Summary Report of Public Comment Proceeding

Evolving ICANN's Multistakeholder Model	
Publication Date:	28 October 2019
Prepared By:	Brian Cute

Public Comment Proceeding		**Important Information Links**
Open Date:	27 August 2019	Announcement
Close Date:	14 October 2019	Public Comment Proceeding
Summary Report Due Date:	30 October 2019	View Comments Submitted

ICANN org Contact:	Eleeza Agopian	**Email:**	eleeza.agopian@icann.org

Section I: General Overview and Next Steps

The Evolving ICANN's Multistakeholder Model (MSM) process is part of ICANN's Strategic Plan for 2021 – 2025. ICANN Strategic Plan 2021-2025. Specifically, it supports the Strategic Objective on Governance. During phase 1 of the process, the ICANN Community was engaged and asked to identify issues that are hampering the effectiveness and efficiency of ICANN's MSM. Phase 2 of the process focuses on developing a work plan to assign and initiate work to develop solutions to the issues identified by the Community.

The focus of this Public Comment is to ask the Community to answer three questions that will help in developing a work plan. This document seeks Public Comment on three questions:

1. Is there an existing solution or a solution being developed in other work streams that could sufficiently address the identified issues?
2. If there is not a solution that could sufficiently address the issue, who should take on the task of developing a solution (e.g. AC, SO, community-as-a-whole, ICANN Board, ICANN organization)?
3. How would you further prioritize the issue?

The next step in the Evolving ICANN's Multistakeholder (MSM) process is to develop a Work Plan, based on Community comment and input, that identifies the issue to be addressed, the entity that takes on the task of developing and proposing a solution to that issue and the timeline and resources needed to develop and propose a solution. The Work Plan will be presented at ICANN66 in Montreal. Based on feedback at ICANN66, the Work Plan will become part of ICANN's proposed 5-year operating plan that will be put out for Public Comment in December 2019.

Section II: Contributors

At the time this report was prepared, a total of 12 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:

Name	Submitted by	Initials
GNSO Council	Ariel Liang	GNSO
At-Large Advisory Committee	At-Large Staff	ALAC
Business Constituency	Steve DelBianco	BC
Government Advisory Committee	Benedetta Rossi	GAC
Registries Stakeholder Group	Samantha Demetriou	RySG
Middle East Space	Hadia El Miniawi	MES
Endurance International	Darcy Southwell	EI
Internet Infrastructure Coalition	Christian Dawson	i2
Registrars Stakeholder Group	Zoe Bonython	RrSG
Intellectual Property Constituency	Brian Scarpelli	IPC

Individuals:

Name	Affiliation (if provided)	Initials
Anne Aikman-Scalese	Anne Aikman-Scalese	AAS
Brian Cute	Brian Cute	BC

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 twelve (12) comments filed, two (2) were submitted from ICANN Advisory Committees, one (1) from a Supporting Organization, four (4) from a GNSO stakeholder group/constituency, three (3) from organizations and two (2) 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 avoid duplication of work, get feedback on entities to be tasked with developing a solution and receive comment on prioritization of the issues and work to be initiated through the work plan. This comment is critical to creating a work plan and developing solutions over the course of the five-year 2021 – 2025 Strategic Plan period.

The Comments are organized under the eight (8) issues that were the focus of the request for Public Comment. The eight issues are:

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
5. Representativeness + Inclusiveness
6. Culture, trust, and silos
7. Complexity
8. Consensus

A summary of the comments with excerpts follows:

Issue 1: Prioritization of work.

ALAC commented that "Prioritization must go hand in hand with how we organize and grow our resources -- it is not an issue that can be addressed outside this context. The solution will be multifaceted. Priority setting in the policy context will always be somewhat unpredictable due to external factors. Making sure the volunteer workforce has the resources and knowledge to adapt to the ever-changing demands must be a priority for ICANN.org."

The BC commented that "moving forward, a process where the community can truly assist in setting priorities and in which there is exchange between ICANN Org and involved stakeholders on the matter can be highly beneficial if properly structured, which ties directly to Issue 5: like the chicken and the egg, each will benefit from the other first being solved. This type of dialogue enables the community to offer its expertise and establish priority by actual demand while at the same time being informed by Org of what its position looks internally, which is something that would also help address Issue 3, as it relates to 'Cost'."

The BC stated that "the emphasis of Issue 1 on prioritization seems to presume that the lack of prioritization is the sole cause for the lengthy time it takes for ICANN to make any decision. This approach seemingly ignores prior BC input concerning in-person meetings and evidence-based policy development. BC input on these topics was not composed merely of 'suggested solutions' to be cataloged as described in the recent Summary Report of Public Comments."

The BC suggested that "a constructive manner of using reporting sessions would be to arrange a space for representatives of the different Working Groups to have around 15 minutes to brief community members who are not involved in their work on what their current status is, so that a broader picture could be gotten of where the priorities and progress stand."

