

# ICANN | GNSO

Generic Names Supporting Organization

## **GNSO PDP Improvements** *Tracking and Coordination*

*25 April 2022*

### Status of This Document

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This is a Paper that has been drafted by ICANN Policy Support Staff for GNSO Council consideration.

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# 1 Introduction & Objective

It is important to remember that although there are prescribed steps and requirements that must be met in the context of a GNSO Policy Development Process as outlined in the ICANN Bylaws as well as the GNSO Operating Procedures, there is also a lot of flexibility for what can be done in addition to those required steps. This has provided the GNSO Council with the opportunity, through trial and error, to try out new approaches without having to embark on a formal review or overhaul of existing processes and procedures. Most recently, in February 2020, the GNSO Council completed its work on [PDP 3.0 Improvements](#). This Council initiative was focused on introducing several incremental improvements to enhance the efficiency and effectiveness of GNSO PDPs. In addition, recent initiatives such as the formation of scoping teams as well as Council small teams have focused on the appropriate scoping and initiation of policy development work.

Although it may be too early to draw any formal conclusions, a number of these incremental improvements have had a significant impact on the way in which the Council approaches both the initiation of policy development activities as well as how policy development recommendations are developed.

Most recently, a number of parallel conversations have emerged that have highlighted that there may be other aspects of the PDP for which improvements could be considered. In addition, there are a number of projects on the Council's Action Decision Radar (ADR) related to PDP improvements which will need to be addressed at some point in the future.

To provide the Council with a clear picture of these different parallel initiatives and projects, and to avoid overlap and ensure complementarity, the staff support team suggested to develop this discussion paper. In addition to an overview of the different initiatives and projects, the discussion paper also suggests a possible approach for managing these different initiatives by focusing on 1) which aspects could be implemented without much further work, 2) which aspects could be implemented with some work, 3) which aspects need careful planning and consideration before these can be implemented. Going forward, progress on these different initiatives could be tracked through the PDP improvements tracker to ensure oversight and forward planning can factor in these developments.

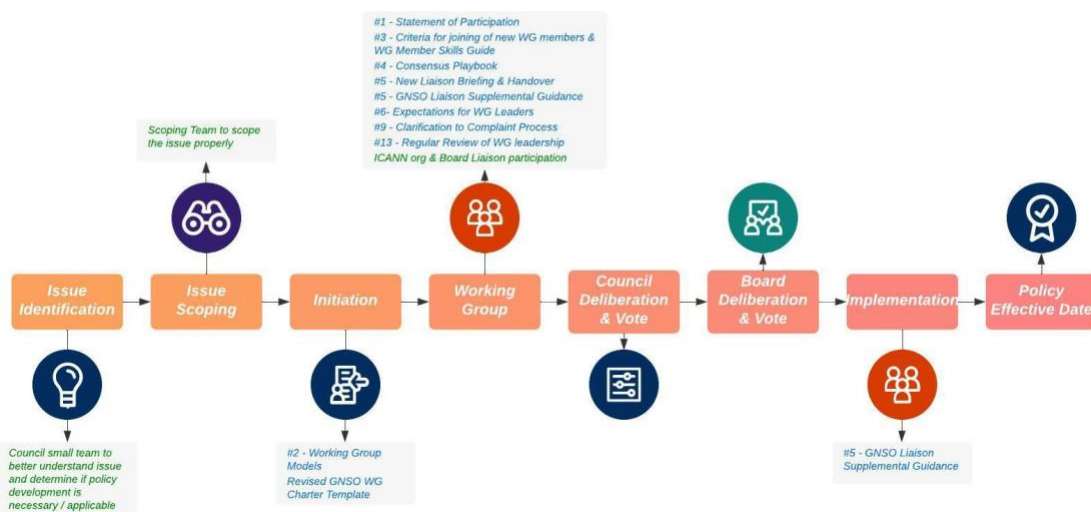
## 2 Overview of recent initiatives and pending projects

Before diving into the details of each initiative and project, you will find below a graphic overview of past improvements and where these have impacted the PDP.

