
SAN JUAN – GAC Session: Operating Standards for Specific Reviews

Tuesday, March 13, 2018 – 14:30 to 15:00 AST

ICANN61 | San Juan, Puerto Rico

CHAIR ISMAIL: So, thank you everyone. We are starting now GAC session 25, which is an update on reviews and operating standards schedule at 14:30 for 30 minutes on Tuesday, March 13th and we will be updated by the MLSI group which is the...MS... Which is a multi-stakeholder strategy and strategic initiatives department here at ICANN, so. Over to you, Larisa, please.

LARISA GURNICK: Thank you very much everyone. As Manal suggested, I'm the part of the team that works on specific reviews that in regard to the conversation today that works on operating standards and we also oversee and facilitate the organizational reviews. So, if we can move to the first content slide, which is actually slide number three whenever you get there that would be great. In the meantime, the reason I am here to speak to you is to give an update on operating standards and also talk to you about the very useful public comment that the GAC submitted on the draft operating standards and give you next steps as to what we anticipate will happen in the next several months toward the

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completion and finalization of the operating standards. So, what are operating standards?

This is something that was called for in the new bylaws that went into effect after the [IANA] function transition recognizing that the bylaws talk about what is expected from the specific reviews at a very high level, the bylaws stipulated that operating standards be developed to, in order to help create a roadmap for how these very important reviews, important to the accountability and transparency of ICANN, how they should be conducted. So looks like the slides are coming right up. So, my apologies that you can't see this information yet. Oh, excellent. Perfect. Thank you very much.

So these reviews, the specific reviews that are being addressed with the operating standards are the ones that you see on the screen. And some of the challenges that we've had with developing these operating standards is that as promptly as the new bylaws went into effect we actually had to develop the operating standards in consultation with community. But also at the very same time, start various reviews that were scheduled to begin, such as SSR2 and RDS. So needless to say the process was a bit challenging trying to develop a roadmap for doing the reviews at the same time that they were being done and of course that resulted in some very useful learnings going through this process.

In any case, we had various consultations with the community that finally culminated in a public comment period that lasted between October 2017 and February 2018. So what I would like to do here is to review the key points from the comment that you submitted. Then I'd like to give you a quick summary of the general comments that we received from the ICANN community and if time allows, maybe spend a couple of minutes discussing several areas that we would really appreciate some additional thoughts and input on. So, with that please if we could go to the next slide.

So, for next steps in the process we are having discussions such as this one at ICANN 61 with several of the communities and after 61 we'll continue kind of in the two-phase approach. We envision formulating some options around areas that have particular interest and concern expressed by the community. So we envision formulating several options for ongoing community discussions. One of those areas would be scope of work for the reviews. And connecting issue focused open calls with the community to continue the dialogue, continue to get input as to what people feel would be a useful way to inform the operating standards, and then eventually after that process concludes, the revised draft of operating standards would be published for public comment before they would be finalized. Next slide please.

So the GAC comments centered on a couple of really important areas. One of them being scope setting. And just for those that are maybe not quite as familiar with what the draft operating standards suggested, but the proposal was that the scope is set by a scope setting committee that meets about one year before the review actually starts. You expressed various concerns that you see articulated on the slide. Specifically, that there would not be a connection between the scene that set the scope and the team that actually would be charged with conducting the reviews and also what would happen if the review team found that the scope needs to be modified once they got going with the work of the review team. And you also made some very useful suggestions that the review team itself should determine the scope, that additional time be allotted in the process to allow for facilitation discussions within the review team to agree on the scope and then finally that the community have an opportunity to weigh in on what that scope should be. Next slide please.

Actually, if you wouldn't mind, let's go one more forward because I think that is the more relevant comment. There were some concerns expressed about what is the role of ICANN and ICANN board and this is particularly in the context of SSR2 and the fact that the team's work was paused. There were concerns expressed about the importance of accountability and

transparency of the process and that the role of ICANN and ICANN's board should be neutral and minimal in the process.

So that comment then also related to the slide that was just before hand if we could go back one, please, that recognized that it would be useful to include some sort of a process, some sort of a framework for raising concerns made by the community or the board, if people felt that the progress of the review was not moving as expected, what would that mechanism be? how would it be raised?

When the draft operating standards were developed, when that process started it was early in the process and the kinds of circumstances that came to be as a result of SSR2 questions had not been anticipated so this was really useful input and we heard similar things from many others in the community.