The GAC commented "the need for priority-setting is critical for an overall strengthening of the multistakeholder decision making process and has been raised by the GAC in several different ways at different times" and added that "individual ICANN Supporting Organizations (SOs) or Advisory Committees (ACs) have normally set their own priorities, but cross-community prioritizing is needed."

The GAC observed that "this is an ideal discussion area for the Chairs of the ICANN Supporting Organizations and Advisory Committees. Through regular gatherings at ICANN Public Meetings those leaders have already been given the opportunity by ICANN org to discuss issues of common interest. Moreover, they are positioned to be well aware of the respective priorities of their community groups and capable of recommending courses of action that are practical and actionable."

The RySG stated that "while the Strategic and Operating plans can be useful in tasks such as prioritizing the implementation of recommendations or policies that have come out of the multistakeholder process, they do not address new work projects that emerge from within the community, such as new PDPs, CCWGs or the like. This work also requires prioritization, as volunteer time and resources are limited."

The RySG added "we believe that the ICANN community should be involved in developing a solution to this issue and suggest that an alumni group of former leaders could come together to work on this matter."

Middle East Space stated that "a more detailed prioritization that breaks down the initial priorities and deals with the tasks and activities carried out by the community to achieve the identified goals is required."

The RrSG commented that "ICANN's 5-year strategic planning process would be a logical solution to the issue of work prioritization, and the RrSG hopes to see improvements as a result. An effort should be made to better illustrate to the community how the planning process is addressing this essential issue and the results should be tracked and regularly reviewed to know if progress is actually being made."

Issue 2: Precision in scoping the work.

The GNSO provided comments describing in detail the PDP 3.0 Implementation process. The GNSO described the 17 improvements begin developed, some of them bearing on precision in scoping work. Among those improvements in PDP 3.0 are: "#11 Enforce deadlines and ensure bite size pieces: Ensure clear expectations concerning deliverables as well as a manageable scope of work. #12 Notification to Council of changes in work plan: Enhance accountability of PDP working groups and oversight by GNSO Council; require PDP working groups to notify the Council when a work plan, #16 Criteria for PDP working group updates: Ensure standardized set of information provided by PDP working groups."

The GNOS commented that "the above proposed implementation is not limited to GNSO PDP working groups. These documents, tools, and processes are intended to apply to the GNSO Council-managed projects widely, including scoping teams, drafting teams, non-PDP working groups, etc. In addition, the EPDP Team Phase 2 serves as a pilot for the "GNSO project work product catalog", as they have already been using these proposed work products to keep track of their work."

ALAC commented that "in our view, scoping should be tight, but it should also be smart. It should enable some degree of flexibility to accommodate changing conditions. Scoping has to fit the process for which it was designed. There can be ICANN wide principles as well as more specific guidelines to suit specific purposes."

ALAC also noted "we are extremely reluctant to endorse a process (PDP 3.0) which has not yet been released for comment." Depending on the outcome of PDP 3.0, we place this issue either in Category A (must be addressed) or Category B (is addressed in current processes). It is very difficult to say who should be responsible for this issue when so much activity around it is unresolved.

The BC commented that "the PDP 3.0 initiative and the Updated Operating Standards for Specific Reviews are taking important steps towards the improvement of this Issue, and that work should continue to be supported. It is our opinion that the key factor in improving the effectiveness of the MSM is eliminate the overlap: too often too many different groups are spending too much time on too many of the same questions.

The BC also believes, in support of the facilitator's observation, that the existing and developing approaches to scoping work should apply beyond merely the GNSO PDP. By way of example, the BC previously identified the Open Data Initiative/Program—which clearly falls outside of the GNSO PDO—as an example of a project whose scope has changed multiple times, and consequently has seen ever increasing timelines without producing significant deliverable for the community."

RySG commented that "the GNSO PDP 3.0 initiative is focused primarily on addressing issues within the GNSO policy development process, and so would likely need to be expanded to properly address the needs of other community groups in order to be effective across a broader portion of the community."

 RySG also stated that "the Operating Standards for Specific Reviews do not provide very much guidance on setting the scope of Specific Reviews beyond encouraging Review Teams to share the proposed scope with SO/AC leaders and the Board for input. An Alumni Leadership Group (as described above) will likely be the best positioned to develop recommendations or best practices for scoping work efforts, which can then be promulgated throughout other parts of the community."

Middle East Space commented that "a guideline to all stakeholders encouraging them to be as specific as possible when writing the scope of their work and putting guidance in relation to change requests could be helpful specifically in avoiding scope creep. The PDP 3.0 presents a possible solution that is yet to be seen and evaluated. To that end, we do not currently see precision in scoping the work as part of the MSM work plan."

Endurance International

EI commented that "in all cases where the GNSO's PDP 3.0 process seeks to improve GNSO policy development process, the GNSO should be allowed to complete that effort, implement the improvements, and reassess effectiveness at an appropriate time in the future."

Issue 3: Efficient use of resources.

ALAC commented that **"**we recognize that it might be partially addressed by current processes but cannot assess the situation at until these processes are completed. We are concerned that PDP 3.0 may offer efficiency at the cost of inclusiveness which we feel would be a backwards step in the evolution of ICANN's MSM."

