

# Summary Report of Public Comment Proceeding

Evolving ICANN's Multistakeholder Model				
<b>Publication Date:</b>	20 June 2019			
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<b>Public Comment Proceeding</b>		<b>Important Information Links</b> <a href="#">Announcement</a> <a href="#">Public Comment Proceeding</a> <a href="#">View Comments Submitted</a>		
Open Date:	25 April 2019			
Close Date:	13 June 2019 (extended from 4 June 2019)			
Summary Report Due Date:	20 June 2019			
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<b>Section I: General Overview and Next Steps</b>				
<p>This public comment proceeding sought to obtain community input on the "<a href="#">Issues List</a>" that has been developed through a facilitated conversation with the ICANN community about how we can evolve the ICANN multistakeholder model (MSM) so it can operate more effectively and efficiently. Development of the Issues List is in support of ICANN's Strategic Plan for Fiscal Years 2021 to 2025, specifically Strategic Objective 2 on ICANN's Governance: Improve the effectiveness of ICANN's multistakeholder model of governance. Based on conversation between the ICANN Board and community beginning at ICANN63 and continuing at ICANN64, the community identified a list of issues that it believes may be hampering the effectiveness and efficiency of ICANN's MSM. To create a final Issues List that will become the focus of a work plan and part of ICANN's Five-year Operating Plan, a <a href="#">Public Comment proceeding</a> was opened to provide the community with a reasonable opportunity to comment further on the Issues List.</p> <p>Commenters were invited to provide fact-based examples about how an issue or issues hamper the effectiveness of ICANN's MSM. Commenters were also invited to state whether an issue should be removed from the list, to prioritize issues, identify interdependencies between issues, combine or consolidate issues and identify which issues could favorably impact the effectiveness and efficiency of ICANN's MSM at potentially lower cost and without introducing unnecessary layers of process or bureaucracy.</p> <p>The Issues List was presented for review and it reflected community input from discussion and conversations at ICANN63 and ICANN64. <a href="https://www.icann.org/en/system/files/files/draft-evolving-multistakeholder-model-issues-list-25apr19-en.pdf">https://www.icann.org/en/system/files/files/draft-evolving-multistakeholder-model-issues-list-25apr19-en.pdf</a> Nineteen (19) comments were received by the close of this public comment period. Comments that responded to the questions posed above have been summarized below in Section III. The next steps will be the publishing of a final Issues List based on community input from ICANN63, ICANN64, two webinars held on 14 and 15 May as well as the public comments submitted. The issues will then be incorporated into a work plan at ICANN65 and subsequently become part of ICANN's Five Year Operating Plan to support Strategic Objective 2.</p>				

## Section II: Contributors

*At the time this report was prepared, a total of nineteen (19) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.*

### Organizations and Groups:

<b>Name</b>	<b>Submitted by</b>	<b>Initials</b>
country code Names Supporting Organisation	Katrina Sataki	ccNSO
Center for Internet Governance, Tsinghua University	Jinhe Liu	CIG
Endurance International Group, Inc.	Darcy Southwell	EIG
Business Constituency	Steve DelBianco	BC
At-Large Advisory Committee	ICANN At-Large Staff	ALAC
gTLD Registries Stakeholder Group	Samantha Demetriou	RySG
Government Advisory Committee	Benedetta Rossi	GAC
Intellectual Property Constituency	Brian Scarpelli	IPC
Rubin International Law Firm & Notary	Rabbi Shalom Arush	RI
Registrar Stakeholder Group	Zoe Bonython	RrSG
Google	Stephanie Duchesneau	Goog

### Individuals:

<b>Name</b>	<b>Affiliation (if provided)</b>	<b>Initials</b>
Jeff Neuman		JN
Mark W. Datysgeld		MD
John Laprise		JL
Chokri Ben Ramdhane		CBR
Cheryl Landgdon Orr		CLO
Sivasubramanian M		SM
Liu Yue		LY
Anne Aikman-Scalese		AAS

## Section III: Summary of Comments

*General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this Public Comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

Of the nineteen (19) comments filed, two (2) were submitted from ICANN Advisory Committees, one (1) from a Supporting Organization, four (4) from a GNSO stakeholder group/constituency, four (4) from organizations and eight (8) comments were submitted by individuals.

