

# Registries Stakeholder Group Statement



## Issue: Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model

Date statement submitted: **14 October 2019**

Reference url: <https://www.icann.org/public-comments/multistakeholder-model-next-steps-2019-08-27-en>

### Background<sup>1</sup>

Community discussions at ICANN63 and ICANN64 identified a list of 21 issues that could have an impact on improving the effectiveness of the ICANN MSM. The RySG provided substantive feedback on the Issues Report (13 June): [https://docs.wixstatic.com/ugd/ec8e4c\\_0d1a48997c8644b483258d84d65988d2.pdf](https://docs.wixstatic.com/ugd/ec8e4c_0d1a48997c8644b483258d84d65988d2.pdf)

The list of issues has been now been consolidated and reduced to 8:

ICANN Strategic Goal: Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.

**Issue 1: Prioritization of the work**

**Issue 2: Precision in scoping the work**

**Issue 3: Efficient use of resources**

**Issue 4: Roles & responsibilities, and a holistic view of ICANN**

ICANN Strategic Goal: Support and grow active, informed, and effective stakeholder participation.

**Issue 5: Representativeness + Inclusiveness**

ICANN Strategic Goal: Sustain and improve openness, inclusivity, accountability, and transparency.

**Issue 6: Culture, trust, and silos**

**Issue 7: Complexity**

**Issue 8: Consensus**

In this comment the RySG provides feedback on the document "Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model" (20 August 2019).

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### Registries Stakeholder Group (RySG) comment:

#### **Overarching Comment**

The Registries Stakeholder Group (RySG) appreciates the opportunity to provide additional input on the ongoing project to evolve ICANN's multistakeholder model (MSM). We recognize that this is an iterative process and commend the project leaders for providing multiple touchpoints where ICANN community members can provide feedback and help

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<sup>1</sup> *Background*: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.

shape the direction of this important initiative. The following comments should be considered in conjunction with, and as a follow-up to, the [comments](#) we submitted on this topic in June 2019.

[Link: Evolving ICANN's Multistakeholder Model, RySG Comment 13 June 2019, [https://docs.wixstatic.com/ugd/ec8e4c\\_0d1a48997c8644b483258d84d65988d2.pdf](https://docs.wixstatic.com/ugd/ec8e4c_0d1a48997c8644b483258d84d65988d2.pdf)]

In reviewing the "Next Steps" paper, the RySG was pleased to see that the list of issues that are hampering the effectiveness of the MSM has been further refined and prioritized into eight key topics. This development is in line with the general message of our earlier comments and we believe the new list is much more manageable and offers a higher chance of being successfully addressed. Further, we believe the remaining eight issues capture the most significant challenges facing the MSM.

While we recognize that the task of enhancing the effectiveness of the MSM is a substantial undertaking, the RySG is disappointed by how long it has taken to get to this phase of developing a plan to address the issues that are negatively impacting the effectiveness of the MSM. For example, the initial conversations to identify and refine the issues list could have also covered the question of whether existing solutions could help address those issues. We bring this point up now not to be unnecessarily critical, but to urge ICANN and the project coordinators to move expeditiously onto the tasks of developing the work plan and then executing on it. We need to begin actually addressing the issues that have been identified - ones that we agree are hurting the MSM - rather than dragging out the process of discussing how we will address them.

### **Comments to Inform the Future Work Plan**

The following section addresses the specific questions posed in the "Next Steps" paper. All the prioritization categories correspond to those laid out on p. 5 of the paper.

#### Issue 1: Prioritization of Work

*Does existing solution(s) sufficiently address the issue?*

The RySG does not believe that the enumerated solutions sufficiently address this issue. While the Strategic and Operating plans can be useful in tasks such as prioritizing the implementation of recommendations or policies that have come out of the multistakeholder process, they do not address new work projects that emerge from within the community, such as new PDPs, CCWGs or the like. This work also requires prioritization, as volunteer time and resources are limited.