The BC commented that "as far as Financial resources are concerned, the BC believes that the 'Strategic Plan for Fiscal Years 2021 – 2025' and its 'Financials' objective should be the forum for this Issue to be better addressed, together with the work of ATRT3 and the alternate work plan proposals within the PDP 3.0 initiative. However, to be clear, these forums should not simply focus on financial resources, but should carry forward an emphasis on the time and capacity of both volunteers and ICANN staff."

RrSG commented that "the proposed solutions should, in theory, address the issue of the efficient use of resources, but as those solutions are still untested, it is unclear at this point in time whether they will be able to do so effectively. Whatever solution is ultimately developed should address the issue that ICANN meetings are a missed opportunity for making substantive progress on work efforts. The Policy & Outreach Forum format, while not perfect, should afford priority of scheduling to policy development efforts and exploring the possibility of assigning two or three days of the other two ICANN meetings to progressing substantive work efforts could lead to more efficient use of resources."

Middle East Space commented that "proper prioritization of the work and precision in its scoping are crucial elements to the efficient use of the resources, especially in relation to the volunteers."

EI commented that "In all cases where the GNSO's PDP 3.0 process seeks to improve GNSO policy development process, the GNSO should be allowed to complete that effort, implement the improvements, and reassess effectiveness at an appropriate time in the future."

RrSG commented that "the solutions proposed should all go some way to addressing the issue of resources and costs, but more could be done. The RrSG would like to see an overarching cost/benefits study done by ICANN Org on ICANN programmes, with greater detail on programme output, follow up and breakdown on costs than is typically provided in ICANN budgets & planning."

Issue 4: Roles and responsibilities and a holistic view of ICANN.

ALAC commented that "one of the recommendations out of this process should be to review bylaws and roles and responsibilities with a view to address the identified problems together with a timeline for doing so. This should be a bottom up process with all SOs and ACs participating in it."

The BC commented that "this very Public Comment is an example of that, as owners of Issues are sought to be identified. It cannot be that there is a good definition of roles if a community-wide consultation is necessary to understand who is supposed to be handed responsibility over matters. This is an Issue that can be better dealt with once others have been addressed, so that in the future these identification efforts become less necessary and work can be done in a more streamlined manner that makes sense for all of the involved community."

The GAC commented that it "particularly sees this need relative to the role of the ICANN Board." It noted that "the Board's general reliance on community consensus and its deferral in certain situations to community consensus is a positive role to adopt. Current Bylaws protections ensure that substantial community consensus should not be overruled by the Board without clear reasoning and considerable (e.g., supermajority) support, as noted in the Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model document. Nevertheless, what the GAC wishes to reiterate since it is not currently captured in the document, is that the Board should remain respectful of the advice received from its advisory committees.

the Board should remain respectful of the advice received from its advisory committees." The GAC also noted that "the Board can take a more proactive role when an issue has (already) been thoroughly discussed within the community. This means that the Board could also consider more actively engaging in facilitating policy development (including its finalization), taking into account

inputs from all SO/ACs, rather than 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 give all parties an incentive to actively participate in the process before it comes before the Board. Further communication between the ICANN Community and ICANN Board to ensure clarity about the roles and responsibilities of various parts of the ICANN community are critical to maintaining a healthy and effective multistakeholder governance model."

i2 Coalition commented that "new procedures don't need to be made to deal with this, we just need to keep our Board, staff, and GNSO leaders educated about the mission, and ensure they take on an active role in reviewing ongoing projects against that mission and decline initiatives that would take us beyond it. One of the largest problems we face seems to be that, even within the MSM Work Plan, there is no central repository that allows the community to easily understand and cross-reference all that we are currently engaged in. It's the responsibility of the ICANN organization to build a centralized structure wherein workstreams can be organized and easily vetted to be determined to be within scope. It needs to be the responsibility of each SO and AC, and, in circumstances where the Board initiates processes the ICANN Board, to show that the new work: • falls within the scope of ICANN's mission • is not being duplicated elsewhere • is appropriately integrated with other active workstreams • solicits Public Comments in a centralized fashion."

Issue 5: Representativeness and inclusiveness.

The GNSO provided comments describing in detail the PDP 3.0 Implementation process. The GNSO described the 17 improvements begin developed, some of them bearing on Representation and Inclusivity. The following PDP 3.0 improvements are related to this issue: #1 Terms of participation for working group members: Ensure that working group members are committed to working together to find consensus, respecting the ICANN standards of behavior. #2 Consider alternatives to open working group model: Identify and document the basic characteristics of various model(s) (including current open model, EPDP Team Composition, Review Teams) that balance representation, inclusivity, expertise, empowerment, accountability and participation. #3 Criteria for joining of new members after a PDP working group is formed or rechartered : #5 Active role for and clear description of Council liaison to PDP working groups: Ensure optimal use of GNSO Council liaisons to PDP working groups. #6 Document expectations for working group leaders that outlines role & responsibilities as well as minimum skills / expertise required: #13 Review of working group leadership: Allow for regular review of PDP leadership team to be able to identify early on potential issues.