Nearly all of the commenters responded to the questions posed in the call for public comment. The main goal was to create more specificity about the nature of the issue(s) hampering the effective and efficient functioning of ICANN's MSM. Commenters offered specific examples that assist in defining

the nature of the issue. This is critical to creating a work plan and developing solutions over the course of the five-year Strategic Plan period.

Another goal of the Public Comment was to gain input to assist in the prioritization and consolidation of the Issues List so that it focuses on the key issues that need to be addressed to evolve ICANN's MSM. Some commenters offered views on the prioritization of issues and many commenters offered views on how a number of issues are interrelated or dependent. This input provides a better understanding of how to approach developing the work plan and ultimately identifying solutions.

Commenters offered the following with respect to the Issues List:

### **1. ISSUE: Timing of decision-making: Our processes take too long**

- “The MSM has difficulty producing timely results and outcomes because 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.” (RySG)
- “It is often the case that evidence that is unsatisfactory, questionable or highly debatable results from time-to-time consuming and expensive efforts to obtain evidence upon which to base policy.” (BC)
- “Lengthy decision making processes hamper innovation and can have a detrimental effect on new business models which could benefit users or address problems: lose-lose for everyone. The time commitment needed for lengthy policy development processes effectively means that the same small pool of volunteers are available/called upon as many businesses/orgs cannot commit to resources over an extended period of time. Examples of excessively long PDPs include Thick Whois, which started in 2012, was followed by an IRT in 2016, but which is still not implemented due to GDPR implications and the Registration Data Working Group, which started in 2009 and still ongoing. Newcomers are rightfully daunted by the prospect of taking on such a time commitment.” (RrSG)
- (Using the Rights Protection Mechanisms PDP as an example) “The IPC believes that this PDP's processes is taking too long, and that this PDP is failing due to an attrition of knowledgeable, equitable members, so there are limited qualified leaders and PDP members.” (IPC)

### **2. ISSUE: Complexity**

- “On numerous occasions, newcomers are challenged to get involved by the complexity of the topics and the excessive use of acronyms. This has been an everlasting comment and is again expressed as a public comment made by newcomers at recent ICANN meetings.” (ccNSO)
- “The ICANN Strategic and Operating Plan are another example of how complexity affects the effectiveness of the model. ICANN invites stakeholders to comment on them on a regular basis, but these documents require:
  - High level knowledge of the Strategic and Operating Plan framework.
  - In-depth knowledge of the ICANN structure.
  - Time to be read and eventually, commented.
  - Full and in-depth knowledge of the English language.

On many occasions the ccNSO Strategic and Operational Planning Committee (SOPC) highlighted the fact that these documents are not-so accessible even for native English speakers.” (ccNSO)

- “ICANN as an entity and an Organisation, in terms of structure, interrelationships and component function, as well as the inherent complexity \*of\* the component parts of the ICANN Community are most often a function and product of the previous evolution of ICANN and its MSM.” (CLO)
- “ICANN today is a remarkably open and transparent organization that produces and publishes massive amounts of information about all aspects of its activities. But paradoxically, the sheer volume of information has turned into a problem for many stakeholders. The more information is available, the greater the need for a logical and user-friendly document management system. And the more complex the substance matter in their details, the greater effort is needed to present relevant issues – in an understandable form.” (GAC)
- “Another important consideration to meaningful stakeholder participation - potentially adding another layer of complexity - is language. Imagine facing the wide array of ICANN matters and issues when English is your second or your third language.” (GAC)

### **3. ISSUE: Culture**

- “There is a distinct ICANN culture or the DNS culture. ICANN participants are participants with a sense of commitment and belonging, they travel half way around the world to attend the ICANN meeting, most of them with a focus on work that makes the trip wherein the sights they see are the interiors of the airports, meeting venue and the hotel. No one complains about sessions that start at 8 am or the occasions when the meeting last past midnight. This deserves praise and this culture needs to be preserved. What limits this culture are Silos.” (SM)
- “Combative culture within ICANN can be intimidating for some participants and is not conducive to an open work environment that works for all cultures. As we have seen recently with the RPM WG, this can escalate to someone needing to actually be removed from a WG for not following the participation guidelines. This is compounded by the silo nature of the community model. Participants with deep history and knowledge of the community tend to be at an advantage which makes newcomer engagement more challenging and typically results in the same people moving across group & PDP leadership positions.” (RrSG)
- It “is a matter that where there is different ‘cultures’ or worse somewhat incompatible ones between the component parts of the ICANN Community or silos it becomes a maladaptive issue for the continuing evolution of the ICANN MSM this is in my experience often a factor and function of such parts or subcultures/cultures not having taken the time or opportunity to gain knowledge and or understanding of each other’s points of view, perspectives and backgrounds.” (CLO)
- “The spirit of compromise, particularly, in the EPDP has devolved to a point where there is very little compromise. Those coming to the table with closed minds, particularly in terms of interpretation of newly enacted laws, stifle the process before it even starts. It affects the ability to honestly negotiate.” (IPC)

