

Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model

Request for Public Comment

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Executive Summary

Introduction

At ICANN65 in Marrakech, I facilitated a session with the community on the next steps in Evolving ICANN's Multistakeholder Model (MSM). At that session we discussed the beginning of phase 2 of Evolving ICANN's MSM – the process of developing a work plan. A number of community members asked how we would create the work plan and, importantly, do so without duplicating work that is being done elsewhere in the community. Given the amount of work currently being done by the community that is a critical question.

In phase 1 of Evolving ICANN's MSM, the community developed a list of issues it believes are hampering the more effective and efficient functioning of our multistakeholder model. To determine which issues are addressed in the work plan and to ensure that we do not duplicate work that is being done elsewhere in the community this request for public comment is being published to gather community input about two things:

1. For the issues identified by the community, determine whether there are existing solutions or solutions being developed in other community work streams that can sufficiently address the issue. If there are solutions that could sufficiently address the issue, identify them to ensure we don't create duplicative work in the Evolving ICANN's MSM Work Plan.
2. If there aren't solutions that will sufficiently address an issue, identify which entity should take on the task of developing and proposing a solution to that issue (E.g. Advisory Committee, Supporting Organization, the community-as-a-whole, the ICANN Board or the ICANN organization.)

Though community input we can avoid duplication of effort, identify the actual list of issues that need to be addressed in the work plan along with the entity that will take on the task of developing and proposing a solution.

Background and purpose of this process

The purpose of Evolving ICANN's MSM is rooted in ICANN's Strategic Plan for Fiscal Years 2021-2025 which includes a Strategic Objective on governance. That Strategic Objective aims to improve the effectiveness of ICANN's MSM over the course of fiscal years 2021-2025 and beyond so that ICANN's MSM can be more effective and efficient and can continue to serve the ICANN community, the Internet and the world well into the future. In support of this objective, specific goals were created to:

- Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.
- Support and grow active, informed, and effective stakeholder participation.
- Sustain and improve openness, inclusivity, accountability, and transparency.

The effectiveness of ICANN's multistakeholder model was identified as an issue in discussions with the community during the development of the Strategic Plan. To address this important topic and to support the achievement of the Strategic Objective on governance, ICANN engaged The Eastham Group to facilitate a consultative process with the community. That process consists of two phases: 1) identify issues that are challenging the effectiveness and efficiency of ICANN's multistakeholder model; and 2) develop a work plan to develop solutions or approaches to these issues during the Strategic Plan timeframe of fiscal years 2021–2025.

Where are we in the process?

Phase 1 – Developing the Issues List

The first phase of the Evolving ICANN's MSM)process began in March 2019. Building on discussions at ICANN63, the community engaged in a facilitated conversation at [ICANN64](#) to identify issues that are hampering the more effective and efficient functioning of ICANN's multistakeholder model. In developing the Issues List, I asked the community to take into account the following considerations:

- Identify issues that could have the greatest impact on improving the effectiveness and efficiency of ICANN's MSM.
- Identify issues that have a community-wide dimension (don't focus on issues that are unique to a single AC, SO or stakeholder group).
- Address issues while considering the current, ongoing work of the ICANN community and in a way that does not create unnecessary duplication of other work streams.
- Prioritize the issues and consolidate issues where there is significant overlap in the cause, the topic or the impact.

The Issues List

Based on community input at [ICANN63](#), [ICANN64](#), [a public comment period and three webinars](#), a [list](#) of such issues was developed, defined, prioritized and consolidated. That list of issues, along with the strategic goals that they relate to, is as follows:

- I. Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.
 1. Prioritization of the work
 2. Precision in scoping the work
 3. Efficient use of resources
 4. Roles & responsibilities, and a holistic view of ICANN
- II. Support and grow active, informed, and effective stakeholder participation.
 5. Representativeness + Inclusiveness
- III. Sustain and improve openness, inclusivity, accountability, and transparency.
 6. Culture, trust, and silos
 7. Complexity
 8. Consensus