ALAC commented that "mentorship programs are a key part of ensuring that the MSM system remains representative and inclusive. Relevant constituencies as well as staff need to make sure these programs are working as they are intended and that they are reaching the right demographics. ICANN.org and the Board, in cooperation with the community, should take up this responsibility of ensuring that different groups are well represented. The fellowship and Next Gen program offer good opportunities to bring new faces and underrepresented groups to meetings; however, there should be better follow up processes in place to keep people engaged. The burden on the current few carrying the workload needs to be reduced."

The BC found the merger of these issue to be inappropriate, as it conflates fundamentally different issues. We indicated in our previous comment the strength in merging what were then "Issue 7:

Representativeness and 8: Inclusivity" in one item and then doing the same to "Issue 5: Demographics and 6: Recruitment". However, to coalesce all four items into one shows a fundamental misunderstanding of the issues at hand. More specifically, Representation and Inclusivity are categories primarily related to the structure of ICANN—whether participants are fairly represented in their currently formulated silos. By contrast, Recruitment and Demographics are categories related to integration of new participants and stakeholder diversity—whether ICANN is able to draw in new participants representative of the global Internet."

The BC further commented that it is timely to consider how SO/ACs are organized and what are the consequences that come from that. As a prime example, the joining of the CSG and NCSG in the NCPH created challenges within that broader group. This decision was imposed by Board members and was not at that time welcomed as a solution by the BC; we believe it was not seen as desirable by other stakeholders either, but it was still enacted. we believe that a review of the structure of the Houses system is imperative for the long-term health of ICANN's MSM. The BC feel that there should be better communication between ICANN staff, SO/ACs, leaderships and Outreach committees in each of the communities to help newcomers find their way to the groups in which they will be most effective, and when such people arrive at the group, coaching mechanisms should be in place to receive them properly. The lack of information about program applicants is a barrier to our ability to undertake a more personalized engagement. If the registration information provided to ICANN could be more descriptive, it would be helpful. It is a positive step that approved Fellows submit SOIs, which while after the fact, is still a step that we feel is important. The BC suggests that more "pre-engagement" could take place, to identify those who might be qualified to fit a certain niche. Asking first-time meeting attendees and Fellows if they would be interested in having a call to learn more about a group, they might want to join would be an improvement worth making.

Policy development processes at ICANN require meaningful participation. This goes beyond having just "open" processes but implies and requires capacity-development measures that can empower new participants, particularly those from underrepresented regions and groups. This also implies that there should be effective diversity and rotation in key roles, otherwise newcomers can be crowded-out by long-serving community members. When combined effectively, trusted, clear communication channels and useful operational tools are important elements that enhance transparency and can help grow the community."

Middle East Space commented that "a sharp term limit to all ICANN community positions is required. Term limits provide an important check on the concentration of power. Some community members dominate their groups by moving from one position to another or chairing several groups at the same time. As an example, term limits could be for two years for two terms, after which the candidate is required to step aside and not take any other leading positions for some period, allowing new members to take the lead."

EI commented that two aspects of this issue are beyond the control of ICANN Org and do not belong as part of the MSM improvements. While it is clear that there is volunteer fatigue within the community, the source, amount, and diversity of volunteers is ultimately determined by the organizations that participate in the community. While ICANN Org can certainly expose individuals to the ICANN community through the Fellowship Program, it is ultimately the organizations that participate in the community that choose whether Fellowship Program participants are employed in the industry and continue with community work.   As a result, these issues should not be included within the Evolving ICANN's MSM Work Plan.

i2 Coalition commented that **"**disparate work is being done across the ICANN community on these important issues. It feels siloed, and less effective than if the same issues were being tackled in a holistic manner. Further, initiatives like the Fellowship and NextGen programs that are designed to bring new talent into ICANN community often end up operating in silos of their own. Rather than learning about ICANN through immersion and collaboration with the community, these newcomers to ICANN primarily attend their own slate of sessions. We believe a more integrated approach to these programs could enhance their effectiveness, both in terms of educating newcomers and in ensuring they come back after their programs' conclusions. Prioritization: • Must be addressed in the Evolving ICANN's MSM Work Plan."

RrSG commented that it is "pleased that PDP 3.0 is looking at alternatives to the open working group model and believes this will help address some of the challenges that come out of the need to equally represent and include all opinions on issues that do not equally impact the participants. The RrSG does not believe the existing solutions (i.e. the Engagement Programs) are addressing the issues of recruitment and demographics, largely due to the fact that the programs themselves are not able make a significant impact on the issue."

6. Culture, trust, and silos.

ALAC commented that "all constituencies need to reach across their boundaries, respect for other viewpoints must be reinforced." This is a problem in many large organizations and there are professional services available to help build trust and cooperation. By engaging some of these services, ICANN.org could help constituencies build a better working environment." ALAC also commented that "respect for one another is also critical. Having different opinions can sometimes lead to lack of respect for those holding differing opinions. This sometimes comes from misunderstandings about everyone's roles. Addressing the issue of culture, trust and silos is central to the evolution of the model and one that does not hinge as much on financial resources but on creative ideas towards building a trust culture.