### **4. ISSUE: Prioritization of Work**

- “Without prioritization, ICANN Org 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.” (END)

- “The complexity of the current arrangements may, to some extent be self-imposed - rather than required by factors beyond the community’s and ICANN’s control. Thus, any simplification should logically be within the capacity of the community. The question of priority-setting has been discussed at several meetings, but not yet resolved in a manner that is meaningful to GAC members and probably other members of the community as well.” (GAC)

- “Past experience demonstrates that truly urgent matters can be prioritized by the community. But when particular matters are less globally urgent or less important, the challenge is higher. Sometimes even the determination of what is NOT a priority can be difficult and requires a thorough understanding of the issues.” (GAC)

- “For example, whilst the EPDP is now being well prioritised, initially, in spite of there always being a clear deadline, GDPR was not initially sufficiently prioritised.” (RrSG)

#### **5. ISSUE: Demographics**

- “we need to recognise that there is often very different demographic in and between various parts of the ICANN Community as well as aspects of demography worthy of analysis ICANN wide” (CLO)

#### **6. ISSUE: Recruitment**

- “engagement programs such as the Fellowship...has been limited in its effectiveness for the BC based on our independent analysis.” (BC)

“influenced in no small part by the fact that selection has heavily favored the civil society and government sectors, with a 1:10 proportion in relation to business people among selectees.” (BC)

“The lack of information about program applicants is a barrier to our ability to undertake a more personalized engagement.” (BC)

- “Many of the current volunteers have been devoting their time and hard work for a very long time, and regardless of the amazing results they are achieving, we can’t expect them to be here forever. It is very important to show a clear path for new participants to get engaged in the work of the different ICANN constituencies.” (ccNSO)

#### **7. ISSUE: Representativeness**

- “certain constraints on the kinds of people who can take on that work. In fact, it can be said that the processes are actually designed around the needs and language of full time participants -- leading to bias towards professional experts. As a result, many “volunteers” come from a small pool of people who are either retired and no longer have to meet the demands of day to day work or who are working inside DNS related industries.” (ALAC)

- “One of the challenges with the MSM is that many equate inclusivity to mean that everyone can have a seat at the table on any given issue. Representativeness and Inclusivity have emerged as a false dichotomy – the community is currently grappling with the question of whether, in the context of the PDP, a “representational” model (as represented by the Registration Data EPDP) or an “open and inclusive” model (as represented by SubPro, RPMs and RDS PDPs) is preferable. However, these are not opposites; it is possible for a PDP or work project to be representative but still inclusive.” (RySG)

- “We call on ICANN to revisit its approach to the GNSO “House” and non-commercial / commercial stakeholders groups structures and to consider a more appropriate system of representation for the vital interests represented by the IPC and others investing and innovating in the private sector, protecting consumers, and serving on the front lines of ensuring a secure and stable DNS for users.” (IPC)

- (Using the EPDP as an example) “The GNSO Council ultimately decided to mirror the completely ineffective and inequitable structure of the GNSO Council in the EPDP Team membership, with the result being that the Intellectual Property Constituency, the Business Constituency, and the Internet Service Providers and Connectivity Providers Constituency were under-represented when compared to all other groups in the GNSO.” (IPC)
- (Using the RPM PDP as an example) “(RPM PDP as an example) The outcomes of this PDP (and others) are easily influenced simply by a recruitment effort on the part of a particular interest group to stack the membership with members holding a particular (often obstructive) view.” (IPC)
- “Identify stakeholder and their mutual representativeness is a key issue in the multistakeholder model if we are dealing with fictive representatives of the community we will have fictive community needs and fictive views of the ICANN activities which will be based only in some lobbies interests , expertise and skills are not sufficient to acquire real community and needs.” (CBR)