Phase 2 – The Work Plan

At ICANN65 in Marrakech, the focus turned toward phase 2 of the Evolving ICANN's MSM process; developing a work plan. The work plan will focus on four things:

1. The issues to be addressed.
2. Which entity or process will take on the task of developing and proposing a solution or approach to address the issue (e.g. Advisory Committee, Supporting Organization, Community, ICANN Board, ICANN organization)?
3. The projected time frame when the owner of that task will deliver a proposed solution or approach within fiscal years 2021-2025; and
4. The estimated resources the issue owner will need to develop and propose a solution or approach to address the issue.

How to use this document

You are asked to review the description of each issue and the impact it is having on ICANN's MSM. Next the document identifies and provides links to potential solutions that are being developed through other work streams in ICANN. You are asked to review the potential solution that is being developed to determine if you think that the work is sufficient to address the issue. Otherwise said, will it solve the problem? For some issues, the document also includes "facilitator observations" that I have added to provide additional context concerning the issues and potential solutions for your consideration. Once you have reviewed the issue description, potential solutions and facilitator observations, where offered, please answer the three questions detailed below, and share any additional comments you may have.

Public Comment

The focus of this public comment is to answer three questions that will help in developing the work plan. After reviewing each of the issues, please provide comment on the following questions:

1. Is there an existing solution or a solution being developed in other work streams that could sufficiently address the issue? If yes, comment on how you think it will sufficiently address the issue. If there is an existing or potential solution being developed in the community that is not identified in this document, please identify that solution and explain whether it will sufficiently address the issue. If you have your own solution to an issue that you would like to suggest, please do so.
2. If there isn't a solution that will sufficiently address this issue, who should take on the task of developing a solution (e.g. Advisory Committee, Supporting Organization, community, ICANN Board, ICANN organization)? Please be specific about which entity or which community process should take on the task.
3. How would you prioritize the issue?
 - a. Must be addressed in the Evolving ICANN's MSM Work Plan.
 - b. Is fully addressed by solution being developed in another work stream.
 - c. Should be discussed and addressed at a later time.
 - d. [This issue is not a priority and need not be addressed to improve the effectiveness and efficiency of ICANN's MSM.](#)

Next steps

The feedback from this public comment period will identify the issues to be addressed in the work plan and who will develop a solution or approach to address the issue. (E.g. Advisory Committee, Supporting Organization, community, ICANN Board, ICANN organization). I will prepare and publish a summary of comments along with a working version of the work plan that reflects the issues and owners identified by the community. After the close of the public comment period, I will engage with the issue owners to assist them in projecting when they will deliver a proposed solution within the Strategic Plan period of fiscal years 2021-2025 and identifying what resources they will need to deliver a proposed solution. The Evolving MSM Work Plan will be published for public comment as part of ICANN's 5-year Operating Plan and Budget.

I. Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.

Issue 1 - Prioritization of work

Community input suggests that prioritization of the work is an issue that contributes to the current strain on community resources. Community input noted:

- There are too many issues being addressed in parallel tracks
- When a new project is proposed it is often considered in a vacuum, without due consideration for other projects that are in progress and what resources they are consuming.
- 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.
- Without prioritization, ICANN organization and the ICANN community will continue to try to do everything all at once, each valued with the same sense of urgency. This is not sustainable.
- Sometimes even the determination of what is NOT a priority can be difficult and requires a thorough understanding of the issues.
- With a limited set of resources and a limited set of time, we should prioritize the work.

Community input identifies the totality of work streams across ICANN as causing volunteer burnout. It also suggests that this impacts the entire ICANN ecosystem affecting ICANN's ability to produce policies and other work in an efficient and timely manner and can cause ICANN to be reactive. It also reinforces silos and a silo mentality where stakeholders may not share the same sense of prioritization and common purpose about the overall work in ICANN.

