The Quest for a 21st Century ICANN

A Blueprint

ICANN Strategy Panel on Multistakeholder Innovation

Subsidiarity

Inclusive

Crowdsource Decisionmaking
Move to Global Engagement
Use Rotating Term Limits
Innovative Voting Techniques
Innovate the ICANN Public Forum

LEGITIMATE

Accountable & Adjudicatory

Crowdsource Oversight and Develop Standards to Measure Success
Establish "Citizen" Juries
Decentralize Accountability
Use Participatory Budgeting

EFFECTIVE

EVOLVING

Experimental

Be Experimental

Smart

Use Expert Networks

Transparent

Embrace Open Data and Open Contracting

Learning

Generate New Insights and Evidence
Embrace Evidence
Encourage Games

Agile & Innovative

Enable Collaborative Drafting

Cost-effective

Draft
May 2014

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To: Fadi Chehadé

From: The ICANN Strategy Panel on Multistakeholder Innovation (Alison Gillwald, Joi Ito, Karim Lakhani, Guo Liang, Geoff Mulgan, Bitange Ndemo and Beth Simone Noveck)

RE: Final Draft MSI Panel Recommendations

Date: May, 2014

Enclosed please find the Final Draft Recommendations submitted on behalf of the ICANN Strategy Panel on Multistakeholder Innovation, with support from The Governance Lab @ NYU. The framework for these recommendations is described by a Blueprint proposing the creation of new channels for international engagement and consensus-driven policymaking to enable meaningful ways to test new institutional arrangements at ICANN. Proposal summaries can be found on pages 7-11 of this report.

In crafting our proposals, there was, of course, no "approved" textbook answer, certainly no textbook suited to the realities of the 21st century. So we started from what we know from experience. To be effective, the actions of an organization like ICANN, in accordance with its public interest mission, must be – and must be perceived to be – legitimate. We now know that a contract with the agencies that originally funded and created the Net will no longer unquestionably provide such legitimacy. So what can? Further, the idea that any single organization has the requisite expertise and know-how to govern the DNS is a simple non-starter. No entity of whatever sort enjoys that kind or level of legitimacy. As Bill Joy famously quipped, the "smartest person in the room works for someone else."

What we found – with helpful insights contributed from the ICANN community and public at large – is that, to be legitimate, any approach to DNS governance requires, at a minimum, working in a distributed yet coordinated fashion with multiple actors in both the private and public sectors.

The practical question we faced and, of course, still face is how to know the best way to do that. Unless we understand better what are the processes, tools and platforms that enable a global community to engage in participatory forms of decision-making, we will be hard pressed to know who has the right to decide about what and how.

To begin to answer that question, the Internet governance community first has to start experimenting immediately with different ways of doing and deciding across the Net. Two emerging practices we propose seem ripe for ICANN to consider further in carrying out its specific mission: crowdsourcing wisely through expert networks and releasing and using open data.

A decade ago, realizing that it was farming out every R&D problem to the person with the best credentials, Eli Lilly launched Innocentive, a solver community, in which a quarter million people have by now submitted more than 30,000 solutions to more than 1,400 posted challenges, earning more than $9 million in awards and going far to overcome the challenge of not always knowing at the outset who has the best ideas. Similarly, in 2010, Harvard Medical School undertook an experiment to improve the impact of its research. Typically, an academic decides on the direction for his or her lab. In an effort to generate from unlikely sources new ideas for promising approaches to fighting Type I Diabetes prior to investing research funding, Harvard sponsored a $30,000 prize-backed challenge to come up with research topics that might be promising. After six weeks, it received 150 solid research hypotheses. Subsequently, the Leona Helmsley Trust put up $1 million in grant funding to implement the best new ideas. In addition to normal advertising of the grant opportunity, Harvard Catalyst used expert networking to identify researchers whose record indicated that they might be particularly well suited to submit proposals and

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marketed the opportunity to them. In the end, a matching algorithm yielded over 1,000 scientists who potentially had the knowledge needed to create research proposals for these new hypotheses, largely improving the way research resources are allocated to achieve the most impact.

Even if it were possible to identify the person with the most useful insights on a particular problem, that individual might not learn of the opportunity to participate. That is why we recommended that ICANN start to pilot the use of expert networking to match people with relevant participation opportunities.

In addition, our efforts have taught us that really understanding what works requires a deeper view of the problem and a careful assessment of how well various approaches solve it. This, of course, is something greatly facilitated by the embrace of open data. The World Bank, for example, is helping countries collect and share data about their education policies openly, enabling them to benchmark their practices against others' and better prioritize reform efforts aimed at keeping children in school and learning. In Nigeria, a country with 11 million children out of school, this effort has already helped to highlight the lack of standard information on student learning, as well as the gap between the skills of educators and the needs of students.

Our panel was at the beginning of identifying the full range of possibilities for governing in a more participatory and, thus, more legitimate fashion. Techniques such as crowdsourcing, expert networking, and reliance on open data are only the beginning. There are many other such approaches we've proposed as well. The critical point here is that ICANN will not and cannot know what works best without encouraging real-world experimentation and trial.

Dealing fairly with the immense and growing variety of Internet uses and users – and doing so in ways that promote efficiency, as well as social, economic, and political innovation – will require a lot of learning about new ways of doing and deciding. All of us have a stake in the future of the Net. So it is incumbent on all of us to build and test the processes that give us legitimate governance.

In conclusion, we have proposed 16 recommendations, including the critical few described above. We feel that, once their merits and faults are duly considered, these concrete suggestions could provide a means for ICANN to transform itself into a more effective, legitimate and evolving 21st century coordinator of the Internet's unique identifier systems. In fact, we don't think that one of these, by itself, will do the trick.

We thank all those who participated in each stage of the Panel's work, and especially the many individuals and groups who provided thoughtful commentary through the GovLab Blog and through the formal ICANN public comment channels. The comments we received, most of which provided helpful elaboration, questions and clarifications to be considered if these recommendations move forward to implementation, are included in an appendix to this report. In key places we made emendations to the text as well. In summary, we would like to stress that deliberation and further input from ICANN staff and community are paramount to ensuring these proposals can become as practicable as possible for ICANN. We hope that you, the ICANN staff and the community will work closely together to determine how some of these tools and techniques could be piloted and meaningfully tested to the benefit of ICANN's global community.

We look forward to your receipt of these recommendations and would welcome the opportunity to work closely with you, the ICANN staff and the community to assist in the design of experiments and pilot projects for testing the recommendations where applicable.

We thank you for the opportunity to work on this important initiative and we look forward to future dialogue and collaboration.

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Key Principles

A 21st century organization responsible for coordinating a global, public good such as the Domain Name System (DNS) that ensures the operability, stability and security of one global Internet has to abide by key principles embodied by the type of governance institutions to which we aspire, and which are possible in an era of ubiquitous information and communications technologies.

The 21st century organizations to which we wish to submit ourselves are characterized by three key principles. They are **effective**, **legitimate** and **evolving**.

Effective institutions solve problems well and in a timely fashion. They have the capacity to identify and implement approaches to tackle challenges while minimizing cost and unanticipated consequences. Such institutions need to be **smart**. Smart is not about having more information. Rather, smart institutions need to have access to the best possible ideas in forms and formats that are clear, useful and relevant to the decision at hand from sources inside and outside the institution. This means they have to have strategies for soliciting and absorbing input from those with relevant expertise, where expertise is understood broadly to include people with experiences, skills, interests as well as credentials that could be brought to bear. There must be a constant process of identifying who within and outside the organization knows what and for cultivating and developing the intelligence of the community to participate effectively. Effective institutions are **transparent** because they cannot obtain the best solutions if they aren't open about what the problems are, including through sharing in accessible ways and formats all data they possess relevant to the issue at hand. To be effective they also have to be **agile** and **innovative**, namely capable of identifying and deploying innovative, workable solutions in a timely fashion. Finally, effective institutions allocate funds and resources toward solving problems in the most strategic and economically sound manner (i.e. they are **cost-effective**).

We also recognize the value of having institutions that are **legitimate** in addition to effective. Legitimate institutions operating in the public interest are **inclusive** in that they involve the people who are affected by their decisions in the process of making those decisions. In the case of the Internet and of ICANN's legitimacy, inclusivity matters because the Internet impacts all corners of human activity around the globe, even to those who are not yet connected. Anyone must therefore have easy and equal access to participate in the process of shaping the policies and standards of the Internet that ICANN helps facilitate. In this context, affected parties go beyond stakeholders whose immediate economic interests might be implicated by, for example, a contract, a license or a grant. They include the broader members of the affected community. Hence opportunities for participation must not only include those whose expertise is specifically likely to yield workable solutions to problems, but all members whether individuals or other groups and institutions. Participation must include undirected opportunities to deliberate as well as engagement focused on solving a particular problem. Legitimate organizations are **accountable** to their members both as a consequence of procedural fairness before the fact and **adjudicatory** processes after the fact that help ensure that decisions serve broader principles of the public interest. Legitimate governing institutions also embrace the principle of **subsidiarity**; they operate within a remit comprising only those

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responsibilities or tasks for which their centralized or authoritative position makes them best equipped and most competent to handle.

Finally, history and science both teach that rigid structures are more likely to break rather than bend. Successful and lasting institutions are those that are able to withstand unanticipated change as a result of their flexibility. A 21st century institution must be **evolving** both in how it makes decisions and what it makes decisions about. To improve on its own practices over time, it has to be explicitly **experimental**, adopting such techniques as randomized and controlled trials, pilot projects and new initiatives. Organizations evolve by **learning**, done through the uses of quantitative and qualitative methods for rigorous assessment to figure out what works and in order to change what doesn't. Finally, a dynamic and living organization embraces **games** and supports serendipity and fun as part of its culture. For an institution to merit the people's trust, it first has to trust its people. While a 21st century global organization must take seriously the capacity of its own community, this does not mean that the practices by which it governs must be humorless. To the contrary, human beings learn through play, games and exploration. In the future, we need to eschew the kind of self-serious pomposity that gets in the way of change and embrace humility and fallibility as touchstones to progress.

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ICANN's Practices

Designing 21st century institutions — and we can design them anew — requires paying close attention to practices as well as principles. It is important to keep in mind what an organization actually does, the subject matter it works on, and the ways it goes about identifying problems, scoping solutions and implementing policies. ICANN's role in governing the Internet is to coordinate the Internet's unique identifier systems to ensure the operability, stability and security of one global Internet, and to balance these needs with innovation as the Internet evolves. This means, in part, that ICANN coordinates the DNS. When Internet users connect to websites or other Internet servers, they do so by typing a domain name. A domain name is a unique, "human memorable" identifier such as www.icann.org. However, connected devices to the Internet do not communicate via domain names, but communicate through Internet Protocol (IP) and IP addresses (www.icann.org's IP address, for instance, is 192.0.34.163). The way that domain names are "resolved" (mapped to their correlating IP addresses) is called Domain Name Resolution. These resolutions are performed through the DNS, a hierarchical, distributed database operated by millions of different entities around the world. ICANN coordinates both the names and the numbers of Domain Name Resolution.

The Internet plays an important role in all areas of political, economic, and cultural life across the globe. For the Internet to function well, the DNS has to work for everyone, and this means ICANN has to function well for everyone, too. But engaging people in meaningful and productive conversations about how to redesign the way ICANN runs itself is difficult because the conversation gets caught, on the one hand, between the *scylla* of broad generalities and geopolitics without regard to the specifics of ICANN's day-to-day work, and the *charybdis* of mind-numbing technical detail on the other. It is true that ICANN's remit is technical but the specificity of the subject matter combined with the importance of successful outcomes for the future of human creative and economic flourishing online should, in fact, make it far easier to go from broad principles to concrete practices.

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Constraints & Challenges

Many of the proposals articulated herein touch on harnessing the power of new and innovative technologies to engage a wider network of participants in ICANN decisionmaking. However, access to technology is not equal across communities or regions, and high-speed bandwidth is not the global norm. Recognizing this constraint, we stress that ensuring all individuals affected and interested in ICANN have easy and equitable access to participate in decisionmaking will require consideration of the disparate and unequal connectivity that exists across the globe. If implementation moves forward to piloting these proposals, we stress that low-bandwidth solutions must be considered and promoted.

Additionally, many of governance and institutional challenges ICANN currently faces are issues that technology alone will not solve. Therefore, piloting these proposals at ICANN will require attention to human-centered design. We recognize that true progress will involve developing the needed support mechanisms within ICANN to experiment with new ideas. With that in mind, we acknowledge that any implementation will require a concerted commitment to shifting cultural norms in order to build the requisite mutual trust and ownership that the outcomes of these proposals demand.

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*Proposals**

The below are blueprints for sixteen concrete proposals for how ICANN can transform how it governs itself over the next five years. These proposals were developed from contributions shared and vetted during the Panel's "Idea Generation" stage of work via an online engagement platform (http://thegovlab.ideascale.com/); the collective input from our Panel; and those ideas shared during interviews and conversations conducted with ICANN insiders and through independent research. We thank people who gave their time and ideas to inform our work.[1]

While these proposed initiatives could all be rolled out within a one-year time frame after approval, it is important to let them run long enough to gather data about what works. It is also critical that ICANN test these experiments in a manner that allows people to participate without the need to know specific jurisdictional boundaries as they currently exist. Just as citizens around the world may not necessarily know which government agencies make decisions that affect them (e.g., in the United Kingdom, the public may not know which agency regulates their food – the Department for Environment, Food and Rural Affairs or the Food Standards Agency or both; in the United States, the differences between the sixteen different federal agencies tasked with financial literacy are not publicly well-known; and in Kenya, the differences and overlaps between the National Environment Management Authority, the Kenya Forest Services and National Land Commission may similarly puzzle citizens), as it stands the global Internet public may not understand the specific remits of the various Internet governance organizations.

ICANN should therefore consider establishing an Internet Governance Laboratory. An iGovLab would function as a Governance Experimentation Collaborative aka a Skunk Works among all the Internet governance organizations, including those at the national as well as the supranational level, to try these and other experiments. Doing this means ICANN could test what works with a broader audience than its currently active members. ICANN must also produce and prepare clear, jargon-free visual materials about the kinds of decisions it makes both as a policy development facilitator and as a contracting authority – materials that can be understood by both engaged and active participants and newcomers (an issue identified by many contributors on the engagement platform). Without an understanding of those specifics, we will remain at the level of principle and never get to practice.

Toward Effectiveness

SMART

1. USE EXPERT NETWORKS – ICANN together with other Internet governance organizations should adapt expert networking technologies for identifying and making searchable technical expertise worldwide. Expertise should be measured, not only on the basis of credentials such as formal engineering and computer science degrees but on the basis of technical experience and skills (e.g., as evidenced by GitHub commits or answers on Q&A sites), as well as interests (e.g., as measured in response to questions on Quizz.us). ICANN should pilot the use of different techniques for targeting those with relevant know-how and evaluate what works and what doesn't.

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*　*The numbering scheme of the proposals below matches the order in which the proposal drafts were published online for public comment.*

1　*Some ideas shared with us have been passed along to other Strategy Panel Chairs to whose work those suggestions were more applicable.*

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TRANSPARENT

7. EMBRACE OPEN DATA AND OPEN CONTRACTING – ICANN should make all of its data from all sources, including its registry and registrar contracts, freely available and downloadable online in machine-readable, useable and structured formats. Owen Ambur on the engagement platform emphasized this suggestion.[2]

Consistent with learnings on the value of open data since the movement began in recent years, ICANN should foster an ecosystem of users for this data including independent, academic and corporate developers interested in helping spot and solve problems relevant to ICANN's work through using the data to make apps, models and other products of use to ICANN and the Internet community. For example, as one participant suggested, ICANN could build an "acronym helper application" that combines all three datasets that allow the public to look up ICANN acronyms to facilitate easier search and provide "a quick method to use if you are in a conference or... using a tablet or a phone." Layering new gTLD applicant data with publicly available corporate ownership data (to help understand application trends and the level of diversity in new gTLD program applicants) is another idea for how open data would improve both transparency and engagement.

As for opening contract data, this could increase and diversify opportunities to participate in monitoring for contractual compliance, and would enable a deeper understanding over time of the roles of ICANN vs. contracted parties, problems or areas for improvement to the procurement process at ICANN, and opportunities and/or needs for contract evolution. In a related suggestion, one participant proposed that ICANN could also experiment with an open procurement platform that allows the crowd to suggest, rank, vote and evaluate purchase options within ICANN.

AGILE & INNOVATIVE

4. ENABLE COLLABORATIVE DRAFTING – As Bertrand de la Chapelle suggested at ICANN 48, ICANN should test the use of online tools that enable people in different parts of the world to collaborate on work (e.g., using a wiki to draft working group reports) at different times in ways that allow individuals to make genuine contributions in a variety of forms (e.g., providing edits, research, data or comments), which are seen and deliberated on by others. Coupled with more formalized document management procedures (a need identified online by "Chris"), ICANN could experiment with new techniques for streamlining timely workflow.

Toward Legitimacy

INCLUSIVE

2. CROWDSOURCE EACH STAGE OF DECISIONMAKING – Using a variety of web, SMS-based and in-person participation tools, ICANN should test a wide array of alternative mechanisms for getting broad-based input in identifying and framing issues, crafting solutions, gathering relevant information to translate solutions into implementable policies as well as commenting after the fact and participating in oversight and assessment. For example, ICANN staff or working groups could use an open brainstorming tool like Google Moderator to vet the importance of issues to the community, get input on recommendations, and encourage community discourse

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2   *Mr. Ambur highlighted in his submission that structuring data (e.g., through the StratML format) enables "potential performance partners [to] more easily discover each other and work more effectively together in pursuit of common objectives."*

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around specific topic areas before and throughout policy development, expanding engagement opportunities while simultaneously making participating in ICANN in new ways easier for a broad and busy global audience.

ICANN should also leverage other multi-stakeholder governance forums, like IGF, to crowdsource input on ICANN issues and broaden involvement in its work outside of the traditional internal channels. As a related suggestion, one contributor suggested an app that categorizes open participation opportunities at ICANN via topic (to help spot engagement opportunities by area of expertise).

10. MOVE FROM "STAKEHOLDER" ENGAGEMENT TO GLOBAL ENGAGEMENT – As Elliot Noss noted, "ICANN has largely failed in its goals of broad involvement. This is structural, not the fault of participants." ICANN should therefore experiment with running parallel processes for one year side by side with existing stakeholder groups to prepare for their possible phase-out in some cases. For instance, ICANN could pilot organizing participants topically rather than by currently existing constituency groups (defined by interest). Within such an experiment, the crowdsourcing practices described above can be used as alternatives and complements to existing stakeholder group practices. ICANN could then test empirically which organizing principles are more legitimate, inclusive and efficient, and which seem to lessen the need for gatekeepers or decision-makers as opposed to facilitators or coordinators.

9. IMPOSE ROTATING TERM LIMITS – As a way to increase and diversify engagement in existing ICANN voting bodies, ICANN should experiment with imposing rotating term limits over the course of the next year for all voting positions within ICANN. This will require that new representatives be selected, which ICANN could use alternative voting methods such as preferential or ranked-choice voting to accomplish. Craig Simon suggested that ranked-choice voting could be "an attractive solution for any scale of participation" and noted that "done right," the method has the "potential to empower massively scalable venues for online discourse and priority selection." There was discussion during the public consultation about whether this proposal should apply to consensus-based working groups, a question we will put out for further comment.

6. EXPERIMENT WITH INNOVATIVE VOTING TECHNIQUES – ICANN should run experiments with different voting methods for decisionmaking, such as Elliot Noss's suggestion to use liquid democracy (e.g., proxy or delegated voting), or preferential or ranked-choice voting. This would enable ICANN to test the effect of organizing around specific issues rather than around specific constituencies when and where voting occurs within ICANN.

5. INNOVATE THE ICANN PUBLIC FORUM – ICANN could experiment with running a virtual public forum in parallel to the physical one conducted during ICANN meetings. As Mikey O'Connor suggested, ICANN could pilot the use of virtual reality to enable face-to-face interactions online to encourage participation from "people who will never be able to afford to travel to face-to-face meetings."

ACCOUNTABLE & ADJUDICATORY

13. ESTABLISH "CITIZEN" JURIES – To enhance oversight of ICANN officials, ICANN should use randomly assigned small public groups of individuals to whom staff and volunteer officials would be required to report over a given time period.

3. CROWDSOURCE OVERSIGHT AND DEVELOP STANDARDS TO MEASURE SUCCESS – Identify opportunities to engage a broader audience in overseeing the impact, effect and level of community compliance that results from ICANN's decisions. For example, within the United States, there have been crowdsourced projects to mea-

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sure throughput of broadband connections that ICANN could learn from, as well as crowdsourcing efforts that engage a distributed crowd in monitoring stimulus spending by the federal government.

14. DECENTRALIZE ACCOUNTABILITY – ICANN should facilitate the development of standards for what it means for national Internet governance organizations (for example, the Brazilian Internet Steering Committee) to be "open" organizations in the 21ˢᵗ century (e.g., those that are transparent, enable easy and equal access, and are supportive of innovation and civic participation).

8. USE PARTICIPATORY BUDGETING – ICANN should experiment with different methods for directly involving the global public in certain budgeting decisions (e.g., deciding how to use funds received from "last resorts auctions" in the new gTLD program). Learning from best practices from the participatory budgeting movement around the world, ICANN could test different approaches for eliciting community input on identifying and prioritizing community needs and for enabling public voting on spending decisions. This is also a mechanism for devolving accountability and infusing public interest considerations more directly into ICANN's work.

Toward Evolutionary

EXPERIMENTAL

15. BE EXPERIMENTAL – The proposals discussed here should be designed explicitly as pilot projects that sunset with the analytics and tools put in place to gather robust data about what happened, what worked, what did not and why. In addition, experimentation on what incentives work best could be designed and baked into approaches (including the concept of federated participation by national entities that abide by a set of principles and practices that qualify them for participation in setting the agenda. Including national-level entities allows nation states to play a role through their relationship with the Internet governance organization in their home country while avoiding direct management by national governments.).

LEARNING

16. GENERATE NEW INSIGHTS AND EVIDENCE – Today a patchwork of Internet governance mechanisms operates under the oversight of many different public and private bodies and institutions. A distributed governance structure, that integrates and improves the current patchwork, seems the only sustainable and feasible path forward to avoid harmful fragmentation of the Internet. To achieve trust and interoperability at an international scale and develop a blueprint of how global coordination can take place, however, requires serious research on distributed governance structures and identification of those topics and functions that can be regulated at a supranational level. New insights and evidence are needed on how to provide for the necessary incentives and responsibilities to achieve governance objectives effectively without undermining the potential for adjusting its mechanisms to accommodate new findings and developments. Such incentives may include for instance technical requirements, consumer expectations, and others. We need to understand better how to identify issues and areas that demand national intervention or guidance and develop options, through a common framework, for when and how such global guidance or intervention would support global information exchange, allowing for a devolved implementation and adjustment. Global responsibilities may involve harmonization and compliance requirements, reporting on metrics, and others. Identifying a toolbox of leverage points, incentives and responsibilities that may allow for effective yet flexible ways of governing is another useful research product.

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11. EMBRACE EVIDENCE – ICANN should create an institutional assessment network that develops current benchmarks for existing practices. Enabling a more formalized R&D function within ICANN would make evaluating ICANN's work and procedures with both foresight and hindsight and responding to change a more attainable and sustainable goal.

GAMES

12. ENCOURAGE GAMES – Use prizes, games and challenges to solve problems. For example, an open data initiative should be complemented by the use of prizes to create incentives for developing useful tools. Contests – of the kind employed by the X-Prize or Challenge.gov to help solve such wicked problems as sequencing the human genome or protecting astronauts from radiation exposure in space – can be set up to attract the best possible solutions to hard technical problems ICANN tackles. Consider using "grand challenges," highly compelling, very measurable, super specific competitions with large prize purses to solve extremely hard problems, e.g., minimizing abuse of the DNS infrastructure, identifying the best technique for mitigating name collisions or dealing with IPv4 exhaustion. A currently running example of a grand challenge is the Progressive Auto X-Prize to design a 100-mile-per-gallon production-ready vehicle.

ICANN should make the complexities of Internet governance and ICANN's work more open, accessible and interesting to people with games and activities aimed at the next generation. For instance, we could practice taking ourselves less seriously by crowdsourcing the "translation" of ICANN's webpages into plain English (and other languages). As Mikey O'Connor suggested, "setting goals and rewarding people who help" at ICANN might inspire greater engagement. We believe challenges and games may be one way to effectively do this.

Mr. O'Connor also added that "people need to develop a clearer understanding of the many different roles that people play as they progress toward becoming an effective participant in the [ICANN] process." To help deepen that understanding and create resources and processes for capacity building, ICANN could run contests to design short videos, graphics and other strategies to engage a more diverse audience to the end of making ICANN's work more accessible to everyone – from newcomers to active technologists.

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Resulting Paradigm Shifts

These proposal ideas are explicitly experimental and should all be tried, assessed and evolved against current practices. Hence it is important to take a baseline today and then to measure the effectiveness, legitimacy and evolutionary quality of decisionmaking and problem solving before and after.

While ICANN is sometimes critiqued as being excessively unaccountable, inaccessible, inefficient, complex, opaque, and co-opted by entrenched interests – we believe that by testing these experiments and others, and adopting those that work, ICANN can fluidly transform itself into an expertise-based, open, responsive, stream-lined, simple, legible, global, diverse and collaborative organization accountable to the global public. ICANN can serve as the paradigmatic example to the rest of the Internet governance community for how 21st century governance of a shared, global public resource can work and evolve.

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About the MSI Panel

The Strategy Panel on Multistakeholder Innovation is an international, seven-member, external advisory group formed to bring fresh insights and outside perspective to ICANN's ongoing process of planning its own evolution.

The Panel has been specifically tasked by Fadi Chehadé, President and CEO of ICANN to:

▶ Propose new models for international engagement, consensus-driven policymaking and institutional structures to support such enhanced functions; and

▶ Design processes, tools and platforms that enable the global ICANN community to engage in these new forms of participatory decision-making.

The Panel is chaired by **Dr. Beth Simone Noveck**, co-founder and director of the Governance Lab at NYU, and former United States Deputy Chief Technology Officer (2009-2011). The Panel's members include:

▶ **Alison Gillwald** — Executive Director, Research ICT Africa

▶ **Joi Ito** — Director, Massachusetts Institute of Technology Media Lab

▶ **Karim Lakhani** — Lumry Family Associate Professor of Business Administration, Harvard University

▶ **Guo Liang** — Associate Professor, Institute of Philosophy, Chinese Academy of Social Science

▶ **Geoff Mulgan** — Chief Executive, National Endowment for Science Technology and the Arts

▶ **Bitange Ndemo** — Former PS of the Ministry of Communications

The Panel receives research support from the Governance Lab at NYU. The support team includes:

▶ **Stefaan G. Verhulst** —GovLab Chief of Research

▶ **Jillian Raines** — GovLab Legal & Policy Fellow

▶ **Antony Declercq** — GovLab ICANN Research Fellow

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Panel Resources

PRIMERS ON ICANN:

"Primer on the Internet Corporation for Assigned Names and Numbers." The Governance Lab @ NYU. October 13, 2013.

"Understanding the Technical and Business Functions of the Internet Corporation for Assigned Names and Numbers(ICANN)." The Governance Lab @ NYU. (October 2013).

