

Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions

Introduction

Reviews and cross-community working group efforts are an important element of ICANN’s multistakeholder model and continuous improvement. Community-led review teams and cross-community working group teams work impartially and in accordance with their mandate and operational procedures provided for in the Bylaws and Operating Standards respectively.

Neither the Bylaws nor the Operating Standards, however, provide a clear and consistent methodology for formulating effective review team or cross-community recommendations, nor do they provide a basis for evaluating resource requirements associated with such recommendations, prioritizing recommendations across the universe of review teams and cross-community working groups, or for budgeting for prioritized recommendations.

In June 2019, the ICANN Board started a conversation with the leadership of the specific review teams on this topic. The [Bylaws](#), Section 4.6 (b)(iv), empower the Accountability and Transparency Review Team to “recommend to the Board the termination or amendment of other periodic reviews¹ required by [...] Section 4.6” and to “recommend to the Board the creation of additional periodic reviews.” This is critically important substantive work, and we look forward to recommendations that ATRT3 may have in this area.

This initial conversation highlighted that additional, complimentary work could be undertaken while ATRT3 is underway and without duplicating or supplanting that work. For example, there is a clear need to enhance the effectiveness of community recommendations without impacting the impartiality of review teams or limiting the scope of their Bylaws-mandated work. Also needed are agreed upon methodologies and mechanisms to evaluate the budgetary and other resource requirements associated with implementation of community recommendations and, in the face of resource constraints, to prioritize among those recommendations. As a starting point, the conversation centered on the need for review teams to issue effective recommendations that are supported by fact-based findings and to consider resources required for implementation when formulating recommendations. It is noted that ATRT3 is planning to

¹ Commonly referred to as ‘specific reviews’ [explanatory footnote not part of Bylaws].

issue suggestions in addition to recommendations, for Board consideration. A process will need to be developed to factor in these suggestions.

This discussion draft is designed to move that conversation forward. Specifically, we propose a framework and principles to facilitate:

- The development of effective recommendations that are supported by fact-based findings;
- Community, Board, and org evaluation of those recommendations, including consideration of budget, other resource, and implementation implications;
- Prioritization of and budgeting for community recommendations in support of a continuous improvement process that generates smaller and distinct recommendations as opposed to megalithic review processes;
- Process for ICANN org to set aside reasonable funding for community recommendations using predictable means developed with input from community, and a proposed approach to prioritization of recommendations within the available funding with input from community. This proposed approach also includes retirement of recommendations and merging of similar recommendations across different reviews; and
- Annual review of in-implementation or to-be-implemented community recommendations to ensure that they remain effective and relevant over time and are not permitted to fall by the wayside.

The effectiveness of specific review and cross-community outcomes depends on all parts of ICANN's multistakeholder model. Accordingly, the proposed principles and framework are addressed to review teams and cross-community working groups as well as the ICANN community, Board, and org.

This paper is also a component of the wider discussion on streamlining organizational and specific reviews. As input into this discussion, ICANN org [posted for public comment](#) on 30 April 2019 a discussion paper on streamlining organizational reviews, and provided a [report on those public comments](#) on 30 July 2019. In addition, ATRT3 is currently assessing reviews and is empowered to recommend the termination or amendment of specific reviews and/or the creation of additional ones. Thus, we look forward to ATRT3 recommendations leading to as fundamental input into the development of a more sustainable schedule and timing for the next round of all reviews.

The Board has noted common themes between ongoing discussions on improving the effectiveness of organizational reviews, specific reviews, and cross-community work efforts, and those on [improving the effectiveness of ICANN's multistakeholder model](#). These are all

important conversations with a number of interdependencies and opportunities for synergies. The existence of two current reviews (the second Security, Stability, and Resiliency review ([SSR2](#)) and the third Accountability and Transparency review ([ATRT3](#)) as well as implementation of the Competition and Consumer Trust review ([CCT](#)) makes progress all the more urgent and provides an opportunity to test the proposed effectiveness principles outlined below.

The ICANN Board will share proposals on how to move forward with related, important streamlining work during or shortly after ICANN66.