Existing solutions or solutions being developed in other ICANN work streams

- Prioritization of the work is addressed through [ICANN's Planning Process](#) which has a threefold approach encompassing a *Strategic Plan*, a *Five-Year Operating Plan*, and an *Annual Operating Plan & Budget*. The cycle culminates with *Achievement & Progress Reporting*. The ICANN planning process is continuous and allows for an overlapping of its three components, along with validation of performance.
- For prioritization of the work, the third Accountability and Transparency Review Team (ATRT3) is [developing a recommendation](#) for the ICANN Board with respect to finance and prioritization.

Facilitator observations

ICANN's defined and structured planning process creates a framework wherein prioritization of the work can be addressed through a five-year strategic plan time frame and an annual operating plan and budget. While these processes are well defined and utilized, community input suggests that prioritization of the work is not as efficient or effective as it could be.

A possible ATRT 3 recommendation is important to note since we do not want to create duplicative work in Evolving ICANN's MSM. The focus of ATRT 3's potential recommendation is Board prioritization with respect to finance. Noting the Board's appropriate role in the context of finances and prioritization, community input also reflected the view that the community, not the Board, should set ICANN's overall work priorities. While the existing planning process provides for prioritization and community input to the process, effective prioritization of the totality of work in ICANN appears to be an issue that is challenging the more effective functioning of ICANN's MSM.

Issue 2 - Precision in Scoping Work

Precision in scoping work is a critical work process step that supports the efficient use of resources, proper planning, timely decision-making and the delivery of policies and other work product on time. Failure to properly scope work has led to delays in delivering work, duplication of work and implementation issues that arise after the fact. Community input suggests:

- When the scope of a project is too unwieldy, then the work processes become ineffective.
- Scoping has been too wide in the past, leading to endless discussions.
- 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.
- Volunteers are tempted to put everything into one project in order to not have to revisit the work again in the future.
- In the ICANN ecosystem, there is no current common, disciplined approach to scoping work. This impacts ICANN's ability to service its mission and contributes to inefficient use of resources, delayed decision-making and volunteer burnout.

Existing solutions or solutions being developed in other ICANN work streams

- The Generic Names Supporting Organization (GNSO) is [working on PDP 3.0](#) and scoping PDP's to create greater efficiencies in GNSO policy development processes.
- Precision in scoping the work for Specific Review Teams is addressed in the [Operating Standards](#) for Specific Reviews. It addresses scope of work, developing terms of reference and work plans for reviews.

Facilitator observations

It is important to note the work to develop approaches to scoping the work undertaken by the GNSO in PDP 3.0 and by the Operating Standards for Specific Reviews since we do not want to create duplicative work in Evolving ICANN's MSM. Given that there are other types of work processes across ICANN it would be important to know if the existing and developing approaches, in the Operating Standards for Specific Reviews and GNSO PDP 3.0 might apply to other work in ICANN.

Issue 3 – Efficient Use of Resources and Costs

ICANN has a finite amount of time, human capacity and financial resources to accomplish its mission. Community input suggests that inefficiencies at ICANN are caused by the total volume of work and the demands that it creates for ICANN community volunteers. These inefficiencies have led to volunteer burnout, frustration, and at times, delays in delivering policy and work outcomes from ICANN processes. Based on community input, the need to more efficiently manage the work and ICANN's resources is a pressing matter.

Community input also identified costs as an important element of efficient use of resources. Community input indicated:

- The community does not fully understand the financial costs involved in developing policy and other work in ICANN.
- Community members are often not able to effectively project or factor in costs and resource constraints when planning and managing the respective work. This is something that should be identified in consultation with ICANN organization when a new project is initiated.
- The ratio of resource allocation between overhead/operating costs and “core work” is not always clear.
- Specific review teams finish recommendations and *only then* learn from ICANN organization what the implementation costs will be, after the fact. The review teams cannot know what the implementation costs will be at the outset of their work.

