EVOLVING THE ICANN MULTISTAKEHOLDER MODEL

ISSUE IDENTIFICATION EXERCISE

COMMUNITY INPUTS FROM ICANN63 AND ICANN64

DRAFT ISSUES LIST FOR PUBLIC COMMENT

Background

Strategic objective #2 of ICANN's Draft Strategic Plan 2021-2025, aims to improve the effectiveness of ICANN's multistakeholder model of governance. As part of developing the strategic plan and objective #2, the ICANN Board posed questions to the ICANN community at ICANN63 about how the multistakeholder model can be made more effective without compromising our bottom-up and inclusive decision-making process. During the meeting, the community identified issues that are preventing the multistakeholder model from functioning more effectively and efficiently.

At ICANN64, a session was dedicated to continuing a conversation that began at ICANN63 with the goal of developing a list of issues that reflects the nature of the issues that are impacting the functioning of the multistakeholder model. What follows is the draft issues list reflecting the community's input from ICANN63 and ICANN64. (Note that the symbol ● reflects a discreet input on the topic from the respective ICANN meeting)

PLEASE NOTE: The draft issues list below is the basis for the public comment period on "Evolving the Multistakeholder Model". Under each of the issues on this list you will find complete versions or excerpts of direct statements made by community members. At this point in the process, these statements have not been summarized or consolidated. Some have been lightly edited for clarity. These statements reflect the beginning of a conversation and the process of issue Identification. More input from the community is needed to create a clear and fully articulated issues list.

In this public comment process, community members are asked to *add* their statements to those found in the issues list document. They are also asked to prioritize issues by the impact they can have on improving the effectiveness of the multistakeholder model. Community inputs from the public comment period will provide the basis for a final, prioritized issues list.

For the public comment process, commenters are asked to provide the following:

1) For each issue, or for your issues of interest, provide a specific example about how the issue hampers the effectiveness of the multistakeholder model. Be sure to provide a specific and clear articulation of the issue so that it is clearly and fully defined. Please provide fact-based examples only. If offering a "new" issue to be considered, provide a clear articulation of the issue along with fact-based examples and a rationale about how the issue is hampering the effectiveness of the multistakeholder model. If you believe that an issue or issues do not belong on the Issues List, provide a rationale as to why the issue or issues should be removed.

2) Commenters are also invited to offer prioritization of issues on the list. When offering prioritization, carefully consider the following:

- Issues that, if they are constructively addressed and solutions can be found, would have the greatest impact in making the multistakeholder model more effective and efficient.

- Whether there are interdependencies between any of the issues that you are prioritizing. That is to say, for issue "A" to be addressed a solution for issue "B" must be addressed as well to achieve improvements in the effective functioning of the multistakeholder model.

- Which issues could favorably impact the effectiveness of the multistakeholder model at a potentially lower cost

- Which issues could favorably impact the effectiveness of the multistakeholder model without introduction of unnecessary layers of process or bureaucracy

- Which issues could be combined or consolidated because their nature is so similar? When considering consolidating issues, carefully consider whether there are any interdependencies that argue against consolidation.

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

Inputs from ICANN63

● Loss of volunteers over time.

● Loss of continuity.

● Loss of expertise.

● So many calls.

● Participants won't budge.

● Zero incentive or willingness to look for solution.

● Lack of progress considered a win.

● Overall slowdown in the work.

Inputs from ICANN64

● We were specifically organized in order to not get things done; constructed as a solution to the problem that was a political problem (U.S. control; IANA run out of ISI).

● We're organized for process. And not getting anything done is perfectly okay from a certain perspective. That's a fundamental flaw in the way that we've been constructed. Change that bit. Measure of our success is whether we get things done.

● We have a group of leaders and they don't feel empowered. And whenever our decision needs to be taken, they say that, okay, we'll wait for the community process.

● Endemic lack of preparedness. A lot of people don't do the reading. Don't come prepared. Makes discussions intensely slow and painful.

● Multistakeholder process means we must exhaust every aspect of discussion. The effect of this is really just to exhaust the participants and to extend the timelines until we get to the point where we wonder where our productive time went.

● Constant repetition is a problem; the amount of time is takes to do things over and over is a problem. I feel an overwhelming sense of a need to stop for a moment and look at where we have been. We only have time to look forward. We need time to do research. We need time to think about what is being said and done. There just isn't time.

ISSUE 2: Complexity

Inputs from ICANN63

- External: governments involvement in developing legislation that impact ICANN (e.g. GDPR); new geopolitical issues.

- Internal: complexity of our teams, now we need the equivalent of a congressional research service or parliamentary service. We have staff but staff is overloaded.

Inputs from ICANN64

- The game rule of ICANN multistakeholder is too complicated for participants especially for those who are new to the community.