'The BC recalls the input from the Meeting Strategy Working Group from 20165 that "the second meeting in the cycle (Meeting B) would be a mid-year meeting focused on SO/AC policy development work as well as cross community interaction and outreach", and it "would have a shortened day agenda, for example 09:00-16:00, providing dedicated time from 16:00 on for cross community collaboration and networking. This meeting structure has since been adopted, and even though there appeared to be clear efforts during ICANN 56 (Helsinki) to further these goals, they have since been forgotten and Meeting B became just a more compressed version of meetings A and C. The entire concept of reducing the impacts of divides generated within the broader ICANN community has been deprioritized. Without understanding the focus and goals of other stakeholders, it becomes difficult to work in a harmonious way as a group.

The BC also commented that "the ICANN Org and the Community both have roles in resolving this. Org needs to assume leadership to make this into a priority when organizing the regular meetings and online activities, while the Community needs to understand and value the importance of accommodating this type of interaction when planning their participation. Overall distrust and the zero-sum mentality that typify current silos are at least in part caused by the structural deficiencies and necessary changes previously identified by the BC and discussed here under Issue 5A. Participant silos lack the incentive to compromise on matters, when in the absence of such compromise, the

status quo reigns, and each silo begins to focus more on the unfavorable proposals that they've eliminated than the actual problems they've solved. This is all the more reason why structural issues should not be disregarded and cannot be divorced from the discussion on how to improve the effectiveness of ICANN's MSM."

7. Complexity.

ALAC commented that "this is an inherent feature of ICANN work, but where it can be alleviated, ICANN.org should take the lead. Make sure information such as the website is well organized and understandable and closely monitor the internet governance environment for issues that will impact ICANN directly. We agree with this observation, noting that navigating the information that exists about ICANN on the website is challenging -- making it difficult for many volunteers to easily find this information. Some of this could be alleviated through better organization of the information available. This is the responsibility of ICANN.org and it needs to be a prioritized,"

The BC commented that "the correct Issue to be addressed is that ICANN is understood by its community to be overly complex in how much information is required to do meaningful work within it, and the number of projects, reports and acronyms pile up in increasing volumes without expectation of that flow slowing down or being made more logical. The only directly related proposed solution is the Open Data Program (ODP, formerly Open Data Initiative, of which the community has not heard a status update for since early 2019), which could help in the development of solutions to this concern, but does not directly have to do with it. The ODP intends to generate datasets that can later be put together to make better sense of what goes on in the organization, but this does not reduce Complexity by itself, it is only a tool. ICANN Org should have a sub-team dedicated to more intuitively documenting the status of different groups and policymaking efforts, seeing as currently these efforts are not organized and it is often unclear where one should go to find a resource. This makes it so that only the most experienced and active members of the community know their way around processes, which on one hand is burdensome on them and on the other can at time create a significant information imbalance for newer or less involved contributors. The wiki space in particular is used in varied ways by different groups, and its lack of structure is not conducive to good research. There are attempts to make the experience more intuitive, but these are isolated; articles become outdated and there is no proper control of when they should be updated, among other issues. The ICANN website itself does not offer better options with its labyrinthine design, and there are parallel community efforts trying to address these long-standing problems that may duplicate or dilute work, such as was the case of ICANNWiki, over which Org now has significant control over but does not promote."

The BC also commented that "we would like to repeat our advice that since ICANN's processes, procedures, rules, and Bylaws are numerous and can be difficult to navigate, leading the BC to recommend the creation of an additional independent new staff role whose sole responsibility would be to serve as an expert advisor on ICANN procedure. This individual would provide non-binding advice to promote consistency in procedural analysis and ensure that ICANN's rules are applied uniformly and fairly. While this is clearly a key Issue, there are others that take precedence. To solve it would require a significant effort to review the way information is structured and delivered, as well as demanding a commitment from the staff and community to respect better practices, from always using the long form of acronyms at least once, all the way to reforming the structure of ICANN's websites and databases."

The GAC commented that "the current summary of the issue of complexity within the document for Public Comment does not address the actual content but merely the accessibility of information via various programs within the organization. If ICANN really wants to maximize informed participation, there should be a concerted effort to arouse the interest of participants from all stakeholder groups.

The GAC welcomes the opportunity to reiterate that ICANN's communications philosophy must enable informed participation of all stakeholders in the true sense of the organization's core values. The GAC has noted that there is a gap between informing the potentially interested public via the website and newsletters, and experts with extensive and complicated documents understandable only by them. For a non-expert stakeholder who wants to be an informed participant, the former material is often not very useful and the latter takes too much time and effort to be of use."