Existing solutions or solutions to be developed in other ICANN work streams

- ICANN's [Strategic Plan for Fiscal Years 2021 – 2025](#) includes a Strategic Goal to “manage operations and their costs to optimize effectiveness and efficiency of ICANN's activities.”
- [Adoption of Operating Standards](#) to provide guidance on conducting Specific Reviews.
- ATRT3's [potential recommendation](#) on finance and prioritization could also have an impact on the efficient use of resources and the management of costs.
- The [GNSO PDP 3.0 Implementation Plan](#) aims to develop approaches to a number of work processes and methods that could have an impact on the efficient use of resources in GNSO PDPs.

Issue 4 - Roles and Responsibilities and a Holistic View of ICANN

There remains a need for a clear, shared understanding of the distinct roles and responsibilities of the ICANN community, organization and Board in order to evolve ICANN's MSM so that it operates more effectively and efficiently. Community input and comment reflects the following views on the respective roles and responsibilities of the ICANN community, organization, and Board:

- The big question is, who should be responsible for changing the way the ICANN community approaches its work? It should not be the ICANN organization 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.

- The Board should take a more proactive role when an issue has been thoroughly discussed within the community. This means that the Board should also consider more actively engaging in facilitating policy development, considering all inputs from all SO/ACs, without just taking a procedural role and remanding issues to the community in case of conflict. This could assist in mediating and resolving differences of views and/or give all parties an incentive to actively participate in the process before it comes before the Board.
- We talk about reviewing ICANN organization but there is no place where we have a holistic view of the organization. If the community is to address the effectiveness and efficiency of ICANN's MSM, it must have a clear, shared understanding of the roles and responsibilities of ICANN organization and ICANN Board.
- Not only does the ICANN MSM require clarity in roles and responsibilities at many levels from Board through to the individual member of a part of the community, but development in the next stage of evolution of it in a way that may ameliorate some of the causes of why some processes including PDPs may seem overly long, complex, or unstructured.

Existing solutions or solutions being developed in other ICANN work streams

- The ICANN [bylaws](#) define the respective roles and responsibilities of the ICANN community, organization, and Board.
- ICANN's [delegation of authority guidelines](#) further identifies key roles of the ICANN Board and CEO.

Facilitator observations

Enormous effort went into in the IANA transition to create, among other things, accountability checks, an Empowered Community; and bylaw changes that added clarity about the respective roles and responsibilities of the ICANN Board, organization, and community. The focus of community input and comments on Evolving ICANN's MSM seemed to center on how the three entities could potentially *work together* to produce effective and timely policy and other work while respecting those defined roles and responsibilities.

There are difficult choices to be made with respect to prioritization of existing and future work, implementation of review team recommendations, the allocation of resources, and other issues facing ICANN. There is dialogue, reflected in community input, between the Board, the organization, and the community that reflects a good faith effort to find ways to work together and improve effectiveness and efficiency. Should good will and trust inform this dialogue, there is opportunity to improve the speed of decision-making and increase the efficiency of policy-making and other work processes.

A clear understanding of roles and responsibilities will continue to be critical to the development of solutions to issues in Evolving ICANN's MSM Work Plan. Proposed solutions or approaches can work and improve the effectiveness and efficiency of ICANN's MSM only if they respect the appropriate roles and responsibilities of the ICANN Board, organization, and community. Active dialogue and engagement will be essential to ensure that a shared understanding of roles and responsibilities informs the work to be developed in the work plan.

II. Support and grow active, informed, and effective stakeholder participation.

Issue 5 – Representation, Inclusivity, Recruitment and Demographics

Effective representation and inclusivity in ICANN's MSM are essential to ensure that ICANN's policies are global in nature and consider all stakeholders points of view. Community input reflects differing views about how to appropriately apply these concepts in policy making and other work streams. Community input suggested

- Representation and inclusivity have emerged as a false dichotomy. They are not mutually exclusive.
- It is possible for a PDP or work project to be representative but still be inclusive.
- Bringing everybody into the fold on every single thing doesn't work.
- Chairs feel that they have to be inclusive. They can't discriminate. They have to treat every intervention as valuable as the other.
- Either the "representational" model or the "open and inclusive" model can work and have all voices heard.
- The number of terms an individual can serve in a leadership role is raised in the context of providing opportunities for a broader range of community members (including new members) to lead.