Then if we could advance to slide 10 please? I wanted to give you a quick overview over how these comments that you provided compared to other comments that were received from the rest of the community. There was a pretty resounding feedback on the scope of work that this was not a useful proposal for a variety of reasons. That the scope should be set by the review team. That the process proposed was too burdensome and cumbersome and various other things. So we fully anticipate that with this feedback we will be going back to the drawing

board and providing some more options for setting the scope that would be more in line with your input as well as input from others in the community. There was also quite a bit of input that we received on review team selection. And around that the issues were how to come up with a process that allows for volunteers that are not affiliated with a particular SO or AC but have the right skills and expertise, what would be the means for the volunteers to actually be selected to do the work of the review team. And the other set of comments was around what is the right number of review team members. The bylaws mandate that there be no more than 21. But we have had some experiences in reviews currently for example RDS review has considerably fewer members than that. So the question was expressed, or the comments were expressed around perhaps having some sort of a minimum number that a review team should have., Some proposed 12. Some proposed 15, but some sort of a minimum number of review team members to ensure that there is sufficient people to do the very extensive work that the review teams have to do.

And finally, not finally, but another key point was the need for monitoring of review progress and having some sort of a mechanism as was suggested by the GAC as well to have a system to monitor and also to raise questions or concerns, if those happened to take place. If the review is not progressing as

expected. Under that, there were also very, various comments that suggested that the role of the board in the review process be clarified as well as the role of ICANN org and the role of the community. Next slide please.

The last, the approval and maintenance of operating standards, a bit of administrative point, that there should be a procedure included in the operating standards for how they would be modified improved and maintained on a go forward basis as we realized that conducting reviews and lessons learned from conducting reviews is kind of an evolving process.

Finally several comments were received that had to do with timing reviews even though this was not specifically addressed in the operating standards because the timing of reviews is actually written into the bylaws. So the situation that we have right now that I'm sure you have heard a lot spoken, at ICANN 61 we have a lot of reviews happening at the same time. That situation is not something that operating standards can change per se because we have to abide by what is in the bylaws. However, a lot of people in the community have concerns about the number of reviews and the volunteer bandwidth. So there were suggestions that this be considered through some appropriate means in order to make sense out of the review process.

So with that, we thought that it would be helpful to have a, to hear your input and have a discussion around a couple of areas that we would find very helpful. And if we could go to the next slide that would be really great. Thank you.

So, on the scope of the review, several of these suggestions including one from the GAC was that the review team develop their own scope, that they then have some time to gather input from the community and there would be an opportunity for the board to validate the scope of the review teamwork is in fact within the bylaws. So our question is if you have any additional ideas on this, if this seems to strike the right balance based on a comment that you submitted and maybe I should pause at this and see if there are any comments to this question before we go on.

CHAIR ISMAIL:

Any questions from the GAC before we move on? Okay. So, let's continue.

LARISA GURNICK:

Thank you. The second question that we actually had for you, there were several comments that expressed sort of a generally accepted best practice that when a call for volunteers go out that it would be helpful for volunteers as they choose to

volunteer or not to have an idea of what they are committing to do before they sign up, and in order to do that, or that would be difficult to do when the scope is not known and the magnitude of work is not known. Also, it helps inform the kinds of skills that are required by the review team to have some idea of the scope of work before the work actually begins. So we see this as an area, a bit of a puzzle if you will that maybe there are some ideas for how to bridge the gap because the call for volunteers typically goes out quite a bit earlier and then some number of months, the review team is actually assembled and by that point people had already committed, or those that maybe didn't find that they could commit to that amount of time chose not to volunteer. So, we have a bit of a gap, a potential gap. So, any thoughts that you have for us and options that you think would be useful to consider how to bridge that gap, we would also welcome your input on that.

CHAIR ISMAIL: Yes, Cathrin please.

CATHRIN BAUER-BULST: Yes thank you, this is from the European commission one of the three [inaudible] members. We actually were one of the groups working on the scope after it was put together. So what we actually discovered was that because of the way the specific

reviews are put together with the proportioned representation from each part of the community there actually was a lot of expertise in the room on the various issues that came up. Plus of course while the specific scope might still need to be determined by the team itself the topic of the review per se is already known. So in practice even though for us the scope was being defined by the team itself, the appropriate representation of competences did not seem to pose a problem. But maybe one way of addressing this would be if the review team determines after the finishing of the discussion on the scope that specific expertise is missing, that it looks for ways to replace the expertise either by getting external reports or expertise from external consultants, or by going back to the specific community parts and asking for members to be either replaced or added. So that would be my sort of pragmatic suggestion is to how one might deal with this on the basis of IDS routine expense.

LARISA GURNICK:

Thank you, Cathrin and a question that we net, might not be able to answer here but had to do with [inaudible] the idea of a ministry of overload and the idea that a lot of process and documentation and administrative kinds of tasks are built into the early parts of the review. So as we facilitate the process, as my team does work to support the review teams to an effective outcome, we attempt to balance the need for consistent and

predicable steps in the process that are applicable, not just to the review that is going on, but also to others, so that we have a stable and effective process. And we try to balance that with of course with volunteer fatigue and best practices as to who is best suited to do which aspect. So any additional thoughts that you have, and particularly what was going on in your discussions that led to that comment certainly, input would be very helpful.

CHAIR ISMAIL: Any further comments? Cathrin, please?