Apart from a couple of improvements that focused on facilitating Council oversight of PDPs and data requests, the majority of improvements resulting from PDP 3.0 and new practices focused on the scoping/initiation and WG phase of the Policy Development Process.

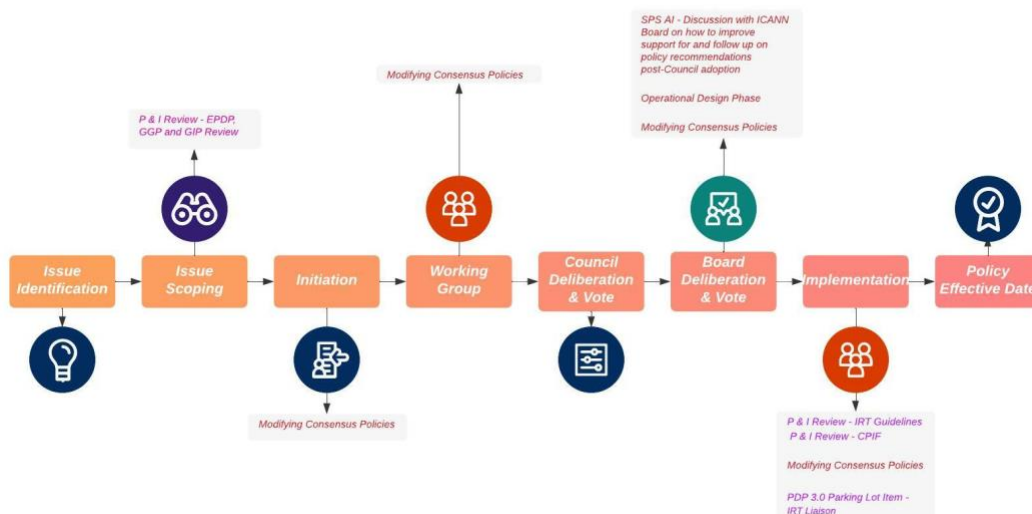
### PDP 3.0 Improvements\* & Recent Practice

\*Note, this overview does not include PDP 3.0 improvements that focused on Council management / oversight & data gathering



On the contrary, recent initiatives and projects on the Council’s ADR, focus on the post-Council adoption part of the policy lifecycle.

### Recent improvement discussions / initiatives & Pending work



Hereunder is an overview of each of the initiatives identified in the second graphic. It is important to note that conversations for some of these are already underway, while others are for the moment parked on the Council's Action Decision Radar.

## 2.1 Council Strategic Planning Session (SPS) Action Item – how to improve support for and follow up on policy recommendations post-Council adoption

The GNSO Council discussed during the SPS how it can assist in ensuring that once policy recommendations leave the Council, they contain all relevant information and guidelines so that they can be taken up by the Board in a timely and efficient manner for consideration. Some specific suggestions were made during the discussion (see below) and further brainstorming is expected to take place as part of a post-SPS session that will be organized with the participation of interested Board members to tackle questions such as:

- What are the main obstacles to effective Board-Council interaction and how can these be overcome?
- How can additional transparency be introduced in the post-Council adoption part of the PDP?
- How can the Council facilitate the Board's consideration of whether adoption of PDP recommendations are in the best interest of the ICANN community or ICANN org?
- Should further interaction be built into the process as part of the handover of GNSO Council recommendations to the ICANN Board post Council adoption?

This is obviously an area where the GNSO Council and ICANN Board will need to agree on what improvements, if any, to introduce. However, recent experience in the context of the EPDP Phase 2 recommendations where consultations in combination with informal conversations have supplemented the formalized process, have been positively received as a mechanism to promote dialogue and understanding.