The GovLab SCAN – Selected Curation of Articles on Net-governance: Issues 1-25.

RELEVANT PANEL POSTS TO THE GOVLAB BLOG:

"ICANN Strategy Panels Launched." July 15, 2013.

"The GovLab's Living Labs: Experiments in Smarter Governance." October 7, 2013.

"NEW Publications: Primers on the Internet Corporation for Assigned Names & Numbers (ICANN)." October 21, 2013.

"Envisioning a 21st Century Organization to Coordinate the Internet Addressing System: A Shared, Global Public Resource." October 21, 2013.

"Talking Strategy with Panel Chairs at ICANN48." November 18, 2013.

"A Call to Action – Help Us Design a 21st Century ICANN." November 19, 2013.

"The Brainstorm Begins." December 9, 2013.

VIDEO:

Designing a 21st Century ICANN.

MORE:

The GovLab's Open Governance Knowledge Base.

The GovLab's ICANN Project Page.

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Appendix 1: Proposals

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PROPOSAL 1 FOR ICANN:
Get Smart With Expert Networks

From Principle to Practice

For ICANN to be an effective institution operating in the 21st century it needs to be smart. This means it needs access to the best possible ideas in forms and formats that are useful and relevant to the decision at hand from sources inside and outside the institution. ICANN should, therefore, together with the other Internet governance organizations, adapt expert networking technologies for identifying and making searchable technical expertise worldwide, where expertise is defined broadly to include not only credentials (such as formal engineering and computer science degrees), but also technical experience and skills (e.g., as evidenced by GitHub commits or answers on Q&A sites), as well as interests (e.g., as measured in response to questions on Quizz.us).

Photo credit: www.ekaterinawalter.com

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What Are Expert Networks?

Expert networks are platforms or communities that provide individuals with the tools for representing information about their expertise (e.g., "scholarly works, research interests, and organizational relationships"[3]) and for enabling easy search of that expert information. Instead of looking for answers from an undefined crowd (crowdsourcing widely), expert networking seeks to "involve experts on particular issues and problems distributed anywhere in the world"[4] (crowdsourcing wisely). For instance, expert networking tools such as VIVO – an interdisciplinary network of research scientists[5] – "when installed and populated with researcher interests, activities, and accomplishments … [enable] the discovery of research and scholarship across disciplines at that institution and beyond."[6]

Such networks are being deployed in a variety of fields and contexts, from academic and research networks like VIVO to industry-specific networks (e.g., for data scientists or for advertising and marketing creatives) to skills-based collaboration communities (e.g., TopCoder for computer developers).

Why Expert Networking at ICANN and Across the I* Organizations?

Foundational to ICANN as an institution is its open nature of welcoming broad-based input; ICANN appeals to the global community, allowing anyone to join a working group or participate at ICANN's triannual global meetings. But ensuring the stability, security and operability of the DNS includes multi-faceted and often highly technical work requiring specialized knowledge and skills. And some have assessed that ICANN's current working group (WG) model for developing consensus around how to solve such complex problems "often appears to be lacking – especially when dealing with complex issues compounded by widely disparate points of view and/or strongly held financial interests in particular outcomes."[7] Moreover, many issues at the forefront of the Internet governance debate today are "new" – previously unaddressed or nonexistent – and lack the governance mechanisms for finding solutions (e.g., privacy). Many issues are intractable or contain extremely nuanced policy and technical implications. Finally, there are no institutional or cross-institutional frameworks for addressing Internet governance issues comprehensively.

In such a case, for ICANN to be smart and thus effective, it should use a distributed yet coordinated approach to tap expertise for new and complex problem-solving. Specifically, leveraging expert networks has potential to:

▸ Increase diversity, reduce redundant participation and remove vested interests from stakeholder groups and working groups at ICANN.[8]

▸ Move ICANN from a representation-based to expertise-based organization. In fact, leveraging expert networking technologies would enable ICANN to organize its participants topically rather than by constituencies that are defined by interest. This could help streamline and depoliticize the solution development process and avoid redundant work.

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3   Börner, Katy, Michael Conlon, Jon Corson-Rikert, and Ying Ding. "VIVO: A Semantic Approach to Scholarly Networking and Discovery." Synthesis Lectures on the Semantic Web: Theory and Technology 2, no. 1 (October 17, 2012) at 1–178.

4   Dutton, William H. Networking Distributed Public Expertise: Strategies for Citizen Sourcing Advice to Government. One of a Series of Occasional Papers in Science and Technology Policy, Science and Technology Policy Institute, Institute for Defense Analyses. February 23, 2011.

5   "About." VIVO.org.

6   Ibid.

7   Accountability and Transparency Review Team 2. "Report of Draft Recommendations for Public Comment." ICANN.org. December 31, 2013 at 61.

8   Ibid. at 62 (highlighting public comments on the policy development process that called for "The need for wider participation and cross-community interactions. . . . [and] The need for participation by groups without business-related incentives for participation.").

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▶ Inspire and incentivize collaboration within and across silod ICANN structures.

▶ Save time and resources by crowdsourcing technical know-how wisely rather than widely. This is especially important given the complex and sometimes opaque nature of ICANN's work and the oftentimes slow-moving policy development processes, which serve as a barriers to meaningful participation globally.

▶ Provide ICANN a means of locating needed, but previously dormant, specialized expertise to solve problems facing the DNS.

▶ Empower netizen-experts with the willingness to participate in ICANN decisionmaking to engage. Experimenting with incentives — e.g., reputation points, prizes or badges — will ensure ICANN finds the best means for reaching those most willing to bring their expertise to bear for ICANN.

▶ Help match those with the skills and knowledge to bear to particular problems and needs — from figuring out how to mitigate name collisions to how to support internationalized domain name variants within the DNS to how to best balance data privacy and data security in configuring the next generation system of Whois.

ICANN can use expert discovery and networking tools to better target requests for participation in all stages of ICANN decisionmaking. This could be especially useful for helping to staff working groups[9] (in the solution development stage) and review teams (in the evaluation and review stage). The use of technologies that enable real-time translation could also help motivate participation from regions beyond North America and Europe.[10]

Implementation Within ICANN

While we believe using expert networking technologies would help ICANN become a truly smart and thus effective institution — we believe that testing this hypothesis is vital. Moving this proposal from principle to practice is key. With that said, here are some initial steps ICANN could take to begin piloting this proposal:

Phase 1: Hone Research & Assessment Agenda

Here are some initial research questions to study and test that ICANN should review and expand on given particular organizational and community needs:

▶ What kinds of expertise are most helpful to identify?

▶ Where can ICANN find people with the kinds of skills and knowledge and experiences identified above?

▶ What are the ways in which the needed expertise can be represented and collected? What can ICANN learn from the following:

  ▶ Reputation-based systems (e.g., Linkedin Recommendations); credential-based systems (e.g., ResearchGate); experience-based systems (e.g., StackOverflow); self-reported systems (e.g., Catchfire).

  ▶ What are different ways ICANN could target calls to participate once needed expertise has been identified?

  ▶ What kinds of incentives for participation make sense? Which may work best depending on the problem at hand?

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9   For a full review of the qualitative and quantitative current state of participation in ICANN working groups, **see ibid**. at 31-48.

10   **Ibid.**

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▸ For example, would experts respond best to the prospect of a monetary reward? The chance to gain reputation or recognition (e.g., Amazon's Mechanical Turk)? Or do factors like autonomy, community, learning (e.g., Wikipedia), or altruism have greater effects on meaningful participation at ICANN?

▸ How does the level of expertise impact people's willingness to collaborate?

Phase 2: Create or Build-out Ontology

▸ ICANN should create a standardized ontology for describing skills and categories of expertise needed at ICANN and across the Internet governance ecosystem. ICANN could start by building out a VIVO-like ontology[11] (described briefly below).

▸ To capture this information, ICANN could begin by developing different versions of questionnaires to determine the best ways to accurately capture expertise data. These should be distributed to all currently active ICANN community members as well as to other Internet governance organizations, community groups and listservs for self-reporting. The budding 1Net community is another potential data source, as is the ICANN Labs Peer Advisory Network.

Phase 3: Create Framework for Absorbing Expert Input

▸ Identify which ICANN structures or groups would be best to pilot expert networking technologies. Reach out to these groups to discuss where in their work leveraging expert networks will be beneficial and get agreements to run parallel processes alongside current practices for testing.

▸ Determine how and where ICANN will use expert input when identified issues are cross-institutional or interdisciplinary.

Phase 4: Operationalize/Pilot

▸ Run parallel pilots coordinated by different internal groups and using different techniques for identifying and motivating participation to test what works and to enable analysis and comparisons.

▸ As pilots progress, ICANN should explore strategies for creating a linked data infrastructure, to connect and make searchable the skills and expertise of individuals across all Internet governance organizations.

Potentially Relevant Expert Networks/Communities – ICANN Experts in Hiding?

ICANN should similarly explore integration with other popular international, regional and local sources of relevant expertise as well as open datasets on publications and grants. This would help ICANN test whether tapping into existing databases is effective in supplementing and vetting self-reported data. It also has potential to help locate currently non-active individuals who may have the requisite skills and interests that could be brought to bear for ICANN.

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11   *See Bibliometrics by Librarians and Information Professionals National Institutes of Health (NIH) Library.* "*Professional Network Analysis and Expertise Mining at FDA*" *at slide 9. January 31, 2013.*

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Some potentially relevant networks and communities include the below. These examples also provide certain functionalities that ICANN should study and possibly emulate in creation of any independent network.

▸ Epernicus – An expert network and knowledge-sharing platform for science researchers. Epernicus captures recently added expertise, provides interconnected communities for different disciplines and has related software that allows research organizations to create their own internal expert network.

▸ Kaggle – An expert network and competition platform for data scientists. Kaggle incorporates user tiers to highlight engagement milestones (rather than more granular points and leaderboard functionalities). Something similar could be applied at ICANN – perhaps a tier for newcomers, explorers, researchers and leaders.[12] Kaggle also provides users with goal-based incentives.

▸ Stack Exchange – A question and answer forum to get expert advice on a diversity of topics. Stack Exchange gives users the ability to upvote questions and answers, provides distinct, topic-based Q&A sites within the larger Stack Exchange framework, including the computer programming Stack Overflow community (note that a simple search for "ICANN" on Stack Exchange brings up thousands of results of Q&A threads related to ICANN and ICANN's work).

▸ Technical Expert Network (TEN) – A platform for finding and contracting international technical expert consultants. TEN allows users to tap experts in the network for different technical skills: interviews, surveys, moderated discussions, consulting, proposals and collaboration, and recruiting. It also provides the ability to articulate preferred types of projects.

▸ TopCoder – A programming expert network, collaboration engine and contest platform. The network provides users a "reputation score" that is listed on their profile page, alongside a set of various statistics regarding their participation in TopCoder challenges. The network also uses competitions and tournaments to drive and incentivize engagement.

▸ VIVO – An interdisciplinary network of research scientists. VIVO allows users to tag their research areas, publications and research communities, and provides users the ability to browse expertise by People, Organization, Publications or Research. The network also provides linked, graphical representations of co-author and partnership networks and its creators are developing a central VIVO interface linking organization-specific implementations using semantic web methodologies[13] and an open ontology.

Case Studies – What's Worked in Practice?

ICANN could also learn from the following case studies, whereby expert networking technologies have been deployed to help solve real and complex challenges in a variety of public interest contexts.

▸ Kaggle & 311 – The data scientist network has been used successfully to convene a challenge to "quantify and predict how people will react to a specific 311 issue," taking into account factors such as urgency, citizen priority and location.

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12   *These example categories were developed based on input from comments to the Panel's engagement platform.*
13   *W3C. "Semantic Web Activity." June 19, 2013.*

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▸ NASA – NASA has successfully used Innocentive – an online platform that broadcasts carefully defined problems to a community of experts and researchers – to find a solution for conducting "non-invasive measurement of intra-cranial pressure," a physiological condition that results from space-travel.

▸ Peer to Patent – A history initiative of the U.S. Patent & Trademark Office (USPTO), Peer to Patent leverages the use of citizen experts in examining and vetting patent applications. It is an online system that connects an open network of scientists and engineers with the aim of improving the quality of patents issued by the USPTO. In its initial pilot in 2009, community experts supplied information and research based on their relevant area of expertise and patent examiners retained final decision-making authority to grant or deny an application based on the legal requirements. Peer to Patent pilots also exist in Australia, Japan, South Korea and the United Kingdom.

▸ U.S. Federal Drug Administration[14] – The FDA is currently experimenting with using VIVO to help the agency more quickly identify those with technical know-how and experience who could help determine whether a new medical device is safe.

Open Questions
Help Bring This Proposal Closer to Implementation?

▸ What institutional and cultural barriers – such as entrenched processes – could pose challenges to implementation?

▸ What techniques could we use to measure the impact of expert networking against existing models of decision-making at ICANN?

▸ At what stage of the decisionmaking process or policy development process would using expert networks be the most beneficial for ICANN? For developing recommendations? For developing implementation strategy?

▸ What types of expertise, if any, are currently lacking within ICANN?

▸ What physical or organizational communities already exist that comprise individuals with relevant expertise for ICANN? For example, ISOC, WSIS, IGF, etc.

▸ What topics or structures in ICANN lend themselves best to using expert networking?

▸ How can we be sure that expert input from any region or in any language can be absorbed into ICANN decision-making?

▸ What do current ICANN community members believe are the greatest motivations or incentives for participating in ICANN decision-making?

▸ How can expert networks for I*s be built-out to include the kinds of peripheral expertise that are not necessarily obvious? For example, what if a systems biologist has a better idea for how to organize the distributed DNS than a systems engineer?

▸ What would the framework of accountability for decisions being made by experts look like?

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14   *Bibliometrics by Librarians and Information Professionals National Institutes of Health (NIH) Library. "Professional Network Analysis and Expertise Mining at FDA" at slide 9. January 31, 2013.*

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PROPOSAL 2 FOR ICANN

Get Broad-Based Input by Crowdsourcing Each Stage of Decisionmaking

First Published: January 31, 2014:
http://thegovlab.org/proposal-2-for-icann-get-broad-based-input-by-crowdsourcing-each-stage-of-decisionmaking/.

From Principle to Practice

The legitimacy of a 21st century global institution operating in the public interest depends on whether those affected by the decisions the institution makes are included in the decisionmaking process. Especially in the case of the Internet and of ICANN, to be legitimate, anyone must have easy and equitable access to help shape the policies and standards of the Internet that ICANN helps facilitate.

Using a variety of web, SMS-based and in-person participation tools, ***ICANN should test a wide array of alternative mechanisms for getting broad-based input*** in identifying and framing issues, drafting solutions, gathering relevant information to translate solutions into implementable policies, as well as commenting after the fact and participating in oversight and assessment. ICANN should use some of these tools in conducting its Public Forum at ICANN meetings, in which people can "make comments and ask questions on the main topics at each meeting directly to the Board and in front of the rest of the community."[15]

What Do We Mean by Broad-based Input and Crowdsourcing?

Crowdsourcing traditionally refers to the act of a company or institution taking a function once performed by employees or volunteers and outsourcing it to an undefined (and usually large) network of people.[16] Crowdsourcing **can be done in-person or online** and serves as an important technique for broadening participation in that it involves the use of networked groups to expand the toolkit for problem-solving.

Crowdsourcing may be used in a variety of contexts and domains. For example, crowdsourcing tasks (sometimes referred to as peer production) involves spreading tasks in small bits or "chunks" of work across a crowd (e.g., Zooniverse); crowdsourcing ideas (sometimes referred to as ideation) essentially means conducting a distributed brainstorm; crowdsourcing funds (or crowdfunding) involves rallying a crowd to contribute small amounts of funds to a collective project or to help complete a goal.

Crowdsourcing can be done to broaden meaningful and global input at all stages of decisionmaking, from issue spotting to agenda setting to decisionmaking to implementation and review.

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15   *"ICANN Public Forum." ICANN.org. July 18, 2013.*
16   *Jeff Howe. "The rise of crowdsourcing." Wired Magazine. Issue 14, no. 6. (June 2006) at 1-4.*

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Why Does This Proposal Make Sense at ICANN?

In order to work in the global public interest ICANN must provide channels for and facilitate broad-based participation. Enabling global engagement in ICANN decisionmaking must be easy (i.e. provide accessible, legible, multi-lingual and low-bandwidth options) and be equitable (i.e. present fair opportunities for participation facilitated in a manner so that no one player, group or interest can dominate the decisionmaking process). At the same time that ICANN must ensure people of all nationalities and interests can join ICANN's discussions easily and effectively."[17] This means ICANN should proactively work to identify who in the global community is affected by its decisions and who has the expertise to bear to help solve a given challenge. Finally, to be truly inclusive, ICANN must "enable online collaboration to support distributed work for effective participation without physical attendance."[18] At present, however, ICANN faces a variety of challenges related to these objectives, including:

▶ A lack of truly global participation in working groups and as active participants in the policy development processes at ICANN;

▶ A lack of metrics for resource allocation and limited data on understanding whether supporting organization and advisory committee (SO/AC) issue-framing processes are more or less effective than topically-based issue-framing[19];

▶ Silo'd work departments and lack of effective communication within and across SOs and ACs[20];

▶ A lack of meaningful "early engagement." Because SO/ACs are not formally required to dialogue when producing "Issue Reports," sometimes an SO/AC will not join an important dialogue until much later, resulting in wasted time and jeopardizing the legitimacy of outcomes.[21]

▶ No formal mechanism to staff cross-community working groups[22];

▶ A lack of easy-to-use mechanisms for anybody to access ICANN's work and to participate at various stages. For example, ICANN currently lacks useful online tools that allow for a staggered work process of people working from different places at different times.[23]

Experimenting with new techniques for getting broad input can help address these challenges. Specifically, using open, innovative and collaborative tools for reaching out to the existing community – and beyond – to help in issue framing, agenda setting, solution development, implementation and review, ICANN will be able to:

▶ Create new networking channels and introduce new global players into ICANN;

▶ Allow for the formation of relationships and allow participants to set agendas and collaborate on topics as they move into the "drafting" stage of decision-making;

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17   *"Internationalization & Regional Development." ICANN.org.*

18   *"ICANN Community." ICANN.org.*

19   *"GNSO Improvements – Opportunities for Streamlining and Improvements." January 16, 2014 at Proposal 9: 7.*

20   ***Ibid**. at Proposal 4: 4 (noting that current GNSO Working Group guidelines do not mandate any "required participation," but only suggest that "a Working Group should mirror the diversity and representatives from most, if not all, GNSO Stakeholder Groups and/or Constituencies.").*

21   *Accountability and Transparency Review Team 2. "Report of Draft Recommendations for Public Comment." ICANN.org. December 31, 2013 at 40 ("[T]here continues to be a lack of GAC early involvement in the various ICANN policy processes.").*

22   *"GNSO Improvements – Opportunities for Streamlining and Improvements." January 16, 2014 at Proposal 3: 3.*

23   *Accountability and Transparency Review Team 2. "Report of Draft Recommendations for Public Comment." ICANN.org. December 31, 2013 at A-46.*

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▸ Better prioritize issues and vet importance to a variety of different stakeholders by using ranking and feed-back tools. This is particularly important for ICANN, where many involved have needs that are not fully defined or often vary depending on the issue;

▸ Introduce new avenues for participation in stages of ICANN decision-making previously reserved for en-trenched or elite participation;

▸ Mitigate certain individual biases – e.g., the tendency to want to confirm prior assumptions, see non-existing patterns or be influenced by framing – by collecting and then aggregating a wide range of viewpoints on a particular issue[24];

▸ Better tap a dispersed pool of expertise on subjects or issues that affect ICANN's work (e.g., cybersecurity), but are not directly within ICANN's remit;

▸ Better facilitate a process by which relevant stakeholders can work together and talk together to solve key issues.

Implementation Within ICANN

Here are some initial crowdsourcing pilot ideas that ICANN could test over the course of the next year:

Formalize Up-Front Issue Framing by Using Open Brainstorming Tools to Identify and Rank Issues.

▸ Recognizing that issues can be identified by anyone from anywhere, ICANN can use web-based tools (e.g., Google Moderator or IdeaScale) to create a structured channel for input to be used in parallel to current ICANN processes (in which SOs/ACs submit "Issue Reports" to highlight possible issues that need ICANN's attention).

▸ Such a tool should be accessible, require little bandwidth, be easy to use, and accommodate multilingual participation.

▸ It should also be interactive. Participants should have the ability to not only see what others have submitted, but can also vote and comment on submissions to rank and prioritize them.

▸ Open brainstorming sessions should be limited in time for efficiency, and they should be analyzed and sum-marized when they close.

▸ In some cases ICANN should consider leveraging incentives – e.g., cash prizes or professional advancements or recognition – for participation. For example, ICANN could invite those who participated in the "brainstorm-ing" phase of issue-framing to also participate in the "drafting" phase of a solution-proposal.

Leverage SMS-based Tools for Input

▸ ICANN should pilot the use of SMS-based polling/survey tools to supplement its existing channels for input.

▸ To be inclusive of a global community mandates ICANN offer low-bandwidth solutions for participation. In

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24   Eric Bonabeau. "*Decisions 2.0: The Power of Collective Intelligence.*" *MIT Sloan Management Review 50, no. 2. (2009) at 45-52.*

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many places this means mobile, not broadband. ICANN could, for example, invite people to send text messages to a website that is simultaneously being used by online and physical participants of the Public Forum to see and rank what questions people have on a given topic.

Leverage Existing Multistakeholder Fora

▸ The likelihood, or even possibility, of ICANN creating globally and sectorally representative structures, without replicating existing organizations whose primary mandate is to do this, are remote. Considerable resources are already mobilized globally to bring together participants in multistakeholder forums to participate and collaborate on issues and challenges facing the Internet. While these have gone a long way in overcoming the biases in favor of one group or in exclusion from other ICT governance fora, most of these fora acknowledge the gaps in representation or participation either by one sector or dominance of another (whether government, private sector or civil society).

▸ Therefore ICANN could, by allocating appropriate resources to such meetings, contribute to fulfilling their multistakeholder mandate and at the same time leverage the concentration of diverse interests, groups, individuals and countries to contribute to processes seeking to make ICANN more representative, transparent and accountable. Specifically, ICANN could:

  ▸ Create a more formal and continuous ICANN presence in other face-to-face multistakeholder Internet governance forums such as the Internet Governance Forum (IGF) or Internet Society (ISOC).

  ▸ This relationship could be formalized through transparent agenda setting and consultation processes with clear lines of accountability on how the outcomes of consultations are implemented within ICANN structures at global and regional meetings of such bodies.

  ▸ ICANN could support the participation of historically underrepresented groups at the meetings of organizations that are already building multistakeholder fora and in so doing could raise awareness regarding opportunities to participate within ICANN with relevant communities of interest in such forums.

  ▸ In this way ICANN could support and improve multistakeholder participation, and thereby make claim to designated time within the program to canvas, consult and report back on ICANN issues through panel discussions and more technical side meetings.

▸ Such an experiment could be instituted immediately through the piloting of proposed processes at forthcoming regional multistakeholder meetings of IGF.

Case Studies – What's Worked in Practice?

Crowdsourcing at Various Stages of Decisionmaking

▸ Dell IdeaStorm – An initiative launched in 2007, IdeaStorm allows Dell to "to gauge which ideas are most important and most relevant to" the public by enabling submission of ideas and articles by the public. The platform allows interested customers to rate and comment on ideas and has received over 16,000 ideas, nearly 500 of which Dell has implemented.[25]

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25   *"About Ideastorm." Ideastorm.com.*

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- **India's New Rupee Design** – In 2009 the Indian Finance Ministry launched a public competition for new designs for the symbol for the rupee. The contest was open to all Indian residents and included a prize of 250,000 rupees.

- **Open Ministry (Avoin ministeriö)** – In 2012 the Finnish government amended the national constitution so that any proposed legislation supported by at least 50,000 signatures must be put to a vote in the parliament. The Open Ministry project is a project to crowdsource legislation, which involves:

  - Ideation and Development: Proposed legislation topics need to be refined/framed into a clear proposition through discussion between interested parties.

  - Campaigning: To gain 50,000 votes, there must be a proactive outreach strategy.

  - Lobbying: Once a proposal goes to parliament there must be fine tuning and in-depth discussions with decision-makers.

  - Note, the platform on which proposals are voted on allows authenticated comments, using the same software in use by Finnish banks.[26]

- **Patient Feedback Challenge** – The United Kingdom's National Health Service (NHS) **Institute for Innovation and Improvement** created the Patient Feedback Challenge to generate and implement ideas to improve patient experiences at NHS organizations. Ideas were published on a web channel, and nine were chosen by an expert panel. Programs were piloted at nine participating NHS organizations and funded from August 2012 to March 2013.

Crowdsourcing via SMS-Based Input

- **Textizen** – Built by **Code for America**, Textizen is an easy-access SMS-based tool for proactive outreach, structured input, and ongoing engagement. Without requiring people to be present at the Public Forum, a similar tool could be help to ICANN to:

  - Create custom fields to collect data with multiple question types, built-in logic, custom area codes, etc.

  - Structure and visualize data for quick insights, e.g., by exporting to **CSV** or using Textizen's developer API.

  - Send follow-up texts to drive traffic and interest to a website or live meeting. ICANN could also send follow-up texts with project updates additional surveys, and event reminders.

- **Ushahidi** – An open source software that allows users to crowdsource the mobile reporting of crisis information. Data collected is used for **information collection**, **visualization** and **interactive mapping** of crisis situations. The project began in 2007 after Kenya's disputed presidential election as a way to provide citizens a way to share eyewitness reports of violence via email and text message to be mapped using Google Maps.[27]

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26   Dawson, Ross. "*How Finland's Open Ministry Is Crowdsourcing Legislation.*" Getting Results From Crowds. June 5, 2013.
27   Jeffery, Simon. "*Ushahidi: crowdmapping collective that exposed Kenyan election killings.*" The Guardian. April 7, 2011.

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▸ U-report – Ureport is a free SMS-based system that allows Ugandans "to establish and enforce new standards of transparency and accountability in development programming and services"[28] by becoming "U-reporters."

> ▸ U-reporters share ideas on a range of development issues and the initiative consists of weekly SMS messages and polls to and from a growing community of U-reporters; regular radio programs that will broadcast stories gathered by U-report; and newspapers that will publish stories from the U-report community.[29]

> ▸ Notably, by 2012, over 200,000 people have subscribed to the system, which started receiving more and more unsolicited messages. Thanks to the creation of a text classification algorithm, UNICEF can categorize and sort the messages both category and by UNICEF "branches," e.g., education, health, employment. Messages can also be ranked by severity so that UNICEF teams could prioritize messages at the top of the list.

Open Questions
Help Bring This Proposal Closer to Implementation

▸ What institutional and cultural barriers could pose challenges to implementation?

▸ What tools and designs would work best for ICANN considered?

▸ How will ICANN perform outreach to ensure the global public is aware of new participation opportunities?

▸ How will input be curated/evaluated? How will ICANN do "quality assurance"?

▸ How to balance efficiency with broad-based participation?

▸ What metrics will determine whether there has been "sufficient inclusivity"?

▸ How able are the participants to meaningfully engage? How much of a learning curve exists?