Structure

This paper contains three sections:

1. An overview of proposed principles to guide the formulation of effective community recommendations and their effective implementation, including applicable process steps;
2. Details on the proposal for ongoing review teams to test the principles and process steps laid out in this paper; and
3. A high-level timeline for updating the Operating Standards for specific reviews, based on the outcome of the community-wide discussion initiated by this paper. While much of the paper focuses on specific reviews, we believe the proposed principles and framework are equally relevant to other processes for developing community recommendations, including cross-community working groups.

Principles for the development effective recommendations and their implementation

The principles set out in this section are intended to help community review teams, cross-community working groups, the broader ICANN community, the ICANN Board, and ICANN org to work together to enhance the effectiveness of community recommendations and their implementation, while maintaining the impartiality, integrity, and independence of review teams and cross-community working groups. These principles will be incorporated into the Operating Standards.

Principles for effective recommendations – see Annex for a table that offers a proposed effectiveness framework for assessing the effectiveness of a given recommendation.

Effective community recommendations should:

- Address an observed issue;
- Be supported by articulated fact-based findings;
- Address an observed issue that has significant consequences to ICANN as a whole;
- Address issues and propose solutions within ICANN's mission;
- Promote the global public interest in the manner set forth in ICANN's Articles of Incorporation and Bylaws;
- Align with ICANN's strategic plan and is within Board and org remit;
- Clearly identify a desired outcome and describe how success will be measured, in support of outcome-based recommendations;
- Include cost and resource estimates and realistic implementation timelines;
- Identify dependencies on and implications for other work are identified and considered;
- Establish internal priorities by and within a given review team.

Principles for effective implementation of recommendations

Effective implementation of recommendations requires:

- The community, Board and org to concur that recommendations reflect the Effectiveness Framework principles;
- Board and org to ensure that reasonable and appropriate funding will be available for the implementation of **all** Board-accepted recommendations as part of ICANN's budgetary planning process;
- Org and Board to be transparent about implementation work, including input from implementation shepherds or community work groups (e.g., to develop a "register" of recommendations in implementation, including cost, dependencies, timelines and prioritization, etc.);
- Community makes trade-offs within the context of all other work, informing timing of implementation based on available resources (see note 1);
- Org and Board to provide clear and timely updates on the status of implementation, flagging significant developments (using the register and existing processes - e.g. Annual Review Implementation Report and Annual Budget and Operating Plan cycle);
- The community to have a workable means of providing input on proposed actions for implementations where change is proposed (see note 1).

Note 1: Community work to improve the effectiveness of the multistakeholder model could offer practical process steps for this principle. This could include proposed structure to support these activities. The proposed principles listed above are supported by proposed process steps grouped into relevant review phases.

1. Fact-finding phase:
 - a) The ICANN community, ICANN org and/or ICANN Board should identify and flag potential dependencies with other work across the ICANN ecosystem. This could be accomplished through engagement and interactions with the review teams.
 - b) Review teams should consider and describe the impact of those dependencies on their review work.

2. Drafting of recommendations phase:
 - a) Review teams should ensure that recommendations being developed reflect the principles for effective recommendations outlined above. In doing this, review teams may engage with ICANN org to ensure alignment between draft recommendations and effectiveness principles. ICANN org's involvement is intended to inform the work of review teams without impacting their impartiality or limiting the scope of their Bylaws-mandated work.
 - b) Proposed recommendations that call for policy outcomes (and, accordingly, must be developed through defined policy development processes) should not be addressed to the Board, org, or advisory committees. Rather, they should be addressed to the appropriate policy development bodies (the GNSO, ccNSO or ASO) and should respect the independence and authority of those bodies and the Bylaws-mandated policy development process.
 - c) Review teams should deliberately assess proposed recommendations to ensure that they are clear and focused, actionable, rest on articulated findings of fact, specify desired, measurable outcomes, and are prioritized against the team's other recommendations.²
 - d) ICANN Board and ICANN org should provide review teams with input on recommendations, including dependencies, high-level indications of cost (one time and ongoing) and possible implementation timelines (estimated by ICANN org) during the drafting process to the extent possible.