The GAC also commented that "at ICANN, the traditional tool for setting this stage has been the Issue Report. This report should incorporate or be supplemented by an executive summary or some other documentation that can explain and synthesize a complex or difficult issue into understandable short summaries (e.g., one-pagers, two-pagers, five-pagers) before or coincident with sending a matter out for Public Comment. This baseline is achievable - as proven in the context of the IANA transition reform process, where very complex legal constructs and models were compressed into understandable one-pagers, two-pagers, diagrams, and ten-page executive summaries. Aided by that documentation, a larger-than-usual group of diverse participants was able to read, understand, and establish views on key topics that enabled many to meaningfully participate and contribute. This concept should become the rule rather than the exception at ICANN."

RySG commented that "complexity should not be seen as an issue that needs to be resolved, but rather a challenge to which the ICANN community needs to rise. If the MSM is going to continue to be a viable form of governance for the domain name system, it has to be capable of addressing complex and complicated matters. That said, we believe that the existing solutions, along with some of the additional tools and resources proposed in the Public Comments, will sufficiently address this issue by making ICANN community members better equipped to take on such complexity."

Middle East Space commented that "though existing activities like MEAC-SIG and ME GNSO training contribute to the solution, more planned workshops and capacity building is essential for wide informed participation. To that end, we believe the issue of complexity should be part of the MSM work plan in order to be addressed at the strategic level."

8 Consensus.

The GNSO provided comments describing in detail the PDP 3.0 Implementation process. The GNSO described the 17 improvements begin developed, some of them bearing on Consensus. The following PDP 3.0 improvements are related to this issue: #4 Capture vs. consensus playbook : Empower working group chairs with additional tools and support to ensure effective and efficient leadership. A playbook or expansion of the GNSO Working Group Guidelines to help working group leaders, members, or participants identify capture tactics as such, along with a toolkit of possible responses to help the working group get back on track without escalating the situation. Example: "Die in the ditch" test - is this a position you are willing to die in a ditch for or is it just an opinion that you are expressing, and you are happy to move on if no one else supports that opinion? #9 Provide further guidance for section 3.6 (Standard Methodology for Decision Making) and clarification of section 3.7 in the GNSO Working Group Guidelines: Ensure there is clarity around how consensus is established and what

tools can be used in that regard. Provide further guidance for working group Chairs and working group membership with regards to what is consensus, how consensus designations are made and what tools can or cannot be used. Similarly, further guidance may be welcome in case there is an appeal under section 3.7 that would result in a faster response to allow a working group to move forward more efficiently during and after the appeal process. Lessons could potentially be learned from other organizations applying consensus as a decision-making methodology or techniques learned during the ICANN leadership academy program concerning mediation and consensus building. #15 Independent conflict resolution : Provide additional mechanisms for conflict resolution for those cases where existing tools have not delivered results. In those cases where conflict in working groups is preventing progress and/or existing conflict mechanisms have been exhausted, the Council should have access to independent conflict resolution and/or mediation experts.

ALAC commented that creating conditions that would facilitate consensus is the goal of the issues already listed. Preserving the voice of end users in the decision-making processes is crucial to ICANN's MSM model -- a Category An issue in which all parties play a role, but the role of the Board will be particularly important. The facilitator observes that the community comments on this issue have focussed on the need to create conditions that facilitate consensus. Many of the comments already provided in this response are designed to move in that direction. But we remain wary of trade-offs that would compromise inclusiveness. We are concerned about the inherent inequalities that exist within ICANN -- from legal experts to governments to individual users. The power structures are extremely complex. There is also the fact that various groups in ICANN use different definitions of consensus. At this point it is not possible to say whether recommendations coming out of PDP 3.0 will offer solutions not only to PDPs but to other processes that are part of the ICANN environment."

 "The BC believes this to be at the core of the current issues faced by ICANN, and it is deeply connected with Issue 5A, as it related to "Representation and Inclusivity". While great effort has been carried out through the PDP3.0 initiative targeting approaches to develop consensus more effectively, a clear definition of what consensus means in relation to the current scale of ICANN needs to be defined in a way that is tolerated by the entire community, with an acknowledgement of when the leaders of a Working Group (WG) should have the ability to make a call for consensus and how to act upon results. It is easy to call into question the legitimacy of a consensus and difficult to prove it. We have previously noted that in WGs, the 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. This is further compounded by the fact that conference calls that are supposed to move working discussions forward end up being consumed with parallel or trivial debates, discouraging the participation of more goal-oriented volunteers. It is our belief that guidelines need to be put in place to prevent work that does not intend to advance policymaking constructively from being fruitful. Deadlines need to be set and respected, so that members are incentivized to value the time invested by others, and stalling tactics are discouraged.

The GAC commented that "decision-making is one of the defining features of ICANN and is typically made by consensus. ICANN's multistakeholder model is capable of solving complex policy and technical challenges, provided that each stakeholder group is able to participate and contribute effectively within their respective roles and responsibilities. It is flexible and adaptable, while not overlooking the inherent difficulty of forging agreement among heterogeneous groups and interests.