- The complexity of the current arrangements could be seen as to some extent self-imposed rather than required by factors beyond the community's and ICANN's control. And so any simplification should logically be within the capacity of the community.

Issue 3: Culture

Inputs from ICANN63

- Should be passing on a positive community culture to the next generation.

- Not working together.

- Lack of progress considered a win.

- Ride out the clock to maintain the status quo.

- Prepared to blow up the PDP.

Inputs from ICANN64

- Something's broken in our DNA that we wait to be pushed and pushed hard by external forces instead of --- we're supposed to be the thought leaders.

- Problem of being stuck with no mode of change.

- I think the risk management is immature for an org of this size and complexity. And that ultimately effects change management, which is even harder. People don't want to hear that they are really, really bad at change management. We need to be able to pivot much more rapidly.

- Long series of crises and large issues that we have lurched between.

- So many problems that you have up there (on the issues list) are an outcome of not being able to change structure flexibly enough.

- Get people to stop saying "in the trenches" – if you are in your trench you can't see the broader picture; it does connote some kind of warfare that I think contributes to culture of combative relations.

- When we're considering how newcomers are on-boarded or how they're mentored, to not let past conflicts color future interactions

- Multistakeholderism itself is the problem. And also, I think it's closely linked to trust or lack of trust. We have come to treat the bottom-up model as religion as sacred or dogma. And it's not clear to me that it's always the best way to get to a result or the most direct way.

ISSUE 4: Prioritization of Work

Inputs from ICANN63

- With limited set of resources and a limited set of time, we should prioritize the work**.**

Inputs from ICANN64

- Who sets ICANN's priorities? And the answer seems to be, after a lot of shuffling and muttering, the community. It seems to me that when a lack of priority setting leads to dysfunctional outcomes, contradictory findings and general volunteer burnout, I don't think the community is a particularly meaningful point of accountability for the lack of priority setting.

- Prioritizing is actually one of the hardest things to do at ICANN. Because what you might think that you want to do important might someone else in the community think is unimportant.

- The only way you can reconcile it is by pointing back to the strategy. And you have to just go, that might be your priority and might be really important, but it isn't what the organization has signed up to do. And so we respect that it's important to you, but it's not what we're doing.

- How will the Board prioritize its strategic objectives of the plans, the strategic plans five years so it can give equitable attention to each of the objectives? I mean, how they're going to be prioritized so that each of those objectives gets some equal attention in some way.

- I think that ICANN's reached a size now that it's not a small business. It's not ten people where you can do things ad hoc. It actually needs a more formal process. If you think about a staff of about 500, if you think about 100 volunteers that are really actively doing work, that's 600-odd people, you actually have to use some structure.

ISSUE 5: Demographics

Inputs from ICANN63

- Have a lot of new talent but not doing a good job of developing people to move into other roles

Inputs from ICANN64

N/A

ISSUE 6: Recruitment

Inputs from ICANN63

- Not bringing enough people in.

Inputs from ICANN64

N/A

ISSUE 7: Representativeness

Inputs from ICANN63

- Representation in work groups.

- Individual representation (desire to let everybody have a voice) v. representing a group.

Inputs from ICANN64

- It really is getting to a stage where we could legitimately claim that the balance required to provide ICANN with its legitimacy is being questioned if those stakeholders aren't able to contribute in a way that represents their communities.

ISSUE 8: Inclusivity

Inputs from ICANN63

- Participation model emphasizes inclusiveness.

- Bringing everybody into the fold on every single thing doesn't work.

- Chairs feel they have to be inclusive; they can't discriminate, they have to treat every intervention as valuable as the other.

Inputs from ICANN64

- It's important to have inclusivity, it's important that everybody can participate but that in itself is just a sort of a basic ground rule, but it is not the be all and end all in how to get things done.

- If same people are in the working groups every single time it's oftentimes because they want to be there. And that makes it difficult for newcomers to be able to have space to grow or learn or influence.

- We have to think about inclusiveness and multistakeholder against the responsibilities we have. It's okay to have a dynamic coalition at the IGF that is open to everyone because it doesn't matter if you show up or not because you're not making a policy that may be binding. But here at ICANN, I think we have to take responsibility for the fact that we are making decisions, some of which are technical and are affected by the technical nature of our mission, and some of which are beyond that.

- The whole point of having everyone at the table is to stop being in denial and to realize how intersectional almost every single thing we talk about is. How can ICANN be legitimate in the eyes of a watching international community otherwise?

ISSUE 9: Consensus

Inputs from ICANN63

- It is difficult to reach consensus**.**

Inputs from ICANN64

- Biggest issue is the lack of incentives for stakeholders to compromise.

- Stakeholders need incentives to compromise and come to consensus as well as the authority to come to compromise. Also consensus or near unanimity is nearly impossible standard.

