ICANN's Multi-Stakeholder Model

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Since 1998, the ideal of a global and interoperable Internet has been the verve behind ICANN's being, whose mandate it is to advance the development of the Internet's infrastructure while ensuring that it is at once vital, secure and globally accessible.   While this mission is narrow and largely technical in scope, the questions arising from its policy development process are nevertheless complex, due primarily to the fact that the Internet has evolved into the world's greatest man-made resource, a medium with seemingly limitless applications in civil society, commercial use and quotidian life. Having this kind of relevance, the Internet attracts the attention of a rather large number of stakeholders, whose affiliations fall along as many lines of distinction as there are dimensions within and between civilized societies and whose numbers continue to grow in leaps and bounds.

With stakes this high, the manner in which ICANN discharges its responsibilities is understandably as important as the outcome of its decisions, since in matters of existential concern the impulse for control is intrinsically strong. In multi-stakeholder environments, however, dominance by any one member of the group can indeed bode ill. But where multi-lateral action is believed to be more beneficial than the assessed outcome of autonomous action, this impulse is tempered and cooperation is offered. Such cooperation, however, comes at a price: the promise of better results than would otherwise occur and the expectation of fairness in the decision-making process. Therein lies an unavoidable tension, the push and pull of multiple interests. If mediated with thought and solicitude, this tension can be utilized to engender an environment of dialogue, debate and reflection that progressively leads to constructive action, while also blunting the impulse for contention. If left unattended, however, it can progress instead to perceived incompatibility and the suspension of cooperation.

Decision-making, in general, is not a rational, orderly process. Cognitive biases, group liability, and organizational constraints can produce less than ideal outcomes. But groups can also generate the resolve and intelligence needed to transcend difficult circumstances or destructive forces, like the liability of trained incapacities. In making its policy development decisions, ICANN confronts this unavoidable complexity by relying on an organizational structure that helps it understand the dimensionality of its policy questions vis-à-vis its mandate, its stakeholders and the greater Internet community. This structure is ICANN's multi-stakeholder model of consensus-based policy development, often referred to as the "bottom-up" model, and it is founded on principles of cooperation and collaboration that were a legacy of the Internet's creators, that small community of scientists and educators that, over the course of the Internet's forty-year evolution, freely shared their discoveries and developments by means of the very thing they were contriving. Today's Internet remains an indispensible medium for information sharing and communication, for effectively and efficiently reaching a stakeholder community that is dispersed around the globe, for exchanging ideas, gripes, kudos or concerns, for finding answers to questions, and for engaging in continuous multi-party discourse and decision-making, the very milestones of progress.

From its inception, ICANN's multi-stakeholder model has been described as an experiment in policy development and, as such, it has been accorded a great deal of scrutiny by the Internet community. Last February, however, the multi-stakeholder model seems to have transcended its tentative, experimental status and reached a place of universal acceptance, the evidence of which came in the form of public comments concerning the mid-term review of ICANN's Joint Project Agreement (JPA) with the U.S. Department of Commerce and the question of the contract's conclusion or continuance. In opining on the related matter of ICANN's privatization, the most critical issue concerning ICANN's future, stakeholders on either side of the debate overwhelmingly upheld the multi-stakeholder model as the preferred method for launching a dialogue by which a transition might be explored and a shared vision developed. This validation must ring like music to ICANN's ears. Because it seems to

acknowledge the assiduity and accomplishments of the last nine years, during which the stakeholders cohered around shared goals and values and developed the organizational and cognitive structures needed for advancing a rigorous policy development process.

In multi-stakeholder environments, listening is important—in fact, it's essential. "We need to test our hearing," said Peter Dengate Thrush, ICANN's chairman, at last February's meeting in addressing the public on the issue of the JPA. "Then we need to act on what we hear." But active listening often takes you to the front row of conflict, the best seat from which to fully appreciate the dimensionality of divergent interests. In this way, the multi-stakeholder model is also a conflict management model that the ICANN community utilizes to manage and maneuver within a complex negotiation system. In effect, it's a lubricant for the difficult task of addressing multiple interests, for looking conflict in the eye, since the discomfort of conflict alone can sufficiently inspire avoidance. By looking beyond the patently clear toward the obscure, one finds the fine detail that engenders comprehension of real and perceived differences. And if the impulse to control or accelerate an outcome can be adequately and consistently resisted, the skill for observation and discovery is developed. Managing conflict in multi-stakeholder environments is a cyclical process, passing through stages of frustration and disappointment, through intermittent highs from the animation of self-expression, and sometimes even, through appreciable futility from long such periods that do not give way to progress. But then something happens that changes all that, the arrival of *understanding*, the combustion for continuing progress. At first it might go undetected because it often comes in small measures. But even the smallest measure can steady the attendant unease of uncertainty and buy the allowance needed to progress through the inventory of divergent interests, where they are noted, disassembled and massaged, whence they can begin to be reconciled. These are the marks of true progress.

Allowance is like trust. And the promise of trust is permeability, in the relationship that is permitted to develop and in the shared identity that subsequently grows. In the

beginning, until it was earned through a shared affirmative experience, the goal of a safe, secure and globally interoperable Internet was ICANN's currency for trust. Around this goal a group identity has evolved that coalesces otherwise disparate groups and that widens the scope of possible answers to the questions arising out of differences, creating the room needed to suspend polarized action and offer instead cooperation. But trust is not absolute. It needs always to be nurtured. Logically, as long as ICANN holds fast to its core values, its stakeholders will continue to bear goodwill in the form of cooperation. But in order to stay vital vis-à-vis the ever-evolving Internet, ICANN must always be cognizant of the larger Internet community, particularly of those not yet engaged in the policy development process. In remaining vigilant of the effectiveness and value of its model, ICANN keeps apace of expectations and continues to attract new stakeholders. And every time ICANN responds to the input of its stakeholders, or to other environmental influences, and it undergoes a thoughtful, deliberative, and evaluative process that causes it to adapt, it stays relevant. This kind of evolution is illustrative of an organization that is vital and self-possessed, that views itself as an entity that is inextricably linked to a greater environment, which it recognizes and accepts as being fluid and mutable.

Out of the last nine years the ICANN community has gained also wisdom, shaped by a shared history of successful management, endured difficulties, tested principles and tried relationships, all of which have contributed to the development of a policy development paradigm that is extraordinary in its appropriate complexity and efficiency, even if it will always be ever so incomplete. That the ICANN community reaches for it in the face of anticipated difficulty is a testament to the model's success and to the stakeholders' confidence in their process—a process they themselves refined by the sweat of their brows. It demonstrates also their comfort with conflict, for instead of backing away or sidestepping around expected disagreement, they say, *let's talk about it*. This is the transformative power of groups. After all, today's Internet has 1.2 billion users. And its explosive growth will undeniably continue. But it will be in the hands of the stakeholders' ever-growing numbers that the Internet will boldly go where it has not gone before.

About the Author:

For fifteen years, Grace Ayres advised public and private sector clients in the regulatory and policy development processes concerning land development projects that needed multi-stakeholder approval. She left this field to complete a master's degree in alternative dispute resolution from Straus Institute. She is currently vice president of licensing and brand management for an intellectual property licensor.