Specific suggestions from the SPS:

- The Council could be more proactive in asking the ICANN Board and ICANN org about expected timing / timelines as well as how it can assist in making sure things move forward
- 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.

## 2.2 Modifying Consensus Policies

This [discussion draft](#) was shared with the GNSO Council on 20 October by ICANN org. The paper represents a thought exercise that has been shared with the community for information and input on existing processes and considers what procedures are in place for modifying consensus policies, and where there may be gaps, ambiguities, or opportunities for additional collaboration. The paper focuses primarily on the implementation phase and the customary

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practices and requirements that are available to modify or amend an existing Consensus Policy, but portions of the paper also reference the policy development process as documented in the ICANN Bylaws.

The paper puts forward a number of specific suggestions that could be considered by the GNSO Council to ensure clarity in relation to updates and/or changes that are to be made to existing Consensus Policies as a result of the adoption of policy recommendations.

After this paper was shared, the GNSO Council formed [a small team](#) to review the discussion draft and prepare proposed input that will be reviewed by the GNSO Council before it is submitted to ICANN. Following an initial review, the small team suggested to the Council that it would be helpful to schedule a conversation with the Council, interested SG/C representatives, ICANN org as well as interested Board members to go into further detail on questions such as:

1. Ensuring a common understanding of the problem we are trying to fix;
2. Is the “fixing” expected to require changes to existing procedures or do existing procedures provide for sufficient flexibility to address the problem should it arise again?
3. Having a common assessment of the urgency of the problem so we can decide how to prioritize this effort and ensure that community resources are available to work on this topic jointly.

In response, ICANN org welcomed such a dialogue and suggested that in addition, the following questions could be considered:

1. We have seen some instances in recent policy work where a new set of policy recommendations explicitly or implicitly requires updates to existing policies. We do recognize that in the context of the EPDP Ph 1 Recommendation 27 these updates could only be considered in detail during the implementation phase as a result of the time constraint that existed. Nevertheless, we think there may still be value in considering how the Council and the org might work better together in the future to identify and address when such updates are needed and how these are expected to be made. Does the Council agree that there is value in this, and if so, what could be done better / differently?
2. How can this “thought paper” supplement or act as input to support discussions around the current pipeline of improving different steps throughout the PDP process?

At the time of writing, this dialogue was in the process of being scheduled.

Specific suggestions from the discussion draft include, amongst others:

- Add to the charter template a general or specific provision / question regarding consideration of impact on existing consensus 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 GDS liaison role).

- 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.
- 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.

## 2.3 Operational Design Phase

The concept of an Operational Design Phase was introduced to the ICANN community in October 2020 in the form of an [ODP concept paper](#). The purpose of the Operational Design Phase (ODP) is to perform an assessment of Generic Names Supporting Organization (GNSO) Council policy recommendations, or other ICANN community-provided recommendations the Board deems appropriate, in order to provide the Board with relevant information for its deliberations on whether to approve said recommendations. The GNSO Council provided [feedback](#) on this concept paper noting that “instead of designing a prescriptive process, (from which deviations can be permitted), we [the GNSO Council] recommend a generic framework that describes various methods for developing operational considerations, and enables the application of the method that suits the circumstances of each particular PDP”. The Council also asked the question of whether this could be a tool for a PDP Working Group to use at its discretion as “on select occasions, the operational analysis could start earlier, creating a process with different insertion points and timelines. With variable starting times, the process might be a lever for improving / streamlining the PDP, rather than retarding it’.

Based on the community input received, a [final version](#) of the ODP Process Paper was published in March 2021. This final version notes that “As envisaged, the ODP will become part of the generic top-level domain (gTLD) policy implementation lifecycle and eventually be incorporated into the Consensus Policy Implementation Framework (CPIF). Before modifying the CPIF, ICANN org will conduct a community consultation on the functionality of the ODP after a minimum of two ODPs have concluded, to ensure that the ODP operates effectively and fulfills the needs of the Board, the community, and ICANN org”. The first ODP completed recently, with the second ODP, on the SubPro recommendations, currently scheduled to complete by Q4 2022.