## **8. ISSUE: Inclusiveness**

- “At present, ICANN's active community are mainly developed countries, and community members in developing countries still face many challenges to engage in.” (CIG)
- “What’s more, ICANN's working process needs to consider more about the multi-cultural background. Such as increasing the diversity of working languages and text languages is necessary.” (CIG)
- “Participation of new community members requires “capacity-development measures that can empower new participants and participants from underrepresented regions and groups. This also implies that there is an effective diversity and rotation in key roles, otherwise newcomers can be crowded out by long standing community members.” (GAC)
- “Once the person is considered to be acquainted with the basic workings of the system, they are more or less left to their own devices, and the responsibility is passed in an unspoken manner to SO/AC members that might be willing to voluntarily pick up the task of further educating the person in the policymaking process. This is an undocumented, completely per-case mechanic, which is certain to generate all sorts of gaps and disparities.” (MD)
- (Using the RPM PDP as an example) “The PDP Chairs have expressed on many occasions that they do not feel empowered to stop abusive or disruptive behaviour because they must be inclusive and treat all interventions as valuable. There is a tendency to allow all members to ‘speak their piece’ regardless of the quality of that contribution or the likelihood of disruption to the work of the group.” (IPC)
- “One factor that fuels in GNSO disputes is the limited number of GNSO seats on the Board, which are only 2 of the 15 seats. Considering that gTLDs are responsible for 98% of ICANN's revenue and for most of ICANN's policy work, 2 seats seems like an insufficient representation for the GNSO.” (BC)
- “At-Large works in the best interests of more than 4 billion end users on the Internet, but has only one seat on the ICANN Board. Although board members are not direct representatives of their communities, end-user perspectives need to be given more profile at this level in order to maintain the principle of balance.” (ALAC)

## **9. ISSUE: Consensus**

- “A new approach to achieving consensus across parties with widely differing views is needed.” (JN)

“How do you get diverse groups of people, organizations, and governments to have the appropriate incentives as well as the authority to come to a consensus on highly contentious and complex issues which impact individual freedoms, commerce, political climates and organizational effectiveness on a global level? The issues of incentive and authority to cooperate have been the key issues faced by ICANN since day one.” (JN)

“The more important questions are: (a) how can we develop recommendations that are supported by a consensus of working group members?; (b) how can each member of the working group take the uncomfortable step out of their own comfort zone to develop a solution that everyone can live with?; (c) how can we all work to close issues out rather than rehashing issues that have been discussed for years?; and (d) rather than just bringing up additional issues, how can we also propose solutions?” (JN)

- “In Working Groups, it has at times come across that volume of participation and ever lengthening timelines can affect desired outcomes, and it can be the case that a false sense of consensus is unduly created through the use of those means, which stands as a detriment to the multistakeholder policy development process.” (BC)

- “How one establishes ‘Consensus’, as well as what definitions are to be used in the declaration(s) of any ‘degree’ of consensus needs to be clearly articulated, agreed upon and established with all participants in such processes. ICANN Policy processes as well as recent work in Cross Community WG’s (which are in themselves a useful tool and process choice) the establishment of this once the process has begun, takes considerable time and seems overly complex as well as a source of angst for some participants.” (CLO)

- (Using Subsequent Procedures PDP WG as an example) “The question as to whether a group is representational or completely open is a red herring to the ultimate issue as to whether those that participate in the group have their incentives aligned to achieve consensus. So long as individuals and/or groups benefit by not achieving a consensus or from keeping things the way that they are, then compromise becomes next to impossible.” (RySG)

- (Using the EPDP as an example) “it should be clear that informal discussions by e-mail among PDP members can never be considered consensus calls.” (IPC)

- (Using the RPM PDP as an example) “the GNSO Operating Procedures explicitly instruct that consensus is not to be determined numerically, yet the outcomes of this PDP are impacted by large numbers of participants being recruited to support a particular position and to steamroll other views.” (IPC)

- “Lack of understanding of or acceptance for what the consensus model really means in practice undermines the value of this concept in ICANN. There needs to be more buy-in from participants, coupled with increased accountability for decisions and transparency. ICANN decision making is not a zero-sum game, and all participants/constituencies need to be willing to compromise to achieve workable consensus.” (RrSG)

## **10. ISSUE: Precision in Scoping the Work**

- “We suggest that more precision in scoping will lead to improvements in the other issues we have grouped in this category. Poor scoping causes unreasonable drifting of issues. Our members report

that scoping has been too wide in the past leading to endless discussions but that there has been an improvement in this area in the last few years, progress which needs to continue.” (ALAC)

