

Registries Stakeholder Group Statement



Issue: **Evolving ICANN’s Multistakeholder Model**

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<https://www.icann.org/public-comments/evolving-multistakeholder-model-2019-04-25-en>

Registries Stakeholder Group (RySG) comment:

Introduction

The Registries Stakeholder Group (RySG) welcomes the opportunity to comment on the document “Evolving the ICANN Multistakeholder Model, Issue identification exercise, Community inputs from ICANN63 and ICANN64, Draft issues list for public comment” (“Issue Identification Exercise”).

The RySG comment will focus on providing ideas for new approaches and potential solutions that, we expect, will contribute to a more effective functioning of the ICANN multi-stakeholder model (MSM), as was requested during the 14/15 May webinars. Where possible, we illustrate with fact-based examples and refer to concrete issues from the list.

We appreciate the detailed list of 21 issues as a starting point for discussion. There exist strong interconnection and overlap among issues; therefore, we address overarching concerns that encompass multiple issues rather than addressing them one by one. And while we understand the desire to be thorough, the RySG also cautions that the exercise of identifying issues or problem areas could quickly slide into an attempt to advocate for major structural changes to the ICANN community. We believe that such changes are outside of the purview of this effort and should not be on the table. Additionally, the RySG would also like to make note of the ongoing PDP 3.0 initiative that the GNSO Council is currently undertaking. While some of our comments below do touch on items related to ICANN’s policy development process (PDP), we feel that the work to evolve ICANN’s MSM should not supercede the PDP 3.0 work.

Overarching Comment

The RySG comment focuses on the work of the community under the MSM. We are a poster child for the multistakeholder community: we’re ICANN contracted parties in a tech world, but we’re also business owners who own intellectual property with business (registrar) and internet-user (commercial, non-commercial, and consumer) customers with whom we eagerly seek to build trust and work to retain. We recognize that many community members also wear more than one hat and we think this recognition can form the basis of true multistakeholder evolution.

Many of our comments and examples relate to PDPs, simply because that is where we participate most directly, but our comments span the community and its work. We're mindful of scarce time and financial resources so our comments focus on improvements to how the community scopes and executes our work. Our suggestions include: overall project balancing and planning; clear expectations about timing, work product, and output; development of flexible, adaptive group structures guided by parameters to ensure success; and using technology and expertise to solve problems smarter. We suggest the community capitalize on what worked for the EPDP and learn from what didn't. Finally, we observe that all of our suggestions point to the need for better communication: scope, parameters, dates, outcomes, information and project tools, inclusion, and transparency all point to better, more clear communication in all directions between all community members.

1) A realistic scope and timing, consciousness of already ongoing work, and the best suitable procedure

Issues:

This section touches upon the following issues: (1) Timing of Decision Making, (2) Complexity, (4) Prioritization of Work, (10) Precision in Scoping the Work, (16) Efficient Use of Resources, (17) Volunteer Burnout, (19) Work Processes.

Overview:

The RySG has identified a core problem that we believe to be at the center of the current inefficiencies and ineffectiveness of ICANN's MSM: The MSM has difficulty producing timely results and outcomes because the community does not follow a disciplined approach in deciding on the types of work it takes on, how that work is scoped, and how it gets executed.

This problem encompasses a number of issues enumerated in the Issue Identification Exercise, including at least those listed above.

Details and Suggestions:

The ICANN MSM has proven itself to be very effective at starting new projects (where "project" can refer to a PDP, a Specific or Organizational Review, a Cross-Community Working Group or another effort requiring substantial work from members of the community). However, it has recently encountered difficulties in completing that work successfully. Below are some of the problems that the RySG believes contribute to this ineffectiveness, along with some examples and suggestions for how to address those problems.

1. Lack of community-wide overview of work in progress when initiating new work

- When a new project is proposed (e.g., the GNSO Council starts a new PDP), it is often considered in a vacuum, without due consideration for other projects that are in progress and what resources they are consuming. It is rare for project initiators to ask if it is the right moment to begin a new project, or if there may be a benefit to delaying the onset of the work.
- The community is lacking an overview of ALL ongoing work and projects taking place at a given moment and how those projects are using community resources. Such an overview is necessary to assess the availability of community resources and the potential impact of the new project on already ongoing work.
- We remind the community that all work scoping should first and prominently decide whether the effort is within ICANN's Mission and Scope. It seems basic, it should be the threshold question for all new work: How does this fit within ICANN's remit?