▸ How can ICANN take a benchmark of current practices in order to facilitate meaningful comparison with parallel crowdsourcing processes?

▸ Which ICANN structures or groups would be best to facilitate such a pilot?

▸ How can crowdsourced input on "issue framing" be incorporated into ICANN's current practices?

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28   UNICEF. "*U-report application revolutionizes social mobilization, empowering Ugandan youth.*" *November 20, 2013.*
29   See *U-report.ug.*

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PROPOSAL 3 FOR ICANN:

Enhance Accountability by Crowdsourcing Oversight & Developing Metrics for Success

First Published: January 31, 2014:

http://thegovlab.org/proposal-3-for-icann-get-accountable-by-crowdsourcing-oversight-developing-metrics-for-success/

From Principle to Practice

For ICANN to be a legitimate global organization operating in the public interest, it must be accountable. This means it needs to identify opportunities to engage a broader audience in overseeing the impact, the effect and the level of community compliance that results from ICANN decisions. To do so, **ICANN should crowdsource oversight and develop standards to measure success.**

What Does it Mean to Crowdsource Oversight and Develop Metrics for Success?

Crowdsourcing is the concept of an "institution taking a function once performed by employees or volunteers and outsourcing it to an undefined (and usually large) network of people in the form of an open call."[30] In the context of tapping a diffuse crowd to perform oversight, we mean using the power of the crowd to evaluate the success of ICANN's decisions, measured not only in light of ICANN's core public interest values,[31] but also based on the impact, effect and level of compliance following ICANN's policy development process.

Developing standards to measure success means the ICANN community should collectively develop the indicators that can be used internally or by a distributed crowd to evaluate old and new practices of problem solving within ICANN.

Why Does This Proposal Make Sense at ICANN?

ICANN is often critiqued for being unaccountable[32] or for not having a clear consensus as to whom or to what ICANN is accountable. While the Affirmation of Commitments (Aoc) to which ICANN is contractually obligated to uphold sets out that ICANN must ensure it operates in a manner that is accountable, transparent and in the interests of global Internet users – ICANN currently has no clear mechanism or metrics for reviewing whether ICANN actually operates well[33] and in the global public interest.

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30   Jeff Howe. *"The rise of crowdsourcing."* Wired Magazine. Issue 14, no. 6. (June 2006) at 1-4.

31   See *"Primer on the Internet Corporation for Assigned Names and Numbers."* at 6. The Governance Lab @ NYU. October 13, 2013.

32   Milton Mueller. *"ICANN's Accountability Meltdown: A Four-Part Series."* Internet Governance Project. August 31, 2013; Chuck Gomez. *"Examples of Where ICANN Can Be More Accountable."* CircleID. September 4, 2013;
       Emily Wilsdon. *"Regulating the Root: The Role of ICANN as Regulator, and Accountability."* May 1, 2010.

33   Note that ICANN does conduct annual IANA Functions Customer Satisfaction Surveys, see *"2013 IANA Functions Customer Service Survey Results,"* though of the 1491 survey invitations sent, only 112 responded in 2013. Furthermore, this survey only relates to ICANN's role performing specific IANA Functions and does not request input on customer or user satisfaction in relation to other responsibilities within ICANN's remit.

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As such, crowdsourcing oversight and developing success metrics will help ICANN enhance accountability and thus increase ICANN's legitimacy as a 21st century global organization. Specifically, these proposals will help ICANN:

▸ Decentralize accountability by giving the responsibility for evaluating ICANN's work to a globally distributed crowd;

▸ Widen pool of participation by creating new avenues for engagement in the evaluation and review stage of policy development.

▸ Alleviate stress and human error by removing brunt of oversight responsibility from over-burdened volunteers and staff;

▸ Operate more directly in the public interest by involving the public in assessing whether ICANN's practices are in line with its core values and mission;

▸ Enable flexible but ongoing evaluation and assessment to help ICANN best allocate resources and change ineffectual practices over time;

▸ Embrace experimentation as a means for measuring success.

Implementation Within ICANN

Crowdsourcing Oversight

Here are some initial crowdsourcing oversight pilot ideas that ICANN could test over the course of the next year:

▸ Develop an Open Peer Review Platform

  ▸ Embracing learnings from successful open peer review projects (e.g., LIBRE), ICANN could identify testbed groups, structures or topics on which work product (e.g., draft issue reports, draft final recommendations, etc.) could be posted to an open platform that offers editing, commenting, reviewing and revising functionality to users. ICANN could then invite the public to refine and give feedback directly rather than only submitting formal public comments during specific stages or after the fact.

  ▸ Having an open platform where those responsible for work product can vet their work while still in progress or after submission to the Board will promote the development of policy recommendations that can more easily or more quickly be implemented. Increasing oversight into potential impacts and compliance issues throughout the policy development process minimizes the chance time, energy and resources will be wasted.

▸ Pilot the Use of Online Ranking and Feedback Tools

  ▸ Using annotation tools like ReadrBoard (or in time Hypothes.is), ICANN could enable real-time evaluation of text; poll community sentiment on specific policy development proposals; or help identify potential impacts not addressed during issue scoping.

▸ Crowdsource Contractual Compliance Monitoring

  ▸ One recent accountability challenge raised at ICANN relates to its role as a contracting authority with registries and registrars.[34] As a first step toward ensuring a level playing field within the contracting processs,

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34   Chuck Gomez. *"Examples of Where ICANN Can Be More Accountable."* CircleID. September 4, 2013 (Gomez argues that "these agreements from the start have been slanted to ICANN's favor and burdensome for applicants, registrars, and registries. All risks have been flowed down to registries and registrars with requirements to indemnify ICANN while removing any chance for the contracted parties to take action against ICANN, if warranted. This was compounded further in 2013 when the ICANN staff, in a surprise move, decided to impose the unilateral right to amend clauses in the new gTLD registry agreements.").

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ICANN could, using open contracting principles, openly post all registry and registrar contracts online (along with other open data sets, such as financial data and existing compliance data) and ask the public to help monitor for compliance by all contracting parties. This could be coupled with a challenge to crowd-source the creation of a "contractual compliance" guidebook for use by the public.[35]

Developing Standard to Measure Success

To continue existing initiatives aimed at developing success standards, ICANN should not only look to the output of the ICANN Strategy Panel on the Public Responsibility Framework, but also to interdisciplinary research being conducted on developing metrics to study the impact of new, collaborative and iterative decisionmaking models.[36]

"If we are going to accelerate the rate of experimentation in governance and create more agile institutions capable of piloting new techniques and getting rid of ineffectual programs, we need research that will move away from 'faith-based' engagement initiatives toward 'evidence-based' ones."[37]

Notably, ICANN's development of metrics should take into account the following factors:

▸ The availability and potential use of real-time data along with enhanced analytical capabilities (often called big data) to and assess outcome and impact and predict which strategies are more likely to find success[38];

▸ The study of outcome and impact should be ongoing, especially considering the rapid rate at which the DNS and the Internet evolve. Therefore, metrics should be developed with an eye toward enabling flexible and continual assessment[39];

▸ Devising a conceptual framework, or logic model may serve as a useful tool to help define success indicators. "The logic model makes explicit the relationships among resources available to implement an intervention, activities planned, and sought-after results. It also theorizes how the results, or outputs, of the initiative will lead to both short-term beneficial outcomes and longer-term, fundamental impact"[40];

▸ Metrics for success should be based on both quantitative and qualitative factors. Experimentation provides a medium for measuring and assessing success and thus quantitative and qualitative experimentation at ICANN should be practiced.

▸ Measuring success is inherently based on values and thus engaging the global Internet public through the use of online rating and feedback tools can help provide support for a change or evolution in standards for success as community values change and evolve.

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35   For more information on how ICANN currently handles contractual compliance, see "Contractual Compliance at ICANN." ICANN.org. October 23, 2011.

36   See, e.g., Barnett, Aleise, Dembo, David and Verhulst, Stefaan G. "Toward Metrics for Re(imagining) Governance: The Promise and Challenge of Evaluating Innovations in How We Govern." GovLab Working Paper. v.1. April 18, 2013.

37   **Ibid.** at 1.

38   **Ibid.** at 8 ("When designed well, big data may allow practitioners to track progress and understand where existing interventions require adjustment much faster.").

39   Note that the annual IANA Functions Satisfaction Survey may be a good tool to use in conceptualizing metrics for success. See "IANA Functions Satisfaction Survey Yields Overwhelmingly Positive Results." AG-IP News. January 16, 2014 (considering factors such as documentation quality, process quality, accuracy, courtesy and transparency).

40   **Ibid.** at 5.

△ GOVLAB

▸ Those with experiential know-how related to particular implementation challenges should be leveraged in the process for developing success metrics. This increases the certainty that the indicators developed to measure success will be able to practically be applied without excess burden or cost.

Examples & Case Studies – What's Worked in Practice?

There have been a number of crowdsourced projects around the world aimed at improving oversight and measuring success in a variety of contexts that ICANN could learn from. For instance:

▸ The Alliance for Useful Evidence – An open–access network of more than 1,400 individuals from across government, universities, charities, business and local authorities in the UK and internationally. The organization's aim is to become a hub for evidence initiatives in the UK, providing a forum for members to share best practices and avoid duplication of work.

▸ Asign – In 2011, the United Nations Institute for Training and Research and the Asian Disaster Preparedness Center used an app called Asign that enabled accurate "geo-referencing of photographs taken by volunteers connected to the Internet" to help monitor crisis-level floods in Bangkok.

▸ FCC's Speed Test – In November 2013, the U.S. Federal Communications released a free app that performs speed tests to measure mobile broadband network performances. The app collects this data and the FCC plans to release interactive visuals to allow consumers to see national mobile broadband network performance.

▸ Libre – A free online platform offers instant accessibility to all research output, followed by dynamic and transparent evaluation through a formal open peer review process, arranged and handled by authors. It allows community-based organization and cross referencing of global knowledge.

▸ Liquid Feedback – The Public Software Group of Berlin, Germany and the Association for Interactive Democracy teamed up to create an open-source platform to aid in decision-making. The platform enables polling of the public (beyond yes/no questions) and even allows for rephrasing and submission of unforeseen input.

▸ Louisiana Bucket Brigade – An environmental activist group used crowdsourcing "via a mapping platform developed from Ushahidi to collect data from people who witnessed the spread of oil and the damage to the environment" after the BP Gulf Coast oil spill.[41] The group used this input to record the "magnitude of the oil leak effect."

▸ Stimulus Watch – A platform created following passage of the Recovery Act and the creation of Recovery.gov in the United States to help track federal spending of stimulus funds.[42]

  ▸ Stimulus Watch harnesses the power of a distributed crowd in monitoring stimulus spending by the federal government by asking citizens to share their knowledge on local stimulus project by finding, discussing and rating those projects.

There have also been initiatives attempting to test new metrics for success that could be informative for ICANN. For an overview of these initiatives, see the GovLab Working Paper: "Toward Metrics for Re(imagining) Governance: The Promise and Challenge of Evaluating Innovations in How We Govern."[43]

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41   "Louisiana Bucket Brigade puts monitoring in the hands of citizens." Daily Crowdsource.
42   Sanchez, Julian. "Stimulus stimulates crowdsourced oversight, activism." Ars Technica. February 2, 2009.
43   Barnett, Aleise and David Dembo and Stefaan G. Verhulst. "Toward Metrics for Re(imagining) Governance: The Promise and Challenge of Evaluating Innovations in How We Govern." GovLab Working Paper. v.1. April 18, 2013 at 10-11.

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Open Questions
Help Bring This Proposal Closer to Implementation?

▸ What institutional and cultural barriers – such as a current lack of data in accessible, open and machine-readable formats – could pose challenges to implementation?

▸ ICANN has previously and is currently working on developing metrics for success. How can we work together to leverage that work to help in piloting this proposal?

▸ What are specific compliance challenges that ICANN faces for which developing a crowdsourcing project may be useful?

▸ What oversight responsibilities require the least specialized or nuanced knowledge (i.e. making them more ripe for crowdsourcing to the general global public)?

▸ Which ICANN structures or groups (e.g., those working in the Contractual Compliance Program) would be the best testbeds for piloting this proposal?

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PROPOSAL 4 FOR ICANN:

Get Agile & Innovative by Enabling Collaborative Drafting

From Principle to Practice

Everyone is affected by the Internet in some way, even those who do not have Internet access. Because the stability of the global Internet depends on the stability of its underlying technical resources — for which ICANN is responsible — ICANN's stakeholders are global and diverse. They speak many languages, come from many backgrounds, and are located in every timezone. Hence opportunities for participation must be freely available in forms that acknowledge geographic, linguistic, and cultural diversity. Such diverse participation must include undirected opportunities to deliberate as well as engagement focused on solving a particular problem.

In order to open itself to broad-based and global participation, **ICANN could leverage collaborative drafting tools** (e.g., wikis), which allow many different people to work on the same document at different times and from different places and often keep a track-record of the history of revisions made to those documents. Such collaborative drafting tools can enable meaningful participation that allows a dispersed community to work together over time to accelerate the path to sharing responsibility.

Notably, deploying collaborative drafting at ICANN would likely complement experiments advocated for in our other proposals as well, e.g., Expert Networking.

What is Collaborative Drafting?

Collaborative drafting refers to written-work projects such as stories, project proposals, options memos, strategic documents, encyclopedic articles, etc., which are created by multiple people working together (collaborating). Collaborative drafting tools tend to be "cloud-based" online softwares[44] — well-known examples of which include Google Docs and Wikipedia, which enable collaborative work and deliberation across a distance. Using collaborative drafting tools, loosely connected, self-selected,[45] geographically separated and nearly always unpaid groups of people can accomplish complex tasks without a pricing or market structure.[46]

Notably, "deliberation" and "collaboration" are different principles with different goals, both enabled through collaborative drafting. Deliberation is focused on gathering and hearing participants' opinions and determining the general will of a group in order to move closer to consensus, a desirable end unto itself. Collaboration is a means to that end. Hence the emphasis is not on participation for its own sake but on engaging a diversity of people with the concrete goal of working together toward the development of specific solutions for implementation.[47]

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44   McGaugh, Tracy L. *Pedagogic Techniques: Using Collaborative Writing Technology to Teach Contract Drafting* 10 Tenn. J. Bus. L. 189. (2009) at 189.

45   Benkler, Yochai. *Practical Anarchism: Peer Mutualism, Market Power, and the Fallible State* Politics & Society vol. 41, no. 3. (September 2013).

46   Bauwens, Michel. *P2P and Human Evolution* Foundation for P2P Alternatives. July 3, 2005 at 5.

47   Noveck, Beth. **Wiki Government: How Technology Can Make Government Better, Democracy Stronger, and Citizens More Powerful**. (Washington D.C.: Brookings Institution Press, 2009).

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Collaborative drafting is especially useful where a problem involves interdependent expertise and knowledge that has to be combined and aggregated to create value. In these environments, "innovation communities" operate through processes that are interdependent.[48] Collaborative drafting can also create a foundation for subsequent efforts – the collaborative approach is useful for problem-solving that involves building from past initiatives and advances; where creativity and uniqueness have the highest priority; and where the problem is ongoing and un-suited to a one-off response.

Why Does This Proposal Make Sense at ICANN?

‣ **ENHANCED INCLUSIVITY** – Much of ICANN's current work is done asynchronously by people working around the world at different times or in short spurts during ICANN meetings. Not only is ICANN's stakeholder com-munity global, but so is ICANN's staff (as evidenced by recent regional "hubs" ICANN has opened in Istanbul, Singapore, Beijing, and Montevideo). Collaborative drafting tools could be useful in this work environment because they allow many interconnected and diverse participants to "bring their values and perspectives to the system."[49]

‣ **AGILE WORKFLOW –** ICANN's drafting work tends to happen in many different places at once. On the MSI Panel's engagement platform Ideascale, "Chris" submitted that multiple people often work from existing doc-uments and multiple drafts need to be merged as a result.[50] Workflow can thus be redundant, especially when multiple supporting organizations (SOs) or advisory committees (ACs) are working on the same or similar issues that have overlapping concerns (e.g., WHOIS – "the system that asks the question, who is responsible for a domain name or an IP address?"[51] – has been reviewed by (at least) two separate groups: the Expert Working Group (EWG) on gTLD Directory Services and the 'Thick' Whois Policy Development Process (PDP) Working Group in ICANN's Generic Names SO[52]). Interactive online platforms can enable all of these people and more to work together by deliberating online and drafting reports and documents that make use of every-body's input while respecting their time and preventing duplicate work.

‣ **IDENTIFYING DEDICATED PARTICIPANTS & NEW TALENT** – Finally, ICANN could benefit from participation in collaborative drafting in that many tools provide a means for capturing and tracking contributions. Moni-toring workflow could help ICANN identify new talent for the organization as well as identify dedicated volun-teers for community recognition.

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48   Pisano, G.P. and R. Verganti. *Which kind of collaboration is right for you?* Harvard Business Review. (December 2008).

49   Johnson, Steven. Future Perfect: The Case for Progress in a Networked Age. (New York: Riverhead, 2012) at 25.

50   "Chris." *Ideascale Idea Submission: "Document Management."* The GovLab MSI Panel Ideascale. (January 2014).

51   *"About Whois."* ICANN.org.

52   Notably, the EWG's charge is to "help resolve deadlock within the ICANN community on how to replace the current WHOIS system with a next-generation gTLD directory service that better meets the needs of today's & tomorrow's Internet" (see *Expert Working Group on gTLD Directory Services (EWG) Frequently Asked Questions (FAQs).* ICANN.org), while the PDP WG is reviewing the whether the possible requirement of "thick Whois" should apply to all gTLDs (see *PDP 'Thick' Whois Policy Development Process.* GNSO.ICANN.org).

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Implementation Within ICANN

Here are some important considerations that ICANN should keep in mind in piloting the use of collaborative drafting tools over the course of the next year:

Deploy Collaborative Drafting During Solution Development

We recommend that collaborative drafting should take place after the "issue-framing" or "ideation" stage of a decision-making process because collaborative drafting is best used not as an open-ended brainstorming tool but as a knowledge-creation tool (e.g., participants have a common goal). We recommend, e.g., that ICANN use open brainstorming tools to widely and broadly engage the public in defining, framing, and prioritizing issues. We also recommend that ICANN leverage expert networking tools to bring specific and targeted expertise to bear on problems. When it comes to collaborative drafting tools, these could be deployed to make use of participants identified as experts during the issue-framing stage, or people identified as experts in ICANN's expert network outreach – either to serve as "moderators" of the discussion or the "owners" of a project.

Identify Needed Functionalities Upfront

It's recommended that ICANN identify what kinds of functionalities and assets would best enable collaborative work both across SOs and ACs and also with the wider public. There are a range of features collaborative drafting tools support that ICANN could leverage to address today's challenges and requirements. In selecting any collaborative drafting software or tools and in formalizing deployment within ICANN, the following should be considered:

‣ *The need for broad-based, easy and equitable participation*

    ‣ **User interface and language support**. Any collaborative drafting tools deployed at ICANN should be easily navigable and intelligible. This especially includes language support; the system should acknowledge and respect the fact that ICANN's stakeholders speak many languages.

    ‣ **"Soft" rules and social norms**. Any collaborative drafting system put in place should be governed by "soft" rules and social norms, with agreement on a technology paradigm and technical jargon.[53] The system should encourage access to information, and emphasize transparency and sharing to enable meaningful participation by many.[54]

    ‣ **Reflexivity**. Any collaborative drafting system formalized at ICANN should include a reflexive or self-analytical component, i.e., it should be able to reflect on and learn from processes used. People should be told in advance that the system will be used, and why, and they should be encouraged to report any problems or make suggestions.

    ‣ **Workflow design**. Any collaborative drafting system should contemplate various workflow design models. For example, there may be the need for a "staircase of engagement" in which newcomers engage with

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53   O'Mahony, S. and Ferraro, F. *"The Emergence of Governance in an Open Source Community."* Academy of Management Journal 50, no. 5. (October 2007) at 1079-1106.

54   Baldwin, C.Y. and Clark, K.B. *"The Architecture of Participation: Does Code Architecture Mitigate Free Riding in the Open Source Development Model?"* **Management Science** 52, no. 7. (July 2006) at 1116-1127.

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ICANN with the help of a series of materials, resources, and mentors.[55] There may be some aspects of drafting that lend themselves to "serial" processes, e.g., where one "output" is necessary for the next stage of work, or "parallel" process, e.g., where work is carried out asynchronously.[56]
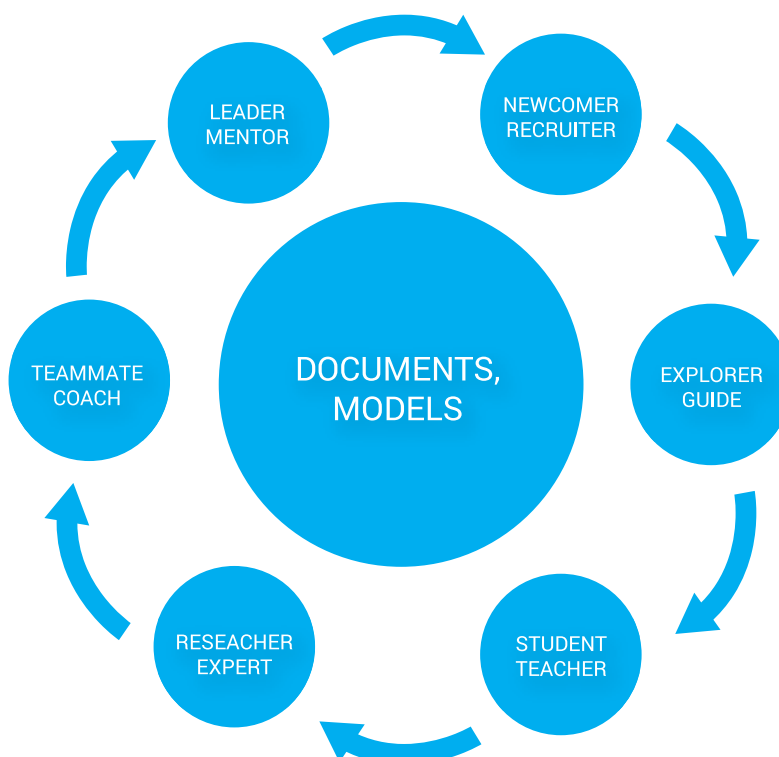
Graphic inspired by Mikey O'Connor

▸ **Mobile and offline support**. Many of ICANN's stakeholders live in places where Internet access does not provide the kinds of bandwidth demanded by some applications, and mobile and offline support should be a design consideration for any community-facing engagement channel ICANN provides.

▸ *The need to streamline redundant work done by isolated groups*

   ▸ **Editing and version control**. For many diverse and diversely located people to work together toward a common goal, the system through which they collaborate should capture the history of participation.[57] In particular, this means the system should enable editing and version control – the ability for an document owner to keep a "master document" and allow collaborators to "check-out" the document and submit their edits, which can then be accepted or rejected and merged into the "master document."

   ▸ **Editing in real-time**. This can streamline drafting processes, especially if various items that are proposed for inclusion in a draft can be separately deliberated.

55   O'Connor, Mikey. *"Comment on 'Supercharged Outreach: Improve Accessibility of ICANN Issues'."* thegovlab.ideascale.com. (January 2014).
56   Kittur, Aniket et al. *"The Future of Crowd Work (December 18, 2012)."* 16th ACM Conference on Computer Supported Coooperative Work (CSCW 2013) at 12.
57   Erol, Selim. *"Practical Insights into Collaborative Drafting of Organizational Processes."* Institute of Information Systems and New Media, Vienna University of Economics and Business. (CollabViz 2011) at 48.

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- ▸ **Having a chat function**. This is a useful tool for collaborators to discuss differences in opinion and to "break-off" from the main document to discuss peripheral topics or to come to consensus without having to stop the flow of the work on the master document.

- ▸ **File import and export and naming standards**. Because much of ICANN's work is readily subdivided and is currently subdivided within the various SOs and ACs, ICANN faces a document management challenge. The Panel will publish its considered views on markup languages that may more intelligently streamline document management; however, in this proposal, the more simple recommendation is that the collaborative drafting system consider file import and export and naming standards for those files so that they are easily discoverable.

▸ *The desire to identify expert individuals who can further contribute to ICANN and its mission*

- ▸ **Incentives and motivation**. ICANN may wish to consider ways in which collaborators can be recognized for their contributions. Incentives may bring expertise from unexpected places that can be valuable for solving a problem,[58] and would help ICANN populate any proposed "expert network."

  - ▸ Because collaboration around problem-solving should emphasize open exchange over private property – new ideas should be "free to flow through the network as they are generated."[59] To help ensure this is the case – there could be non-monetary incentives such as intellectual stimulation, opportunities to demonstrate expertise, and – especially in gamified situations – fun to motivate open participation by participants via collaborative drafting tools.[60] Highlighting the opportunity for individuals to develop skills and establish reputation, which can lead to subsequent employment may also help motivate participation.

Case Studies and Tools
What's Out There and What's Worked in Practice?

Tools

▸ Hackpad – A cloud-based collaborative note taking tool that supports data and files sharing; commenting in real-time; authoring in real-time; identifying contributors; setting privacy permissions; breaking projects into subtasks and assigning them; and photo, sound, and video embedding. Hackpad also supports the use of hashtags to help search and sort content.[61]

▸ Draft – An online tool for collaborative drafting that supports version control and commenting; cloud services like Evernote, Dropbox and Google Drive; in-browser extensions; audio/video transcription tools; markdown to-dos; engagement analytics (with several data fields, including the Fleisch reading level for words); and data and file sharing.[62]

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58   *Unrau, Jack J. "The Experts at the Periphery." Wired Magazine. July 10, 2007.*
59   *Johnson, Steve. **Future Perfect: The Case for Progress in a Networked Age**. (New York: Riverhead, 2012) at 25.*
60   *Breda, Nick and Spruijt, Jan. "The Future of Co-creation and Crowdsourcing." Edcom Annual Conference 2013. June 27, 2013.*
61   *"About Hackpad." Hackpad.com.*
62   *"About Draft." Draft.in.*

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‣ Evernote – A popular cloud-based note-taking and archiving system that supports cross-device synchroni- zation and updates; in-browser extensions (for saving pages or sections of content from pages); file sharing; and the ability to tag content.

‣ Google Drive – A cloud-based file storage, file sharing and document collaboration service offered by Google. It contains Google Docs, an office suite that supports collaborative editing on documents, spreadsheets, presentations, surveys and drawings. Users can choose privacy settings for various levels of access and can also publish Google Docs to the Web.

‣ Mediawiki – A free, open-source wiki package that supports collaborative editing of content without any obvious owner or editor (though contributions can be tracked by administrators) and without any "implicit structure."

Case Studies

‣ Wikipedia – Wikipedia is a collaboratively edited online encyclopedia. The goal of the project is to benefit readers by acting as a comprehensive written compendium that contains information on all branches of knowledge.[63] The platform allows for people to make edits to any page they want without the need to create an account. Collaborative editing is facilitated by the free and open source software, MediaWiki (described above). As of January, 2014, Wikipedia has had 1,792,501 contributors[64] across all languages. Today Wikipe- dia contains over 30.5 million articles.[65]

‣ Innovator's Patent Agreement, Twitter – Twitter has developed a type of patent agreement between an inventor and a company, the "Innovator's Patent Agreement" (IPA), wherein the inventor assigns patent rights to a company and the company warrants to the inventor that it will not use those rights to sue anyone "unless for a defensive purpose."[66] Twitter posted the legal language on GitHub[67] and released it under a Creative Commons license, so anyone can incorporate the the IPA's clauses into their patent agreements by using a GitHub "pull request."