The Strategic and Operating Plans do not take into account volunteer resources. Priorities are identified; staff and budget allocations made, but there is no consideration of whether volunteer resources are available to carry out the work. In terms of who should make decisions about prioritization, this should be done in accordance with an agreed set of objective community developed criteria that includes an understanding of the impact of starting new work efforts while other efforts remain incomplete. Another challenge to prioritization is a realistic understanding of how long it takes to complete a work effort, including Board approval and implementation.

Case studies could be illustrative in this regard. The IANA Transition is considered a success and an example of where the community worked well together and to a deadline – what were the factors that lead to this success? The same could be said for the EPDP Phase 1.

*If not, who should take on the task of developing a solution?*

We believe that the ICANN community should be involved in developing a solution to this issue and suggest that an alumni group of former leaders could come together to work on this matter. This group could include former leaders of ICANN supporting organizations, constituencies, stakeholder groups, advisory committees and policy development process (PDP) working groups (“Alumni Leadership Group”).

*Prioritization of this issue*

A – must be addressed in the Evolving ICANN’s MSM Work Plan.

## Issue 2: Precision in Scoping the Work

*Does existing solution(s) sufficiently address the issue?*

The GNSO PDP 3.0 initiative suggests incremental improvements to making the scope of PDPs more manageable, and so would be a good starting point to address this issue within the context of PDPs. However, the GNSO PDP 3.0 initiative is focused primarily on addressing issues within the GNSO policy development process, and so would likely need to be expanded to properly address the needs of other community groups in order to be effective across a broader portion of the community.

The Operating Standards for Specific Reviews, on the other hand, do not provide very much guidance on setting the scope of Specific Reviews beyond encouraging Review Teams to share the proposed scope with SO/AC leaders and the Board for input. Further, these two documents do not cover all of the different types of work that get undertaken within the ICANN MSM.

*If not, who should take on the task of developing a solution?*

An Alumni Leadership Group (as described above) will likely be the best positioned to develop recommendations or best practices for scoping work efforts, which can then be promulgated throughout other parts of the community.

*Prioritization of this issue*

A – must be addressed in the Evolving ICANN’s MSM Work Plan.

### Issue 3: Efficient Use of Resources

*Does existing solution(s) sufficiently address the issue?*

The proposed solutions should, in theory, address the issue of the efficient use of resources, but as those solutions are still untested, it is unclear at this point in time whether they will be able to do so effectively. However, the RySG does not have suggestions for additional solutions at this time.

Whatever solution is ultimately developed should address the issue that ICANN meetings are a missed opportunity for making substantive progress on work efforts. The Policy & Outreach Forum format, while not perfect, should afford priority of scheduling to policy development efforts and exploring the possibility of assigning two or three days of the other two ICANN meetings to progressing substantive work efforts could lead to more efficient use of resources. In recent years because of IANA Transition Work and then work on GDPR, the focus on policy development efforts during these meetings has not worked as intended.

It is generally the case that more progress is made during face-to-face meetings than conference calls, as evidenced by the EPDP Phase 1 and the IANA Transition CWG and CCWG.

*If not, who should take on the task of developing a solution?*

N/A

*Prioritization of this issue*

B – Is fully addressed by solution being developed in another workstream.

C – Should be discussed and addressed at a later time. [RySG Note: only if proposed solutions prove ineffective]

#### Issue 4: Roles & Responsibilities, and a Holistic View of ICANN

*Does existing solution(s) sufficiently address the issue?*

As the RySG noted in its previous comments on the Evolving ICANN's MSM initiative, we do not believe this issue is a standalone challenge to the effectiveness and efficiency of the MSM in its own right, but rather an issue that contributes to other, more insidious issues like Precision in Scoping the Work. We do not believe that the Work Plan needs to address the topic of Roles & Responsibilities separately, but rather that each solution that ultimately gets developed should include clearly delineated assignments of responsibilities to specific parties.

*If not, who should take on the task of developing a solution?*

N/A

*Prioritization of this issue*

D – This issue is not a priority and need not be addressed to improve the effectiveness and efficiency of ICANN's MSM.

#### Issue 5: Representativeness & Inclusiveness

*Does existing solution(s) sufficiently address the issue?*

The RySG believes the existing solutions sufficiently address this issue.