2. Failure to set a realistic, clear and manageable scope of projects

- When projects are scoped poorly, a myriad of other issues emerge. There have been instances where PDPs are chartered without clearly defined and discrete goals, where the Working Group is tasked with considering an issue at a very broad level and trying to solve everything. This often results in a sweeping scope, and when the scope of a project is too unwieldy, then the Work Processes become ineffective. This leads to problems around Timing of Decision-Making and Volunteer Burnout, which are consequences or symptoms, rather than independent issues.
- Part of the problem is that improperly scoped work is so exhausting and time consuming that volunteers are tempted to put everything into one project in order to not have to revisit the work again in the future. We need to think about ongoing work as a spiral, with small discrete projects that people can participate in as time allows but that overlap so that we aren't making decisions in a vacuum.
- When work efforts are too large and unwieldy, it becomes difficult for community members to stay focused on a targeted outcome. In such a situation, it is easy to resort to entrenched positions and adopt an "us against them" attitude of confrontation, rather than a spirit of cooperation to solve a problem or achieve a shared goal. When there is no end in sight, people default to trying to hold the line on every single topic that arises, which hampers progress.
- Setting clear priorities and scoping work into achievable milestones can help to alleviate these issues.

Example: RPMs PDP

- The genesis of this PDP was a combination of pent-up demand for UDRP review among members of the community, as well as a requirement to review all the RPMs introduced as part of the New gTLD Program. This constituted a large body of work and the Charter that the GNSO Council developed to guide the PDP included far too many - and sometimes overlapping and duplicative - topics.
- The chartering exercise set the tone for the PDP itself: rather than focusing on whether the RPMs under consideration are mostly functional for the greatest number of people, the door was left open for participants to squeeze in their individual issues and concerns. This has resulted in the RPM PDP becoming a multiple-years' long contentious debate.
- There were also instances where participants proposed outrageous modifications to the existing RPMs, which caused others to counter with their own proposed outrageous modifications.
- We need to go into these reviews not expecting the perfect. "Good enough" is fine. We aren't going to right every wrong or prevent all abuse. We need to achieve the best outcome for the most people at the least overall cost (not just pushing the cost to another group).

3. Defaulting to existing procedures rather than considering what is the best way to achieve the desired outcome

- PDPs, CCWGs and Reviews are three fundamental procedures that ICANN's MSM follows. All major work is pushed into a PDP, CCWG or a Review Team. All are lengthy and resource-intensive. However, the RySG expects that there is room for a faster, lighter-weight procedure for low-risk issues next to the longer and heavier procedures for core issues that are harder to undo or impact a large part of the community.
- Ill-fitted procedures might stand in the way of pragmatic solutions. While procedure is important, some participants, including ICANN Org and staff, at times focus on procedure

over substance and such focus can lead to a disconnect with objectives of the group and obstruct the ability to find solutions.

- There also appears to be a lack of understanding among community members of the distinctions between the different procedures mentioned above. This lack of understanding contributes to volunteers who engage in these projects at times trying to accomplish too much within a single procedure (e.g., making policy recommendations as part of a Review), leading to the aforementioned scope creep and making it harder to achieve timely outcomes.
- Some of the challenge with the procedures and processes is that the Board can be a bottleneck as they have different processes identified in the bylaws for how to respond to community groups. By way of example, GAC advice often requires a complex process that can result in significant delays to finalizing an issue.

4. Lack of parameters and guardrails to keep projects manageable

- A clearly defined scope should come with parameters or guardrails such as sensible time limits, interim and final deadlines, cost and other resource constraints, and expectations for the outputs. Note that the RySG does not necessarily support the imposition of artificial deadlines, but believes there is a happy medium that can be achieved by putting in place clear expectations for the timing of the completion of work, along with the flexibility to extend the timeline if there is a strong reason to do so. Also, we do not expect that community volunteers will be able to identify cost and resource constraints; this is something that should be identified in consultation with ICANN Org when a new project is initiated.
- Such guardrails and parameters can be instrumental to helping to manage the costs associated with projects and to ensure that volunteer time and other resources are utilized effectively.
- There is value in adopting a general principle that “nothing takes more than a year”, and setting both scope and objectives to fit such a timeframe. If a project is not completed within a year, it should be re-evaluated and re-resourced before it continues.
- For larger projects (e.g., complex PDPs) the RySG recommends sequencing the work where possible and defining interim goals and deadlines that have to be achieved and respected before digging into the next set of issues.
- The scope of PDPs and Reviews should be accompanied by an estimation of the size of the team required to complete the work, as well as an indication of the budget available for implementation.