‣ MixedInk – MixedInk is a collaborative writing platform that was used by *Slate* magazine to invite readers to collaborate on writing President Obama's 2009 inaugural address[68] – 457 members of the Slate community contributed.[69] The platform was released under a Creative Commons Share-Alike Attribution License 3.0 and supports a variety of features, such as authorship tracking, rating contributions and keyword-matching – where "MixedInk's technology will search for similar words and turns of phrase… and tell you if anyone has had similar thoughts."[70]

63   *Wikipedia:Purpose. Wikipedia.org.*
64   *Wikipedia Statistics (Contributors). Wikipedia.org.*
65   *Wikipedia Statistics (Articles). Wikipedia.org.*
66   *Lee, Ben. "Twitter's Surprising Solution to the Patent Problem: Let Employees Control Them." Wired Magazine. February 21, 2013.*
67   *"Innovators Patent Agreement." Github.com.*
68   *Lee, Ben. "Help Obama Write His Inauguration Speech." Slate. January 16, 2009.*
69   **Ibid.**
70   *"Lincoln, Kennedy & YOU: The People's Inaugural." MixedInk.com.*

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Open Questions
Help Bring This Proposal Closer to Implementation?

▸ What institutional and cultural barriers – such as the sensitive or perceived confidential nature of certain work – could pose challenges to implementation?

▸ What techniques could we use to measure the impact of collaborative drafting tools against existing drafting models at ICANN?

▸ What does the framework of accountability for collaborative drafting processes look like?

▸ What are the incentives for sharing drafting responsibility?

▸ What set of features supported by various types of existing collaborative drafting tools are most useful to ICANN as it carries out its work?

▸ Where in ICANN – e.g., which topics or issues, or which venues (i.e. SOs or ACs) – could a collaborative drafting tool best be experimentally implemented?

▸ What kinds of roles and responsibilities would need to be created to leverage a collaborative drafting system?

▸ What limitations has ICANN encountered in previous efforts to deploy collaborative drafting tools and how can we mitigate those in future experiments?

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PROPOSAL 5 FOR ICANN:
Become More Inclusive by Innovating the Public Forum

From Principle to Practice

A legitimate institution operating in the global public interest needs to be inclusive and should seek to involve the people who are affected by its decisions in the process of making those decisions. For ICANN, this means that anyone should have easy and equitable access to participate in the process of shaping the policies and standards of the Internet that ICANN helps facilitate. As such, ICANN could **experiment with running a more dynamic virtual public forum in parallel to the physical one conducted during ICANN meetings** and with using innovative tools and techniques for encouraging diverse participation during the forum.

What Do We Mean by "Innovating the Public Forum"?

Currently at ICANN, there are several channels by which anyone can engage with ICANN, such as open working groups, public comment periods of ICANN's policy-development and strategic processes, and the Public Forum. The Public Forum takes place during ICANN meetings and is "the [ICANN] Community's opportunity to make comments and ask questions on the main topics at each meeting directly to the Board and in front of the rest of the community."[71] While in theory, everyone has equal opportunity to make themselves heard at an ICANN Public Forum — it is open to all willing participants — in practice, the Public Forum can fall short of providing this equal opportunity.

However, new collaborative meeting tools and techniques, such as those for remote participation, question-asking and opinions-aggregating, and devolving participation to a wider global audience could be applied to help ICANN become the "golden standard" for collaborative, effective and inclusive global public meetings.

Why Does This Proposal Make Sense at ICANN?

The ICANN Public Forum serves specific goals, namely to provide an open and inclusive environment for the community to publicly raise specific issues directly to the ICANN Board. However, at present, ICANN's Public Forums tend to face a number of challenges:

▸ ICANN's Public Forum provides an unfair advantage to those participants who have the time and resources to attend ICANN meetings (the previous three meetings were held in Buenos Aires, Durban, and Beijing). People who can afford to attend can simply stand up during the Public Forum, get in line, and have themselves heard.

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71   *"ICANN Public Forum."* ICANN.org. April 11, 2013.

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▶ Much of ICANN's stakeholder community can only attend the Public Forum virtually and ICANN's suite of remote access and participation tools – a mix of call-in (Adigo), virtual participation (Adobe Connect), and social media tools (e.g. Twitter, Facebook) – are unsuited for dynamic and interactive engagement.

▶ "Incumbent" participants tend to dominate speaking time during the Public Forum, e.g., people who have been in the ICANN Community upwards of a decade. There is a remarkable lack of new participants who speak during the Public Forum.

▶ As the Internet evolves, the Public Forum must accommodate not only a more diverse and greater volume of stakeholders, but also a greater diversity and volume of issues – e.g., those stemming from the new gTLD program and those emerging topics like privacy and data security.

▶ Agenda-setting conducted at the start of the Public Forum is not dynamic and wastes time that could be used for substantive dialogue.

▶ Because the ICANN community comprises volunteers, people value ICANN meetings as opportunities for face-to-face contact and networking, though tools to enable such contact are currently lacking.

These challenges impede ICANN's ability to promote meaningful global engagement in the Public Forum and thus in ICANN decisionmaking. To remedy these, participation at the Public Forum should be made easy (i.e. provide accessible, legible, multilingual and low-bandwidth participation options) and equitable (i.e. present fair opportunities for participation facilitated in a manner so that no one player, group or interest can dominate the process). As such, a variety of innovative conference and meeting tools and techniques exist and could be leveraged by ICANN in order to:

▶ Improve and equalize remote participation;

▶ Streamline question-asking and opinions-aggregation;

▶ Encourage participant-networking;

▶ Devolve responsibility among a broader group of participants; and

▶ Motivate non-incumbent participation.

Implementation Within ICANN & Examples

While we believe innovating the ICANN Public Forum could improve inclusivity at ICANN – testing this hypothesis is vital. In an effort to move this proposal from principle to practice, here are some initial ideas for tools and techniques around which ICANN could design pilots.

Tools for remote participation

To mitigate the difficulty associated with physically attending the Public Forum and ICANN meetings generally, ICANN could experiment with virtual reality tools, workspaces and mobile applications that would allow people to more easily and equitably participate remotely. Some example tools ICANN could look to or learn from include:

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Textizen & UReport – These platforms (also discussed in Proposal 2) are SMS-based mobile applications that allow users to answer questions and submit responses via text message. Similar technology could be combined with Internet-based platforms to extend remote participation options to those who live in low-bandwidth or unconnected areas around the world.

Second Life – Second Life is "a 3D world where everyone you see is a real person and every place you visit is built by people."[72] Users can interact with each other in the "game" via avatars. Second Life has been localized so that users can choose which linguistic "world" they enter.[73] Second Life has been used in extremely varied ways, for example:

▸ The Maldives has placed virtual embassy in the Diplomatic Quarter of Diplomacy Island in Second Life[74];

▸ The University of San Martin de Porres of Peru has used Second Life to build prototypes of Peruvian archeological buildings to use in architecture courses[75];

▸ New York Law School piloted an initiative aimed at using Second Life to create an online environment where government entities and interest groups could conduct citizen consultation – "Democracy Island." The aim of the project was to offer "an on-line space that can be conveniently accessed from home or work" and "to combine the best of town hall meetings with the convenience of a telephone or web-conference."[76]

Other Virtual Reality Tools – As Mikey O'Connor submitted to the MSI Panel's online engagement platform, ICANN could "use virtual reality to enable face to face interactions online." He added that "a better version of Second Life would be a game changer for people who will never be able to afford to travel to face-to-face meetings," and proposed the possible use of new virtual reality tools like Oculus Rift.

LearnLab – Steelcase's Learn Lab is a workspace concept that emphasizes collaboration and mutual learning. Learn Lab uses spatial geometry to strategically place videocameras and projectors in different areas of the room so that people who remotely participate in Learn Lab classrooms can look "across" the meeting space and see the other attendees in the room, rather than looking only at the materials that are being shown on the screen or the people talking from the front of the room.[77]

Tools for streamlining question-asking and opinions-aggregation

To streamline the agenda-setting process during the Public Forum, ICANN could use survey/polling tools to develop the agenda for the Public Forum both before it happens (e.g., during the inter-sessional months between meetings, or in the days during ICANN meetings leading up to the Public Forum) and during the Public Forum itself. ICANN could invite participants to submit topic ideas, and attendees (both physical and virtual) could vote and comment on the options before or during the ICANN meetings. Some example tools for this purpose that ICANN may consider or learn from include:

Askmo.re – A smartphone-based Internet application that allows users to ask questions during an event which are then voted on by the audience (physical or remote), ensuring that the best and most popular questions get

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72   *"What is Second Life?" secondlife.com.*

73   *"Second Life Forums Archive." secondlife.com.*

74   *"Sweeden Trumped by Maldives in Second Life." The Local. May 22, 2007.*

75   *"Conversation IV, 2012 in Second Life: 'Groups Teaching in Second Life'." University of San Martin de Porres. April 17, 2012.*

76   *"Democracy Island." NYLS Do Tank.*

77   *"LearnLab: A Steelcase Research Project." Steelcase.*

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asked (and answered) first. All questions are limited to 140 characters to save time spent reviewing and encourage brevity. People can view all the questions that have already been asked on their phones and thereby avoid asking duplicate questions. Finally, people can choose to be anonymous, which may ease concerns around asking difficult or sensitive questions.

Livesift – A question-aggregation and survey tool meant for use in conferences and meetings, which can be deployed on a variety of devices (e.g., smartphones or computers). Livesift lets users submit questions, evaluate other users' questions, collectively organize and label issues, rank and group items according to prioritization criteria, create survey questions and quickly tabulate and display responses visually for group review.

Tools for encouraging participant-networking

To help volunteer attendees at ICANN meetings to meet others who work in similar fields, share ideas and work together, or break down generational or experiential barriers, ICANN could broaden opportunities for participant-networking and collaboration both during and after the meetings through online forums or mobile or desktop applications. Some example tools for this purpose that ICANN may consider or learn from include:

Vanilla Forums – Provides both open source forum software (free) and a cloud service for creating customized forum communities (paid) with several innovative features. Vanilla users can use pre-set "reactions" to forum topics – e.g., like, dislike, question, unclear, useful, needs-further-discussion, which enable categorization of content. The service also offers built in gamification features, such as badges that users can earn by participating, and reputation scores they can earn for comments that they make in the forum.

TED Connect – TED is a non-profit organization that hosts global conferences bringing together individuals from the technology, entertainment, and design fields in order to "spread ideas worth sharing." TED conference participants are invited to connect via the TED Connect mobile application, which provides chat features and participant profiles as well as scheduling and conference news updates. ICANN could create an application available to meeting attendees and remote participants to encourage collaboration and connection around ICANN topics during and after the Public Forum and the meeting more generally.

Tools and techniques for devolving meetings

By "devolving meetings" we mean empowering the global ICANN community to complement, supplement and expand on work done and shared during the Public Forum in both physical and virtual space.

There are many current examples of single-events that are "devolved" to larger audiences (for example, Americans will set up "watching parties" for big sporting or entertainment events like the Super Bowl or the Oscars, where they experience small-scale versions of the event in their homes while watching the event in real time on TV or online). Such devolved meetings make sense in the context of impassioned communities. An example illustration of devolving meetings that ICANN may learn from in order to promote this type of participation in connection with the Public Forum and ICANN meetings more generally include:

▸ TEDx Events – Started in 2009, TEDx was designed to "give communities, organizations and individuals the opportunity to stimulate dialogue through TED-like experiences at the local level." TEDx events can feature a screening of TED Talks videos, or a screening combined with live presenters. These events are "fully planned

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and coordinated independently, on a community-by-community basis."[78] In 2009, TED introduced "TEDx-in-a-box," which gives a set of materials and a "template" for hosting and producing an independent TEDx event. TED also offers a program by which volunteers can translate conference TED talks into other languages.

- ICANN could emulate both of these design ideas for the Public Forum, for example, by crowdsourcing the translation of the Public Forum proceedings (especially into languages outside of the 6 UN languages ICANN currently provides), and by providing "ICANN Public Forum in a box" templates for independent organizers to, for example, host regional or local Public Forums in tandem with the official ICANN Public Forum. To help connect these independent Public Forums with the main event, ICANN could experiment with many of the virtual participation tools described above.

Another technique to devolve meetings that ICANN could experiment with is "live blogging," where certain individuals "push" the content of a meeting out to a wider audience via the Internet.

- **The WWDMagic apparel trade expo** – Hosted in Las Vegas in 2010, the expo aimed to generate more discussion among its attendees and expand its audience into virtual space. To do so, it partnered with Teen Vogue to select 15 bloggers and also hosted a contest through the event's Tumblr site to select 20 more. The bloggers arrived to the expo and greatly expanded the audience for the content by reporting on the events, recording video and pictures and also participating in panel discussions.

  - Perhaps ICANN could empower newcomers or ICANN Fellows to engage in ICANN events through live blogging to instill confidence and provide incentives to network with other participants, to the end of creating a value-adding immersive experience into the Public Forum and ICANN meetings. ICANN could incentivize this process by, for example, giving live bloggers "official correspondent" titles during the next ICANN Public Forum.

Techniques for encouraging non-incumbent participation

To mitigate the tendency toward heavy incumbent participation at ICANN's Public Forum, and to encourage new insights and ideas to get heard from incoming generations of ICANN participants, ICANN could designate specific time during the Public Forum during which only non-incumbents are invited to participate and to speak.

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Open Questions
How Can We Bring This Proposal Closer to Implementation?

▸ What institutional and cultural barriers could pose challenges to implementation?

▸ Which set of tools or features of remote participation platforms is most useful for helping the ICANN Public Forum achieve the goals it sets out to achieve? What about tools or features for use during ICANN meeting sessions more generally?

▸ How can the Public Forum find a balance between those who *want to* speak and those who *should* speak?

▸ Is there an opportunity during any upcoming ICANN meetings to test out any of these techniques or discuss which innovative tools could be most useful for ICANN?

▸ What types of increased resources associated with training or staffing would be required to innovate the Public Forum in any way proposed herein?

▸ How can the Public Forum be innovated so that participants can get the same things out of the Forum virtually as they would physically?

▸ How could ICANN measure successful in-person and remote participation? (e.g., surveying attendees?)

▸ How can the Public Forum be leveraged to sustain engagement in ICANN after and outside of physical meetings or convenings?

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PROPOSAL 6 FOR ICANN:

Enhance Decision-Making Legitimacy by Experimenting with Innovative Voting Techniques

First Published: February 11, 2014:

http://thegovlab.org/proposal-6-for-icann-enhance-decision-making-legitimacy-by-experimenting-with-innovative-voting-techniques/

From Principle to Practice

The legitimacy of the decisions made by ICANN depends upon whether those affected by the decisions have been able to give their input. Therefore, it is incumbent upon ICANN to institute structures that lower barriers to meaningful engagement for netizens and the ICANN Community. ICANN could, therefore, **experiment with innovative voting techniques**, which allow for a community to identify both issues that are important and individuals who are best suited to speaking on those issues.

The use of topically-based voting models may also provide a means for ICANN to test the effect of engaging its community to organize around specific issues rather than around specific constituencies.

What Does it Mean to Experiment with Innovative Voting Techniques?

Around the world and in different contexts, a variety of voting models exist. All voting techniques have some set of criteria for what defines an eligible "voter," which may be considered membership-criteria.

In thinking about how to introduce innovative voting techniques at ICANN that would a) make decision-making at ICANN more accessible, and b) empower members of the ICANN community to take thought-leadership roles, the Panel recommends that ICANN consider experimenting with two "voting models" in particular: Liquid Democracy and Ranked-Choice Voting.

Liquid Democracy

Liquid Democracy is an instance of "proxy" or "delegative" voting. Delegated votes are transitive and can be revoked at any time. Delegated votes create "voting blocs" where certain individuals carry the aggregated votes of others. Delegations are recursive in that a proxy (who has aggregated others' votes) can also delegate **their** bloc of votes. Voting is also "alive," in that people can change their votes through redelegation or revocation.[79] This video, by German designer Jakob Jochmann, provides an introduction to Liquid Democracy.

Ranked-Choice Voting

Also known as "instant-runoff voting" or "alternative voting," ranked-choice voting techniques let voters *rank* can-

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didates (or issues) in order of preference rather than voting on a single candidate or issue. If a candidate or issue receives more than 50% of the vote (the majority), they win the election. When there is no majority, the candidate or issue with the least votes has their voters' **second** choice votes counted. This process continues until one candidate or issue has the majority. These techniques prevent separate run-off elections and minority rule. This video, by C.G.P. Grey, provides an introduction to ranked-choice voting.

Why Does This Proposal Make Sense at ICANN?

ICANN is neither a direct democracy nor a proxy voting system. ICANN's multistakeholder process is meant to give voices, not votes, to stakeholders.[80] Instead of having direct control, stakeholders influence outcomes through their input, discussion, and advocacy for their point of view. Different Supporting Organizations (SOs) and Advisory Committees (ACs) have different processes by which they vote and deliberate. Usually, a Working Group (WG) or Task Force will present recommendations to an SO/AC Council (up to this point, everything is deliberative); then the Councils take a vote to approve or reject the WG's recommendations, and then the Board of Directors takes a vote and makes final decisions based on input from stakeholders ranging from governments to Internet end-users to domain name registrars.[81]

ICANN is full of narrow, complicated issues and few people are really knowledgeable on more than a couple at a time.[82]

At ICANN, there are many different kinds of "policy" and "policy-development." There is also a lack of clarity about what the difference is between "policy" vs. "implementation." ICANN deals with a diversity of issues through diverse "constituency" structures, for example the Business Constituency (BC) or the Intellectual Property Constituency (IPC) under the Generic Name Supporting Organization (GNSO).[83] It has been argued that a lack of procedural clarity coupled with ICANN's dizzying structural complexity causes a significant amount of ICANN's decision-making to happen in ad hoc ways that are not methodologically rigorous.[84] These arguments highlight challenges to ICANN's legitimacy, in particular where ICANN must ensure the stability of the global Internet while being able to innovate and take risks.[85]

Innovative voting methods such as Liquid Democracy or ranked-choice voting could:

▸ Allow people to organize around topics and issues rather than around their constituencies. For example, in the GNSO, there are a host of different "constituency groups," and people may not always agree with their constituencies on each issue. In this way these methods account for a multiplicity of priorities.

▸ Remedy the fact that those responsible for casting votes (often volunteers) do not have enough time and knowledge to vote meaningfully on every issue.

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80   Steins, N. and Edwards, V. "Platforms for Collective Action in Multiple-Use CPRs." Conference of the International Association for the Study of Common Property, Vancouver, British Columbia, Canada. (June 10-14, 1998) at 10.

81   See "GNSO Policy Development Process (PDP)." ; "ccNSO PDP Process in Graphics – ICANN."; and ICANN Primer. The GovLab. (October 2013) at 11 – 13.

82   Noss, Elliot. Ideascale Idea Submission: "Liquid Democracy to Reinvigorate Decision-Making." The GovLab MSI Panel Ideascale. (January 2014).

83   "GNSO Appointees to ICANN Board." GNSO.org.

84   Noss, Elliot. Ideascale Idea Submission: "Liquid Democracy to Reinvigorate Decision-Making." The GovLab MSI Panel Ideascale. (January 2014).

85   For example, the new gTLD program is an instance of ICANN taking a calculated risk, which has destabilizing effects on the DNS (e.g., with name collisions) but is in line with ICANN's mission to ensure consumer choice and competition on the Internet. A good example of this "calculated risk" is the "Fast Track" IDN-ccTLD process, which enabled countries to apply for an internationalized version of their ccTLD (i.e., apply for non-Latin script versions of ccTLDs) while avoiding a formal Policy Development Process. See also: ICANN Primer. The GovLab. (October 2013) at 14.

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▶ Allow people to bypass the constituency-level vote by choosing not to vote for a Council member but to vote directly on the issue.

▶ Allow people to delegate their votes on issues or on people to others who they trust to vote for them, creating "chains of trust."[86]

▶ Allow for vote aggregation around specific people, who may differ depending on the issue at hand. This means that delegated votes can identify "thought leaders" within the ICANN community on specific issues, and those "thought leaders" then make decisions on a specific issue with the support of the community.

▶ Maintain the privacy of individual voters.

▶ Lower barriers to participation because the cost of becoming a delegate is small.

▶ Drive a diversity of candidates because expertise is based in subject-matter.

▶ Limit the concentration of power:

　▶ For instance, in Liquid Democracy, people can revoke their delegation, break the "chain" of delegations, and take away many votes from the final representative at any time.[87]

　▶ In ranked-choice voting, a plurality of options are chosen in order of general voter preference, mitigating issues-based polarization of the Community.

Implementation Within ICANN

In ICANN's case, many of the existing stakeholder groups and constituencies ("structures") can be used as platforms to organize people's votes. For example, Elliot Noss submitted to the MSI Panel's engagement platform that the Regional At Large Organizations (RALOs), which make up the At Large Advisory Committee (ALAC) may be appropriate existing structures for finding "empowered leaders" through an innovative voting process.[88] Mikey O'Connor has also suggested that the Non-Commercial Stakeholder Group of the Non-Contracted Party House of the GNSO may be able to use Liquid Democracy techniques to enhance their ability to conduct and make use of broad-based outreach.

Here are some initial pilot ideas with which ICANN could experiment:

Liquid Democracy

▶ *Membership & Eligibility to Vote*

　▶ People may become eligible to vote on issues or people at ICANN through two basic eligibility criteria: being the registrant of a domain name (therefore having interests by default) or by expressing interest (for example, by submitting a "statement of interest" much like how current Nominating Committee members or Working Group members submit "statements of interest").

86　*"Transitive Delegations in Liquid Feedback."* LiquidFeedback.org. (July 2012).
87　**Ibid.**
88　*"Transitive Delegations in Liquid Feedback."* LiquidFeedback.org. (July 2012).

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▶ *Voting Structures*

  ▸ New voting methods could be applied wherever voting currently occurs in ICANN, e.g., at the Council or the Board level. For example, where the GNSO makes selections to fill Seats 13 and 14 of the ICANN Board,[89] Liquid Democracy principles may be employed to allow GNSO members to either vote for a Board member directly or to delegate their vote to existing Council members or non-Council members. Alternatively, where the GNSO Council votes on an issue, a GNSO member may choose to vote directly on that issue, or to delegate their vote to a Council member or outside thought-leader who they trust to vote on the issue for them.

▶ *Voting Procedures*

  ▸ As Liquid Democracy voting occurs, vote-accumulation should be observable. Vote-accumulation may be used to identify "thought-leaders" and to clarify how different issues polarize the ICANN community, and which positions have majority and minority support. Individuals can also vote directly on issues.

▶ *Voting Outcomes*

  ▸ For piloting purposes, issues or candidates that go through the Liquid Democracy process should arrive at the Board as is current practice, and could provide a more comprehensive picture of the will of the community, to supplement recommendations or advice formally submitted through traditional channels.

  ▸ Notably, if ICANN were to agree to formally adopt this technique in relation to a specific issue or election, the Board's role should be confined to adopting/ratifying/rejecting the outcome of the vote, consistent with ICANN's Bylaws.

Ranked-Choice Voting

▶ *Membership & Eligibility to Vote*

  ▸ These criteria should follow the same prescriptions as described above for Liquid Democracy implementation.

▶ *Voting Structures*

  ▸ Where SO/AC Councils or ICANN's Board of Directors must take a vote, it makes sense to use ranked-choice voting to quickly determine which issues or positions win (for example, where the Board has the power to appoint the Nominating Committee Chair[90]). Furthermore, where Council members or Board members are to be elected, candidates may be selected by ranked-choice voting. The voting members of the Nominating Committee could also use ranked-choice voting techniques to select new ICANN Board members.

▶ *Voting Procedures*

  ▸ Ranked-choice voting could be applied not just to candidates for election but also to issues and objectives, for example strategic objectives as laid out in ICANN's 5-year Strategic Plan.

▶ *Voting Outcomes*

  ▸ These criteria should follow the same prescriptions as described above for Liquid Democracy implementation.

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89   *"GNSO Council." GNSO.org.*
90   *"ICANN Nominating Committee." ICANN.org.*

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Examples & Case Studies – What's Worked in Practice?

The case studies that have applied these emerging voting techniques have notably left many open questions that beg for further testing and studying to figure out what works in what contexts. In comparison with case studies of ranked-choice voting, there are remarkably few case studies of Liquid Democracy voting techniques in practice.

Liquid Democracy

Pirate Party – Founded by Rick Falkvinge in 2006 in Sweden, the Pirate Party has gained influence and visibility especially in Europe. Some Pirate Party "chapters" are experimenting with Liquid Democracy techniques, notably the one in Berlin. In 2011, the Berlin Pirate Party drew 8.5% of the vote in the Berlin state election.

The World Parliament Experiment (WPE) –The WPE is a "generic simulation of a working Global Democracy on the Internet,"[91] which uses a combination of direct and representative democracy techniques. In particular, it uses a delegative voting method which offers voters three options: no delegation, random delegation, and delegation to a chosen person.[92]

Ranked-Choice Voting

In the United States – As of July 2012, ranked-choice voting elections had been held in a statewide election in North Carolina and for local elections in San Francisco, California; Oakland, California; Berkeley, California; San Leandro, California; Burlington, Vermont; Takoma Park, Maryland; Aspen, Colorado; Minneapolis, Minnesota; Pierce County, Washington; Telluride, Colorado; St. Paul, Minnesota; Portland, Maine and Hendersonville, North Carolina.[93]

Academy of Motion Picture Arts and Sciences – The final ballot for the 2009 Oscar Best Picture award used a preferential voting system to determine which of 10 contenders would win.

Open Questions
Help Bring This Proposal Closer to Implementation?

▸ How should membership and eligibility criteria for voting be defined? How can individuals be certified or authenticated once these criteria are defined?

▸ Could best practices from ranked-choice voting techniques be integrated with Liquid Democracy or proxy voting techniques?

▸ How can demands for broader inclusion and more global participation at ICANN be met with tools that enable highly scalable participation?

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91   *"World Parliament Experiment FAQ."*
92   *Ibid.*
93   *"Instant Runoff Voting in the United States."* Wikipedia.org.

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▸ Some have suggested housing a pilot within the RALOs or the Non-Contracting Party House? Are there other structures that would be good venues for testing the effect of these voting techniques?

▸ What metrics could ICANN use to test how these alternatives might function in comparison to current decision-making processes?

▸ How can innovative voting techniques be used more broadly, for example by "citizen juries" or to consider issues or their impacts retroactively (e.g., outside of a formal PDP?)

▸ How could innovative techniques be applied in a manner that enables changes in delegation or rank over time (to respond to changing conditions) while ensuring an appropriate cut-off point at which votes are final/ decisions get made?

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PROPOSAL 7 FOR ICANN:
Increase Transparency by Using Open Data & Open Contracting

First Published: February 13, 2014:

http://thegovlab.org/proposal-7-for-icann-increase-transparency-by-using-open-data-open-contracting/

From Principle to Practice

For any institution to effectively operate in the 21st century, it should equip its decision-makers with the requisite information needed to help tackle problems the institution works on (in ICANN's case the stability, security and operability of the Internet's Domain Name System). This means that the institution should be transparent about its work and the problems it faces in accomplishing that work.