CATHRIN BAUER-BULST: Yes, thank you. I think one thing I should say first off is I think that it is shared across the GAC members who have participated across the various [inaudible] is that the team has done an exceptional job at supporting the rework of the review teams and it is extremely appreciated so thank you and thank you also to your staff for the ongoing excellent support that you provide to the reviews. I think in the RDS review team we are facing specific challenges that come from multiple sites because of course we are conducting the review of a system that itself is currently undergoing a review. So that leads to ongoing confusion of what should be the scope and we have now nailed down where we are going with the team, but that is in conjunction with the sort of administrator boxes that we have to

take at the beginning, and the fact that the review team started out incomplete because the community had decided to wait for the questions on the scope before to conclude, before nominating its own members has created an unstable situation and I think in that situation the administrative burden sort of just added on to the general issues that were coming from elsewhere. And I think that, at least in my experience, contributed to the sort of quicker onset of volunteer fatigue which we are currently experiencing. And so I think to sort of set the context. And then just in terms of the various administered of bits it is just, I'm not sure there is anything to fix this really, but it's just a lot to handle for a lot of people who also have tons of other work to deal with and we are sort of doing this on top of their day jobs and other commitments to ICANN. and that is sort of the context in which I think these comments were made.

LARISA GURNICK:

Thank you that's very helpful and we continue to work on [inaudible] working on how more briefings up front making the process, making a little bit less cumbersome because the review of the subject matter itself is quite complex. So certainly, anything that can be done in other ways to simplify and ease the burden, we are right there with you. Thank you very much for the compliments too. And then finally I wanted to touch on the timing of reviews. There has been a lot of discussions in different

rooms at ICANN 61 about the fact that the timing is sort of written as it is in the bylaws. And actually, if we could advance to the next slide this has been a visual that was compelling to many others. May we have the next slide please? You can see what the cycle of the reviews looks like. And it is quite a busy slide. But the blue are the specific reviews, the ones we are talking about here and the other color represents the organizational reviews. Nevertheless, you can see the reviews are stacked up. Pretty densely. So, in one year there's a lot of work going on. So, several communities expressed a concern about this and suggested that the review timing be discussed further by the community. And certainly our questions are what suggestions do you have, what are your views on this first of all and do you have any thoughts and suggestions for us as to how to think about moving the review scheduled into a more manageable place and getting the community discussions around this and community agreement because at this point we really need some input from the community and some agreement within the community that this is not ideal and should be changed before we can proceed and facilitate the next step in the process towards more rational schedule.

CHAIR ISMAIL: Thank you Larisa. So, any questions or comments at this stage?
Yes Norway please.

NORWAY: Thank you. Just looking at this, kind of just looking at it, if it is so that every review is a real review, I'm just asking about the terms of reviews, sometimes you do checks and balances, sometimes you do other processes and some are more heavy than others because everything is called a review. It drowns. And the result is less taking note of stuff and so on. So, is it possible maybe to have different levels of reviews or whatever just so it doesn't look like this on screen? Just an idea, thank you.

LARISA GURNICK: Thank you, yes. It's possible there's a whole range of possibilities. But as it is pictured here, every box is, in fact, a full-blown review and the letter shade you see right next to the darker box that signifies the implementation because at the end of each review that usually generates any number of recommendations that and of going to the board for their action which then triggers an implementation process. So generally, we are on the five-year cycle. There are some nuances that we don't have enough time to go into, but essentially every review happens five years from some trigger point from the last review, which is why it looks like this. Certainly, some concerns have been expressed. Not only are there multiple reviews happening, happening at the same time, but in many cases there's not

enough time to implement the improvement suggested by one review before the next review cycle begins. So that's also an observation.

Finally, I wanted to leave you with another thought or question. Some in the community expressed a strong suggestion that operating standards be finalized before any new specific reviews began. And we actually have the accountability and transparency, the third... so TATR3... the third accountability transparency review that needs to begin its work pretty quickly, so again we are trying to get some input and some thoughts from the ICANN community as to whether it makes sense to finalize the operating standards and how to balance that with the bylaws mandate an obligation to start accountability and transparency review. Thank you.

CHAIR ISMAIL:

Thank you, Larisa, for this thorough and very useful update. Thank you very much. Any remarks or questions before we conclude? Yes, US please?

UNITED STATES:

Thank you very much for taking time to specifically address questions from the GAC. I have one question only really which is to specifically request me refresh me as to when the expectation

is to have the finalized operating standards in place. But that being said, I think it was implied, and much of what you have covered already, but another thing that was indicated in the GAC comments was just ensuring the involvement of ICANN org and the board was limited to the greatest extent possible. I see how that is recited somewhere but just wanted to highlight that as something else to keep in mind as you move forward. Thank you.

CHAIR ISMAIL:

Thank you. So, if there are no further requests for the floor then thank you again Larisa very much for this update. This concludes the GAC meeting with the multi-stakeholder strategy and strategy initiatives update on reviews and operating standards. We have a 15-minute break now and we will be reconvening at 15 past. Thank you.

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