Example: SubPro PDP WG

- The Charter contains an extremely extensive list of questions to be considered and answered, which in large part led to the WG taking nearly 3 years to publish an Initial Report, which was not even complete (supplemental reports were published afterwards).
- The group has also been plagued by questions about what items are properly within the scope of GNSO policy development processes, which can also be attributed to the “everything but the kitchen sink” list of topics up for discussion.
- This PDP, the Review of all RPMs PDP, and the now-defunct Next-Gen RDS PDP, are all cases where the sheer scope of the work – attempts to “boil the ocean” – led to extreme delays, if not outright failure in the case of the Next-Gen RDS PDP.

Example: CCTRT

- Frustration as CCTRT recommendations are not confirmed by the Board because of their impact on financial and human resources.

5. Over-engineering work at the policy-level

- There is equally an issue on the part of both parties to the multi-stakeholder model and ICANN to want to over-engineer outcomes beyond what a policy development process requires. While in some areas (e.g., transfers) standardization is necessary for interoperability, in others, policy development processes over-specifying operational requirements in areas that do not require or benefit from standardization. These efforts may also preclude registries and registrars from voluntarily improving services as technologies change, if old technologies are baked into the policy requirements. Scoping efforts should clearly define the level of detail and standardization required at the policy level – as well as a justification for why – and allow flexibility to implement different but interoperable solutions that meet the objectives identified in the policy.

2) Change of Culture - Getting the work done by trusting in skills and expertise, transparency and communication

Issues:

The below section touches upon the following issues: (3) Culture, (7) Representativeness, (8) Inclusiveness, (11) Accountability, (12) Transparency, (14) Trust, (15) Roles and Responsibilities, (16) Efficient use of resources, (18) Silos.

Overview:

The community has evolved greatly since 2012; it has grown in numbers and diversity, and many community members hold different, sometimes overlapping, roles in different stakeholder groups, constituencies, supporting organizations or advisory committees. This is only one of the observations that indicates that communication, representativeness and inclusiveness have become more complex. Representativeness is more than a simple ‘numbers game’ based on the constituency in which one votes.

Details and Suggestions:

The RySG believes that Representativeness, Inclusivity, and Consensus form a natural grouping of issues that are closely related to, and likely emerge from, the fundamental issue of identifying appropriate work and projects for the ICANN community to undertake, and then properly scoping that work, as detailed above.

1. Inclusivity and representation are not mutually exclusive

- One of the challenges with the MSM is that many equate inclusivity to mean that everyone can have a seat at the table on any given issue. Representativeness and Inclusivity have emerged as a false dichotomy – the community is currently grappling with the question of whether, in the context of the PDP, a “representational” model (as represented by the Registration Data EPDP) or an “open and inclusive” model (as represented by SubPro, RPMs and RDS PDPs) is preferable.
- However, these are not opposites; it is possible for a PDP or work project to be representative but still inclusive. The MSM should have the flexibility to employ either structure – or even a different structure altogether – based on what will best support the successful completion of the work at hand.
- This all starts with scoping projects realistically. If these issues can be addressed through more realistic work and scope setting, then it stands to reason that the issues around Consensus can also be addressed, since it will be easier for groups to work toward consensus.