- One of the key ingredients and drivers for compromise and consensus is a looming deadline.

- And perhaps a little bit of a better understanding of what we mean by consensus and how we get there. But it is something that we don't do well, and we don't really know how to do well.

ISSUE 10: Precision in Scoping the Work

Inputs from ICANN63

- If unclear or too wide open, it causes problems for working groups to actually focus and get their work done in a timely manner.

Inputs from ICANN64

N/A

ISSUE 11: Accountability

Inputs from ICANN63

- In the working group, we thought it would be a good idea when people spoke up and we got comments back to know what group comments were coming from, to help with responses and to create more accountability. We created a role of a liaison to these groups, and people immediately fought back.

Inputs from ICANN64

- I don't think the community is a particularly meaningful point of accountability for the lack of priority-setting. So I think a better answer, then, for the community is needed.

ISSUE 12: Transparency

Inputs from ICANN63

- Need more transparency around the costs of policy-making and work of the Community and ICANN org.

Inputs from ICANN64

N/A

ISSUE 13: Costs

Inputs from ICANN63

- Need more transparency around the costs policy-making and work of the Community and ICANN org.

Inputs from ICANN64

- How can we look upon reviews from a financial standpoint without limiting the community members who participate to have a say about important things? These are mechanics we haven't worked out.

- To leave the costing and the affordability and the priority to the very end after the community has spent a couple of years coming up with recommendations and go back to them and say, sorry. I think it's also the wrong way to do it. It's unfair and it's not correct.

- We will all agree that we've come a long way and that this whole thing is working pretty well. So any review coming up with 112 recommendations, I think the people who wrote those should have realized when they were writing them down that they were asking an impossible question. So one of the things that we have to do all together is create awareness that there's an end to both ICANN's money and its capacity, and that we -- that if every constituency or every working group or every review would come up with 100-plus recommendations, that is asking for the impossible.

- The frightening reality of that is until the team finishes a recommendation, attains consensus and input, and only then learns from org what the implementation cost is after the fact. The community teams are not going to know in the first place what the cost is. So to the extent that the cost of implementation is an important consideration, and it is, we can't know that before the recommendations come over to you. So that will have to wait on an iterative process to prioritize once the cost is known.

- At least prioritization could take place without knowing one element. So the community or the working group can say, here are how we see the priorities for implementing those recommendations. And then maybe with the cost have an iteration through it.

- Something that was a higher priority but it's very expensive might get displaced by a lower priority that is very affordable and easy. And that's why some of it is iterative.

ISSUE 14: Trust

Inputs from ICANN63

● Within the Community we don't have that level of trust that we can kind of reach across the aisles.

● We are trying to over-engineer everything.

● Lack of common objective to try to move forward towards a greater purpose.

Inputs from ICANN64

● One of the best ways to create trust is to include people in the picture. I think that there's a perception that ICANN wants everybody to work for them and come and tell us what to do and how to do it, but ICANN should be sending a message that we're here for everyone else.

ISSUE 15: Roles and Responsibilities

Inputs from ICANN63

- Understanding separate responsibilities and how we can find a way forward with that.

Inputs from ICANN64

- In the early days, the ICANN Board was taking decisions and there was a lot of criticism about the fact that the community was not listened to and that Board was taking decisions without confrontation with the community. When the multistakeholder model matured, we created all those checks and balances for participation and formulas for participation. I think that now we have created a situation in which the Board is allowed to escape from their fiduciary responsibility with the organization and is allowed not to make decision if some crucial issue is on the floor simply because of the sort of religious view that everthing has to be done by the working group.

- We don't want to try and figure it out by having the Board sit in a room to say we pick this one, or this one. We want to find a way of having everybody come together and understand -- and there be a process by which, to use shorthand, stuff is picked. I don't literally mean that, but we need to find a way.

- So maybe one concrete suggestion would be for the Board also to look inward and self-reflect in parallel to the strategic planning that is committed to the community as a whole. But also to be able to implement it better for the community and for the Board and for ICANN org, it would be best also for the Board to make some kind of exercise that's similar to PDP 3.0.

- I'd rather have you in the community coming together with your parts and other parts of the constituency coming up with something and telling us what to do. Because I don't think it's my role or the Board's role. Look at the strategic document. It is built entirely on the trends we did with 700 people within the community. And the Board's role is to sort of come up with ideas on then how to mitigate those trends and then to go back to the community to have, did we get it right. But, it actually always has to start within the community.

- How do we engage in the community, with the community, and with the Board? And that's actually to make tough choices. And how do we engage in reviews down the road? where we all think there are important things to do?

- And the Board and the org end up with this really strange place where someone has to finally make the decision. In the end, it's the community that makes the decision for the empowered one. But someone has to make those choices.