## 2.4 Review of Policy & Implementation Recommendations

The GNSO Council adopted the Policy & Implementation recommendations in June 2015 and recommended that “a review of these recommendations is carried out at the latest five years following their implementation to assess whether the recommendations have achieved what they set out to do and/or whether any further enhancements or changes are needed”. The Council considered whether to undertake this review as part of a GNSO Framework for Continuous Improvement. However, the Council decided to first conduct a pilot and moved a number of items, including the review of the Policy & Implementation recommendations to a section in the Council’s Action Decision Radar with no timeframe associated with them as the timing will be determined as a result of the pilot. However, this does not prevent the Council from determining if one or more of these items need to be addressed in a different manner

before the pilot concludes, for example, as a result of external factors or changes in the dependencies that were identified.

The Policy & Implementation recommendations include the following items:

- Additional GNSO Processes such as the GNSO Input Process (GIP), GNSO Guidance Process (GGP) and the GNSO Expedited Policy Development Process (EPDP).
- Policy & Implementation Principles / Requirements
- Implementation Review Team Principles & Guidelines

The Policy & Implementation Final Report also included a first version of the Global Domains Division Consensus Policy Implementation Framework, but this has already undergone review led by ICANN org (see <https://www.icann.org/policy/implementation>).

Although the EPDP and Implementation Team Principles & Guidelines have been successfully used, other aspects of the Policy & Implementation recommendations, such as the GIP and GGP remain to be tested.

## 2.5 PDP 3.0 Parking Lot Items

As part of the PDP 3.0 discussions, a number of items were identified that might benefit from further work in the future but which were not considered within the scope of PDP 3.0 implementation. One of these items is:

- IRT Liaison: Related to Improvement #5 [Active role for and clear description of Council liaison to PDP working groups], re-evaluate whether the Implementation Review Team (IRT) Liaison's [role description](#) and associated [procedures](#) are sufficient.

Note that some of the other items on the parking list are already in the process of being dealt with, such as a review of the GNSO's Statement of Interest (SOI) as well as a review of the Working Group Self-Assessment. This particular parking lot item has been highlighted as it aligns with some of the other ongoing initiatives.

In addition, it may also be worth noting that when the GNSO Council adopted the PDP 3.0 Implementation Final Report in February 2020, it resolved that: "after all PDP 3.0 improvements are in effect, the GNSO Council conducts a review of the implementation effectiveness in a timely manner". In addition, the Council requested that "following the GNSO Council review of the PDP 3.0 implementation effectiveness, the GNSO Council considers any necessary updates to the GNSO Operating Procedures and uses the relevant work product in the PDP 3.0 Implementation Final Report as a starting point". The Council should consider when and how such a review as well as updates to the GNSO Operating Procedures should be carried out, possibly in combination with some of the other initiatives that have been identified in this report that may result in changes to existing processes and procedures.



## 3 Categorization & Proposed Approach

### 3.1 Not all improvements are equal

As outlined in the previous section, there are a number of parallel efforts that focus on possible improvements to the GNSO's Policy Development Process, with a focus on the post-GNSO Council adoption phases. It is, however, important to distinguish between the different types of improvements that may come out of these efforts to determine how this can be best handled and planned for. The staff support team would like to suggest distinguishing between the following types of improvements:

- Easy to implement and not requiring any changes to existing processes and/or procedures<sup>1</sup>. For example, introducing informal conversations and/or consultations between the GNSO Council and ICANN Board prior to the ICANN Board considering the adoption of GNSO policy recommendations do not require any changes but can be implemented as deemed necessary.
- Some effort to implement, but not requiring any changes to existing processes and procedures. For example, adding a section to the charter template that would remind PDP WGs of their obligation to consider if policy recommendations made are expected to impact any existing policies. This would require an update to the Charter Template, but it does not impact existing processes and/or procedures.
- Higher level of effort to implement and/or likely requiring changes to existing processes and procedures. For example, a review of the Implementation Review Team Principles and Guidelines requires community engagement and consultation. The outcome of the review is likely to result in updates to the guidelines as well as other documents such as the PDP Manual.