- (Using the RPM PDP as an example) “The Charter that the GNSO Council developed to guide the PDP included far too many - and sometimes overlapping and duplicative - topics...the door was left open for participants to squeeze in their individual issues and concerns.” (RySG)
- (Using the SubPro PDP WG as an example) “The Charter contains an extremely extensive list of questions to be considered and answered, which in large part led to the WG taking nearly 3 years to publish an Initial Report, which was not even complete (supplemental reports were published afterwards). The group has also been plagued by questions about what items are properly within the scope of GNSO policy development processes, which can also be attributed to the “everything but the kitchen sink” list of topics up for discussion.” (RySG)
- “It should be noted that ICANN staff does an excellent job of scoping work and attempting to remain neutral in the fray. Kudos to those who consistently support the Policy Development Process while keeping a lid on their own emotions and viewpoints.” (AAS)
- (Using IGO-INGO PDP WG as an example) “Even when the scope is reasonably clear, as in the IGO-INGO WG, participants will nevertheless attempt to widen the scope. The result within this WG was that an entire recommendation had to be referred by the GNSO Council to a completely separate WG for reconsideration and analysis.” (IPC)

## **11. ISSUE: Accountability**

- “The big question is, who should be responsible for changing the way the ICANN community approaches its work? Who is in charge of scoping and prioritizing individual work efforts? This gets at the issues of Accountability and Roles and Responsibilities, which are really only “issues” impeding the MSM in the sense that they need to be resolved because they contribute to other issues, as described above. - It should not be the ICANN Org 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.” (RySG)
- “Work on ICANN Accountability has recommended and created new processes for safeguards, on the premise that new Community powers would provide the necessary challenges against abuse of Board powers. However, these measures have dispersed responsibilities due to lack of clarity on who is to be held accountable for the decisions needed for the pursuit of the overall mission of ICANN” (SM)
- “Specific public comment suggestions are inadequately reflected in staff summaries or worse, ignored by ICANN management and the Board. We continue to be disappointed that our best attempts at submitting carefully considered and substantiated comments are not adequately or accurately reflected in public comment summaries.” (BC)
- “While the Accountability and Transparency Review (ATRT) remains a good example of effective volunteer selection by respective groups that make up the ICANN community, the BC remains concerned at the continued trend for top-down decisions on who can participate in volunteer groups. The most recent example of this trend is the formation of the Technical Study Group on Access to NonPublic Registration Data.” (BC)
- “Seriously? We just spent years on this – IANA Transition, Workstream 1, Workstream 2. Could we just give all that work a chance to succeed?” (AAS)

## **12. ISSUE: Transparency**

- “Attention should also be paid to the fact that since some of the analyses for the summaries are undertaken by unidentified consultants, it would be an important measure to have all of those involved in the drafting of documents listed as a contributor, in a measure that would help boost confidence in the transparency of the process. Also, the costs of ICANN Org and Board travel to their “retreats” (three per year) and travel to other events is never discussed as a transparency issue, but definitely should be, as transparency and trust in the organization and in the Board’s integrity are interrelated.” (BC)
- (Using RPM PDP as an example) “Related to transparency is the responsibility of PDP Leadership to be transparent and accountable to the GNSO Council, being willing to critically and honestly identify problems and challenges, and raise these in a timely manner with the GNSO Council liaison.” (IPC)
- “For example, there was initially both confusion and misunderstanding around the formation and mandate of the Technical Study Group. Continued scrutiny of costs of the ICANN organisation is also essential as a matter of accountability. The many months that it took ICANN Org to provide initial estimate, then subsequent cost breakdown, of the proposed PPSAI accreditation model, when combined with news of negative financial situation of ICANN, led to a lot of concern and distrust regarding the entire cost of the program.” (RrSG)