For ICANN, one means of achieving transparency could be to **make all of its data from all sources, including its registry and registrar contracts, freely available and downloadable online in machine-readable, usable and structured formats**, subject, of course, to privacy, confidentiality, security, or other valid restrictions.

What is "Open Data" and "Open Contracting"?

Open Data

Open Data refers to "data which is publicly available for anyone to use and is licensed in a way that allows for its re-use."[94] The concept of open data is not new – the U.S. government for instance has been promoting open access to information since it enacted the Freedom of Information Act in 1966. However, the open data movement as it's understood today in large part took shape following the 2007 Sebastopol meeting when "thirty thinkers and activists of the Internet" joined in Sebastopol, California to "define the concept of open public data and have it adopted by the US presidential candidates."[95]

The open data movement has greatly advanced in recent years due to the work of many advocacy groups, academics, technologists and governments around the world working to promote open access to a variety of types of information, from science and research data to weather data to health and education data. "Big data" (the term given to the increase in volume, velocity and variety of data existing today[96]) has also played a role in fueling the open data movement thanks to the advances in technology that have emerged, which enable greater and faster storing, processing and analyzing of large amounts of structured and unstructured data.

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94   Guerin, Joel. *Open Data Now*. (New York: McGraw-Hill, 2014).
95   Chignard, Simon. *"A Brief History of Open Data."* Paris Tech Review. March 29, 2013.
96   Dumbill, Edd. *"Volume, Velocity, Variety: What You Need to Know About Big Data."* **Forbes**. January 19, 2014.

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Open Contracting

Open contracting refers to "the norms and practices for increased disclosure and participation in public contracting. It covers the whole contracting chain from planning to finalization of contract obligations, including tendering and performance."[97] The Open Contracting Partnership is a forerunner in this emerging space, and was set up as a result of a collaboration between the World Bank Institute and GIZ on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ).[98] In 2013, the Open Contracting Partnership put forth a set of open contracting principles, through a global consultation process that involved nearly 200 collaborators from government, private sector, civil society, donors, and international financial institutions. These 11 principles cover various aspects of "open contracting" from affirmative disclosure to participation to monitoring and oversight, with the aim of making contracting "more competitive and fair, improving contract performance, and securing development outcomes."[99]

Notably, the intention is for these principles to "guide governments and other stakeholders to affirmatively disclose documents and information related to public contracting in a manner that enables meaningful understanding, effective monitoring, efficient performance, and accountability for outcomes" in industry and community-specific contexts.[100]

Why Does Open Data & Open Contracting Make Sense at ICANN?

"Seeking and supporting broad, informed participation" in ICANN and "[e]mploying open and transparent policy development mechanisms" are two of ICANN's core values.[101] Furthermore, under the Affirmation of Commitments, ICANN is under obligation to ensure "accountability, transparency and the interests of global Internet users" and "adhere to transparent and accountable budgeting processes."[102]

Notably, however, despite ICANN's important and ongoing efforts aimed at enhancing transparency, the following issues have been identified (by independent review teams,[103] ICANN structures, ICANN Accountability & Transparency Review Teams and other Internet organization) as areas particularly ripe for improvement:

▶ Ensuring greater community access to information needed to understand deliberations conducted between the ICANN Board and the Governmental Advisory Committee (GAC)[104];

▶ Developing and reporting on metrics for transparency of ICANN action[105];

▶ Budget & finance transparency[106];

▶ Enabling "active transparency" through improved "information and document handling."[107];

97   *"Open Contracting."* opencontracting.org.
98   The World Bank. *"Open Contracting: A Growing Global Movement."* December 5, 2012.
99   *"Open Contracting Global Principles."* opencontracting.org.
100   **Ibid.**
101   ICANN Bylaws, Art. I. Sec. 2.4, 2.7.
102   Section 7. *"Affirmation of Commitments."* ICANN.org. September 30, 2009.
103   For example, by One World Trust in 2007 and by the Berkman Center for Internet and Society in 2010.
104   Accountability and Transparency Review Team 2. *"Report of Draft Recommendations for Public Comment."* ICANN.org. December 31, 2013 at 4.
105   Accountability and Transparency Review Team 2. *"Report of Draft Recommendations for Public Comment."* ICANN.org. December 31, 2013 at 4.
106   *"Statement on ICANN Transparency and Accountability."* At-Large Advisory Committee. May 16, 2009.
107   *"Accountability & Transparency at ICANN: An Independent Review."* The Berkman Center for Internet & Society at Harvard University. October 20, 2010 at 25.

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▸ The handling of information requests related to information not proactively made available to the public and the broad exemptions applied to such requests[108];

▸ Reviewing transparency – i.e. ensuring transparency reviews do not result in "a set of check boxes to be ticked as a way to measure ICANN's accountability and transparency."[109]

Given these concerns, an embrace of open data and open contracting at ICANN could provide a mechanism to help increase transparency at ICANN and empower those within the institution and those outside who aim to re-search and understand the impact of ICANN's decisions. Specifically these proposal ideas could help to:

▸ Increase the level of sharable and accessible data and knowledge that exists on ICANN to enhance efforts aimed at holding ICANN and the ICANN community accountable to its contracted parties and to the global public;

▸ Make the vast amount of public information on ICANN available to a wider audience of technologists and developers who can likely, based on that data, create new meaning and add insight (e.g., through layering multiple data sets and creating interactive visualizations);

▸ Advance research and understanding around ICANN's decisions and their impacts. For instance, layering open ICANN data with data from other Internet governance organizations could help provide new and meaningful insights for ICANN;

▸ Expand policy networks for knowledge creation. In particular, structuring data enables interoperability and therefore people can more easily collaborate around data to the end of accomplishing common goals;

▸ Devolve contract compliance monitoring to a wider and/or interested subset of the global ICANN community;

▸ Broaden new forms of participation in ICANN by creating channels for developers, technologists, academics and interested individuals within and outside of ICANN to easily study ICANN;

▸ Build on the trend toward data-driven, evidence-based decision-making by enabling easier access and use of complete, accurate and timely data on ICANN:

▸ Create economic value by encouraging small businesses to use open ICANN data to create new apps and services;

▸ Enable a deeper understanding over time of the roles of ICANN vs. contracted parties, problems or areas for improvement to the procurement process at ICANN, and opportunities and/or needs for contract evolution;

▸ Improve ICANN procurement process by "[saving] time, increas[ing] value for money, and improv[ing] access to public contracting opportunities for small and medium sized enterprises."[110]

Notably, releasing open data in structured formats[111] also has the potential to help ICANN to:

▸ Provide for easy sharing, referencing, indexing, discovery, linking, reuse, and analyses of documents by many;

▸ Facilitate easy updating of documents;

▸ Provide a common vocabulary for collaborative work;

▸ Enable easier means of capturing and sharing feedback on strategic plans; and

▸ Allow for easier and more diverse monitoring of contractual compliance.

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108   *Ibid.* at 26.
109   *"Internet Society Responses to Questions to the Community on Accountability and Transparency within ICANN." Internet Society.*
110   *World Bank Institute and Open Contracting Partnership. "Open Contracting: A New Frontier for Transparency and Accountability." (October 2013) at 4.*
111   *See, e.g., "StratML." fido.gov.*

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Implementation Within ICANN

While we believe open data and open contracting could advance ICANN's efforts to become an increasingly transparent and thus effective organization – there are a number of steps that ICANN could take to help turn this proposal from principle to practice. Here are some initial steps ICANN could take to begin preparing for piloting this proposal:

Open Data

PHASE 1: IDENTIFY RELEVANT DATA SETS

Before ICANN can transform any of its data into open data, identifying all types of data that it creates or collects is key, as is identifying where to find that data and then determining which particular criteria ICANN should use to ensure that truly private and confidential information is excluded from release under any forthcoming open data policy. For instance, ICANN data could be separated at present into the following types:

▸ DNS Registry data;

▸ Public and already open data;

▸ Policy data;

▸ Strategy data;

▸ Global stakeholder engagement data;

▸ ICANN Meeting data;

PHASE 2: IDENTIFY TECHNIQUES AND PRINCIPLES TO DEFINE OPEN ICANN DATA

In drafting any open data policy with the ICANN community, ICANN should make sure to come to agreement regarding the key principles such a policy would promote. Notably, data is traditionally considered "open"[112] if it is:

▸ Public – i.e., freely available to all to the extent permitted by law, though subject to privacy, confidentiality, security, or other valid restrictions.

▸ Accessible – i.e., made available to everyone in open, modifiable and machine-readable formats so that data can be easily reached and reused.

▸ Described – i.e., "described fully so that consumers of the data have sufficient information to understand their strengths, weaknesses, analytical limitations, security requirements, as well as how to process them."[113]

   ▸ Releasing data in structured data formats – those that employ a standardized ontology for use across all ICANN strategy and planning documents – can also help. For instance, strategic markup languages such as StratML (as suggested by Owen Ambur via the Panel's online engagement platform) could help for these purposes.

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112   The below principles are laid out within: United States, Executive Office of the President, Office of Management and Budget, Memorandum for the Heads of Executive Departments and Agencies, "Open Data Policy – Managing Information as an Asset," May 9, 2013.

113   *Ibid.*

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▸ Complete – i.e., published in primary form with the finest possible level of granularity that is practicable and permitted by law and other requirements.

▸ Timely – i.e., made available to the public as quickly as possible so that the value of the data can be preserved and insights gleaned can be as close to real-time as possible.

Notably, these principles can also serve as metrics for which to gauge the success of any open data initiative within ICANN.[114]

PHASE 3: DEVELOP OPEN DATA POLICY

In drafting any official open data policy for ICANN, the organization can look to best practices as identified by organizations working to promote the adoption of such policies. For instance, the Sunlight Foundation – a non-profit working to "catalyze greater government openness and transparency"[115] – has developed a list of "open data guidelines" and sample language that ICANN could look to as appropriate as it formalizes any policy. Some guidelines of particular relevance for ICANN include:

▸ Set the default to open;

▸ Appropriately safeguard sensitive information;

▸ Require code sharing or publishing open source;

▸ Mandate the use of unique identifiers (i.e. use structured data formats);

▸ Create a portal or website devoted to data publication;

▸ Create public APIs for accessing information;

▸ Create processes to ensure data quality;

PHASE 4: DEVELOP IMPLEMENTATION PLAN

In order to prepare for implementing any open data policy within ICANN, the following considerations should be taken into account[116]:

▸ Creation or appointment of oversight authority;

▸ Creation of guidance for implementation, developed with consultation from the community and public;

▸ How to establish an appropriately ambitious timeline for implementation;

▸ Providing sufficient funding for implementation;

▸ Ensuring future and ongoing review for potential changes to the policy.

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114   *See also* "Declaration." *Global Open Data Initiative.*
115   "Our Mission." *Sunlight Foundation.*
116   "Open Data Policy Guidelines." *The Sunlight Foundation.*

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Other guidelines promoted by the Sunlight Foundation that ICANN could also consider during implementation include:

▸ Tying contract awards to transparency requirements; and

▸ Creating or exploring partnerships between ICANN and outside organizations (e.g., research organizations, think tanks or academic institutions) in order to increase, for example, participation in identifying gaps in ICANN service delivery.

    ▸ ICANN, could, for example, formalize an ICANN hackathon and award prizes or opportunities for further engagement in ICANN to participants who create useful applications and tools out of the data ICANN releases.

PHASE 5: OPERATIONALIZE THROUGH CREATION OF OPEN ICANN PORTAL

Successful implementation of an open data policy within ICANN should include offering the community and public access to all data in a single and easy to find location, such as an "open ICANN portal." The new icann.org website, for instance, could be used as a platform to house open data in user-friendly and accessible formats to allow the public to use and share ICANN data to help generate new insights and inspire creation of new apps and services.

Notably, ICANN has already begun to make progress on opening up its data; for instance, it has placed its Bylaws into StratML.

Open Contracting

EMBRACE OPEN CONTRACTING

The stages by which ICANN could begin to pilot open contracting could mirror those laid out in the October 2013 draft " Guide to Open Government 2.0: Public Contracting"[117]:

Initial Steps:

▸ Recognize the right of the public to access public contracting information;

▸ Develop a framework for public contracting that ensures a transparent and equitable process;

Intermediate Steps:

▸ Routinely disclose core classes of documents and data about public contracting

▸ Provide capacity building to support stakeholders to disclose, understand, monitor and act on contractual information

Advanced Steps:

▸ Create mechanisms for participation in public contracting

Innovative Steps:

▸ Facilitate funding to support public participation in public contracting

Using the above steps and the Open Contracting Partnership's principles as a guide, ICANN could put in place an open contracting plan. This requires determination of which ICANN contracts could be subject to an open contracting policy, including registry contracts, registrar accreditation agreements as well as ICANN's procurement contracts.[118]

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117   *"Draft: The Guide to Open Government 2.0: Public Contracting."* Open Government Partnership Hub. (October 2013).

118   **See also** World Bank Institute and Open Contracting Partnership. *"Open Contracting: A New Frontier for Transparency and Accountability."* (October 2013).

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In doing so, ICANN should, of course, take into account privacy, intellectual property and security considerations.[26. Bacon, Laura. "Open Contracting is a Game-Changer: Opening Up Governments & Busting Silos." The Open Government Partnership. October 28, 2013.] Notably, ICANN should consult with the public and its community to determine what agreed-to processes should be followed to ensure any redactions completed are both responsible and limited.

Furthermore, in order "for contracts to be universally searchable and comparable, open contracting data standards must be developed and joined up with other transparency initiatives."[119] Therefore, any agreed-to structured data plan should account for contracting data standards.

EXPERIMENT WITH AN OPEN PROCUREMENT PLATFORM[120]

When it comes to procurement contracts at ICANN, to help minimize waste, inefficiency and any possibility of corruption, ICANN could experiment with creating an open procurement plan and platform.

Applying open principles to procurement (see, e.g., The Sunlight Foundation's example guidelines[121]) could help ICANN increase the transparency with which it contracts with outside vendors and entities and increase competition and evidence-based decision-making in ICANN contracting.

Such an open procurement platform could be designed in a manner that invites the ICANN community and public to rank, vote on and evaluate procurement options within ICANN. Notably, any such system would need to be clearly explained to the community, and those participating in helping to vet procurement options should have a clear understanding of how their input would be used by the ICANN staff and/or Board (e.g., be it additional/instructive consideration or binding input).

Case Studies – What's Worked in Practice?

Some successful **open data** initiatives and platforms that ICANN could look to and learn from include:

U.S. Government – Efforts to embrace open data within the United State began during President Obama's first day in office in 2008 when he signed an Executive Order on Transparency and Open Government, requiring all federal agencies to work together to establish a government-wide "system of transparency, public participation, and collaboration." Advancing that initiative, in May 2013, the Obama Administration published an Open Data Policy, which defines the term "open data" and provides that agencies should make available their data in structured ways that enable the data to be fully discoverable and usable by end users, consistent with the following principles:

▸ Public

▸ Accessible

▸ Described

▸ Reusable

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119   *Ibid.*
120   *See "Open IT Procurement in the UK Public Sector." Open Forum Europe. (November 2010).*
121   *See "Procurement Open Data Guidelines." The Sunlight Foundation.*

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▸ Complete

▸ Timely

▸ Managed Post-Release

Notably, federal agency data is published as open data on the data.gov platform.

Kenya Open Data Initiative – On July 8, 2011, Kenyan President Mwai Kibaki launched the open data initiative in order to make "key government data freely available to the public through a single online portal." The Initiative aims to share government data, an asset, with citizens. As of November 2011, "there are close to 390 datasets that have been uploaded to the site."

Australia Open Data – Australia's open data initiative includes the data.gov.au platform, which provides users "an easy way to find, access and reuse public datasets from the Australian Government." Currently, the site offers 3.1k data sets from over 125 organizations. Notably, Australia's open data portal directly encourages users to "use government data to analyse, mashup and develop tools and applications which benefit all Australians."

The United Kingdom Open Data Initiative – On May 31, 2010, the U.K. Prime Minister directed that the U.K. government release specific data to the public in open formats "so that it can be re-used by third parties." The central open data hub for the U.K. Federal Government is data.gov.uk. Data.gov.uk provides downloadable, searchable datasets to encourage public participation in and monitoring of government.

▸ The UK's open data initiative also includes Open Spending, whereby "[a]ll spending transactions over £25,000 made by UK central government" are published by the departments monthly to data.gov.uk.

World Bank Open Education Data Initiative – In January 2014, the World Bank released an open education data tool, the "Systems Approach for Better Education Results (SABER)," which "helps countries collect and analyze information on their education policies, benchmark themselves against other countries, and prioritize areas for reform, with the goal of ensuring that all children and youth go to school and learn." The initiative has already met success, for example in Nigeria, a country where "11 million children remain out-of-school," SABER helped to identify "policy bottlenecks, including the lack of standard information on student learning, and a mismatch between teacher skills and student needs."

Some successful open contracting initiatives that ICANN could look to and learn from include:

World Bank Institute **(WBI)** – Teaming up with World Bank's Africa Region, WBI created a "contract monitoring initiative to bring the different groups together to strengthen oversight of the award and implementation of contracts" in relation to the extractive industries such as oil, gas and mining. As a result of this effort, "[i]ndividuals from the private sector, government, civil society and journalists began to form coalitions that promote access to contract information, foster common understanding of the agreements and help ensure the terms of the deals are met in practice."

Burkino Faso – In a push toward compliance with the Extractive Industries Transparency Initiative (EITI), the Burkino Faso government is publicly releasing its contracts with the mining sector online and inviting the public and researchers to pore over them to make sure companies are complying with regulations. Thus far, this increased access to mining contract data has led the Revenue Watch Institute (RWI) to implement a "contract monitoring project to assess compliance of contract obligations with regard to employment of nationals in mining projects."[122]

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122   Deme, Ousmane and Kluttz, Carey. "*Open Contracting addresses employment in the Burkina Faso mining sector.*" Open Contracting. October 3, 2013.

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Case Study in Slovakia – A case study of the Slovakian disclosure regime aimed at combatting corruption by making various procurement data widely available and easily accessible through e-procurement and contract repositories. The case study has decreased the cost of oversight, allowing watchdogs and journalists to examine procurement proceedings. This has in turn increased the likelihood that improper processes will be uncovered.[123]

Finally, some example applications emerging from the open procurement movement that aim to lower barriers to participation in contracting include:

‣ RFP-EZ – Created out of the U.S. White House's Presidential Innovation Fellowship program, RFP-EZ is a federal experiment in procurement innovation that helps companies learn about and compete for government contracts, especially smaller firms who may be less able to take advantage of the government's Request For Proposals (RFP) process. This pilot project has delivered promising results; bids received through RFP-EZ were 30% lower on average than FedBizOps.

‣ Procure.io (or ScreenDoor) – A system developed from lessons learned from the RFP-EZ pilot project, Procure.io aims to make government buying simpler, and more transparency and to increase government's access to technology. The project currently aims to accomplish three goals:

  ‣ Set up an intergovernmental library that hosts Statements of Work that anyone (residents, vendors, experts, activists) will be able to comment on and help craft;

  ‣ Fully develop Procure.io as a platform that works from source or cloud, with scoring and award systems and an easy bidding process, while also providing documentation for cities that would like to implement this technology and finding cities that can implement it; and

  ‣ Build out tools to help businesses register for contractor certifications.

‣ Peer to Procure – A graduate capstone project at the Robert F. Wagner Graduate School of Public Service at New York University, Peer to Procure put forth a "Proposal to Improve the Quality of Procurements Funded by The World Bank by Enabling Online Feedback on Draft Procurement Documents." In this project, the capstone team recommended a new, online, peer-based procurement process that features the following characteristics[124]:

  ‣ Require a low-barrier, validated professional account (e.g. LinkedIn) to log in;

  ‣ Mandate acceptance of terms and conditions with disincentives or penalties for misuse;

  ‣ Publish users' identities transparently;

  ‣ Allow users to add high-level or specific feedback on draft procurement documents; and

  ‣ Enable users to comment on, rate, or 'flag' other users' feedback.

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123   Fumas, Alexander. *"Case Study: Open Contracting in the Slovak Republic."* Open Contracting. August 14, 2013 (Notably, however, the case study also uncovered the need for improvement in regards to the format of released procurement data as the need for formal and informal enforcement mechanisms to ensure procurement transgressions are penalized or avoided.).

124   Frew, Katherine, Juan Pablo Giraldo, Rika Gorn, Kevin Hansen, Daniel Saat, and Alexandra Skayne. *"Peer to Procure: A Proposal to Improve the Quality of Procurements Funded by The World Bank by Enabling Online Feedback on Draft Procurement Documents."* The Robert F. Wagner Graduate School of Public Service at New York University, June 03, 2013.

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Open Questions
How Can We Bring This Proposal Closer to Implementation?

▶ What institutional and cultural barriers could pose challenges to implementation?

▶ In addition to the core "open" principles, what metrics could ICANN use to measure the impact of open data and open contracting initiatives?

▶ How could ICANN facilitate an environment that promotes the use of ICANN open data by third parties (e.g., through challenges)?

▶ How can ICANN take a benchmark of current data release practices in order to facilitate meaningful comparison with any novel process?

▶ Are there other types of ICANN data that we have missed in this proposal that should be included in any open data policy?

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PROPOSAL 8 FOR ICANN:

Increase Accountability Through Participatory Budgeting

From Principle to Practice

ICANN has an imperative to leverage mechanisms for devolving accountability and infusing public interest considerations more directly into ICANN's work, for example in its budgetary decisions. Learning from best practices from participatory budgeting movements around the world, ICANN could test different approaches for eliciting community input on identifying and prioritizing community needs and for enabling public voting on spending decisions. **Using participatory budgeting, ICANN could experiment with different methods for directly involving the global public in certain budgeting decisions.**

What Does it Mean to Use Participatory Budgeting?

Participatory budgeting (PB) is a process which allows citizens ("members," "stakeholders") of an area (region, organization, or some kind of defined group) to participate in the allocation of part or all of the organization's available financial resources.[125] PB began in Puerto Alegre, Brazil in 1989[126] and has since expanded to over 1,500 cities worldwide. PB has also been used "for counties, states, housing authorities, schools and school systems, universities, coalitions, and other public agencies."[127]

Why Does This Proposal Make Sense at ICANN?

Each year, ICANN develops its planning and operation budget in consultation with the community. Notably, [d]uring the second six months of each fiscal year, ICANN develops the operating plan and the budget for the next fiscal year. Each of these elements of the planning phase is developed through a thorough, multi-phase process of consultation with the ICANN community.[128]

Despite this consultation with the ICANN community, there have been calls for increased accountability when it comes to ICANN budgeting and financial management.[129] Most recently, the ATRT2 Draft Report recommends that:

▸ ICANN publish review team budgets, "together with a rationale for the amount allocated that is based on the experiences of the previous [ATRT] teams"[130];

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125 *"What is Participatory Budgeting." participatorybudgeting.org.uk.]*
126 *"The Experience of the Participative Budget in Porto Alegre Brazil." UNESCO.org.*
127 *"What is PB?" PBP: Participatory Budgeting Project.*
128 *"Accountability and Transparency Frameworks and Principles." archive.icann.org.*
129 *To learn more about ICANN budgeting, **see** "Financial Information for ICANN." ICANN.org.*
130 *Accountability and Transparency Review Team 2. "Report of Draft Recommendations for Public Comment." ICANN.org. December 31, 2013 at 7.*

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▸ The ICANN Board "improve the budget consultation process" in order "to ensure that the budget reflects the views of the ICANN community"[131];

Notably, the ATRT2 Draft Report also found that "[c]ommunity comments on the FY14 Draft Operating Plan and Budget reveal numerous concerns about ICANN financial issues, including calls for more clarified reporting and/or a different approach to the organization's budget setting processes."[132]

We believe that deploying PB techniques could help to address some of these challenges. Specifically, PB can help to:

▸ Encourage more equitable resource distribution[133] and promote funding for innovative and responsive projects[134];

▸ Increase community knowledge and strengthen relationships between participants and "elected officials" and their communities[135];

▸ Increase community understanding and insight into budgeting decisions and their consequences;

▸ Devolve certain public-interest-focused spending priority determinations to the global public.

Implementation Within ICANN

Here are some initial ideas for how ICANN could frame and design any PB pilots over the course of the next year:

Structuring a PB Pilot

Either through consultative multistakeholder processes or through a Board decision in consultation with the staff, ICANN should determine which kinds or portions of funds may be appropriate to subject to PB.

A very promising example is the funds that ICANN will collect from the "Auctions of Last-Resort," which are becoming an increasingly contentious component of the new gTLD program, and around which community members have already suggested separate and novel uses for the funds.[136]

Once a given portion of funds is identified, ICANN could create some sort of "steering committee" to help dialogue with the community about setting process rules. Such a committee could be responsible for deciding:

▸ the eligibility criteria for participation in PB processes;

▸ the rules of engagement;

▸ what the min or max monetary limitations for any one proposed project could be; and

▸ the timing and schedule of events

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131   *Ibid.* at 8.
132   *Ibid.* at 62.
133   Gilman, Hollie Russon. "*The Participatory Turn: Participatory Budgeting Comes to America.*" Harvard University. December 12, 2012.
134   "*Participatory Budgeting Project Updates.*" New York City Councilmember Brad Lander. (2013).
135   Gilman, Hollie Russon. "*The Participatory Turn: Participatory Budgeting Comes to America.*" Harvard University. December 12, 2012.
136   Chalaby, Cherine. "*Transcript: ICANN Public Forum.*" November 21, 2013 at 18.

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The Process

The process thereafter should involve inviting community members to identify their needs and deliberate on possible solutions that could meet those needs – i.e. brainstorm, rank and dialogue around possible spending ideas.

This deliberation can easily be supported by a variety of open, online tools and techniques the Panel recommends that ICANN use in other proposals.

Adopting Outcomes

As community deliberations occur, PB participants could either volunteer (or be chosen through innovative voting techniques) to work as "budget delegates" with the steering committee, ICANN staff and community leaders who are actively involved in budget decisions at ICANN.

"Budget delegates" could work to develop concrete proposals for the spending ideas that come out of the broader community deliberations. The entire ICANN community could then vote on these community-developed proposals, with ICANN committing to implement the top proposals (most likely following Board approval) using the funds that have been specifically allocated for PB.

Examples & Case Studies – What's Worked in Practice?