*If not, who should take on the task of developing a solution?*

N/A

*Prioritization of this issue*

B – Is fully addressed by solution being developed in another workstream.

#### Issue 6: Culture, Trust, & Silos

*Does existing solution(s) sufficiently address the issue?*

As a community we're very good at talking up the MSM, but perhaps we don't give enough deference to truly understanding and reflecting on what it means. One key challenge the ICANN community faces is that any believe that the MSM is only successful when their position is adopted.

The RySG does not believe that the existing solutions mentioned in the consultation paper adequately address this issue, though we are somewhat at a loss to provide suggestions for

how this issue can realistically be resolved, as it is an inherent cultural problem. It seems that the only way to break down cultural and attitude barriers that prevent collaboration and the ability to compromise in order to reach decisions and produce output is on a case-by-case basis. This requires strong leaders who are skilled in fostering compromise and consensus, which may mean that ICANN Org should provide additional resources such as training or professional mediators. It also requires that participants in the process have the authority, incentive and the willingness to compromise on issues. In addition, there needs to be a cultural shift to mitigate the fear of the “slippery slope.” Members of the community routinely believe that if you compromise on one item, then you will be forced to compromise on other items. Finally, those in favor of the status quo (for whatever the reason) have often benefited by staying in their silo and not working to compromise on a solution.

In addition to the points above, the RySG notes that it is not a beneficiary of the engagement programs identified in the existing solutions listed and as such we have very little visibility into most of these programs.

*If not, who should take on the task of developing a solution?*

As mentioned above, ICANN Org can play a role in developing a solution aimed at bolstering the skills of community members who take on leadership roles in major work projects like PDPs.

*Prioritization of this issue*

A – must be addressed in the Evolving ICANN’s MSM Work Plan.

## Issue 7: Complexity

*Does existing solution(s) sufficiently address the issue?*

Complexity should not be seen as an issue that needs to be resolved, but rather a challenge to which the ICANN community needs to rise. If the MSM is going to continue to be a viable form of governance for the domain name system, it has to be capable of addressing complex and complicated matters. That said, we believe that the existing solutions, along with some of the additional tools and resources proposed in the public comments, will sufficiently address this issue by making ICANN community members better equipped to take on such complexity.

There is a tendency to make issues appear more complicated or complex than they necessarily are. We are not good as a community at developing ‘issue or problem statements’, but we are very good at offering opinions about what we think the problem is

from our respective silos. In this regard complexity could be addressed with solutions suggested under scoping.

*If not, who should take on the task of developing a solution?*

In addition to the existing solutions, ICANN Org should explore the possibility of introducing new resources, educational materials and tools to help ensure that all community members are able to take on complex work with the same baseline level of knowledge where necessary.

*Prioritization of this issue*

A – must be addressed in the Evolving ICANN’s MSM Work Plan.

### Issue 8: Consensus

*Does existing solution(s) sufficiently address the issue?*

The RySG believes that the current PDP 3.0 effort has been working to address certain challenges that could ultimately assist with identifying a solution to the larger consensus issue. However, as mentioned above, the current GNSO Council efforts would need to be expanded beyond just the GNSO policy development process to other parts of the community. This effort could also be strengthened by the insights of former Working Group leaders, participants, etc. to have an increased and meaningful impact.

When addressing the issue of Consensus, we believe that there should be a distinction between “Consensus Policies” that have a direct impact on contracted parties agreements as opposed to other policies, procedures and work that does not have such an impact. For the latter, it may be possible to lower the standards for the development of policies and best practices. Furthermore, there needs to be an understanding that Consensus does not mean unanimity. Many believe that if there is one group that objects to an outcome, then there cannot be consensus. With that view, they believe that they can veto policy development rather than try to compromise on a solution.

*If not, who should take on the task of developing a solution?*

The GNSO Council is well situated to build on the work it has done in PDP 3.0. From there, other SO/AC leaders should be encouraged to adopt and adapt those solutions.

*Prioritization of this issue*

A – must be addressed in the Evolving ICANN’s MSM Work Plan.