ICANN Start, Episode 8: What Are GNSO Improvements?

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Welcome to *ICANN Start*. This is the show about one issue, five questions:

- What is it?
- Why does it matter?
- Who does it affect?
- What are the key concepts I must know about it?
- How can I learn more?

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Scott: We're glad you tuned in for another episode of *ICANN Start*. Our topic today is GNSO Improvements. We've been hearing about this for some years at ICANN and to lay it all out and explain it for us, we have with us Rob Hoggarth, Senior Policy Director. Welcome to *ICANN Start*, Rob.

Rob: Thanks, Scott.

Scott: Well, let's start with the start. What are GNSO improvements?

Rob: GNSO improvements are a sort of catch phrase that we use to reflect all of the implementation improvements that are being put into place for the Generic Names Supporting Organization of ICANN. Like many other organizations within ICANN, the GNSO began a review process now about four or five years ago, looking at how did the organization operate and how could it be improved.

Scott: So just to lay foundation for our newcomers, can you quickly outline what the GNSO is or does in ICANN?

Rob: Certainly. The GNSO is one of three supporting organizations in ICANN. It happens to be the largest policy-making body in ICANN. Policy-making is the bread and butter of ICANN's work, and most of that goes through the GNSO in one way, shape, or form.

Scott: Who said the GNSO needs improving? Is it egregiously bad compared to these other supporting organizations?

Rob: No, I mean the review would have happened regardless. It happens for all organizations within ICANN, and this just happened to be the GNSO's turn. The critical element of the GNSO's work is really the policy development process. And when the London School of Economics was brought in back in 2005 to review the GNSO, that's what they really focused on. As you've noted in previous podcasts, ICANN is governed by contractual relationships that it has with the registries and registrars, and much of what ends up being in those contracts is the result of what goes through the policy development process that the GNSO manages.

Scott: You mentioned in there the London School of Economics. So these reviews we're speaking of are not simply the GNSO reviewing itself.

Rob: That's correct, and that's a common principle throughout ICANN's organizational review process. The first stage is, all the reviews are initially done by a third party that contracts with the ICANN organization to objectively review the organization that's being looked at. And in the case of the GNSO that was the London School of Economics.

Scott: It would be good for any organization to improve continuously, but perhaps you can add a little more detail on why would GNSO improvements matter.

Rob: Well, in the case of ICANN the GNSO plays a real critical role in developing policy for the DNS community; and ICANN manages that and it manages the contracts with the registries and registrars who provide domain names to consumers and businesses. As the Board and independent reviewers do in each case, they take a significant period of time, looking objectively at the organization and looking at interviews, feedback, and other information that they can gather from the community. Also, outside of direct DNS management, policy-making is the bread and butter of ICANN's work, and thus it's very important to make sure that the process is efficient, the process is consistent, and that there's a maximum opportunity for all members of the community to participate in the development of policy within the organization.

Scott: Some detractor might claim that this internal housekeeping and trying to self-improve is a distraction from the real work, such as internationalizing

domain names or guaranteeing rights to people who register domain names. Are these GNSO improvements justified?

Rob: Certainly. How the work is done, how the policies are developed, are in many respects as important as the policies themselves, because ICANN is truly that meeting place, that arena for competing points of view for divergent opinions, to really be the place where policy is arrived at. And so how the GNSO is structured, how it conducts its policy development work, who participates in that and by what set of rules is fundamentally important.

Scott: I see.

Rob: What the community recognizes is that if they don't have a proper set of rules and mechanisms, if they don't have a structure that is sound, that is consistent and fair to all the parties who should have a voice in policy development, then the ultimate policies themselves may not be as well thought out. And the reviewers came across a number of items where they saw that the GNSO's processes could be improved so that the organization could move closer to that maximum opportunity for all stakeholders in the process to have a voice. To not only feel like they can participate, but that their participation can make a difference. The other thing is to make sure that there's consistency in that process; to make sure again that a policy that is being developed, to which the community spends a tremendous amount of time, is built on effective participation using an effective and efficient manner.