## **13. ISSUE: Costs**

- “We do not expect that community volunteers will be able to identify cost and resource constraints; this is something that should be identified in consultation with ICANN Org when a new project is initiated.” (RySG)
- “The community does not understand the cost dimension of policy work. This is of concern.” (BC)
- “If ICANN Org is now objecting to the costs of policy development activities and the ICANN Board are engaging in that discussion, it then becomes quite noticeable that better communication needs to come from ICANN, and the community needs a clear-cut way to visualize what are the costs of different approaches and options.” (BC)
- (Using the RPM PDP as an example) “Tens of thousands of dollars, and hundreds of WG man-hours, have been spent on “data-gathering” surveys which have resulted in de minimis responses generally and from contracted parties in particular, even though a number of participants in the WG (including those from those contracted parties) had flagged this as an almost-certain outcome from the outset. The community has no means at present to ascertain the actual cost of these delays; the cost of policy support must be ascertainable and published as a motivator for staying on track and reaching consensus.” (IPC)
- “ICANN exists as a policymaking entity only if the community can fulfill its role, and no amount of travel and internal meetings by ICANN staff are enough to further the institution's core mission. The BC suggests that it is ICANN’s responsibility to fully fund core work related to its mission, with the EPDP activities being only one example. ICANN Org’s duty is to support its community’s needs.” (BC)

## **14. ISSUE: Trust**

- “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.” (RySG)

- “The lack of trust has also created the belief that one must be involved in everything. In some cases burnout is a symptom of the feeling that you have to be involved in all aspects of the MSM.” (RySG)
- “(Using the IGO-INGO PDP WG as an example) “This WG lacked participation from a key stakeholder group, namely IGOs, due to lack of trust—not only a lack of personal trust, but also a lack of trust in the ICANN multistakeholder process” (IPC)
- “Power inequities are incompatible with a decision making process that depends on consensus building and widespread trust.” (ALAC)

## **15. ISSUE: Roles and Responsibilities**

- “At present, many of these constituents fail to understand that the ICANN Board, after years of being attacked for ostensibly \*making\* policy has adopted a completely hands off approach and constituents find themselves saddled with making hard decisions with a clock not of their own making (ePDP). ICANN and others warned the community about this eventuality as did some elements of the community, nonetheless parts of the community chose for a variety of reasons to ignore this advice until it was no longer feasible.” (JL)
- “The empowered community (and I among them) argued forcefully in the IANA transition for strong community enforcement powers over the board to insure that it took its responsibilities with due seriousness and gravity. We of course failed to look in the mirror and apply the same standard to ourselves.” (JL)
- “Every stakeholder's first and perhaps hardest challenge is to honestly acknowledge their own interest, see how it aligns with the Greater Good of the Internet, and communicate that to others regardless of SO/AC.” (JL)
- “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 in my view and direct experience may ameliorate some of the causes of why some processes including PDPs may seem overly long, complex, or unstructured.” (CLO)
- “The big question is, who should be responsible for changing the way the ICANN community approaches its work? Who is in charge of scoping and prioritizing individual work efforts? This gets at the issues of Accountability and Roles and Responsibilities, which are really only “issues” impeding the MSM in the sense that they need to be resolved because they contribute to other issues, as described above. - It should not be the ICANN Org 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.” (RySG)
- “GAC members have discussed how, in certain situations, the Board take a more proactive role when an issue has (already) been thoroughly discussed within the community. This means that the Board also consider more actively engaging in facilitating policy development, including its finalization 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.” (GAC)

- “The ICANN bylaws, composition and powers of the Empowered Community (EC) equip them with an overarching position when compared to the ICANN Board: 1. Section 6.1. Composition and Organization of the Empowered Community; and 2. Section 6.2. Powers and Acknowledgements. However in practice, the EC’s role seems to have been diminishing due to non-utilization.” (GAC)
- The “GAC role is viewed within ICANN as an advisory body “on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues”. However, earlier engagement from governments can flag issues of concern or address critical obstacles that can be addressed early in the policy development process - rather than after a consensus recommendation decision is reached. Recent PDP innovations have included the participation of GAC members. This is a good thing and should be expanded.” (GAC)
- “Based on section 2.1. (General Powers) of the ICANN bylaws, the powers of ICANN shall be exercised by, and its property controlled, and its business and affairs conducted by or under the direction of the Board. Nevertheless, provisions of section 3.6 (a) (iii) requires the ICANN Board to request the opinion of the Governmental Advisory Committee (GAC) and take duly into account any advice timely presented by them on its own initiative or at the Board’s request. In respect of the above, the role of ICANN org under the ICANN Board should not be seen to interfere or suppress the GAC role.” (GAC)
- “It is ultimately the responsibility of the ICANN Board to set priorities for ICANN Org and the Community within the bounds of ICANN’s Mission. The Board needs to set these priorities and manage the related costs based on its Strategic Plan goals. SOs and ACs need to “fall in line” once they have provided input on those goals and the plan itself. If the Board does not lead in this regard, chaos ensues.” (AAS)
- “Tough decisions have to be made. No ICANN body other than the Board is empowered to act in the Global Public Interest and the Board must assume a more active role going forward in the balancing of differing opinions and promoting that GPI, all within ICANN’s limited mission and without becoming a manager of Internet ‘content.’” (AAS)
- “The Board must recognize that it in fact does make policy and must be willing to do so. It is inherent in the structure of ICANN that SOs and ACs are not the final word. The ByLaws recognize this and provide for required number of votes to overcome GNSO Consensus Public Policy Advice. In the end, it is not helpful for the ICANN Board to “kick disagreements back to the policy process” and encourage holders of widely differing views to ‘work it out.’ This approach causes unnecessary delay.” (AAS)
- “Addressing power inequities that lead to underrepresentation will require adjustments to roles and responsibilities. The relationships between ACs and SOs (and their constituent parts) will have to be reexamined as well as the role of the board vis-a-vis the community and ICANN org.” (ALAC)

