that it is a neutral representation of the results and does not interfere with independent review. Following meeting, debrief with Council & GNSO appointed Board members to determine if this was helpful and/or whether it should be continued.

PDP Improvements (continued)

Improvement #4 – Modify charter template re. impact on existing CP

- ❖ Add to the charter template a general or specific provision / question regarding consideration of impact on existing consensus policies
- ❖ Next step: Staff support team to create for Council review proposed addition for charter template that would highlight the expectation that a PDP WG is to consider the impact of its recommendation on existing consensus policies. GNSO Council to review proposed addition (note, the template can always be modified as needed to ensure that it is fit for purpose, including calling out specific existing policies that should be factored in)

Improvement #5 – Modify final report template re. impact on existing CP

- ❖ Include in the Final Report template a section to address any direct or indirect implications for existing policies, to support full consideration by the PDP working groups and the GNSO Council. This may include implementation guidance where appropriate.
- ❖ Next step: Staff support team to include in the Final Report template a section to address any direct or indirect implications for existing Policies. Inclusion of this section by a PDP Team will be linked to any charter requirement in this regard. GNSO Council to review proposed addition to Final Report template.

PDP Improvements (continued)

Improvement #6 – Board Liaison to PDP

- ❖ Consider if/how the role of the Board liaison of a PDP can contribute to more effective communication. This could, for example, be done by communicating clearly at the outset of a PDP the expected role of the Board liaison.
- ❖ Next step: Staff support team to include link to Board Liaison guidelines in charter template so that if Board liaison is included as part of the charter, the role and expectations can be considered in the context of the review of the charter. GNSO Council to review proposed update to charter template

Improvement #7 – Update of Consensus Policy Implementation Framework

- ❖ Update CPIF to note that as part of implementing a new policy, ICANN org and the IRT review updates to other policies and incorporate as part of the implementation plan
- ❖ Next step: Requests GDS to provide an indication of possible timing & consultation of such updates to the CPIF (note, last round of updates were made in 2018 and involved consultation with the GNSO Council / community – the communication should confirm that the expectation is that the same approach would be used).

PDP Improvements (continued)

Improvement #8 – Review of Policy & Implementation recommendations

- ❖ Next step: Staff support team to provide further detail on what a policy status review (PSR) would be expected to cover and confirm that a PSR does not mean that a review is initiated but it allows Council to consider whether or not a review is appropriate, and what should be considered as part of a review, if initiated.

GNSO Council to review PSR details and decide if/how to proceed.

Improvement #9 – Review of the Operational Design Phase

- ❖ Proposed next step: The GNSO Council should request the GNSO Council liaison to the SSAD ODP as well as the small team that was tasked to review the ODP to document its findings so that these can be shared when the review takes place after the second ODP completes. Similarly, the Council Liaison to the SubPro ODP should be notified that there will be this expectation to provide input on the experience with the ODP so that he can prepare and document his findings accordingly.