ISSUE 16: Efficient Use of Resources

Inputs from ICANN63

● We are in a perpetual self-improvement mode.

● All these other work streams that we commit Advisory Committees' members to dilute our resources to get our own work done.

Inputs from ICANN64

● The efficiency in terms of the fact there are several of those items that specify things that are related to the burnout, frustration because of lack of results, and so on. And efficiency in terms of whether we get to results and whether something gets accomplished at the end of the day.

● Our nose is to the grindstone now, the EPDP has been working 30 hours a week, I'm co-chair of one of the PDPs. It's a full-time job. We have our day jobs. I'm not sure many of us have looked up yet to see how you get the commitment -- to see the strategic plan. We're in the trenches, working. And so how do you get the commitment?

● But there were some concerns about workload imposed on volunteers. And there were suggestions that the Address Supporting Organization (ASO) or the Number Resource Organization (NRO) should consider saying no to some of the invitations we get from ICANN to serve on committees or to comment on documents or to appoint people to committees and so on.

ISSUE 17: Volunteer Burnout

Inputs from ICANN63

- We've got a lot of new talent that we can build on, but we still see the same people that are involved in each group that comes along.

- Not doing a very good job developing people to moving into those other roles.

Inputs from ICANN64

- I am cautious about putting myself forward for new pieces of work.

- I see an endemic lack of preparedness. This kind of relates to the volunteer burnout and overwork issue. But, a lot of people don't do the reading before meetings. They don't come prepared and it makes discussions slow and painful.

ISSUE 18: Silos

Inputs from ICANN63

- So deep in silos, in the trenches of our work, that we're not going to be able to come out and look at the big picture.

Inputs from ICANN64

- Tribalism. This is in relation to silos but it's not exactly the same. Being defined by who or what you are against. So that's a -- kind of particularly curdled aspect of silos. Have to get away from that.

- Tribalism is a problem.

- When we talk about the budget, we don't actually have a conversation with the Non-Commercial Stakeholder Group (NCSG) about what their priorities might be and whether there's a way that we could work together to meet our common objectives or something. The point that I'm making is that we don't have that opportunity to have the conversation, because in these meetings you've been talking to the different constituencies all day. We've been sitting in our own room, having our own discussion, so we don't know what's happened here. That would be useful information for us to have, to understand what that dialogue was and what the concerns are.

- Why don't you invite them (Non Commercial Stakeholder Group (NCSG)? You can sit down with different parts of the community and have those discussions and share that information. There's nothing that stops you from doing that structurally, to have that arrangement and discussions within the GNSO, as well as having discussions with the other ones.

ISSUE 19: Work Processes (proposed new issue)

Inputs from ICANN63

N/A

Inputs from ICANN64

- It isn't a problem to have a working group. It is a problem to have a working group that gets stuck in circles for four years.

- Don't have structures that say if you have a good idea, show up at the table and work and work through it. We need to actually find better ways to listen to each other and not ways that predetermine who is going to be listened to.

- Lack of project management skills. There is no tool for project management here.

- ICANN is old enough now that it is suffering from bureaucratic overload.

- We don't seem to be able to stop redundant processes.

- The community should learn to interfere less with the details and work on the high lines.

- There does appear to be a need to rebalance process and outcomes in these areas as process has the potential to take precedence over substantive and timely outcomes. Examples include the work by the Expedited Policy Development Process (EPDP), the ICANN Board, and ICANN org on GDPR-related issues and the new gTLD subsequent procedures Policy Development Process (PDP), and its associated processes on geographic names and the competition, consumer trust, and consumer choice review.

- And when it comes to community, we also sort of have been discussing the fact that it's important that each community's strategic outcomes, strategic plans and objectives should relate to the ICANN plan, and that would actually have a downstream effect on any applications that we actually have. We currently do that, but we have -- I think it's the fact that we haven't formalized that connection between the plans that we have and the plans that ICANN has.

- Everything has to be reinvented or rethought or talked about in various venues. You end up with everybody having to be part of the process allows you to run into those problems you have of exhaustion or failure as a feature, not a bug.

ISSUE 20: Holistic View of ICANN (proposed new issue)

Inputs from ICANN63

N/A

Inputs from ICANN64

- We talk about reviewing the organization but there is no place where we have a holistic view of the organization where we can have a global view. That is one of the points that I think is missing. It is not included at this point, but I think we need to include that. Is it something that is part of Accountability and Transparency Review 3 (ATRT3) or something else? But I think that the holistic view is crucial.

ISSUE 21: Terms (proposed new issue)

Inputs from ICANN63

N/A

Inputs from ICANN64

- Could everybody in this room could decide that he or she does not have more than one or two terms in a row? So, for example, for the Board. If everybody could decide that we don't do -- we don't have several terms at the same time.