Participatory Budgeting in NYC (PBNYC**)** – In 2011, four New York City Council Members launched a PB process to let New York City residents allocate part of their capital discretionary funds. Since then, five more City Council Members have joined the initiative. Between September 2013 and April 2014, nine Council Members will invite residents to directly decide how to spend "at least $1 million of their discretionary capital funds in each of the participating districts – a total of around $12 million." Each district's residents will propose and vote on local infrastructure projects. The Council Members will then submit the projects with the most votes to Council.[137]

Porto Alegre, Brazil – In 1989, years before widespread use of the Internet, Porto Alegre, Brazil launched the first "Participative Budget." In this city of just over one million people, as many as 14 thousand citizens showed up in person to budget deliberations. These city residents chose where investments were directed, determined the amount of money spent on different areas of public works, and prioritized certain government plans and actions. Far from mere tokenism, participatory budgeting in Porto Alegre has had real impacts. For example, the citizen-led prioritization of basic sanitation works led to a significant increase in the number of households served by the water and sewerage systems.[138]

United States Open Government Partnership **(OGP)** National Action Plan – This year (2014), the Obama Administration will work in collaboration with the Strong Cities, Strong Communities (SC2) Initiative – "a unique partnership between the federal government and mayors of chronically distressed cities that have faced significant long-term challenges in developing and implementing their economic strategies"[139] – to "create tools and best practices that communities can use to implement projects; raise awareness among other American communities

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137   *"About." Participatory Budgeting in New York City.*

138   *"The Experience of the Participative Budget in Porto Alegre Brazil." UNESCO MOST Best Practices for Human Settlements.]*

139   *White House Council on Strong Cities, Strong Communities. "Strong Cities, Strong Communities Initiative: 1st Annual Report." (April 2013).*

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that participatory budgeting can be used to help determine local investment priorities; and help educate communities on participatory budgeting and its benefits."[140]

Open Questions
Help Bring This Proposal Closer to Implementation?

▸ What institutional or cultural barriers exist that could pose challenges to implementation?

▸ How does ICANN decide whether there has been sufficient engagement with the public in budget consultations at present?

▸ What would be the best way to administer a fair and legitimate community-wide vote on ideas proposed through PB processes?

▸ How can ICANN scale PB so that large and diverse groups of people can meaningfully engage in certain ICANN spending decisions to the end of being effective participants at ICANN?

▸ What should the parameters be for allowing, inviting, or enabling participation in a PB process?

▸ How can ICANN develop common criteria and metrics to evaluate the impact of PB, especially as compared to existing public comment and consultation processes?

▸ How can PB at ICANN allow for variation of interests or regions?

140   The Open Government Partnership. "Second Open Government National Action Plan for the United States of America." December 5, 2013.

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PROPOSAL 9 FOR ICANN:
Get Inclusive by Imposing Rotating Term Limits

From Principle to Practice

Operating in the global public interest means ICANN strives to keep all of its doors and windows open to allow participation by all interested parties around the world. However, being open to all doesn't equate to empowering a broad and diverse subset of stakeholders with control over the decisions that affect them most.

As a way to increase and diversify engagement, and be more inclusive when it comes to granting decision-making authority, **ICANN should experiment with imposing rotating term limits for all voting positions within ICANN.**

What Do We Mean by Rotating Term Limits

"Term limits have roots in ancient Greece, where beginning in the 6th century B.C. many Athenian officials were elected by random lottery and permitted to serve only a year."[141]

The idea of imposing rotating term limits at ICANN means capping the amount of time any individual elected or appointed to a voting body within ICANN can serve in that position, and staggering the start and end dates for when individuals serve in those positions in order to create a continuity of knowledge that maintain stability.

In Ancient Athens, term limits served as a means for "avoiding any kind of entrenched bureaucracy."[142] Experts note "the bottom-line principle when implementing the practice of rotation must be that if a competent citizen wishes to serve his organization, he should have a chance to do so."[143]

As Sam Lanfranco points out in the "Commentary on 'The Quest for a 21st Century ICANN: A Blueprint'":

> *Rotating terms limits are a technique for broadening participation and curbing tendencies for cliques to develop within elected bodies. In national politics these are frequently used to prevent an electoral process from producing what is essentially a dynastic control over an elected position. In some settings it is just to spread the burden of work, or expand the opportunities of participation in decision-making and leadership.*

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141   Altman, Alex. "*A Brief History of Term Limits.*" *Time. October 3, 2008.*

142   Manville, Brook and Ober, Josiah. **A Company of Citizens: What the World's First Democracy Teaches Leaders About Creating Great Organizations**. *(Har-vard Business School Publishing Corp. 2003) at 127.*

143   **Ibid.**

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Why Does this Proposal Make Sense at ICANN?

As Lafranco has noted on behalf of the Not-for-profit Operational Concerns Constituency within ICANN, though ICANN decision-making often involves building consensus after deliberation, "to newcomers to the inner workings of ICANN, there do seem to be dynastic elements in committee composition and structure."[144]

Moreover, ICANN's Board has been critiqued in the past for not operating with complete openness[145] or for making decisions without fully leveraging insights from vast global participants. In previous years, commentators have noted that, "[w]hile thousands of users since ICANN's founding have sought to participate through these means, it appears as though this extensive participation has affected few important decisions."[146] Others have noted that the "central plank" of criticism of ICANN's legitimacy is that "ICANN's organisational structures and activities do not comply with the ethos of participatory and democratic governance."[147]

Experimenting with rotating term limits could help to address some of these critiques – whether real or perceived – that the Board is not a mirror of the community as much as a distinct bureaucracy that doesn't fully leverage the power of the global community as well as it could. Devolving gatekeeper responsibility on a rotating basis has potential to help get new perspectives in and empower a greater subset of individuals to be decision-makers within ICANN. Using rotating term limits also increases opportunities for growing shared knowledge and experiences throughout the ICANN community in order to remove actual or assumed hierarchical barriers and invite a wider community to contribute via ICANN's gatekeeping functions.

Specifically, experimenting with rotating term limits has the potential to:

▶ Infuse new insights into decision-making positions within ICANN[148];

▶ Increase "voter choice" and the diversity of the candidate pool[149];

▶ Increase the level of "learning and on-the-job experience" throughout the ICANN community[150];

▶ Enhance the collective intelligence of the ICANN community over time and thus "enhance[] the sharing of knowledge intrinsic to a company of citizens"[151];

▶ "Promote 'deliberative democracy' and 'civic virtue'"[152];

▶ Avoid entrenched, incumbent bureaucracy[153];

▶ Prevent possibility of "long-term incumbents abusing power or gaining extraordinary financial or political power in office."[154]

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144   Lanfranco, Sam. *"Commentary on "The Quest for a 21st Century ICANN: A Blueprint."* Distributed Knowledge Blog. February 12, 2014.
145   Froomkin, A. Michael. *"Wrongturn in Cyberspace: Using ICANN to Route Around the APA and the Constitution."* **Duke Law Journal**. Vol. 50:17 (2000) at 33 ("ICANN's board and staff operate largely in secret, it is difficult for outsiders to know how much influence DoC has over ICANN's decisionmaking.").
146   Palfrey, John. *"The End of the Experiment: How ICANN's Foray into Global Internet Democracy Failed."* **Harvard Journal of Law & Technology**. (2004) at 414.
147   Verhulst, Stefaan G. *"Public legitimacy: ICANN at the crossroads."* openDemocracy. September 5, 2001.
148   Basham, Partick. *"Term Limits: A Reform that Works."* at 1.
149   **Ibid**. at 4-6.
150   Manville, Brook and Ober, Josiah. **A Company of Citizens: What the World's First Democracy Teaches Leaders About Creating Great Organizations**. (Harvard Business School Publishing Corp. 2003) at 127.
151   **Ibid**.
152   Euben, J. Peter, Wallach, John R. and Ober, Josiah. **Athenian Political Thought and the Reconstruction of American Democracy**. (1994) at 339.
153   Manville, Brook and Ober, Josiah. **A Company of Citizens: What the World's First Democracy Teaches Leaders About Creating Great Organizations**. (Harvard Business School Publishing Corp. 2003) at 127.
154   **Ibid**.

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Experimenting with rotating term limits will require that new representatives be selected. ICANN could use alternative voting methods such as preferential or ranked-choice voting to select these representatives. Craig Simon has suggested that ranked-choice voting could be "an attractive solution for any scale of participation" and noted that "done right," the method has the "potential to empower massively scalable venues for online discourse and priority selection."

Implementation Within ICANN

Piloting this proposal within ICANN might involve testing the value of rotating term limits within ICANN **voting bodies** to limit the potential of institutional capture. Piloting this proposal may also prove useful for those Board committees that serve **organizational and administrative functions** for which public comment may not be required, for example, the Structural Improvements Committee and the Finance Committee.

Rotating term limits are likely more appropriate in those "gate-keeper roles" within ICANN where votes are cast, as opposed to where individuals contribute insights, expertise or perform facilitative functions.

Notably, as Lafranco indicated, membership continuity has merit in order "to preserve a presence of ICANN's organizational knowledge in its decision-making processes." Therefore, in piloting this proposal, it is important to consider with the community the most appropriate length of time for an individual to hold a voting position within ICANN and the best schedule for rotation, so that experiential knowledge can be shared. It is also vital to institute the appropriate support mechanisms for sharing and memorializing institutional learnings so that individuals can be adequately prepared at the start of a term and capture their contributions for future leaders.[155]

Finally, it will be vital for ICANN to take a benchmark of the current state of affairs in order to measure the successes and potential failures of rotating term limits against the status quo.

Case Studies – What's Worked in Practice?

Term Limits in California – In 1990 in Sacramento, California, Proposition 140 set term limits for legislators. In 2004, the National Conference of State Legislatures, Council of State Governments and the State Legislative Leaders' Foundation performed a study of the effect of term limits, concluding that the proposal "helped to accelerate trends of increasing female and minority representation that were already underway in California."[156] The study did find, however that "new members after term limits are more likely to have local government experience and to run for another office."[157]

Notably, the measurements used to assess the impact of term limits in Sacramento included analyzing data related to "legislative performance, voting behavior, committee activity, and the breadth and complexity of bills" produced after the implementation of term limits.[158]

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155   Otten, Laura. "Term Limits for Nonprofit Boards." Nonprofit Resource Center. (August 2009) ("Institutional history should be documented and in a format that is easily shared with others.").
156   Cain, Bruce and Kousser, Thous. "Adapting to Term Limits in California: Recent Experiences and New Directions." Joint Project on Term Limits. (2004) at 2.
157   **Ibid.**
158   **Ibid**. at 11. **See also** Basham, Patrick. "Assessing the Term Limit Experiment: California and Beyond." **Policy Analysis**. No. 431. August 31, 2001.

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Not-for-profit and charitable boards – The boards of many non-profits and charities include rotating term limits as an "effective way to ensure board vitality" and to ensure "fresh ideas, experience, contacts, etc." are brought in while providing new board members "a sense of their maximum service before having at least one year off the board."[159] Rotating board members out of their position also increases the pool of viable candidates for committees and/or task forces.

Presidential Innovation Fellows – While not a rotating term limit in the traditional sense, Presidential Innovation Fellows within the United States are essentially "top innovators from the private sector, non-profits, and academia" who are paired "with top innovators in government" for a "6-13 month 'tours of duty' to develop solutions that can save lives, save taxpayer money, and fuel job creation." The individuals are selected based on a desire "to produce the maximum amount of good in the shortest amount of time."[160] This type of short-term, project-based methodology could be one possible approach for coordinating issue-based working groups.

Open Questions
How Can We Bring This Proposal Closer to Implementation?

▸ What institutional or cultural barriers may pose challenges to implementing this proposal?

▸ Should rotating term limits apply to ICANN's consensus-based working groups? Why or why not?

▸ What is the appropriate term limit for which positions within ICANN? Would it be appropriate for ICANN to run controlled experiments to determine which make-up works best for which group or structure?

▸ How could ICANN assess the successes and shortcomings of those voting bodies that embrace some form of term limits at present in order to design the most effective pilot?

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159   *"Rotation of Board Members (Fixed Terms)." Council for Christian Colleges and Universities.*
160   *"FAQs." Presidential Innovation Fellows.*

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PROPOSAL 10 FOR ICANN:
Become More Inclusive by Moving from "Stakeholder" Engagement to Global Engagement

First Published: February 17, 2014:

http://thegovlab.org/proposal-9-for-icann-become-more-inclusive-by-moving-from-stakeholder-engagement-to-global-engagement/

From Principle to Practice

ICANN has two broad mandates where it comes to engagement: 1) to conduct global outreach and promote awareness of ICANN and its role in the Internet governance ecosystem,[161] and 2) to create participatory mechanisms that leverage and sustain engagement at ICANN.[162] Both of these requirements are enormous challenges for ICANN and for any global organization operating via a bottom-up, distributed process in an environment where everyone is a stakeholder of the Internet.

Given the multilayered engagement structure at ICANN, it makes sense to establish participatory mechanisms where people are invited to participate even if they are not intimately aware of what ICANN does and how it affects them, and also if they are highly aware of what ICANN does and its effects.

ICANN should therefore experiment with **establishing supplementary engagement mechanisms** in addition to existing stakeholder group participation processes. For instance, ICANN **could pilot alternate or complimentary channels for participation (e.g., topic-based or decision-making stage-dependent) rather than participation as channeled through the currently existing stakeholder groups**. These channels would pay less attention to people's stakes as stakeholders per se and more attention to their specific interests in specific issue-areas, as well as how they can contribute their talents in ways that speak to their passions and abilities. Within such an experiment, various crowdsourcing practices can be used as complements to existing stakeholder group practices. ICANN could then test empirically how different organizing principles work together to achieve more legitimate, inclusive and efficient outcomes, and may possibly lessen the need for gatekeepers or decision-makers as opposed to facilitators or coordinators.

What Does it Mean to Move From "Stakeholder" to Global Engagement?

ICANN's stakeholders interact through the complex multistakeholder (i.e., collaborative, distributed and bottom-up) model. In this model, each ICANN structure (e.g., the Generic Names Supporting Organization (GNSO), the At-Large Advisory Committee (ALAC), or the Governmental Advisory Committee (GAC)) comes to consensus through its own internal bottom-up processes. Each structure also breaks down into its own components, featuring different constituency and stakeholder groups defined by interest (e.g., Intellectual Property or Internet Service Providers). The complexity of these structures create many jurisdictional boundaries that newcomers to ICANN tend not to understand quickly or easily, and thus dissuade new participation. This proposal therefore must address two challenges:

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161   *"Global Stakeholder Engagement." ICANN.org.*
162   *"Policy Mission." ICANN.org.*

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1. How to enable people's meaningful participation once they "arrive" to ICANN and, related, how to sustain and build on active participation as people gain knowledge skills and expertise; and

2. How to create frameworks for engagement that allow people to "find" ICANN and allow ICANN to proactively find those affected in the first place.
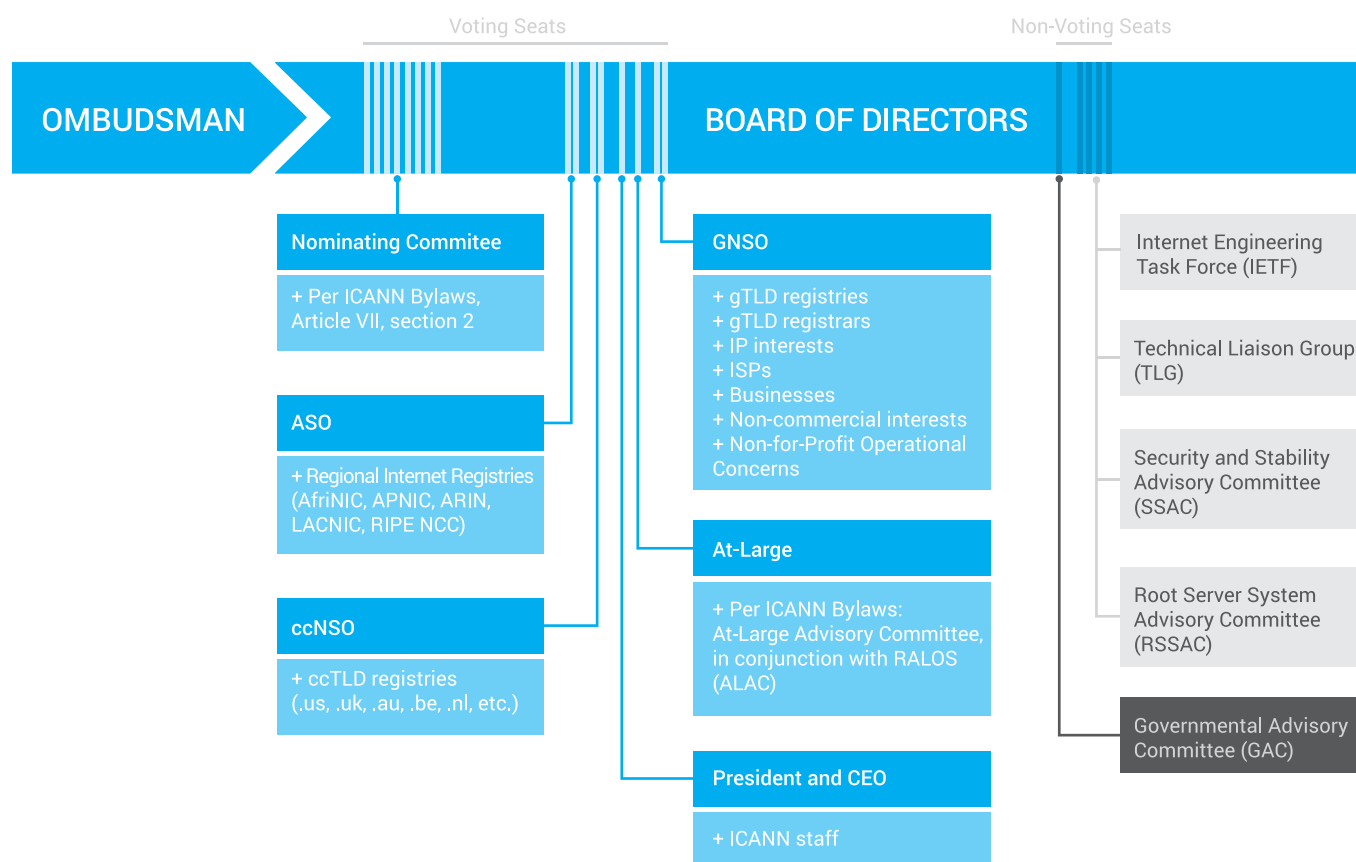
ICANN Organizational Chart

In order to ameliorate some of the confusion generated by ICANN's jurisdictional boundaries, and in order to address the dual need of ICANN to both a) broaden its base of participants[163] and b) leverage participation in the execution of ICANN's work,[164] the Panel recommends an incremental outreach strategy based on:

1. Effectively leveraging various levels of expertise in ICANN's policy-development work by organizing by stage of decision- or policy-making process (e.g., issue identification, agenda setting, solution development, implementation, evaluation and review) or around topic or issue as opposed to interest or existing structural norms;

2. Presenting ICANN and the work it does *clearly* and framing that work for very diverse audiences; and

3. Creating a "tiered" engagement model in which newcomers depend on incumbent participants for mentorship and guidance.

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Why Does This Proposal Make Sense at ICANN?

Because ICANN's prospective stakeholder base includes nearly everyone on the planet in some capacity, the participatory and collaborative mechanisms that ICANN institutes to invite to the table and embrace insights from these stakeholders must have **simple rules** that can allow for **complex interactions.**[165] At ICANN, the whole is almost certainly greater than the sum of its parts, and this means stakeholder engagement and collaboration must produce cross-disciplinary and cross-boundary competencies to solve problems.

Raising awareness and meaningfully capturing engagement are mutually reinforcing activities, and ICANN must develop engagement strategies that **synchronize** its outreach and policy-development functions. Any stakeholder engagement strategy should be able to raise awareness and build capacity for meaningful participation in ICANN and provide a structure/process that leverages engagement as part of ICANN's policy-development process, toward more effective and legitimate outcomes. These activities should clearly be developed synchronously as they are in some sense co-dependent.

These challenges suggest that the roles of **outreach, engagement**, and **policy-development** are intricately linked at ICANN and require **strategic frameworks** that raise awareness on the one hand, and engage specific expertise and interests on the other. This is what we mean by "crowdsourcing wisely and widely." Crowdsourcing is not a one-size-fits all strategy; there are crowdsourcing principles appropriate for broad-based outreach and generalized engagement (say, for newcomers) and crowdsourcing principles appropriate for highly targeted requests of diversely located individuals with diverse interests and expertise.

By introducing **non-stakeholder-based** strategic frameworks for conducting and sustaining engagement in ICANN's work, ICANN may be able to more effectively leverage participatory mechanisms that allow greater and more diverse numbers of people to participate at ICANN. In particular, this proposal seeks to remedy that ICANN is "too complicated"[166] for newcomers; that people tend not to understand who is truly "part of ICANN"; that some feel they do not know enough about ICANN's work to participate effectively; and that ICANN lacks the mechanisms by which they help train individuals to become effective participants, should they want to.

Implementation Within ICANN

ICANN's engagement efforts should be agile enough to identify and accommodate both the expert and the novice, and everyone in between. In some instances, as people become successively more knowledgeable and experienced, they also become successively more effective participants in ICANN's working processes. In other instances, people unfamiliar with ICANN may have discrete expertise that could help solve problems, but not know to get involved or know how to do so meaningfully.

ICANN's global engagement should therefore be strategically linked with ICANN's policy-development processes, which depends on bottom-up processes for volunteers to reach consensus on policy-issues. Exploring which types of decisions and which stages of decision-making better accommodate experienced participants vs. newcomer experts (where expertise is defined broadly) will be vital for ICANN to retain its effectiveness and legitimacy going forward.

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165   Andrus, Calvin D. "*The Wiki and the Blog: Toward a Complex Adaptive Intelligence Community.*" *Studies in Intelligence. Vol 49, No 3. September 2005.*

166   Ndonnang, Victor. "*Transcript: ICANN Public Forum, ICANN 46, Beijing.*" *ICANN.org. April 11, 2013 at 130.*

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Here are some initial considerations for piloting this proposal:

Invest in framing ICANN's work for various audiences

ICANN's work can and should be framed in terms of interest/stake, but not exclusively by this means. Framing opportunities for engagement based on issue, specific decision-making task, general relation to ICANN's mission and mandate, and its relation to broader Internet governance topics or issues may also prove useful. In general, people are more aware of Internet governance issues at large than their specific "stake" in those issues via ICANN.

Framing ICANN's work well and for different audiences also involves paying attention to regional and cultural differences, paying attention to ICANN's institutional presence in different places, acknowledging different types of "expertise" or competencies that may be useful to ICANN at different stages of its work, and paying attention to the extent to which people actually know about ICANN and what it does. There may well be specific individuals who are ICANN-experts living in regions where there is generally very little participation in ICANN (this suggests an orthogonal outreach strategy).

Experiment with different organizing principles to determine how best to "plug people in" to ICANN's work

Issue-framing, for example may be a much more open-call process than report-drafting[167] — one where people are able to leverage mechanisms like **open brainstorming tools** or **Liquid Democracy voting**, and can participate by either submitting insight directly or through affirming or rejecting another's ideas rather than formulating their own. As people gain expertise, it might make sense to use the same **wide** techniques to identify specific individuals who should act as moderators of a report-drafting process, or as decision-makers further down the decision-making timeline.

There are also some questions/issues that ICANN works on that lend themselves well to both broad-based and targeted participation, and in which a topical-organizing approach may be effective as a complement to a stakeholder-based organization. Alternatively, one that embraces different outreach techniques depending on the stage of decision-making may also prove beneficial in certain contexts. There should be controlled experimentation in devising and presenting these frameworks. Designing any new approach should make certain that current participants can meaningfully participate in any experiment and that interest-based approaches and alternative approaches for organizing ICANN participants do not directly compete with each other and thus undermine the value presented in these frameworks. Ideally, a goal would be to help identify how each organizing approaches could be balanced effectively so that each could be deployed where deemed appropriate based on the problem or task at hand.

As an initial example for topic-based organization, an alternative organizational framing might embrace separating ICANN's work into the following buckets:

▸ Broad Internet governance principle affecting ICANN, for example, defining "public interest," establishing "digital rights," practicing good "Internet citizenship";

▸ Technical design issues to be solved by experts;

▸ Economic issues around things like trademarks where there are winners and losers;

▸ Value-politics issues.

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167   Brown, Tim, and Wyatt, Jocelyn. "*Design Thinking for Social Innovation.*" (Winter 2010).

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Develop knowledge loops to share experiences across all levels of engagement

As people gain knowledge and experience and become more effective participants in ICANN's working processes, it makes sense that they share their experience with newcomers. This could help to create, as Mikey O'Connor has proposed, a "staircase" of engagement:
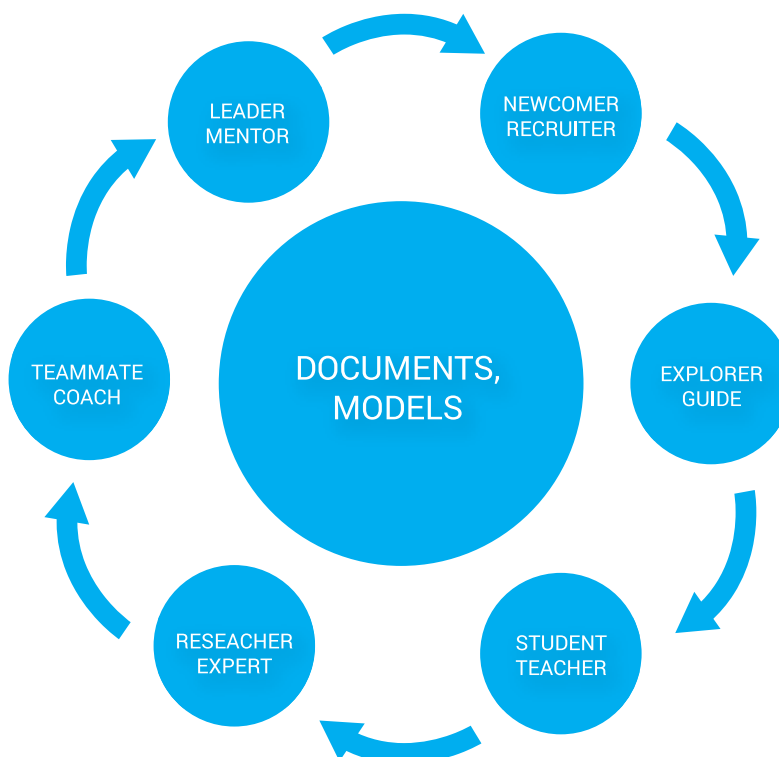
Graphic inspired by Mikey O'Connor

People first discover ICANN online, through an event, through their university, or through some "first point of contact." They are free to explore available materials, which are organized in ways that assume no prior knowledge of ICANN and which guide people in the direction of their interests, the goal being to raise people's awareness of various roles ICANN serves how ICANN decisions and policies may affect them.

▸ *Note*: when people first "come to" ICANN, it makes sense to leverage a set of tools that are designed for easy participation, such as open brainstorming and online learning platforms, including community-run FAQs and Wikis.

Newcomers could be matched to "orientation guides" – much like what happens when students first go to university – who advise newcomers as to what activities they may be interested in or might want to pursue, based on what the newcomer already knows and has read. ICANN Labs› Peer Advising Network could be expanded to support these purposes as well.

As newcomers find subjects and areas that interest or affect them and turn from newcomers into novices, other more experienced ICANN community members may invite them to be part of low-risk activities that build capacity. A good example of such an activity is drafting teams that draft comments during ICANN's Public Comment Periods.

▸ *Note*: matching people to their interests and to the activities which suite their interests may well be complemented by expert networking tools which measure and assess expertise in systematic ways and thereby identify individuals who are best-suited to talk about specific subjects.

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As novices gain experience and confidence by working with more experienced community members on substantive work, they may gradually become experts themselves in a given area of ICANN's work. This means they can move to higher-risk and more binding activities, such as participating in Working Groups or even considering Council-level positions within ICANN's structures.