Scott: Alright. In a moment I'm going to ask you specifically what some of these improvements are, but before we get into that, when we talk about GNSO improvements, who do they affect?

Rob: They actually affect every member of the ICANN community because there is an interest in every part of the community for what the GNSO does. And throughout the policy development process, the different pieces of ICANN – whether they be an Advisory Committee or a supporting organization – they have an opportunity to participate. As part of implementing a new way of doing business within the GNSO, what various members of the community will see are increased opportunities to contribute. There may be additional or new avenues for them to participate.

Scott: Alright, well let's get into it a little bit. I know there were a lot of recommendations in the GNSO improvements, but perhaps you can boil it down to a few for us. What are the things they're trying to improve?

Rob: Well, there's actually three objectives to the review process and five main areas of improvement, and I'll address those in order.

              First, in terms of objectives, the improvements that the Board put into place and asked for community implementation back in 2008 were: one, that there be maximum stakeholder participation in the policy development process; second, that the process itself be thoroughly researched, well-scoped, and consistent – in other words, there be a degree of comfort throughout the community that whenever a process takes place it follows the same approach, it's based on solid factual background and everybody who's involved in the discussion and the decision making understands what the problem is and what they're talking about. And finally, a fundamental aspect that the review process identified was an improved set of mechanisms and processes for communications and administrative support, not only within the GNSO but between the GNSO and other organizations within ICANN. And so participation, an improved process, and more effective communications are those three major objectives.

Scott: I see.

Rob: Now what the GNSO Council and other members of the community have gathered around the past couple of years is really focusing on five main areas of improvement. And those five areas are: revising the policy development process (because as we discussed, that's a critical element of an effective policy-development engine) and there's a specific work team that's designed and working just to evaluate and recommend improvements to that.

              A second area is rather exciting, and it's adopting a working group model of policy development. As we implement GNSO improvements the working group will be that fundamental tool for developing policy. And the exciting aspect of that (that a separate work team is focused on right now) is defining and setting the parameters for what that might be; making sure that people who are interested in an issue – whether they're already in the GNSO or not – have an opportunity to contribute. So what's the

eligibility for a working group? How open is that process? Who can participate and how?

In the area of communications I think the key there is how can the tools, the mechanisms that the GNSO uses – both for its internal operations and to communicate externally – how can they be improved? And there's work that our communications team is doing to improve the GNSO website to be able to communicate better, share information, collaborate on policy development, and work more effectively on their work teams and working groups.

Two other important areas, one we're still working on but one concluded, is the structure of the GNSO Council and the enhancing of existing GNSO constituencies. First, the GNSO Council for many years was really viewed as a legislative body that made all the decisions, that gathered together in its own sort of groups and task forces and that really controlled the whole process. And part of the restructuring of the GNSO Council was to shift the emphasis and role of that Council to a more managing body who would look at policy development in a strategic sense, and then have the Council dole out those responsibilities to specific working groups.

And that's been a tremendously long and complex process as the community has tried to define not only what are some of the duties and processes of the council, but how is it structured? Who participates? How are they elected? What are their terms? And how do they make sure they're in a position to be able to voice the concerns of their communities?

That's sort of a segue into the fifth point that I mentioned, which is enhancing constituencies -- an important aspect of the review conclusions and recommendations. The concept was that there be a level playing field across the various interested parties who participate in ICANN.

Scott: Maybe it would help us wrap our minds around this a little bit if you could give us kind of a before and after. You mentioned these five areas; I'll just go over them quickly again. The policy development process; working groups who help craft this policy; communications all around and through the GNSO; how the Council works, and then how constituencies are formed and operated and resourced. So just to take one as an example, we seated a new Council in October – is there any before and after about that? Why did it require a new Council?