 Each stakeholder group should be able to participate and contribute effectively within their respective roles and responsibilities to achieve consensus. As noted within the Next Steps to Improve the

Effectiveness of ICANN's Multistakeholder Model, the GNSO PDP 3.0 Implementation Plan is developing approaches to reaching consensus more effectively in GNSO PDPs." The GAC also commented that "as the GNSO PDP 3.0 effort is already well-underway, even accounting for expanded Public Comment on those recommendations, that work could make substantial progress by the end of ICANN FY20. The GNSO PDP 3.0 effort is being managed within existing ICANN org operational resources. Incremental increases may be needed to effect broader community contributions to the effort.

**"The RySG believes that the current PDP 3.0 effort has been working to address certain challenges that could ultimately assist with identifying a solution to the larger consensus issue. However, as mentioned above, the current GNSO Council efforts would need to be expanded beyond just the GNSO policy development process to other parts of the community. This effort could also be strengthened by the insights of former Working Group leaders, participants, etc. to have an increased and meaningful impact. When addressing the issue of Consensus, we believe that there should be a distinction between 'Consensus Policies' that have a direct impact on contracted parties' agreements as opposed to other policies, procedures and work that does not have such an impact. For the latter, it may be possible to lower the standards for the development of policies and best practices. Furthermore, there needs to be an understanding that Consensus does not mean unanimity. Many believe that if there is one group that objects to an outcome, then there cannot be consensus. With that view, they believe that they can veto policy development rather than try to compromise on a solution.

Middle East Space commented that "the work developed by the GNSO PDP 3.0 implementation plan could successfully tackle this issue, but we cannot comment on a final solution we have not seen yet. We note that activities like the ME DNS forum; MEAC-SIG and MEAC SWG among other regional activities provide a good platform for the community to interact, exchange information and sets the stage to coming to consensus on many of the discussed issues. However, we note that a common definition and understanding to consensus rules is required. Competing interests among stakeholders create inequality; some stakeholders like those representing businesses and governments have the time and means to dedicate their effort to the work of the community, while other groups like end users need to allocate the resources and time at their own expenses, affecting their actual presence and participation. Focusing on consensus among stakeholders rather than participants could be a solution to this issue."

EI commented that "the GNSO should be allowed to complete that effort, implement the improvements, and reassess effectiveness at an appropriate time in the future. Any competing work will not only interfere with the GNSO's ability to effectively improve GNSO policy development processes, but will place an unnecessary burden on the community, which is already suffering volunteer burnout."

i2 Coalition commented that "we have no specific comments at this time on this matter but continue to support the GNSO's PDP 3.0 development process."

RrSG commented that **"PDP 3.0 seems, for now, to be sufficiently addressing the consensus issue."**

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.

Views about the challenges to ICANN's MSM

Comments generally reinforced the view that the eight issues are affecting the more effective and efficient functioning of ICANN's MSM. While there is commonality of views, comments diverge on the question of which entity should be tasked to develop a proposed solution and prioritization of issues. A compilation of views and tallies on prioritization of the issues appears below.

Suggested solutions

A number of comments included suggested solutions to the issues in question. These proposed solutions, as others that have been offered in the prior request, have been noted and some are included in the summary of Public Comment. Since Evolving ICANN's MSM is tasking entities to develop solutions to issues, proposed solutions from Public Comment will be shared with them for consideration in their respective processes.

Suggested need for structural changes

A few commenters stated that structural changes in ICANN are necessary to address some of the issues that are part of the Work Plan. They maintain that structural issues contribute to challenges in reaching Consensus, Culture, Trust and Silos and other issues. These comments are welcome. Evolving ICANN's MSM's focus is improving work process, working method and culture issues that are hampering the more effective and efficient functioning of ICANN's MSM. The Work Plan will not recommend structural changes. Structural changes can be addresses through other mechanisms and processes.

Observations about the Evolving ICANN's MSM process

Some of the Commenters stated dissatisfaction with the Evolving ICANN's MSM process. Specifically, a commenter noted dissatisfaction with the ICANN65 session on Evolving ICANN's MSM and another commenter stated that the process was not conducted with the excellence expected.

Commenters provided responses to the questions posed and several them of stated their view about which entity should take on the task of developing a solution to an issue. Several them also offered their prioritization of the respective issues. Additionally, Commenters provided possible solutions to issues for consideration. While there were common views about the importance of certain issues and the negative effect they have on the functioning of ICANN's MSM, there was a divergence of views about whether new work streams should be initiated in the Work Plan versus allowing existing workstreams to address the issue, if possible, or addressing the issue at a later time.

An analysis of Commenters views regarding which entity should be tasked to develop and propose a solution and their views on the prioritization of the issues informed the proposed Work Plan to be presented at ICANN66. Of the twelve (12) commenters, not all commenters offered views on which entities should be tasked to develop and propose a solution and the prioritization of the issues. Of those that did, a compilation and tally of views was created to determine if there was commonality of views or sharp diversity of views. The compilation and tallies for each issue appear below.

To determine which issues would be the subject of assigned work in the Work Plan, consideration was given to the following factors:

- Commonality of views about the issue and how it was hampering the more effective functioning of ICANN's MSM;
- Prioritization of the issue including support for ongoing work in other workstreams to address the issue;
- Views that existing solutions or solutions being developed would not sufficiently address the issue;
- Suggested solutions that reflect an understanding of the issue, how it is challenging ICANN'S MSM and what the benefits of developing a solution could be;
- Prior Community comment and input from recent webinars.