Experts then, in turn, can accommodate newcomers to ICANN, and this process repeats. Notably, an expert in one subject area at ICANN may not be an expert in another subject area, and so this engagement model assumes people can occupy different roles along this engagement spectrum simultaneously.

This engagement process will incrementally prepare people to effectively participate in ICANN's working processes, while mitigating the risks associated with people's lack of knowledge.

Establish mechanisms clearly delineating between various levels of complexity and expertise in ICANN's work

Newcomers should be able to quickly get a sense of what ICANN is and what it does, and what role it occupies in Internet governance writ large.

▸ *Note*: ICANN could tap the experiential knowledge of its existing community to produce simple and legible content to be shared online or at regional or global meetings to help newcomers to quickly get up to speed.

Materials and resources can be effectively leveraged for people with different levels of knowledge. The way these materials are presented should bear the principle whereby the person who knows the most can independently pursue their interests, and the person who knows the least does not fall behind. These materials should therefore best be leveraged for the individual, possibly through mechanisms of *tutelage*.

Examples & Case Studies – What's Worked in Practice?

▸ **The Internet Engineering Task Force (**IETF**) –** The IETF is structured by topical working groups –essentially there are no stakeholder bodies. It is "open to any interested individual."[168] Working Groups are led by Area Directors and there are eight "areas," including security, transport, routing, etc.. Working Groups convene to solve a problem and dissolve when the problem is solved. The IETF also has a mentoring program for newcomers.

▸ Stack Exchange **–** Stack Exchange comprises a network of question-and-answer sites on a wide range of subjects. Anybody can submit questions to a Stack Exchange site, where the questions are reviewed and revised by other users, who also propose answers. Answers are also reviewed, revised and ranked. Stack Exchange essentially comprises many expert networks who use deliberative processes to bring diverse expertise to bear on specific problems.

▸ **The Internet Society (**ISOC**)** – The Internet Society "engages in a wide spectrum of Internet issues, including policy, governance, technology, and development" to ensure "a healthy, sustainable Internet is available to

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everyone."[169] It "advances its work on a cross-organizational, geographically broad basis"[170] primarily through a global network of "chapters," of which there are currently 80 across six continents.[171] ISOC has both organizational and individual memberships (which are free and provide members primarily with access to events, conferences, and other talks).

Open Questions
Help Bring This Proposal Closer to Implementation?

▶ How can ICANN measure the impact of its outreach and engagement efforts on the participatory element of its policy-development processes, as well as measure how different kinds of participation have different impacts on policy-development?

▶ What kinds of incentives and participatory structures does ICANN need to institute or leverage to raise stakeholder awareness in diverse communities around the globe, and how can ICANN best present these incentives and structures?

▶ How can ICANN streamline global engagement so that there are relatively simple rules to follow "on the path" to becoming an effective participant in ICANN?

▶ How can ICANN measure the effect of topic-oriented participation as compared to participation through the stakeholder group structures, e.g., the effects on policy-development and/or effects on levels of participation?

▶ What tools and functionalities should ICANN leverage in conducting outreach to broaden its base of participants, to involve and sustain the involvement of effective participants, **and** to create mechanisms by which experienced participants orient newcomers?

169   "What We Do." ISOC.org.
170   "Who We Are: Our Global Approach." ISOC.org.
171   "Get Involved: Volunteer With a Chapter." ISOC.org.

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PROPOSAL 11 FOR ICANN:
Become Agile, Adaptive, and Responsive by "Embracing Evidence"

From Principle to Practice

The stability of the global Internet depends on the efficacy of ICANN's working processes, which itself depends on stakeholder awareness, engagement and participation. As the Internet impacts all aspects of life all across the globe, it makes sense that the evidence and data that support and inform ICANN's decisions are themselves highly diverse.

To manage the "global public resources" that are the Internet's unique identifier resources, ICANN must be able to respond to changes in the Internet governance system and to changes in the social, economic, and technical circumstances in which the Internet is everywhere embedded.

Organizations evolve by learning, done through the uses of quantitative and qualitative methods for rigorous assessment to figure out what works and in order to change what doesn't. Therefore, **ICANN should develop the institutional capacity – in the form of a research unit, research department, or research function – as well as a systematic approach to monitor, evaluate, learn from, and use evidence more effectively in ICANN's decision-making practices.**

ICANN must employ methods for embracing evidence that are robust, unbiased, and appropriate for the types of questions being asked. In moving from "faith-based" to "evidence-based" decision making, ICANN must be certain to avoid "decision-based evidence making."

What Does it Mean to "Embrace Evidence"?

ICANN should use evidence in all aspects of its work. This includes its operations and administration, as well as its policy-development work, domain name system services, outreach and engagement, and strategic and budget planning. Different kinds of evidence may require different analytic frameworks with different challenges and concerns. Different stakeholders may have different criteria – both quantitative and qualitative – for determining if a program is successful.

In particular, because there is such variety to the types of information that are relevant to ICANN's work, and because ICANN must respect its "public interest commitments," it makes sense to take a *meta-ethnographic* approach to research. This is a way to systematize research, where research should combine data from different sources and "translate concepts and metaphors across studies."[172] Research efforts should determine what they are looking for in advance. ICANN's research must be "interpretive," in that it should be comparative and grounded in normative frameworks with a view toward espoused principles. It should also be "adaptive," in that research

172   *"Meta-ethnography."* BetterEvaluation.org.

should inform an iterative approach to change through decision-making (for example, through the use of Randomised Controlled Trials (RCTs)[173]), which in turn should inform the research approach.

To be able to measure success or make "improvements" to a process, ICANN must first develop **metrics** & **indicators** within a framework of evaluation. Metrics can be thought of as units of measurement (such as return on investment). An indicator is "a metric tied to one or more targets,"[174] such as gross domestic product. Indicators build on *outputs*, which are basic metrics of success in quantitative terms, such as number of trainings delivered by a service, or number of people participating in a program. Because metrics and indicators exist within a framework of evaluation, ICANN should consult with stakeholders in developing this framework and should do so with an understanding that removing the focus on values will be impossible. For ICANN to "embrace evidence," then, means developing a mechanism to be held accountable to the established and articulated values of its various stakeholders.

In order to do so, ICANN should convene research efforts through an institutional assessment function (or "Research Unit"). This unit would serve as a facilitator of internal and cross-community research efforts (e.g., research-gathering), and also create and maintain an evidence database. It would be tasked with *linking* the supply and demand of evidence. The proposed Research Unit is conceived as a cross-community resource — it should be able to inform decision-making in various ICANN contexts, and provide useful materials to people who want to learn about ICANN.

Why Does This Proposal Make Sense at ICANN?

If we take the term "governance" to mean "how institutions analyze information and make decisions to solve collective problems,"[175] then ICANN most certainly is in the business of *governance*.

The Internet governance ecosystem in which ICANN operates is constantly changing as a result of technological innovation and new applications for technologies. This means that for ICANN to do its work effectively, it must be able to respond to change, and this means that ICANN must be able to leverage available information to "understand what is going on, what to embrace and what to avoid."[176] In particular, ICANN needs to use evidence from practice to understand "what works."[177]

ICANN's work demands "learning while doing, and continuous in course adjustments, based of course on measurement and evaluation." Furthermore, ICANN must respect its "public interest commitment" in how it executes it's work. This means ICANN has an obligation to use relevant research findings to inform its decision-making processes and the decisions it makes, and especially to find data and information relevant to those affected by ICANN's decisions. It also means that ICANN has an obligation to involve stakeholders in evidence-collection and the research process. In systematically conducting research, ICANN would not only discover *what is known* (and *how it is known*) but also *what is not known* (and *how to know it*) in order to "inform decisions about what further research might best be undertaken, thereby creating a virtuous cycle."[178] ICANN could accomplish this through the creation of a Research Unit.

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173   Goldacre, Ben, and Torgerson, David. *"Test, Learn, Adapt: Developing Public Policy with Randomised Controlled Trials."* UK Cabinet Office with the Behavioral Insights Team. June 14, 2012.

174   Barnett, Aleise, Dembo, David and Verhulst, Stefaan G. *"Toward Metrics for Re(imagining) Governance: The Promise and Challenge of Evaluating Innovations in How We Govern."* GovLab Working Paper. v.1. April 18, 2013 at 5.

175   Alexander, Danny, and Letwin, Oliver. *"What Works: Evidence Centers for Social Policy."* UK Cabinet Office. March, 2013.

176   Barnett, Aleise, Dembo, David and Verhulst, Stefaan G. *"Toward Metrics for Re(imagining) Governance: The Promise and Challenge of Evaluating Innovations in How We Govern."* GovLab Working Paper. v.1. April 18, 2013 at 5.

177   *About Us: "FAQs."* Alliance4UsefulEvidence.org.

178   Gelman, Andrew. *"Multilevel (Hierarchical) Modeling: What It Can and Cannot Do."* American Statistical Association and the American Society for Quality *"Technometrics."* (August 2006). Vol. 48, No. 3 at 432.

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Notably, this unit should **not** have the power to make binding decisions at ICANN. Essentially, the purpose of the unit is to create a space where researchers and research initiatives can convene, and also to provide support to the volunteers that work together via ICANN, who largely do not have the time or resources to produce their own research (this is especially a concern as ICANN often faces issues that are new and therefore require extensive research).

Implementation Within ICANN

To establish an assessment function or Research Unit at ICANN, creating a research process that embraces different focus areas combined with a general process-guideline[179] will be useful. For example, such a process might include the following overarching steps:

▸ Establish an evaluative framework that is based in a concept or theory of change[180] in order to develop a research approach and initial agenda.

▸ Monitor and collect relevant evidence and synthesize this evidence to create an "evidence base."

  ▸ Evaluate and rank projects and initiatives for how effective and/or cost-effective they were.

  ▸ Show relative cost and impact of different projects and initiatives.

▸ "Translate" the evidence into useful materials that are relevant to the needs and interests of ICANN's stakeholders.

▸ Absorb the evidence by publishing and sharing findings in understandable, meaningful and actionable formats.

▸ Identify gaps in research and in research capabilities.

▸ Promote good evidence and advise others (e.g., other researchers, or the ICANN stakeholders for whom the research is intended) on how the evidence can be used.

As an example, the following are NESTA's (the U.K. National Endowment for Science, Technology, and the Arts) "standards of evidence" – i.e., a stacked approach to defining good evidence, and how to be rigorous in using and talking about good evidence:

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179   *"Data and Its Uses for Governance." The GovLab Selected Readings. The GovLab Academy at 3.*
180   *Barnett, Aleise, Dembo, David and Verhulst, Stefaan G. "Toward Metrics for Re(imagining) Governance: The Promise and Challenge of Evaluating Innovations in How We Govern." GovLab Working Paper. v.1. April 18, 2013 at 4.*

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Level 5
You have manuals, systems and procedures to ensure consistent replication and positive impact

Level 4
You have one + independent replication evaluations that confirms these conclusions

Level 3
You can demonstrate causality using a control or comparsion group

Level 2
You capture data that shows positive change, but you cannot confirm you caused this

Level 1
You can describe what you do and why it matters, logically, coherently and convincingly
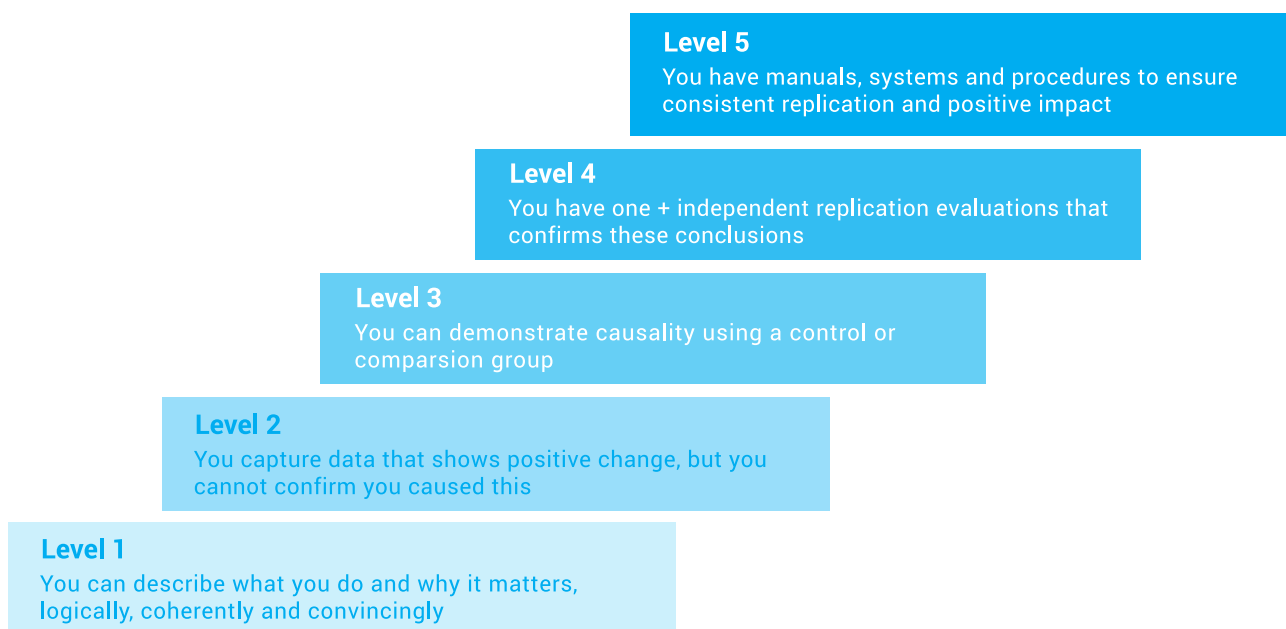
Image credit: Mulgan, Geoff, and Puttick, Ruth. "Making Evidence Useful: The Case for New Institutions". NESTA.org. March, 2013.

Deploying any similar process via a Research Unit would involve aggregating and evaluating different kinds of evidence, which have different considerations where it comes to best-use. ICANN should take a deliberately inclusive view in defining "useful evidence."[181] In determining types of useful evidence, the following are some large "buckets" of kinds of evidence that might be useful for ICANN. The list is meant to be illustrative (of the versatility of how different kinds of evidence can be useful in different ways), and not exhaustive:

Big Data

▶ "Big data" is not a "type" of data *per se*, as it is an expression of the relative size of the data that needs to be processed (that is, it is a reflection on the relative ability of computing programs to analyze the data). Big data involves a massive amount of raw data that, when analyzed and put to use, can lead to new insights on everything from public opinion to operational concerns. Big data can be subjected to "multi-level linear modeling,"[182] where variables can be "stacked" within different categories simultaneously, creating complex hierarchies of variables that can introduce dependencies within the data that would not be predictable using single-layer analysis.

▶ The burgeoning literature on Big Data argues that it generates value by: creating transparency; enabling experimentation to discover needs, exposing variability and improving performance; segmenting populations to customize actions; replacing/supporting human decision making with automated algorithms; and innovating new business models, products and services.[183] The insights drawn from data analysis can also be visualized in a manner that passes along relevant information, even to those without the tech savvy to understand the data on its own terms (*see* GovLab Selected Readings on Data Visualization).

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181   Lanfranco, Sam. "Internet Stakeholders and Internet Governance." Distributed Knowledge Blog. November 15, 2013.
182   Alexander, Danny, and Letwin, Oliver. "What Works: Evidence Centers for Social Policy." UK Cabinet Office. (March 2013).
183   Gough D, Oliver S, and Thomas J. "Learning from Research: Systematic Reviews for Informing Policy Decisions: A Quick Guide." Alliance for Useful Evidence with NESTA, 2013 at 5.

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Policy-Development Data

▸ At ICANN, this would include engagement and participation metrics. Research in policy-development should establish benchmarks for current practices to determine how different interventions have different impact. In particular, there should be a focus on how different levels and types of stakeholder engagement affect policy outcomes. Policy-development at ICANN would obviously also include registry and registrar data, contractual compliance data, and domain name services and operations data. In order to determine the impact (for example, economic) of ICANN policies, it makes sense to layer ICANN data with regional data. Notably, any efforts to define "public interest" could harness survey data (subjected, in particular, to discourse, content, and textual analysis), which could also be included within this section.

Sentiment Analysis

▸ Sentiment analysis (or opinion polling) is the analysis of the kinds of data that comes out of social media – a treasure-trove of information for any institution that must pay attention to its stakeholders' opinions. Through new tools and the embrace of data science experts, ICANN could establish a means to identify and embrace insights from social information produced by its community and the wider public. Leveraging meta-data, keywords, phrases, and tags in data may also help ICANN find meaning in this evidence. One means for ICANN to experiment with sentiment analysis could involve asking people to use hashtags in their social media activities, which can be tracked to the end of analyzing relationships between hashtags to reveal new insights.

One specific pilot idea could build on the work underway within the Generic Names Supporting Organization (GNSO), which has recently chartered a Working Group – the "GNSO Metrics and Reporting Working Group" – which is meant to "further research metrics and reporting needs in hopes to improve the policy development process [PDP]." It seeks to remedy the fact that "metrics requirement for use in policy development are minimally identified in current PDP and WG documentation."[184]

The Panel recommends that such research initiatives not be confined to the GNSO PDP, but be applied more generally throughout ICANN, for example to the work of other SO/AC structures, to the work of ICANN's Global Stakeholder Engagement department, to defining and evaluating work in the "public interest," and to the work of ICANN Strategy.

Using a systematic approach to research (one that incorporates feedback in decision-making processes where there are *ongoing*, *open* mechanisms to determine whether and how actions are taken in the "public interest"), ICANN could institute a research function to oversee and/or execute on the following in this context:

Provide Perspective

▸ Produce clear summary reports, which explain various aspects and divisions of ICANN's policy-development work in audience-specific ways.

   ▸ Material could be developed and curated both for specific audiences (that is, the specific stakes of specific stakeholder groups), and with a view toward audiences that may not organize along ICANN's SO/AC lines.

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- ▸ Produce an annual "State of ICANN" Report, written in collaboration with the ICANN community, staff, and wider world, which captures the challenges and concerns (and successes) at given intervals.

- ▸ Propose an annual "Inter-Community Action Plan" outlining the various ways SO/ACs could or should collaborate around specific topics and issues. This "Action Plan" would be created with input from other open platforms for participation and collaboration.

- ▸ Provide objective data for use by decision-makers in deliberation. Research would identify and design the "knobs" that policy makers use as variables or "leverage points" in policy-development and decision-making processes.

- ▸ Reflect upon and document policy-development processes to determine what makes a "good" policy, e.g., whether a policy can translate well into an evaluation matrix. This could be an iterative and time-bound process, documenting both successes and failures in policy-development to identify areas for improvement.

Education and Capacity-Building

- ▸ Institute a grant program for identifying, incentivizing, and rewarding individuals who contribute positively to the development of policy development process improvements.

- ▸ Combining the existing ICANN fellowship program with lessons learned from United States Presidential Innovation Fellows Program, the Code for America Fellowship, and San Francisco's Mayor's Innovation Fellowship program (as well as others), ICANN could help to develop, launch and sponsor a year-long fellowship program aimed at pairing global innovators, researchers and technologists with ICANN community leaders and staff to develop innovative solutions for improving ICANN's policy development processes and its processes for establishing and reporting on metrics.

Develop Public Interest Metrics and Indicators

- ▸ Foresight initiatives (e.g., those used by the Institute for the Future) could be developed to engage the ICANN community, staff, and wider world in exercises of foresight, which is meant as an effort to build mutual awareness through early engagement, and also to align various stakeholder incentives.

- ▸ ICANN could also foster "Open Research Network" engagement initiatives aimed at developing shared understandings of ICANN's public interest requirements and producing metrics for evaluating whether or not ICANN has met those requirements in various aspects of its work.

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Examples & Case Studies – What's Worked in Practice?

Initiatives Leveraging Different Types of Evidence

Big Data

▸ **Project Narwhal –** A technology development project that played an important role in President Obama's 2012 campaign.[185] Project Narwhal was used for voter organizing and to take voter data (gathered in part during the 2008 campaign) under an umbrella platform that was able to "fuse the multiple identities of the engaged citizen—the online activist, the offline voter, the donor, the volunteer—into a single, unified political profile."[186] The platform enabled matching separate data repositories to create more nuanced pictures of potential voters to inform campaign strategy.

▸ **Healthcare in the U.S. –** Across the United States, big data is increasingly being leveraged in healthcare contexts to better understand patient-doctor relationships and how to improve performance of doctors. Analytic softwares allow hospitals to "compare physician performance based on various issues, such as complications, readmissions and cost measurement."[187] These initiatives reduce the average costs for patients and also reduce the average length of hospital stays.

Policy-Development Data

▸ Alliance for Useful Evidence – The Alliance for Useful Evidence "champions the use of evidence in social policy and practice." It convenes a network of members including government departments, NGOs, businesses, and universities.[188] It develops recommended practices and approaches to rigorous evidence.

▸ Behavioral Insights Team – The United Kingdom's Behavioral Insights Team (BIT) is also known as the "Nudge Unit." Set up in 2010, it works with government departments, charities, NGOs, and private sector organizations. It develops proposals for its partners, applying behavioral economics and psychology to public policy, and tests them empirically to find out what works. For example, BIT has used "a randomised control trial (RCT) to measure how successful different approaches were in encouraging more people to join the Organ Donor Register" and worked with "with [HM Revenue & Customs] to test new forms of reminder letters to increase the rate of tax repayment."[189]

Sentiment Analysis

▸ Agreeble – An emerging social opinion platform that leverages an open survey process to identify polarizing and consensus-driving statements for a given set of issues. It generates and maintains what is called a Semantic Polarity Index (SPI) for each issue, that tells analysts not just how polarized the vote count is, but how much of the conversation around the issue is polarized as well. For example, in the example on the left, voters generally *agree* with the "Opinion" ("there are tons who are killing it in the workforce") even where they divide over their support over the question: "are millennials to blame for their unemployment rates?" On the right, several different "polarity schemes" are visualized.

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185   Kolakowski, Nick. "The Billion-Dollar Startup: Inside Obama's Campaign Tech." Slashdot. January 9, 2013.

186   Issenberg, Sasha. "Obama's White Whale." Slate. February 15, 2012.

187   "Hospitals Prescribe Big Data to Track Doctors at Work." Physicians News Network. July 17, 2013.

188   "About Us." Alliance4UsefulEvidence.org; see also "Year One Overview." Allicance4UsefulEvidence. (June 2013).

189   "Nesta Partners with the Behavioral Insights Team." NESTA.org.uk. February 4, 2014.
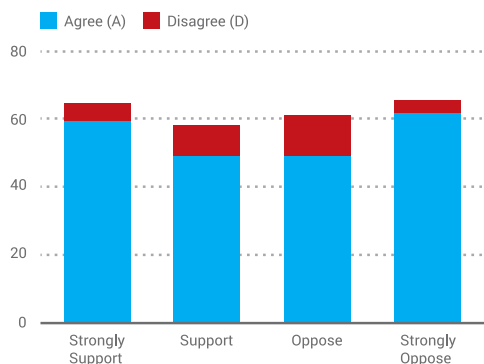
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ARE MILLENNIALS TO BLAME FOR THEIR UNEMPLOYMENT RATES?

Opinion: There are tons who are killing it in the workforce...
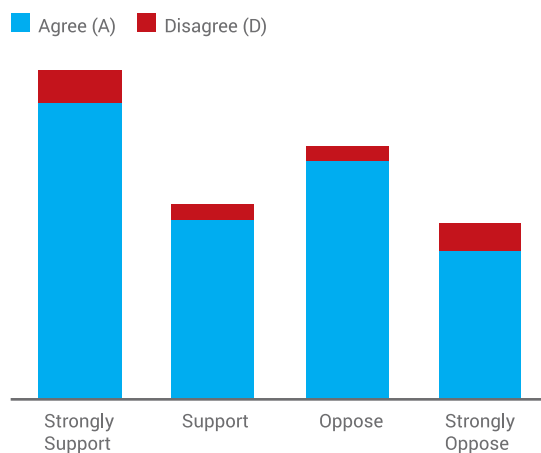
DIFFERENT OPINIONS - SAME ISSUE

POSITIVE CONSENSUS OPINION

NEGATIVE CONSENSUS OPINION
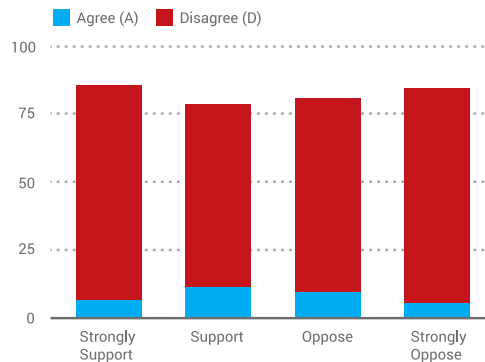
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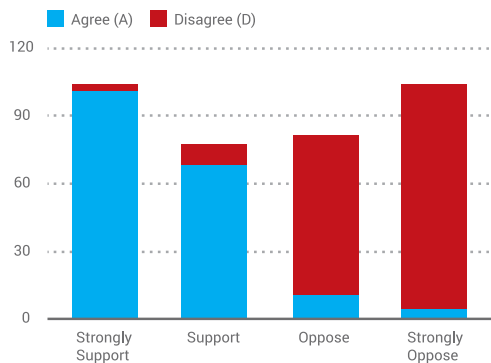
NEGATIVE POLAR OPINION
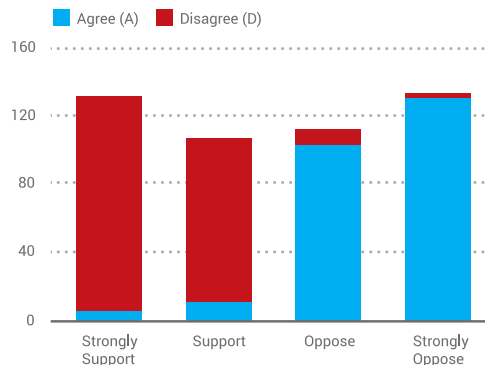
▸ Agreeble also matches respondents with one another based on their opinion voting patterns. This creates a voter graph that can help analysts identify how voters cluster with one another based on their general agreement/disagreement with each other's opinions. This has potential to influence or inform how meetings and agendas around the issues are structured. Agreeble is a novel approach to turning people's sentiments and opinions into useful evidence for framing decisions and discussions.

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Institutional Innovation Research "Units"

▸ Mindlab **(Copenhagen, Denmark)** – MindLab is a cross-governmental "innovation unit" that is part of three Danish ministries (the Ministry of Business and Growth, the Ministry of Education, and the Ministry of Employment), one municipality (Odense), and collaborates with the Ministry for Economic Affairs and the Interior. Both citizens and businesses team up to research, design and implement "social solutions" in areas such as digital self-service, education, and employment.

▸ The Studio **(Dublin, Ireland)** – The Studio is a cross-disciplinary "innovation team" of seven people from the Dublin City Council (DCC). Its aim is to improve the quality of DCC public services "by bringing people together to test new ideas and prototype new ways of working," for example by using ideas-competitions and by experimenting with city data and open data policies.