At the same time, there is obvious interconnectivity between these different improvements which makes it essential to keep oversight of the bigger picture to be able to assess how these different improvements interact and the impact they may have on each other. For example, if an IRT is expected to be involved in reviewing updates to other policies and incorporate as part of the implementation plan, this may impact if/how disagreement is resolved as currently described in the IRT principles and guidelines and how this may need to be updated to reflect this specific part of the IRT's responsibilities.

### 3.2 Proposed Approach

In order to keep oversight of these different improvements, some of which are still under discussion or may come out of the initiatives listed in the previous section, the staff support team proposes the creation of a PDP Improvements Tracker. This document would be a living document, which would categorize each improvement and indicate how it could be implemented and/or what further work would need to be undertaken to move it forward. It is

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<sup>1</sup> It should be noted though that any of these improvements could eventually become an integral part of the PDP and as such, there could be a desire to make it a formal part of the PDP, which would result in updates to relevant processes and procedures.

proposed that the staff support team would hold the pen on the improvements to be added as they come out of the different conversations / initiatives, but any party of the community (e.g. Board, ICANN org, Council) can make specific suggestions for adding to the tracker. The Council would then review this document, and as new improvements are added, confirm its understanding of the categorization and direct next steps. In addition, this document would indicate where further community and/or staff work is needed so that this can be planned accordingly as part of the Council's Action Decision Radar. In this way, the Council is able to keep a clear oversight of the different improvements, assess their relationship as well as plan for improvements that will require further work and consideration. Annex A provides an overview of what this improvement tracker could look like.

## 4 PDP Improvements Tracker

This first table provides a high level overview of the different initiatives that are under way and/or need to be planned for, their current status and expected / proposed next steps. Specific proposals for improvements are tracked in the table underneath. For some of these initiatives, specific suggestions have already been put forward, some of which have been captured below. Others are expected to emerge from further conversations and would be added as appropriate. This tracker would be a live document that the Council, with input from GNSO Stakeholder Groups and Constituencies, would review on a regular basis to plan for upcoming work accordingly as well as confirm next steps. At the appropriate time, the Council could consider delegating this review to the Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI).

Initiative	Status	Expected / Proposed Next Steps
<p><b>Council SPS - How to improve support for and follow up on policy recommendations post-Council adoption</b></p>	<p>Informal conversation between Council leadership and Becky &amp; Matthew took place after SPS</p> <p>Proposal to organize post-SPS brainstorming session with Council and interested Board members was put forward to Council for input (see <a href="#">here</a> for further details)</p>	<p>Scheduling and planning of brainstorming session to address questions such as:</p> <ul style="list-style-type: none"> <li>● What are the main obstacles to effective Board-Council interaction and how can these be overcome?</li> <li>● How can additional transparency be introduced in the post-Council adoption part of the PDP?</li> <li>● How can the Council facilitate the Board's consideration of whether adoption of PDP</li> </ul>

Initiative	Status	Expected / Proposed Next Steps
		<p>recommendations are in the best interest of the ICANN community or ICANN org?</p> <ul style="list-style-type: none"> <li>Should further interaction be built into the process as part of the handover of GNSO Council recommendations to the ICANN Board post Council adoption?</li> </ul>
<b>Modifying Consensus Policies</b>	<p>Following sharing of discussion draft by ICANN org, Council formed a small team to review the discussion draft. The small team suggested setting up a dialogue with Council, interested SG/C representatives, ICANN org as well as interested Board members.</p> <p><i>Note, a number of the improvements put forward in the paper have been included in the tracker below as it may aid in the preparation for the dialogue.</i></p>	<p>Planning and scheduling of dialogue.</p>