For ICANN's MSM to operate effectively in fiscal years 2021-2025 and beyond, an ongoing influx of new, diverse, and qualified participants and volunteers is critical. Community comment suggests:

- There are not enough new people and not enough diversity coming into the ICANN community.
- Engagement programs such as the Fellowship Program have been limited in their effectiveness for certain stakeholder groups.
- A lack of a significant influx of new and diverse participants will tax existing volunteers who are overstretched and may hamper the quality of the work outcomes.

Existing solutions or solutions being developed in other ICANN work streams

- The GNSO PDP 3.0 Implementation Plan will consider alternatives to the open Working Group model and will identify and document the basic characteristics of various model(s) (including current open model, EPDP Team composition, Review Teams). The work will develop overview of different model options that have been used to date that balance representation, inclusivity, expertise, empowerment, accountability, and participation.
- The CCWG-Accountability WS2 made recommendations by which ICANN may define, measure, report, support, and promote diversity, and to increase AC/SO accountability, transparency, participation, and outreach.
- ATRT3 is developing a possible recommendation focused on Board effectiveness and efficiency, and will address, among other criteria, inclusivity and diversity.
- The CCWG-Accountability-WS2 recommended that an AC/SO/Group that elects its officers should consider term limits. The [GNSO PDP 3.0 Implementation Plan](#) aims to commence

a practice of appointing working group leadership for a 12-month period, and require reconfirmation by the working group to continue for subsequent 12-month periods.

There are existing engagement programs that are designed to support Representation, Inclusivity, Recruitment and Demographics.

- [ICANN fellowship](#)
- [ICANN fellowship mentoring](#)
- [Next Gen](#)
- [NextGen Ambassador](#)
- [Global Stakeholder Engagement](#)

Facilitator observations

Representation, inclusivity, recruitment and demographics are grouped together based on community input about the interrelated role they play to support and grow active, informed, and effective stakeholder participation. When reviewing the solutions or approaches being developed, it is important to determine whether this work will sufficiently address each of the four issues.

III. Sustain and improve openness, inclusivity, accountability, and transparency.

Issue 6 - Culture + Trust + Silos

According to community input, there are multiple and different cultures across the ICANN community. Those multiple cultures, paired with a silo mentality, have challenged ICANN's ability to deliver policy and other work in a timely fashion. The silo mentality can also undermine a shared sense of higher purpose.

Trust issues are eroding the community's ability to work cohesively, effectively, and efficiently. A small sample of community input reflects how trust issues are negatively impacting the community's ability to perform its work:

- We are not working together.
- Within the community we don't have that level of trust that we can kind of reach across the aisles.
- 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.
- Lack of progress is considered a win.

There are significant trust issues across the ICANN community that hamper the ability to more effectively collaborate, reach consensus, deliver policies, and produce work at greater speed. Stakeholders appear to operate from a zero-sum game mentality that frustrates more effective collaboration and creates delays in decision-making, the delivery of policy, and other work.

Existing solutions or solutions being developed through other ICANN work streams

There is ongoing engagement and dialogue between the ICANN community, organization, and Board that can be leveraged to address issues of culture, trust, and silos. The engagement between the AC/SO leaders and ICANN organization and Board is just one example. There are also engagement programs in a number of areas that are designed to foster and project a positive, trust-based culture into the future:

- [Global Stakeholder Engagement](#)
- [ICANN Fellowship](#)
- [ICANN Fellowship Mentoring](#)
- [Next Gen](#)
- [NextGen Ambassador](#)

Facilitator observations

Trust enables high performance and productivity in organizations and it increases the speed of decision-making. Trust is built through personal relationships, communication, and repeated constructive behavior. To cultivate and maintain a positive culture built on ICANN's mission, the trust issues identified by the community must be addressed.