## **16. ISSUE: Efficient Use of Resources**

- “A core problem that we believe to be at the center of the current inefficiencies and ineffectiveness of ICANN’s MSM: The MSM has difficulty producing timely results and outcomes because 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.” (RySG)
- “For example, public comment summaries vary greatly both in terms of breadth and quality of analyses and timeline for delivery, which generally have a target date of two weeks from the close of

the public comment window. Anecdotal evidence suggests that these published deadlines are one of the reasons for the perceived decline in quality of some comment summaries. In many cases, the value of high-quality summaries outweighs that of strict adherence to the two-week service level.” (BC)

- “The ccNSO SOPC has questioned ICANN on several occasions about the efficient use of resources when it comes - for instance - to international engagement. ICANN staff responses were just sufficient but failed to address the long-standing item of cost optimisation and activities prioritisation.” (CCNSO)

### **17. ISSUE: Volunteer Burnout**

- “Many ccNSO working groups and committees are somehow affected by it. It is becoming harder and harder to find skilled people who can dedicate not hours, but mostly days of their week to read, assess and provide input on policy and procedural documents.” (ccNSO)
- (Using the EPDP as an example) “Increasingly difficult to identify community members who are willing and able to sacrifice themselves and their professional work outside of ICANN to intense activities such as the EPDP.” (IPC)
- “The continued sense of urgency on every matter leads to burnout.” (IPC)
- (Using RPM PDP as an example) “The GNSO Council initiated the RPM PDP on 18 February 2016 .3 More than three years later, and only the most dedicated members remain, as this PDP has not yet even concluded Phase 1 of its work.” (IPC)

### **18. ISSUE: Silos**

- “Participants of one AC / SO tend to group together and work in isolation to arrive at their positions and advance them, which limits the goodness of the ICANN culture and the effectiveness of the multistakeholder process.” (SM)
- “The Policy Forums were at first created with the premise that they would allow actors from different SO/ACs more opportunities to communicate and work directly with each other, decreasing the formation of silos. This seems to have become less of a priority, as has the entire concept of reducing the impacts of divides generated within the broader ICANN community. If proactive steps are not taken towards bridging gaps between different stakeholders, it seems logical that compromises will become increasingly harder to achieve.” (BC)
- “The GNSO House model encourages silos which have not been broken through with existing cross-community efforts. Cross-community efforts are not working or sustained throughout the year in any meaningful way, leading to friction during policy development processes and adding to the length of time that these processes take to conclude. Additional silos between ICANN community and ICANN org can lead to distrust and increased frustration (eg different interpretations between Org and Contracted Parties and the suspicious timing of PPSAI costs estimates aligning with ICANN Org budget issues)” (RrSG)

### **19. ISSUE: Work Processes**

- “The complex discussions that take place over many months sometimes leave participants confused over how a process arrived at a certain point. This is particularly true when decisions are finalized during a time crunch. Problems have arisen when some thought a position was agreed upon and there was some disagreement or confusion about that position and no easy way to revisit the process.” (ALAC)

- “A core problem that we believe to be at the center of the current inefficiencies and ineffectiveness of ICANN’s MSM: The MSM has difficulty producing timely results and outcomes because 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. (RySG)
- “The Board can be a bottleneck as they have different processes identified in the bylaws for how to respond to community groups. By way of example, GAC advice often requires a complex process that can result in significant delays to finalizing an issue. (RySG)

**20. ISSUE: Holistic view of ICANN**

No comments were received on this issue.