Initiative	Status	Expected / Proposed Next Steps
<p><b>Operational Design Phase</b></p>	<p>As envisaged, the ODP will become part of the generic top-level domain (gTLD) policy implementation lifecycle and eventually be incorporated into the Consensus Policy Implementation Framework (CPIF). Before modifying the CPIF, ICANN org will conduct a community consultation on the functionality of the ODP after a minimum of two ODPs have concluded, to ensure that the ODP operates effectively and fulfills the needs of the Board, the community, and ICANN org. The first ODP completed recently, with the second ODP, on the SubPro recommendations, currently scheduled to complete by October 2022.</p>	<p>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.</p>
<p><b>Review of Policy &amp; Implementation Recommendations</b></p>	<p>The review is on hold while the GNSO Framework for Continuous Improvements is under way.</p>	<p>As a number of the above initiatives closely relate to the post-Council adoption phase, the Council could consider separating out the review of the</p>

Initiative	Status	Expected / Proposed Next Steps
		Implementation Review Team Principles & Guidelines. As there is an obvious link with the ODP, it could consider timing a review of these to align with the expected review of the ODP.
<b>PDP 3.0 Parking Lot Items</b>	This item is currently on hold.	Consider folding the re-evaluation of whether the IRT Liaison's role description and associated procedures are sufficient into the review of the IRT Principles and Guidelines (see previous item).

As the work and conversations on these different initiatives progresses, the staff support team would document and track specific improvements in the table below. Prior to proceeding with the implementation of the improvement, the GNSO Council would confirm the categorization as well as the proposed next step.

**CATEGORY I: EASY TO IMPLEMENT AND NOT REQUIRING ANY CHANGES TO EXISTING PROCESSES AND/OR PROCEDURES**

Relates to Initiative / Improvement	Proposed Next Step	Timing	Council Input / Comments
<i>Modifying Consensus Policies:</i> Enable a process during the PDP to share relevant information and analysis on potential impacts to existing policies, to support	Request GDS to instruct the GDS liaison to share relevant information and analysis on potential impacts on existing		

Relates to Initiative / Improvement	Proposed Next Step	Timing	Council Input / Comments
consideration by PDP working groups (define this process as part of GDS liaison role).	policies as part of its input to PDP WGs.		
<p><i>Council SPS:</i> 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.</p>	In combination with sharing its SPS report, the Council would communicate 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.		

**CATEGORY II: SOME EFFORT TO IMPLEMENT, BUT NOT REQUIRING ANY CHANGES TO EXISTING PROCESSES AND PROCEDURES**

Relates to Initiative / Improvement	Proposed Next Step	Timing	Council Input / Comments
<p><i>Modifying Consensus Policies:</i> Add to the charter template a general or specific provision / question regarding consideration of impact on existing consensus policies</p>	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.		
<p><i>Modifying Consensus Policies:</i> Include in the Final Report template a section to address any direct or indirect implications for</p>	Staff support team to include in the Final Report template a section to address any direct or		

existing policies, to support full consideration by the PDP working groups and the GNSO Council. This may include implementation guidance where appropriate.	indirect implications for existing policies.		

**CATEGORY III: HIGHER LEVEL OF EFFORT TO IMPLEMENT AND LIKELY REQUIRING CHANGES TO EXISTING PROCESSES AND PROCEDURES**

Relates to Initiative / Improvement	Proposed Next Step	Timing	Council Input / Comments
<i>Modifying Consensus Policies:</i> 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	Request 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)		



## 5 Next Steps

The Staff Support team looks forward to receiving the Council's input on the proposed approach and PDP Improvements Tracker. If this is deemed a helpful way in making sure that easy to implement improvements that do not require changes to existing procedures can keep on moving forward, while forward planning can take into account those improvements that do, while keeping a clear oversight of the different improvements, the staff support team would work on setting up the tracker.