- While we support inclusiveness, we urge the community not to reinvent the wheel for the sake of newness or to implement change for change's sake. Long-timers grow weary of explaining the hard lessons learned to people who refuse to believe history. While we need to be open and welcoming to new participants, we need to coach new participants to see the value of the depth of expertise they have at their disposal and be willing to learn from history while bringing in fresh perspectives.
- We also value inclusiveness, representation, and expertise when we expect community members to show up with the minimum level of understanding necessary to participate, or the willingness to gain that understanding. For instance, in multiple PDPs, including the Registration Data EPDP, members routinely showed up with a wish list of compromises but didn't have a basic understanding of the impact these wishes would have on contracted parties in terms of: engineering lift, customer impact, economic cost, unique business models, etc.
- At the end of the day, however, the question as to whether a group is representational or completely open is a red herring to the ultimate issue as to whether those that participate in the group have their incentives aligned to achieve consensus. So long as individuals and/or groups benefit by not achieving a consensus or from keeping things the way that they are, then compromise becomes next to impossible.
- This issue is not unrelated to the issue of setting a proper scope for projects, which we outline above. When work is scoped realistically into achievable tasks, it becomes easier for volunteers to understand what they are working toward and eventually reach consensus. However, we acknowledge that consensus is not straightforward to achieve within the ICANN community and that there are a number of different views on what it means and how to get there. A common understanding of what consensus means for any given work effort would be extremely valuable.

Example: SubPro PDP WG

- The incentives for volunteers to complete work within the SubPro PDP and to forge compromise solutions are not shared within the GNSO, much less within the larger ICANN community. There are many in the group that perceive benefits from ensuring lengthy debates, others that want to complete the work as soon as possible, some that benefit from the default positions, etc.

2. Trusting in the skills and expertise of community members

- The ICANN MSM should be able to move flexibly between trying to be as inclusive and as representative as possible. Depending on the issue at stake, a smaller specialist group or a broad representative group might be the preferred approach, provided that the smaller group members are aligned to compromise and reach a solution. The group needs to agree (a) that there is a problem, and that (b) the problem must be resolved.
- A lack of trust within the community makes it difficult to step out of silos. This lack of trust makes everyone feel the need to be part of everything. This can be changed if there can be:
 - Trust in people and their expertise, to allow the most qualified community members to work on an issue and then come back to the broader community for consideration (one suggestion is using a more formal SG representation model like Registration Data EPDP did);
 - Transparency, visibility, and open and active communication (such as via written and verbal updates) by those working on a solution;
 - Where an issue is particularly sensitive, consideration should be given to utilizing an independent, third-party facilitator.

- The lack of trust has also created the belief that one must be involved in everything. In some cases burnout is a symptom of the feeling that you have to be involved in all aspects of the MSM.
- The big question is, who should be responsible for changing the way the ICANN community approaches its work? Who is in charge of scoping and prioritizing individual work efforts? This gets at the issues of Accountability and Roles and Responsibilities, which are really only “issues” impeding the MSM in the sense that they need to be resolved because they contribute to other issues, as described above.
 - It should not be the ICANN Org or the Board who takes charge here, though there is a role for them to play in defining the organizational framework around which issues are prioritized and resources are allocated.
 - It is incumbent upon community leaders to take on this mantle, but currently there is a lack of structure for leaders to work together across the community.

3. Suggestions for improvements

- Technical support for a better functioning model.
The tools currently used (e.g., email lists, pipermail archives, wikis, google docs, spreadsheets) are no longer sufficient. The ICANN MSM requires better, state of the art technology to support and keep track of processes in an open and transparent way.
 - Volunteers spend literally thousands of cumulative hours reading through threads they lost track of, trying to find links to and review cumulative redlines, looking for recordings and transcripts, and trying to find work plans and agendas as well as complete work required between meetings. The volume of information is crushing and hard to track.
 - We need easy-to-navigate sites and current technology like apps or tools (to be selected by project management experts in consultation with the community to ensure we’re solving problems) to access summaries and “what’s going on now.” For example, the community wikis are supposed to be useful resources for those who are actively engaged in an ongoing project like a PDP or CCWG, but have several shortcomings. They are often organized by date, requiring users to guess at where to find information. They provide a high-level overview of the project for those who want to quickly get up to speed but information is often dense and buried in PDF files or Google docs. It’s often unclear which version is current, and getting the information on a mobile device is impossible. People need to be expected to commit, but their time should be spent on substantive work not figuring out where things went off the rails. Volunteers won’t need to sign up just to observe if information were readily available and accessible.
- Provide discrete periods for input, review, and discussion. The tendency for stakeholders to provide last minute inputs and objections to a process feeds the sense of need to continually review documents. Providing discrete periods and stronger deadlines for input, with distinct period for review, response, and discussion, could mitigate the sense that volunteers need to constantly monitor the state of play or risk inadvertently acquiescing to undesirable changes by silence.
- Professionalization of support: combine powerful tools with experienced project managers who will support ICANN policy staff and the community by doing the organizational work:
 - Independent trained project managers should help the community with planning and executing its work and with selecting, building and implementing the right tools and allow ICANN policy staff to use their expertise to substantively support the community.