What follows are the issue-by-issue compilation of views on which entity should take on the task of developing a solution and prioritization of the issues:

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Consensus	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. ALAC - All parties but the role of the Board would be important. BC - All stakeholders RrSG - GNSO Council should build solutions then AC/SO leaders are encouraged to adopt and adapt these solutions. GAC - GNSO – work already underway – incremental increases may be needed to effect broader community contributions to the effort. EI - GNSO – any competing work will interfere and place unnecessary burden on community. MES - GNSO could successfully tackle the issue – cannot comment until completed. i2 Coalition - GNSO – fully addressing the issue.	A. Must be addressed in 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. A. – 4 (ALAC, BC, GAC, RySG) B. – 1 (i2 Coalition) C. – 2 (RrSG, EI) D. – 1 (IPC)

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Prioritization of the Work	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. ALAC - All of the Community, roles will differ BC - ICANN Org and ACs/SOs GAC - The entire Community – ideal discussion area for the of ACs and SOs. RySG - Entire Community – Alumni Leadership Group (SOs/ACs, constituencies, stakeholder groups, PDP WGs) Chairs MES - A Committee of all stakeholder groups EI - GNSO i2 Coalition - GNSO RrSG - GNSO Council – for PDPs and prioritization of PDPs in relation to other work.	A. Must be addressed in 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. A. – 4 (ALAC, BC, GAC, RySG) B. – 1 (EI) C. - 0 D. – 1 (IPC)

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Complexity	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. ALAC - ICANN Org BC - ICANN Org GAC - ICANN Org RySG - ICANN Org	A. Must be addressed in 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. A. – 4 (ALAC, GAC, RySG, MES) B. – 2 (i2Coalition, RrSG) C. - 0 D. – 1 (IPC)

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Culture, Trust and Silos	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. BC - ICANN Org and the SOs/ACs BC - ICANN Org RySG - ICANN Org EI - GNSO RrSG - ICANN Org	A. Must be addressed in 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. A. – 4 (ALAC, BC, RySG, MES) B. – 1 (EI) C. – 2 (i2 Coalition, RrSG) D. – 1 (IPC)

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Precision in Scoping Work	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. GNSO – GNSO ALAC – GNSO and assess the GNSO work BC - GNSO RySG - GNSO – Good starting point. Alumni Group which can develop best practices and promulgate across Community. MES - GNSO - If solutions fail, consider it as part of Evolving ICANN's MSM. EI - GNSO i2 Coalition - GNSO RrSG - GNSO	A. Must be addressed in 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. A. – 3 (ALAC, RySG, i2Coalition) B. – 4 (ALAC, BC, MES, EI) C. – 1 (RrSG) D. – 1 (IPC)

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Representation and Inclusivity	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. GNSO – GNSO ALAC - ICANN Board and Org – Org for training in conjunction with relevant constituencies. Board and Org in cooperation with the community should take up responsibility of ensuring that different groups are represented. BC - GNSO effort should be leveraged, and public participation broadened as those recommendations are identified. Transparency Project (ITP) could be leveraged to consider and evaluate improved communication methodologies, further expand onboarding resources and test multi-language web site capabilities for all formal ICANN documents. MES - GNSO, WS2, ATRT3 – when their work is complete, evaluate with KPIs to measure the aggregate effect. RrSG - ICANN Org – can get newcomers integrated and actively participating while ensuring continued opportunity and support for participants once they are a part of the community. Website learn.icann.org could be better promoted. Good, practical, online training could assist newcomers to learn and become actively engaged. RySG - All SOs and ACs – one broadly engaged Newcomer Program (instead of multiple).	A. Must be addressed in 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. A.- 3 (ALAC, i2Coalition, RrSG) B. – 3 (BC, RySG, MES) C. - 0 D. – 2 (EI, IPC)

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Roles and Responsibilities	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. ALAC - All ACs and SOs GAC - Board; Board and Community MES - All stakeholders i2Coalition - All ACs and SOs; Board when initiating a new process	A. Must be addressed in 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. A. – 3 (ALAC, GAC (confirm), MES) B. – 1 (i2Coalition) C. – 1 (BC) D. – 2 (RySG, IPC)

ISSUE	ENTITY TASKED TO DEVELOP AND PROPOSE A SOLUTION	PRIORITIZATION OF THE ISSUE
Efficient Use of Resources	The Commenter's designation appears first. The entity they believe should take on the task of developing and proposing a solution appears second. GNSO – GNSO ALAC - GNSO – then assess the impact of its work BC - Addressed in Strategic Objective on Finances, ATRT3 and PDP 3.0 i2 Coalition – GNSO EI – GNSO RrSG - ICANN Org should do overarching cost/benefit analysis on ICANN programs with greater detail on program output, follow up and breakdown on costs.	A. Must be addressed in 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. A. – 1 (RrSG) B. - 0 C. - 0 D. - 0