**21. ISSUE: Terms**

- “‘Terms’ as in my view (and I suspect I will be in a minority here), is not an impediment, as such, to evolution and ongoing development of ICANNs Multistakeholder model but if deemed important could be a subset of both Accountability in terms of the need to have a clear understanding of component parts of ICANNs governance processes and expectations, as well as an issue best (again in my view) being addressed by better ‘management’ of our volunteers including specifically some ‘high quality capacity building’ and in-service training of ‘identified’ top quality leaders, to ensure a plentiful supply of keen, capable, qualified, experienced (to some extent) as well as knowledgeable, confident and well supported volunteers to move into and through various leadership roles.” (CLO)

**Section IV: Analysis of Comments**

*General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

**Recognition of need to evolve ICANN’s MSM**

Some comments noted how well ICANN’s MSM has served ICANN community and the Internet over time while recognizing that improvements are still possible.

**Comments regarding structural issues**

A few commenters offered suggestions about structural changes that they believe are necessary to evolve the MSM. They offered suggestions with respect to the Issues List, some noting that Evolving the ICANN MSM will not address structural changes, and take the position that structural changes are necessary to improve the effectiveness and efficiency of ICANN’s MSM.

**General agreement on issues with differing examples and rationale**

Comments reflect broad agreement on a number of issues. There is consistency in comments about issues and dynamics that are currently causing ineffectiveness and inefficiencies. There are, of course, differing views about how or why certain issues cause ineffectiveness and inefficiencies. This is to be expected. The purpose of the public comment was to create a clearer understanding of the nature of the issues. There is significant commonality in comments about a number of issues and the nature of the problem to be addressed.

**Roles and Responsibilities**

Some of the more interesting comments addressed the respective roles and responsibilities of the ICANN Board, org, and community. Comments reflect a number of important points to observe. Some note recent work in the IANA transition, the creation of the Empowered Community (EC) and how that

has shaped respective roles and responsibilities. Some note the ICANN bylaws when discussing roles and responsibilities and others discuss roles and responsibilities with respect to decision-making in ICANN. Some note the behavior of the respective entities in policy-making and decision-making processes and question whether those behaviors contribute to ineffectiveness and inefficiency. Comments bear out that there is not shared clarity about the roles and responsibilities of ICANN Board, org, and community and underscore that a shared understanding of roles and responsibilities will be indispensable to developing solutions that will in practice create more effective and efficient policy and decision-making in ICANN.

### **Interrelationships between issues**

Most commenters offered their view on how issues are interrelated, for example the timing of decision-making and volunteer burnout. Comments also suggested how improvements in one issue could lead to improvements of other issues and/or ameliorate symptoms of ineffectiveness and inefficiency (e.g. precision in scoping the work can improve the timing of decision-making and reduce volunteer burnout). Some commenters offered “groupings” of certain issues and offered rationales as to why they should be grouped together. Some commenters offered “umbrella” categories in which certain issues could be grouped. This reflects that members of the Community are thinking about this opportunity in a holistic and nuanced manner. A small number of commenters offered prioritization of issues on the Issues List. This is helpful when combined with other comments about interrelationships between issues. Comments also characterized certain issues as “overarching” that inform the broader work of Evolving ICANN’s MSM.

### **Suggested solutions**

A number of comments offer solutions to issues on the Issues List. This is helpful in that it provides additional context that provides greater clarity about the nature of the issues. That being said, the purpose of Evolving ICANN’s MSM is twofold: 1) develop a list of issues that are hampering the effective and efficient functioning of ICANN’s MSM; and 2) develop a work plan that will assign issues to “owners” who will then develop solutions to propose over the course of the Strategic Plan’s five-year period. The purpose of this work is not to develop solutions. However, where potential solutions have been offered, either in the public comment period or at ICANN63, ICANN64, or the 14 and 15 May 2019 webinars, they are being captured and will be published as part of the Evolving ICANN’s MSM work. The proposed solutions may provide ideas, inspiration or models of potential solutions that the respective issue owners can take into account as they develop proposed solutions over the course of ICANN’s Strategic Plan.