

RrSG response to ATRT3 Draft Report

<https://www.icann.org/en/system/files/files/draft-report-atrt3-16dec19-en.pdf>

Comment Period Closes: 31 January 2020

The Registrar Stakeholder Group (RrSG) is pleased to take this opportunity to comment on the ATRT3 Draft Report and note that comment on the suggestions for Specific and Organizational Reviews (Section 10.5) and Prioritization of activities, policies, and recommendations (Section 12.4) is particularly desired.

The RrSG believes there is a need to re-organise how ICANN operates and deals with the external world. As more digital business is being put on domain names, it is essential to take care of how ICANN evolves and prioritises its actions and to organize Specific and Organizational Reviews so that there is better, faster and business friendly policy.

Specific and Organizational Reviews

The RrSG recognises the importance of ATRT3's work to determine and propose a new process for Specific and Organizational Reviews. In addition to the sheer number of Reviews required to be undertaken, having an endless number of recommendations creates a lot of review work and is burdensome on community volunteers. Efforts to better manage this process are essential. With the domain name business growing, although policy development rightfully remains community driven, the implementation and review of policy should be supported by professionals with a deep understanding of, and training in, such processes, and can prioritise them over the subject. There should be clear, professional rules and strong guidance, with staff acting as neutral tools in the process. The use of independent professionals to ensure guidelines are adhered to is definitely the right direction for ICANN to be going in.

The ATRT3 have asked the ICANN community to indicate their preference for one of the two following options on how to manage Specific and Organizational Reviews going forward:

Option 1

- *Keep the current set of Specific and Organizational Reviews as they are, given they are important accountability mechanisms for the community, in combination with a new oversight mechanism to manage reviews and the implementation of their recommendations.*
- *This new oversight mechanism should be the responsibility of a new Independent Accountability Office (in some ways similar to the Office of the Ombuds with respect to oversight), that includes responsibility for SO/AC accountability as well as the coordination of reviews and the implementation of their recommendations.*

Option 2

- *Organizational Reviews: Maintain the current concept of individual Organizational Reviews for each SO/AC, but conduct them as three to five-day workshops focused on SO/AC self-inspection in a context of continuous improvement. These reviews would be conducted every three years, or more frequently, as determined by each SO/AC. The reports of these reviews would then feed into a new holistic review. This new holistic review would focus on the improvements made by all SO/ACs as presented in their Organizational Review reports, as well as on the interactions between SOs and ACs. This new holistic review would be conducted every 7 years for a maximum duration of 12 to 18 months to allow for the implementation and maturing of the recommendations made by the individual Organizational Reviews and those of the previous holistic review.*

- *Specific Reviews: Specific Reviews include the Accountability and Transparency Review (AT), the Security, Stability, and Resiliency Review (SSR), the Competition, Consumer Trust, and Consumer Choice Review (CCT) and the Registration Directory Service (RDS) Review (formerly WHOIS Review.) AT as well as the relevant portions of CCT and RDS would be combined into a single AT review which would be conducted every 7 years for a maximum duration of 12 to 18 months to allow for the implementation and maturing of the previous recommendations by this review. SSR could either be a three to five-day workshop or a more traditional review period depending on topic.”*

In previous comments¹ the RrSG noted that addressing time and budget concerns should be done primarily through changes to the Organisational Review process and that Specific Reviews would struggle with having restricted 12 month timelines, due to the pressure it would place on community volunteer participants. In other previous comments² the RrSG also advocated that Organizational Reviews should lead to continuous lightweight self-review and allow the ring-fencing of foundational elements.

Overall, the RrSG therefore believes Option 2 to be the best way forward for Organizational Reviews, for its emphasis on self-review and continuous improvement. However, this is dependent on the self-review workshops and overarching ‘holistic’ review done after seven years being overseen by an independent professional and its recommendations being limited, but appropriately implemented by the organization. Any recommendations should be valid and implementable, so it should be known how long it will take, what it will impact, what the budget will be and when it should be finished. To ensure a reasonable use of ICANN’s budget, the self-review workshops should also be less than three days if the SO/AC deemed it necessary to hold them more than every three years and participation should be limited to those necessary to make the decisions/recommendations.

With regards to Specific Reviews, the RrSG would also support Option 2, but notes its concerns about potentially limiting the timeline to as little as 12 months. Although limiting a timeline can be productive by enforcing efficiency, there may need to be some flexibility depending on the nature of the Specific Review. If the AT review is intended to encompass relevant portions of CCT & RDS as well, and given that after 7 years it would likely involve different community members and therefore lose some historical knowledge, the burden on volunteers to quickly become educated in all relevant matters would be significant. The RrSG would also question what the process is intended to be for any new Specific Review that was required in response to a future issue and going forward how it would be decided whether a Specific Review should be done every 7 years like the AT review, or through a workshop or traditional review process, as with SSR reviews.