3. Community, Board, and org input phase:
 - a) Draft recommendations issued for public comment should include information about dependencies, budget and implementation implications (including one time and ongoing costs and timelines), and prioritization issues and should explicitly seek community input on those items.
 - b) Review teams should conduct additional outreach on those issues as appropriate.
 - c) ICANN Board and ICANN org should provide refined input regarding dependencies, budgetary and implementation implications, and prioritization issues prior to issuance of the final report.

² A table of proposed attributes on which such an assessment should be based is included in the Annex.

- d) ICANN org should publish an initial implementation assessment as part of the public comment to inform community and Board consideration. This step may impact the timing of a review.
 - e) Final reports should contain a discussion of community, Board, and org input on dependencies, budget and implementation implications, and prioritization. This discussion should explain why the review team has either accepted or rejected that input as well as how it has contributed to the effectiveness of recommendations.
4. Board consideration of the final report and recommendations phase:
- a) Upon receipt of the final report, the ICANN Board should begin a dialogue with and maintain open channels of communication with designated shepherds selected by the relevant review team.³
 - b) ICANN org should also engage with the implementation shepherds if/when appropriate.
 - c) Within [## days TBD] of publication of the final report, ICANN org should publish an updated implementation assessment report, highlighting dependencies, along with budgetary and implementation implications and including one time and ongoing costs and timelines.
 - d) Within [## days TBD] of publication of the updated implementation assessment report, ICANN Board liaisons and review team shepherds should meet (virtually) to discuss issues or concerns identified in the updated assessment report.⁴
 - e) The ICANN Board should review each recommendation using the Effectiveness Framework set out in the Annex. The Board should notify review team shepherds no later than [## days TBD] after receipt of the final report about any recommendations that do not appear to meet the standards set out in the Effectiveness Framework and should meet (virtually) with review team shepherds to discuss those concerns.
 - f) No later than [### days TBD] after receipt of the final report and at least [##] days before taking formal action on the recommendations, the board should notify review team shepherds about any recommendations it is unlikely to approve based on application of the Effectiveness Framework and meet with review team shepherds to discuss.
 - g) No later than [### days TBD] after receipt of the final report the Board should formally consider review team recommendations for budgeting consideration and

³ “Shepherds” are review team members that are designated by the review team to provide clarifications, on an as-needed basis, on recommendations’ intent, rationale, facts leading to conclusions, timeline, and measures of implementation. See [Section 4.5 of the Operating Standards](#) on p.28.

⁴ Recommendations that, despite the stipulation in 2b above, are directed to the Board but require policy changes (i.e., a PDP), will be passed through to the appropriate policy development bodies, with the understanding that the bylaws do not empower review teams to initiate or direct the outcome of policy development processes. Referred recommendations will be logged.

implementation planning. Recommendations may be “approved for prioritization, budgeting, and implementation,” “rejected,” “referred,”⁵ or placed on “watch status.”⁶

- h) The timeline established above requires careful consideration, taking into account, for example, the cadence of face-to-face Board meetings and workshops. The Board might require more or less time, depending on the volume and nature of recommendations. An agreed-upon timeline should be followed to the maximum extent possible. Where the timeline cannot be met, the ICANN Board should communicate with the community in advance of upcoming deadlines and establish updated timelines.
 - i) The Board should explain its decisions with reference to the Effectiveness Framework.
 - j) Unless it has *de minimis* budget or implementation implications, any recommendation approved by the Board for budgeting and implementation planning will be considered for funding, prioritization, and implementation as part of the next budget cycle, involving a coordinated effort between the community, ICANN org and ICANN Board. For example: community could appoint a body of delegates, accountable to the community, to prioritize recommendations based on available funding and resources identified as part of ICANN’s annual budget cycle. The mechanism and process steps for such a process would need to be defined, and could, e.g., include community consultation and public comment proceedings. Such prioritization would also include possible retirement of recommendations and/or merging or grouping of similar or overlapping recommendations from different reviews. Retirement of recommendations would be based on an agreed-upon set of criteria, such as: the recommendation is no longer relevant, implementation requires too much money for too little value, or implementation would take too long.
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- i) In addition, a “Community Recommendation” budget line item could be established to fund high priority items out of the annual budget cycle, which would permit high priority recommendations as prioritized by the individual review teams and confirmed by the community (via appointed delegates) to proceed to implementation more quickly. It introduces significant complexity, however, and would require timing rules and additional mechanisms to prioritize and fund implementation of community recommendations (or, depending on the number of recommendations and resource requirements, a subset of those recommendations) outside of the annual budget process.