- Project managers do not replace, but are, because of their specific skills, complementary to the roles of community chairs and vice-chairs and the policy support provided by staff.
- More effective use of community time:
 - Face-to-face meetings should be focal moments conducive to making progress and getting work done. The same core group of 500 or so people attends three ICANN meetings each year (16 days). Better use could be made of that time to progress substantive issues and the introduction of the Policy Forum was an attempt to do this. While the format had early success the Policy Forum is at risk of becoming just another ICANN meeting. Serious consideration should be given to having two Policy Forums and one AGM meeting format each year. This may mean not having “High Interest Sessions” or other ceremonial events in conjunction with ICANN meetings.
 - Too much time at ICANN meetings is currently used for reporting and other purposes, while dealing with the real issues is moved to stand-alone and ad hoc face-to-face meetings outside the regular meetings that only a small subset of the community attend. Plenary face-to-face meetings outside of the regular ICANN meetings should be avoided. They can be more of a hindrance than a help.
 - Suggestion: Move all staff and chair reports to the community to webinars or blogs.
 - ICANN meetings have become productions and the planning is done in accordance with a rigid formula that is reverse engineered to fit in with the technical and other meeting requirements that are developed in silos and managed by senior ICANN staff. The formula ensures that each of the SO/AC/SG/Cs/Board and staff has time on the schedule in accordance with their individual requirements, leaving no room to add ad hoc discussions on current work and shared issues. The community leaders do not have an opportunity to have a conversation prior to starting planning for the next meeting about work efforts that are underway across the community and whether an opportunity exists to make progress during the meeting.
 - Suggestion:
 - Build “on-the-fly” breakout space into the venue. Policy staff can be empowered on the ground to book a space to allow working members to maintain momentum. Include Zoom so remote participants can stay connected. Start small with one or two rooms and test it out in Marrakech or Montreal. We need to be more nimble.
 - At the end of each international meeting community leaders should have a conversation about the issues they are currently discussing, and whether there are common threads or themes that would benefit from a focused discussion during the next meeting. The output of this conversation then serves as input prior to kicking off the Planning Committee for the next meeting facilitated by ICANN staff.

Case Study: Registration Data EPDP

The Registration Data EPDP has been an interesting exercise and several valuable lessons can be learned. However, due to the unique circumstances around the EPDP, not all experiences can be duplicated elsewhere in policy work.

Registration Data EPDP Feature	Pros	Cons	Lesson/Suggestion
One-year deadline	Not artificial - externally imposed with serious consequences so people worked extraordinarily hard to reach it.	<ul style="list-style-type: none"> - Complexity of issues, combined with pace/rate of meetings led to burn out. - A substantial portion of the year was spent on deciding the issues of what process to use and who should be involved. PDP did not start in earnest for a number of months after the one year was set. 	Continue to use 1-year as a baseline target and scope to the timeline - this will keep the work manageable.
Equal representation from various community groups (SGs, Cs, ACs)	Individual interests were not able to achieve a numerical majority by stacking the working group.	<ul style="list-style-type: none"> - Not all parties are equal. For instance, in work involving CPH contracts, equal representation would be a mistake. - Representation issues did not change the fact that interests were not aligned on the problems, the impact of the problems, or ultimately the need for compromise. 	Create models that the MSM can choose from based on need. This will allow the community to select from an appropriate model without inventing it each time. Maintain flexibility.
Members were representative	<p>Members reported back and took direction from their SG/C/AC, no one was representing only their own interests.</p> <p>SGs were able to self-select experts.</p>	<p>It might be hard to get organizations to foot the time and cost expense long term if they aren't individually represented.</p> <p>Representative models often lock representatives into positions which decreases authority and incentives to compromise. Not all SGs have experts in a topic.</p>	<p>Offer better resources to participants to learn how to participate effectively both for their SG and for their org.</p> <p>Be willing to teach non-experts (who need to be willing to learn).</p>