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<https://mm.icann.org/pipermail/comments-specific-reviews-short-term-timeline-14may18/attachments/20180731/68cee9be/RrSGresponsetoShort-TermOptionstoAdjusttheTimelineforSpecificReviews-0001.pdf>

2

<https://mm.icann.org/pipermail/comments-streamlining-org-reviews-proposal-30apr19/attachments/20190715/1dd066f9/RrSGresponsetotheProcessProposalforStreamliningOrganizationalReviews1-0001.pdf>

Prioritization of activities, policies, and recommendations:

The organisation and prioritizations of its activities, for its Reviews as well as PDPs, is key to ICANN dealing with its greatest challenges. There are 15 reviews currently ongoing, with some overlapping and many taking a long time. This costs money as they all have to be budgeted for and is a drain on volunteers, dealing with time constraints and pressure to get the job done.

As contracted parties, registrars are tangibly impacted by the outcome of reviews, so the RrSG believes it is essential for ICANN to organize itself to have a stable, long forecast business line to give businesses ample time to prepare. Contracted parties often require policy implementation time, and have to fit in alongside other business priorities, and they don't want constant changes that impact business too frequently. ICANN should be better able to see things coming down the line (which should have been the case with GDPR), because advance planning will better able contracted party businesses to implement in a timely manner.

The ATRT3 have asked the ICANN community to comment on their following suggestion for handling prioritization:

The draft report includes a suggestion on this topic (see Section 12.4).

ATRT3 proposes that only a community-led process can legitimately develop a system for prioritizing the implementation of Reviews, CWG, and CCWG recommendations.

the ATRT3 suggests the following guidance for the creation of a community-led entity tasked with developing a prioritization process:

- *Developing a Prioritization Process*
 - *Overall the ATRT3 believes that the Operating Standards for Specific Reviews could serve as a good base for framing the creation and operation of a community-led entity tasked with developing an annual prioritization process.*
 - *All community members participating in this process must have significant experience in ICANN and have actively participated in a major process in ICANN (CWG, CCWG-Accountability WS1 and 2, EPDP, etc.)*
 - *Members must include representatives from the Board and ICANN org.*
 - *The community-led entity developing the prioritization process should be given a fixed one-year term to complete its task.*
 - *The community-led entity could request the services of a professional facilitator to expedite its work.*
- *Requirements for a Prioritization Process*
 - *Overall the ATRT3 believes that the Operating Standards for Specific Reviews could serve as a good base for framing the operation of the annual prioritization process.³⁹*
 - *Must be conducted annually by members of the community with the participation of the Board and the ICANN org.*
 - *The group actually performing the prioritization should be a standing group which will perform the annual prioritization process but which can also be called upon to deal with exceptional circumstances such as emergency re- allocation of funds if a prioritized implementation needs to be cancelled or an emergency approval of a new critical recommendation which is extremely time sensitive.*
 - *Must be conducted in an open and transparent fashion and each decision should be justified and documented.*
 - *The prioritization process should apply to all recommendations of CWGs, CCWGs, Organizational Reviews, Specific Reviews as well as any other type of community-driven recommendations. The process would also apply to any such recommendations which have been approved but not yet implemented.*

- *The prioritization process should only consider the information it is provided with respect to recommendations and should not be required to generate or have generated any additional information for the evaluation of recommendations for prioritization.*
- *The prioritization process can fund multi-year implementations but will review these annually to ensure they are still meeting their implementation objectives and the needs of the community.*
- *Elements to be considered when prioritizing recommendations should include:*
 - *Budget availability*
 - *Cost of implementation*
 - *Complexity and time to implement*
 - *Prerequisites and dependencies with other recommendations*
 - *Value and impact of implementation*
 - *Relevance to ICANN's Mission, Commitments, Core Values and Strategic Objectives*

The RrSG is supportive of the ATRT3's suggested Prioritization Process, as greater coordination and oversight should certainly have a positive impact on volunteer workload, timelines and efficiency. The RrSG believes a professional and neutral facilitator should be used by default, to ensure excessive time (and therefore resources) are not being wasted on handling the differences that inevitably come out of multistakeholder discussions. There should also be a liaison or representative member from GNSO Council in the Prioritization Process, to ensure coordination with the organisation and prioritisation of PDP work.

ICANN Board

The RrSG notes the survey results indicating an overall dissatisfaction with the ICANN Board's performance, communication and interactions, but is pleased to see the ATRT3 suggestion that when meeting with community groups, the 'interactions be less formal and allow sufficient time for a true dialogue on questions of interest to those community members.' as this is in line with the Contracted Parties House's (CPH) current efforts to change the format of our meetings with the ICANN Board, which we are looking to trial at ICANN67 in Cancun. The RrSG believes ICANN Board members having broader communication with contracted parties and a greater understanding of how the domain name industry operates will greatly assist their decision making.

The RrSG has previously commented on multiple occasions about the need for greater transparency and context with regards to financial budgeting. Therefore, the RrSG also supports the ATRT3's suggestion to 'tailor budget information for SO/ACs so that they can easily understand budgeting relative to SO/ACs.' and that 'A clear rationale in simple language explaining key decisions should be included in these materials'.

In conclusion, the RrSG is grateful for the ATRT3's efforts and fully supportive of their suggestions introduce measures to reduce the frequency of Reviews, introduce Organisational self-review and set up a Prioritization Process, provided that independent and professional facilitation is utilised to ensure the greatest adherence to the process and efficiency.