⁵ Recommendations that, despite the stipulation in 2b above, are directed to the Board but require policy changes (i.e., a PDP), will be passed through to the appropriate policy development bodies, with the understanding that the bylaws do not empower review teams to initiate or direct the outcome of policy development processes. Referred recommendations will be logged.

⁶ The ICANN Board may place otherwise meritorious recommendations that have significant dependencies on other work on “watch status” until the implementation path can be reasonably planned. “Watch” status could be applied to ensure that an important issue is tracked and monitored, but the associated recommendation does not become active until dependencies and uncertainties about the path toward implementation can be reasonably determined. [NOTE: this may require Bylaws change]

5. Implementation phase

- a) Recommendations without significant dependencies and *de minimis* implementation resource requirements may be integrated into existing work; all other implementation projects may be considered as part of the next annual operating plan and budget cycle. Otherwise, Board acceptance of recommendations places them into the budget and planning cycle.⁷ See also the discussion in Section 4 on prioritization of recommendations.
 - i) In addition, a “Community Recommendation” budget line item could be established to fund high priority items as prioritized by the individual review teams and confirmed by the community (via appointed delegates) out of the annual budget cycle, which would permit high priority recommendations to proceed to implementation more quickly. It introduces significant complexity, however, and would require timing rules and additional mechanisms to prioritize and fund implementation of community recommendations (or, depending on the number of recommendations and resource requirements, a subset of those recommendations) outside of the annual budget process.
- b) The ICANN community and ICANN org will collaboratively develop a methodology for prioritizing recommendations across review teams and for funding implementation of prioritized recommendations as part of the annual budget process. This methodology will be consistent with the existing budget development process, including the solicitation and consideration of community input. See also the discussion in Section 4 on prioritization.
- c) ICANN org will publish and maintain a “recommendation register,” to include community-developed recommendations. This register should track recommendations across their entire lifecycle from Board action on the final report through implementation and subsequent review team evaluation.
- d) ICANN org will evaluate and report on the status and implementation of such recommendations annually as part of the budget process. This annual report will facilitate ongoing prioritization and evaluation of community recommendations with input from the community (possibly via appointed delegates) that are in implementation or to be implemented to ensure that they remain:
 - i) Relevant
 - ii) Effective
 - iii) On track to achieve the desired outcome
 - iv) Appropriately prioritized within the context of other work
- e) If, using formal, transparent, and agreed upon processes to secure and consider community input, the Board determines that a recommendation is no longer relevant or effective, implementation will cease. Such processes would need to be developed. See also the discussion on prioritization in Section 4.

⁷ See [icann.org](https://www.icann.org) for details on ICANN’s planning process, which includes the annual budget process and community consultation.

- f) Although likely rare, in the instances where completion of implementation is scheduled beyond the expected start of the next scheduled cycle, ICANN community, ICANN Board and ICANN org shall agree on a suitable course of action for the remainder of the implementation and how the next review team should consider the status of implementation. See also the discussion on prioritization in Section 4.

Community Input: Testing and Public Consultation/Public Comment

The principles listed in the previous section are designed to enhance the effectiveness of community recommendations and their implementation. Understanding how these principles can work in practice and supplementing them with practical proposals for how they can be applied during the different review phases is an important step prior to finalizing these principles and including them in the Operating Standards. Therefore, review teams are invited to pilot these principles to the extent that they apply to their work:

- ATRT3/SSR2: As these reviews are still under way, both review teams are invited to pilot principles listed under phases 1-3 above. In addition, ATRT3 itself may have comments and input designed to align the proposed principles with any recommendations it may have with respect to the cadence and subject matter of Bylaws-mandated reviews.
- RDS/WHOIS2: As the Board begins its (up to) 6-month consideration of these recommendations, the team or its designated implementation shepherds are invited to pilot principles listed under phase 4 above.⁸
- CCT: The implementation shepherds are invited to pilot principles listed under phase 5 above.