Rob: Excellent question. There are two fundamental differences: one is operational and the other is structural. From an operational standpoint, the review process determined (and the Board accepted) this concept of a Council that is a manager, a strategic manager of policy development rather than a legislative body. Originally, when the review process began many viewed the Council as being a body that conducted votes and really held the policy-development process close to the vest. And the new vision is to really open up that process, changing the role of the Council to be more of a visionary, strategic entity that looks at what policies should be examined, how to make sure that there's commonality in terms of understanding what a particular problem or issue might be; and then setting off marching orders for a specific working group made up of a much broader variety of community members to resolve the issue or to address the problem.

From a structural standpoint, what the improvements process developed was really a structure that originally was built on constituencies – relatively discreet groups of members of the ICANN community – to now shifting that up a level to be more a breakdown of stakeholder groups. These are terms that we use in ICANN and that are relatively unique to our organization, where you have stakeholder groups that are fairly broad, defined categories, and contracted parties – those groups or organizations that have specific contractual relationships with ICANN – and non-contracted parties.

And there's a total of four stakeholder groups under the new Council structure. You have the two contracted stakeholder groups, registries and registrars; and then on the non-contracted party side -- another house, if you will – you have a commercial stakeholder group and the non-commercial stakeholder group.

Now this has been a long and complex process. The GNSO review process began, my goodness, almost five years ago with the initial evaluation. And it's still actually being defined, particularly on the non-contracted party side because in those communities you still have a very vibrant mix of different constituencies, and I use that as a non-scientific term with a small "c" to say a real broad variety of players. Based on Board guidance and community discussions they're still working through how they'll be structured. But fundamentally, again, the difference is more of a broadening of how the community looks at participation on the GNSO

Council and a more fluid, flexible mechanism for who participates and how.

Scott: So this is clearly still in progress. It's gone on for some years. If a person wants to catch up and find out what's coming, where can they learn more?

Rob: Well, there's three primary areas. The first of course that we would point anybody to is the monthly Policy Update that the policy team at ICANN produces. Every month we provide an update for what's going on with respect to GNSO improvements, how the community discussions are going, any substantial developments. The monthly Policy Update also lists ongoing public forum comment periods, where members of the community have an opportunity to get even more insight into the general operations of what's going on with GNSO and particularly recommendations made by work teams. So that's where I'd go first.

          Drilling down a little bit, we have created a GNSO improvements information page that gives the full panoply of documents and background information. And that's very easily accessible on the ICANN main webpage, just from the dropdown menu at the top where you can type in "GNSO improvements."

          Additionally, if folks are not completely immersed at that point there are five work teams that were developed that have been working on a number of these recommendations but each one of those work teams has a Wiki. And you can literally go back to those, see agendas, progress reports from those groups, draft documents and the rest. I mean that's a great place for people to look at some of this stuff historically.

          And then finally, some folks may go through all of this and say "Yeah, but I have a real specific question. I want to talk with Rob Hoggarth or the Chair of the GNSO." At that point we'd recommend utilizing the address policy-staff@ICANN.org and that's a great resource. You can ask a question; we'll make sure that the question is directed to the person in the best position to answer it. So those would be the three main areas I'd direct folks to: the policy update, the GNSO information page, and the email address of the staff.

Scott: That's terrific. And we will also put the links to policy update and the GNSO improvements page right next to this episode of *ICANN Start*. So if

you downloaded it from ICANN's e-Learning page you can also hit the links in the very same spot.

Rob: I think that members of the community are going to be very encouraged, particularly over the next six months or so as they see work product coming out of the Policy Development Process Work Team and the Working Group Model Work Team, so they should pay particularly close attention to that monthly Policy Update. Because what I think will be a real opportunity for folks who are new to the ICANN community is to keep an eye and see what work teams, working groups and others are being developed so that they'll be able to contribute truly from the bottom up on GNSO policy development. And I think that'll be great for ICANN and it'll be great for the community.

Scott: Thank you very much, Rob. We really appreciate you giving us kind of an overview of all this effort.

Rob: Well thanks, Scott. It has not been simple because it is so important to many members of the community. It's been a long process but one I hope that will produce some substantial results for everybody involved.

Scott: It was great having you on the show.

Rob: Thanks, Scott.

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