Sound processes, accountability, and transparency can contribute to trust and they are only a part of the solution. Personal relationships are a critical element of trust as well. If trusted personal relationships are not continuously created and fostered across the community, decision-making, policy-making, and other work will not be delivered with maximum efficiency and speed.

Dialogue and other engagement efforts are taking place in ICANN that hold the potential to address culture, trust, and silos. Community input suggests, however, that silos and a silo mentality pose a significant challenge to the development of a trust-based culture across the community. Culture informs and drives organizational, community, and group behavior. Determining how ICANN's culture can be a driver of shared common purpose and foster trust across the community is an opportunity that is central to Evolving ICANN's MSM.

Issue 7 – Complexity

Community input and comments described complexities that challenge the more effective and efficient functioning of ICANN's MSM. Community input noted the increasing involvement of governments developing legislation that can impact the DNS, Internet, and ICANN. This can increase the complexity of internal work for ICANN. There is an awareness that increasing government action means that new geopolitical issues will continue to emerge and challenge ICANN's work into the future.

Community input on complexity focused predominantly on the internal ICANN work environment. Community input referenced:

- The sheer volume of information can be overwhelming, unapproachable, and hard to navigate.
- We need the equivalent of a congressional research service or parliamentary service.
- Newcomers are challenged to get involved by the complexity of the topics and the excessive use of acronyms.
- It is a challenge for volunteers and newcomers for whom English is not their first language.

Existing solutions or solutions being developed in other ICANN work streams

- There are other work streams that are developing solutions and approaches to address the external complexities identified by community input. [ICANN's Strategic Plan](#) includes a Strategic Objective that addresses geopolitical issues impacting ICANN's mission to ensure a single, globally interoperable Internet.
- ICANN has also undertaken [reporting on Global Legislative and Regulatory Developments](#) to assist in tracking recent and pending legislative and regulatory developments.
- For internal complexities, [ICANN's Org Open Data Program](#) goal is to provide comprehensive access to raw data for the ICANN community. The main deliverables for ODI are an open data platform for the ICANN community to use and the processes and support in place to help the ICANN organization share data to this platform.

- [ICANN's Information Transparency Initiative \(ITI\)](#) aims to increase accessibility to content on the ICANN website by rebuilding ICANN's technical infrastructure and implementing a new information architecture with clear content governance processes.

Facilitator observations

The issue of complexity can be challenging to define and address. To the extent that solutions need to be developed in Evolving ICANN's MSM Work Plan, particularly in making data and information accessible and easier to use for community members, they should focus on effective participation and be informed by a clear understanding of the respective roles and responsibilities of the ICANN community, Board and organization.

Issue 8 – Consensus

Achieving consensus is a critical process step in ICANN's MSM to produce policy and other work outputs in an effective, efficient and timely manner. Based on community input, the ICANN community has difficulty reaching consensus in policy making and other work processes for a variety of reasons:

- The lack of incentives for stakeholders to compromise.
- A zero-sum game mentality and approach to policy-making and other work.
- Stacking participants from a particular stakeholder group.
- Delay tactics.
- Winning by maintaining the *status quo*.
- Not using deadlines more frequently.
- A lack of clarity about what is meant by consensus.
- The ability of chairs to effectively facilitate consensus

Existing solutions or solutions being developed in other ICANN work streams

- The [GNSO PDP 3.0 Implementation Plan](#) is developing approaches to reaching consensus more effectively in GNSO PDPs.

Facilitator observations

Definitions of consensus to produce policy and other work exist and are currently used by different ICANN stakeholders. There may be some value in examining those definitions for clarity and determining if a community-wide approach would create efficiencies. However, the focus of community input is on the question of *how* consensus can be more effectively facilitated and achieved. To the extent that solutions should be developed in Evolving ICANN's MSM, based on community input, they would focus on creating the conditions to more effectively facilitate consensus.