Similarly, the ICANN Board and ICANN org, with input from the community, will use these principles in their interaction with and support of already-issued review recommendations and the work of ongoing review teams.

While practical input from the review teams is invaluable, the ICANN Board also will extend its discussion to the community to inform its members on the content of this draft proposal and solicit input on the principles. A session during ICANN66 will be dedicated to reviews and this draft proposal will be a significant item for that discussion.

Based on community input and feedback from piloting review teams, the list of principles will be updated and supplemented with proposals for how they can be/have been applied in practice. An updated list then will be published for public consultation before a final version will be incorporated in the Operating Standards, through the amendment process that includes public comment, and subject to ICANN Board adoption.

⁸ As the full “effectiveness” review step has not taken place as contemplated in the table, not all steps will be available for piloting.

Timeline and Next Steps

1. ICANN66: Review-focused session to discuss draft proposal, Monday 4 November, 15:15-1645 local time.
2. Early 2020: Principles listed in the draft proposal to be updated based on feedback from community and practical experience from review teams, ICANN Board, and ICANN org. Conduct public consultation on principles for Resourcing and Prioritization of Review Recommendations.
3. By ICANN67: Subject to outcome and timing of public consultation, finalization of principles and Board consideration to adopt and include in Operating Standards.
4. Post-ICANN67: Principles become part of the Operating Standards through the amendment process that includes public comment; once part of the Operating Standards the principles will guide the work of specific reviews.

Annex

The following table offers a proposed effectiveness framework for assessing the effectiveness of a given recommendation:

Attributes of an effective and impactful recommendation	Questions/Consideration	Criteria
Addresses an observed issue or problem	What issue is the recommendation intending to solve?	Clear problem statement
Supported by fact-based findings	Supporting evidence based on comprehensive and objective gathering of facts through appropriate means of research and data collection.	Objective data and facts
Observed issue or problem is likely to have significant consequences	If not addressed, how significant would the impact be? What would be the consequences?	Does not undermine the ability to deliver on the strategic plan
Proposed problem to be addressed and solution/recommendation are within ICANN's mission		ICANN mission
Proposed solution/recommendation promotes global public interest as identified in accordance with ICANN's Articles and Bylaws	As the ICANN community continues to evolve public interest considerations, those ideas and potential frameworks can inform review team's work toward useful recommendations	
Proposed solution/recommendation aligns with ICANN's strategic plan, and is within ICANN Board and org's remit	Is the intent of the recommendation clear and in line with a strategic objective? Is the recommendation dependent upon a policy outcome?	Alignment with a strategic objective; within ICANN Board and org's remit

Desired outcome	What does a successful implementation look like? How will the effectiveness of implemented recommendation be measured?	Measurable and clear desired outcome; identified target - understand what it is and how to measure
Consideration of effectiveness of recommendations	Has review team assessed the effectiveness of recommendations based on this draft framework or another similar approach? Has ICANN org provided initial assessment of the effectiveness of the recommendations? Is the recommendation doable and achievable?	Attributes listed in this proposed table
Consideration of implementation factors - resources and costs (one time, ongoing), length/duration?	Has ICANN org provided initial high-level indications of resources, costs and length of implementation? Has the review team considered these factors to balance desired outcomes with the required resources?	Project costing support team concept could be applicable and useful
Dependencies on other work	Is the implementation of recommendation dependent on other work? What is the status of that work and who has control over it?	Implementation can proceed in phases that are aligned with the dependencies
Prioritization within a given review	Should this recommendation be one of the limited sets of highest priority recommendations issued by a given review team? If there are not sufficient resources to implement all board-approved recommendations at the same time, what order should they be implemented in?	Rationale for prioritization