▸ Laboratorio Para La Ciudad **(Mexico City, Mexico)** – The LabPLC experiments with civic innovation and public administration by acting as a locus for collaboration between government, civil society, business, and the technical/academic communities. The LabPLC sources innovative ideas and intelligent people from many fields and from many places to try and apply their experience, knowledge, and skills to local problems in Mexico City. At the same time, the Lab gives visibility to these projects and thereby builds a repository of good city management practices.

Open Questions
How Can We Bring This Proposal Closer to Implementation?

▸ How can ICANN turn evidence and data into trustworthy, actionable knowledge to get people engaged?

▸ For what issues does a "laboratory" strategy have merit? When is a centralized approach is preferred to a decentralized approach to research and evidence-collection and use? Additionally, should a formal research function at ICANN be centralized, e.g., should different stakeholder groups and departments make requests of a central "research team," or should it be decentralized, e.g. there are researchers belonging to each stakeholder group and/or ICANN department?

▸ What are the major barriers to ICANN's stakeholder using evidence? Are there different barriers at the Working Group as compared to the Council or Board level?

▸ Are there situations that ICANN faces where it makes sense to *ignore* evidence? What frameworks need to be instituted for evidence and its use to be *rigorous*?

▸ How would an ICANN "Research Unit" balance or negotiate its position as a supplier and demander of evidence?

▸ How could research initiatives convened by or housed in ICANN be useful for larger or other audiences? How can ICANN add value to its research?

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PROPOSAL 12 FOR ICANN:

Enhance Learning by Encouraging Games

From Principle to Practice

Despite ICANN's narrow remit, its decisions have incredible impacts on people everywhere as well as the social, economic and political systems in which those people live. As a result, ICANN must take seriously its commitment to engage its global stakeholder base in decision-making, especially those who are ultimately impacted by those decisions. However, this does not mean that the practices by which ICANN governs must be humorless.

Rather, **ICANN could make the complexities of Internet governance and ICANN's work more open, accessible and interesting to people with games and activities aimed at the next generation.** To help deepen that understanding and create resources and processes for capacity building, ICANN could run contests, e.g., to design short videos, graphics and other strategies to engage a more diverse audience to the end of making ICANN's work more accessible to everyone – from newcomers to active technologists. The use of game mechanics in decision-making contexts can bolster ease and equitability of participation (enhancing legitimacy); produce incentive structures to target expertise (enhancing efficiency); and mitigate complexity through simple rules (enhancing adaptability and the ability to evolve). To embrace and make use of the dynamism and expertise of its globally distributed stakeholder base, ICANN should leverage prizes, games and challenges to solve problems.

What Does it Mean to Encourage Games?

Games are a universal part of human experience and are present in all cultures.[190] There are many different kinds of games and different definitions of games (e.g., puzzles, toys, competition vs collaboration vs conflict; strategic, skilled, luck-based; single vs multiplayer; etc.). In general, games involve goals, rules, challenges, and interaction.[191] According to Bernard Suits:

> *To play a game is to engage in activity directed toward bringing about a specific state of affairs, using only means permitted by specific rules, where the means permitted by the rules are more limited in scope than they would be in the absence of the rules, and where the sole reason for accepting such limitation is to make possible such activity.[192]*

Gamification refers to the application of "game design thinking to non-game applications"[193] to engage users in solving problems. There are three central pillars of gamification which can be variably configured in their appli-

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190   *"History of Games Timeline."* Historic Games.
191   *"Game."* Wikipedia.org.
192   Suits, Bernard. *"What is a Game?"* University of Chicago Press. Philosophy of Science. Vol. 34, No. 2 (June 1967) at 148.
193   *"Gamification."* The GovLab Open Governance Knowledge Base. thegovlab.org/wiki.

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cation to problem-solving scenarios, depending on what goals and objectives are being pursued (that is, what is meant to be accomplished by playing the game):

Incentives

▸ Incentives motivate people to perform actions. Different kinds of incentives may motivate people to collaborate or compete, depending on how incentives are aligned with outcomes (for example, zero-sum games encourage competition while positive-sum games encourage collaboration).

▸ Incentives may be *monetary*, e.g. a prize-purse. Incentives may also be non-monetary, for example reputation-based or skills-based badges (for example, leaderboards on online forums), or job-opportunities, credentials, or "glory" (e.g., "for the love of the activity"). Incentives can generally be construed as either extrinsic or intrinsic.

Rules

▸ Rules define games. Rules are useful for determining the rights and responsibilities of participants and for creating predictability in otherwise asynchronous interactions between players. Rules also help define the goals of the game.

▸ Some games allow for variations and changes in the rules as the game progresses. This has been described as "layering governance onto collaboration" – e.g., participants decide what outcomes are desired and how they are best reached *as* the game occurs. However, even in such games, there will tend to be immutable "meta-rules," for example the use of shared definitions and understandings of terms.

Goals

▸ Incentives should align with goals. Goals can be conceived as open-ended or closed, e.g., whether participants in a game are trying to reach a common outcome or whether there are a variety of possible outcomes. Similarly, goals can be divided by whether there is a "correct outcome" (e.g., a correct answer) or a "best outcome" or outcomes (e.g., there is no objective measure of correctness).

▸ If the goal is for participants to produce multiple potential outcomes (e.g., if gamification is applied to some form of ideation), then it makes sense for benefits to accrue to individuals and not groups. If the goal is for the participants to produce a common outcome (e.g. DNS stability), then it makes sense for benefits to accrue to a group working collaboratively.

Incentives motivate people to participate. Participation may be collaborative or competitive. Competition and collaboration lead to outcomes, whose possible "solution-spaces" may be open or closed in nature. These outcomes may be leveraged in peer-production, data-collection and aggregation, product-development (also written products), expertise-targeting, and engaging participants.

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Why Does This Proposal Make Sense at ICANN?

Games should be utilized in problems where relevant knowledge is likely to be dispersed and particularly distant from the innovating organization.[194] In gamified contexts, ICANN has two important affordances: an ability to constitute new forms of organization in short amounts of time, and an ability to situate these organizations in an experimental context.[195]

In general, there may be **a tradeoff between expert and non-expert contributors**, as the former are likely to generate more feasible, but the latter more creative solutions.[196]

Specifically, there are three main approaches to using game mechanics in problem solving that could be meaningful for ICANN. They are the competitive approach (e.g., "prize-induced contests" or "selective crowdsourcing"), the collaborative approach (e.g., "grand challenges" or "integrative crowdsourcing"), and the mixed-strategy approach in which competitive and collaborative "phases" are sequenced and/or combined.

The competitive approach

▸ Most effective when the problem is **complex, novel, or has no established best-practices**, especially if an institution is not sure what a good solution will look like in advance.[197] The competitive approach makes sense when experimentation across different technical approaches and stakeholder groups is important to the innovation problem.[198] For example, uncertainty about the problem or the knowledge base required to solve it suggests an open approach with a large number of participants to mitigate the effects of uncertainty.

▸ Useful where problems are characterized by multiple potential outcomes, multiple potential solution paths and the presence of uncertainty.[199] Contests maximize diverse experiments and help discover "blind spots" in available knowledge.

▸ If a project objective is to gather deep insights about existing products or services or attitudes toward a concept or a new "product," online panels, focus groups and other insight-gathering techniques may deliver better results than individuals who find the project via a contest.

The collaborative approach

▸ Useful for problems that involve cumulative knowledge, e.g. problems whose solutions build from past initiatives and advances, where creativity and uniqueness have the highest priority, where the problem is ongoing and therefore unsuited to a one-off challenge.

▸ The main goal of collaborative co-creation is not to have a problem solved but rather to benefit from the creative power of the interdisciplinary crowd.[200]

194   Afuah, A., & Tucci, C. L. "*Crowdsourcing as a solution for distant search.*" Academy of Management Review. (July, 2012). 37(3) at 355-375.
195   Kittur, Aniket, et al. "*The Future of Crowd Work.*" 16th ACM Conference on Computer Supported Cooperative Work (CSCW 2013).
196   Aitamuro, T, Leiponen, A. and Tee, R. "*The Promise of Idea Crowdsourcing —Benefits, Contexts, Limitations.*" Nokia Ideas Project White Paper. (June 2011) at 25.
197   Boudreau, Kevin J., and Karim R. Lakhani. "*Using the Crowd as an Innovation Partner.*" Harvard Business Review. Vol. 91, No. 4. (April 2013) at 61–69.
198   Boudreau, Kevin J., Nicola Lacetera, and Karim R. Lakhani. "*Parallel Search, Incentives and Problem Type: Revisiting the Competition and Innovation Link.*" Harvard Business School Working Paper. No. 09-041. (September 2008).
199   Campbell, David J. "*Task Complexity: A Review and Analysis.*" The Academy of Management Review. Vol. 13. No. 1 (January 1988) at 40-52.
200   Stanoevska-Slabeva, K. "*Enabled Innovation: Instruments and Methods of Internet-based Collaborative Innovation.*" Conference Draft for the 1st Berlin Symposium on Internet and Society. Oct 25 – 27, 2011.

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▸ Useful where the problem involves interdependent expertise and knowledge that has to be combined and aggregated to create value.[201]

▸ Appropriate if innovation is to be built on top of existing products, technologies, or, especially in ICANN's case, policies. This "complementary" approach to innovation works best with many different problems rather than just one single problem.

▸ Collaborative communities should not work within a high-control platform where power is concentrated. They are more appropriate for contexts involving self-organization, informal relationships, and transactions based on reciprocity and fairness. Therefore, the collaborative approach should be governed by "soft" rules and social norms, for example agreement on a technology paradigm and technical jargon.[202] Access to information should be encouraged; transparency and sharing should be emphasized.[203] Collaborative approaches must establish norms of sharing and learning, a sense of affiliation (identity and status), and norms of reciprocity.[204]

The competitive-collaborative approach

▸ The approaches discussed above – competitive and collaborative – can be combined in sequence. This is useful when a community-based problem needs definition, and then needs a solution.

▸ Mitigates the difference between proprietary knowledge retention (in competitive formats) on the one hand, and openness, reciprocity, and sharing of knowledge (in collaborative formats) on the other.

▸ Competition is the first stage in the ideation process, similar to a brainstorm where participants first throw in their own ideas.

▸ The second stage is to select and consolidate the best ideas to make them even better. This is where a collaboration model works best; when participants are invited to view concepts, rate them and comment on them. Here, the natural tendency from participants will likely be a normalization of opinions to reach a consensus.

Ultimately, the application of game mechanics to problem solving at ICANN is intended to lead to:

▸ **More participation –** e.g., in ideation, issue-framing, working groups, and general stakeholder engagement.

▸ **Better outcomes –** through a diversity of inputs, or through the targeting of expertise through well-aligned incentives.

▸ **Greater capacity-building –** through creating a cycle of engagement structurally supported by rules and goals, and sustained through incentives.

201   Pisano, G.P. and R. Verganti. *"Which kind of collaboration is right for you?"* Harvard Business Review. (December 2008).

202   S. O'Mahony and F. Ferraro. *"The Emergence of Governance in an Open Source Community."* Academy of Management Journal. Vol. 50, No. 5, (October 2007) at 1079-1106.

203   C.Y. Baldwin and K.B. Clark. *"The Architecture of Participation: Does Code Architecture Mitigate Free Riding in the Open Source Development Model?"* Management Science. Vol. 52, No. 7. (July 2006) at 1116-1127.

204   Lakhani, K.R. and von Hippel, E. *"How Open Source Software Works: 'Free' User-to-User Assistance."* Research Policy. Vol. 32, No. 6. (June 2003) at 923-943.

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Implementation Within ICANN
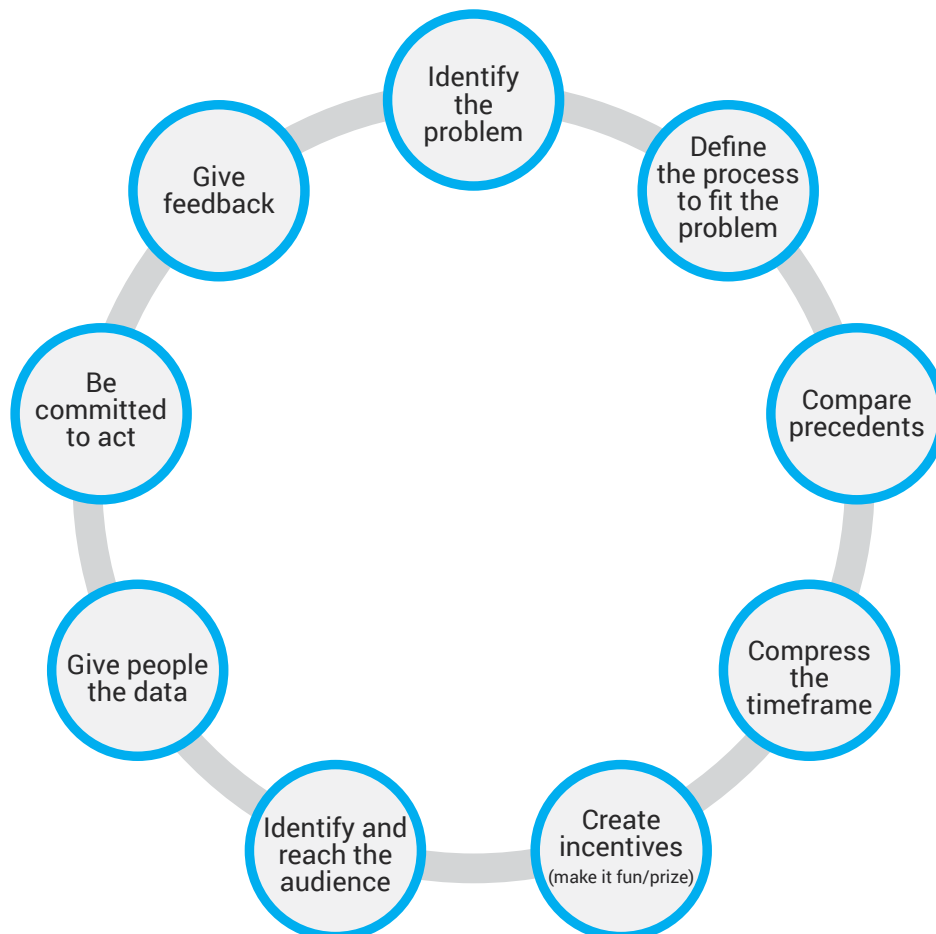
Image credit: Noveck, Beth. "Solving Public Problems with Crowdsourcing".

Piloting games/competitions and/or challenges within ICANN will involved a phased approach:

▸ **Define** ICANN's role and the role of ICANN's internal staff.

▸ Use the staff to define objectives and to **help frame issues** and questions, define objectives, and identify the types of desired outcomes. The way problems are conceived has a tremendous impact on the legal and policy solutions used to solve them. As the philosopher John Dewey observed: "A problem well put is half-solved."

▸ **Identify users and stakeholders to engage.** People who are affected or interested in general will have different innovation ideas than specialists in research and development labs.[205]

   ▸ Identify community leaders as well. Since leaders are at the leading edge of the industry with respect to ICANN's work, one can guess that many of the novel ideas and products they develop for their own use will appeal to other users too and so might provide the basis for products and services ICANN would want to leverage.

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205   *Von Hippel, Eric A. "Democratizing Innovation." Cambridge, MA: MIT Press. (April 2005).*

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▸ **Design** the potential gamified activity with a view to the rest of the problem-solution and decision-making process. Individuals can fulfill different roles in ideation (e.g., developers vs. end-users), and they can be utilized in different ways depending on the goal of the ideation process.

▸ **Chunk** the work. The expert cannot be asked to solve a problem like "ensure the stability of the DNS." Instead, the expert should be able to do discreet work. That work should be reassembled into a solution.

▸ **Use prizes, but not just prizes.** There should be recognition; reward; and a way to convert that work into more stable opportunities. But this has to be tied to evidence, not to expectations, i.e. reward for performance. This means that the best approach for ICANN may be that after a winning-solution is accepted by ICANN/the ICANN community, the person who submitted it is identified.

▸ **Incentives** must align different values of the contributors and should be community-based.

  ▸ People are often willing to work for free. Intrinsic motivators – e.g., acquisition of new skills through participation, altruism, wishing to see an innovation through because one desires to use it themselves[206]– may be best in certain situations, where as extrinsic motivators may work well in others. Motivation for collaborative participants has often been termed as "glory," for example, which relates to recognition by peers in a community.[207] In this case:

    ▸ Reputation matters.

    ▸ Feeling like part of a community matters.

    ▸ Being intellectually challenged matters.

    ▸ Engaging people's creativity matters – the more creative people feel in projects, the more likely they will spend time participating.

▸ Let "problem-solvers"/**experts self-select**. Different experts will have different reasons for wanting to tackle a problem. ICANN has to be able to incentivize across different lines of interest.

▸ Systematically **broadcast** the problem to various fields. A problem that resides in one domain of expertise may find its solution in another.

▸ Harness the **size** of the participant-pool, to the end of finding "averages" which balance solution "poles."

▸ Harness the **diversity** of the participants. Engage people's differences in perspective. For example, with neuroscience, the brain can be seen as a biological entity, as a biochemical entity, or as an electrical circuit. You can engage biologists, chemists, and physicists. Relevant experts in ICANN can be similarly diversely configured.

▸ Allow for **review and comment and feedback**. Platforms might offer a "first pass" service in which a set of trusted individuals (known to ICANN) test out the task and report any issues encountered.

There are pathways for improvement that ICANN might not anticipate the community could point out. The more ICANN has ways to evaluate the work of others in an "objective" fashion, the more likely distributed innovation

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206   Von Hippel, Eric A. "*Sources of Innovation*." New York: Oxford University Press. (1988).
207   Malone, T.W., R. Laubacher, and C. Dellarocas. "*Harnessing Crowds: Mapping the Genome of Collective Intelligence*." MIT Sloan School Working Paper (February 2009) at 4732-09.

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systems will work.[208] These principles can be applied to different parts of ICANN's work in ways that improve the efficiency, legitimacy, and adaptability of ICANN's working processes. For example, in:

Collaborative drafting (e.g., writing Issue Reports, recommendations, public comments)

▸ **Initiative:** Establish a "Best Collaborator Award"; Reward drafting-moderator positions

▸ **Incentive:** Being awarded for the strength and quality of a person's contributions.

▸ **Effect:** People are more willing to participate and submit their ideas because there are systems in place to recognize their efforts and to connect them to other people (i.e. people gain respect in a community)

Online education (e.g. through learn.icann.org)

▸ **Initiative:** Institute "badges" to certify online learning

▸ **Incentive:** Badges are awarded for completing modules, lessons, or courses.

▸ **Effect:** People may be self-motivated or motivated based on comparative levels within a community to attain knowledge and skills in order to become more effective participants at ICANN.

Research and Engagement

▸ **Initiative:** Leverage open contests to design short videos and graphics to raise awareness about ICANN and its work.

▸ **Incentive:** Recognition via features on ICANN.org, or prize money.

▸ **Effect:** Creation of diverse and engaging public materials that show what ICANN does and how, and which raise stakeholder awareness and general awareness around digital citizenship and the Internet governance ecosystem.

Global Stakeholder Engagement

▸ **Initiative:** Set up local "ICANN engagement chapters"; send ICANN staff or community-voted individual as a "guest speaker" to these chapters/centers on periodic basis.

▸ **Incentive:** Recognition of participation and involvement at local levels. Funds or other resources may be provided by ICANN to facilitate local chapter activities.

▸ **Effect:** Greater awareness around the world about what ICANN does and how it does these things. ICANN also further develops a global network through which it can engage with local conditions, interests, challenges, etc.

Working Groups (e.g. policy development)

▸ **Initiative:** Create participatory "ladders" that reflect various levels of expertise (displayed publicly through, for example, leaderboards) and entrust people with varying degrees of responsibility.

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208   Unrau, Jack J. "*The Experts at the Periphery.*" *Wired Magazine. July 10, 2007.*

▶ **Incentive:** Someone who participates very effectively in a drafting team might be provided with other opportunities to do similar work or to collaborate in informal task-forces. Or, for example, somebody who participates effectively in many working groups might be invited to moderate or chair other discussions.

▶ Effect: The people who are most enthusiastic and dedicated to contributing their expertise and knowledge to problem-solving processes at ICANN get progressively more responsibility in a way that is recognized by others, and this encourages leadership and ownership.

▶ **Initiative:** Encourage multiple, cross-community, inter-disciplinary teams (or working groups) to compete for winning "policy recommendation frameworks," to be voted on by various ICANN structures.

▶ **Incentive:** Winning team gets to move forward with framework for crafting policy recommendations and possible recognition at ICANN meetings. Other teams get to join winning team in traditional working group setting to flesh out recommendations consistent with winning framework.

▶ **Effect:** Combines competitive and collaborative approaches and encourages cross-community collaboration and capacity-building. Opens up the value-proposition aspect of the policy-development process to the entire community. Offers potential to mitigate potential for slow-moving working groups.

Expert Networks

▶ **Initiative:** Use prize-based contests to crowdsource solutions to specific and technical problems.

▶ **Incentive:** Monetary incentives may be appropriate in situations that call for unspecified solutions to specified problems. Non-monetary incentives are also feasible, where experts may be able to use the evidence of their participation to build a "portfolio" or contribute to their "resume," and these help the person find more professional opportunities.

▶ **Effect:** People with specific expertise are motivated to contribute their skills and knowledge to ICANN's problem-solving processes, leading to better outcomes, as diverse opinions are brought to bear on specific issues and in some cases solutions may be proposed by people who otherwise are extremely "peripheral" to ICANN.

Funds and budget

▶ **Initiative:** Institute participatory budgeting

▶ **Incentive:** People can submit project ideas for how a certain portion of ICANN's funds should be used. People can vote on those ideas and the most popular ones move forward. The incentive is for people to see their ideas debated and materialized.

▶ **Effect:** The projects that people are most enthusiastic about, or that people think are most important, get implemented. Because participation is easy, ICANN might get a relatively large participant pool.

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Technical development

▶ **Initiative:** Use prize-purses to crowdsource technical solutions.

▶ **Incentive:** Incentives in technical development are likely to be monetary, although intrinsic motivators and other options like career opportunities are also appropriate.

▶ **Effect:** People are motivated to come up with solutions on their own (if the prize is monetary and accrues to one individual). This has the effect of sourcing talent *widely* and encourages people normally outside of the "solution-space" to give their input, which may well be the best solution to the problem.

Examples & Case Studies – What's Worked in Practice?

Competitive

▶ Name Collisions – Notably, Verisign has already spearheaded a competitive approach to tackling some tough technical problems in relation to ICANN's work. In fact, during a namecollisions.net workshop in March, an expert panel will select from among papers presented on the topic of domain name collisions, and award a $50,000 prize to the "most valuable research contribution" – the "one that most advances the state of knowledge and/or most deeply analyzes and mitigates risk."

▶ InnoCentive – An online open innovation and crowdsourcing platform that is used by "seekers" to source solutions from "solvers." Challenges tend to be for well-defined, one-off problems, and winners tend to be individuals. Hence, InnoCentive hosts many examples of prize-based contests that are competitive in nature. InnoCentive has highlighted, in particular, that crowdsourcing may allow organizations to find solutions from outside of the pool of "usual suspects."[209] Example successful InnoCentive challenges include separating oil from water in cleaning oil spills, and the Air Force Research Lab's "vehicle stopper," designed to create a means to stop a vehicle fleeing from a checkpoint.

Collaborative

▶ Wikipedia **–** Wikipedia is an online encyclopedia in many languages whose articles are contributed by volunteer contributors from all over the world. It is a prime example of non-competitive collaboration toward common, agreed-upon ends. In particular, Wikipedia uses an in-community awards system (Wikipedia "barnstars") to reward Wikipedia contributors for "their hard work and due diligence."[210]

Competitive-Collaborative

▶ Challenge.gov – An online challenge platform administered by the U.S. Federal Government, which enables the government to collaborate with citizens by posting specific challenges on the site, to which the public can post solution submissions, with winning selections typically receiving a prize.[211] Challenge.gov hosts many different kinds of prize-based contests, some of which are more obviously competitive and have smaller

209   Walker, Richard W. *"What 205 Prize Challenges Have Taught Government Agencies."* BreakingGov.com. September 10, 2012.
210   *"Wikipedia:Awards."* Wikipedia.org.
211   *"Challenge.gov."* The GovLab Open Governance Knowledge Base. thegovlab.org/wiki.

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prize purses (e.g., an Environmental Protection Agency's contest to produce an original video about climate change), and some of which may require more collaboration and offer larger sums of money for winners (e.g., the Department of Energy's challenge to use a DOE API in solving an energy-related issue).

▸ Bloomberg Philanthropies Mayor's Challenge – Bloomberg's "Mayors Challenge" invites U.S. cities of 30,000+ residents to "submit ideas that solve a serious social or economic challenge, improve the customer service experience for businesses or citizens, increase government efficiency, and/or make government more accountable."[212] After submitting ideas, teams from 20 finalist cities where invited to participate in an "Ideas Camp" to share skills and strengthen each other's ideas. Providence won $5 million for "Providence Talks," an early-education initiative. In particular, the Mayor's Challenge chooses winners whose innovations can be "shared and replicated by cities worldwide."

▸ TopCoder.com – A software development innovation community accessed through an online platform. Its community breaks projects down into atomized pieces of work that comprise the entire build. By launching a series of competitions that make up the whole project, hyper-specialists from within different expert-communities register, compete, and submit solutions for each piece. TopCoder is noteworthy for instituting "Copilots" to help manage the TopCoder platform. Copilots form a pool of TopCoder community members who have intimate understanding of the TopCoder process and best practices for innovation contests. They manage the technical aspects of crafting, launching, and managing competitions all the way through successful delivery.

Open Questions
Help Bring This Proposal Closer to Implementation?

▸ Do new or overlapping prizes dilute the effectiveness of others?

▸ Contests often provide large-scale goals, but often lack more gradual milestones. Could they be more effective if they gave participants more guidance on how to progress through the contest?

▸ Many prize-induced contests feature both public and private sponsors. How do different types of sponsorship affect results and engagement? Do contests sponsored by both the public and private sector address broader issues like the multi-stakeholder grand challenges?

▸ The stereotypical public participant in prize-induced contests is the retired or under-employed person working in a garage. What is actually the case? How involved are start-ups and established businesses in contests? Are universities seeking to increase student and faculty engagement in the programs?

▸ While prize-induced projects have clear ties to other forms of crowdsourcing, is there a place for crowdfunding in these projects – both in terms of supplying the prize money and stimulating private engagement on expensive projects?

▸ How can ICANN best determine metrics for judging submissions, e.g. through what processes, structures, and people?

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212   *"Government Innovation: 'Mayors Challenge'."* Bloomberg Philanthropies.

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PROPOSAL 13 FOR ICANN:
Provide an Adjudication Function by Establishing "Citizen" Juries

From Principle to Practice

Legitimate organizations are accountable to their members when they possess "acknowledgement and assumption of responsibility for actions, products, decisions, and policies within the scope of the designated role" they play.[213] Accepting responsibility involves both "answerability and enforcement."[214] There are many routes to adjudication.

Accountability typically is a consequence of both procedural fairness before the fact and adjudicatory processes after the fact to help ensure that decisions serve established goals and broader public interest principles.

As one means to enhance accountability – through greater engagement with the global public during decision-making and through increased oversight of ICANN officials after the fact – ICANN could **pilot the use of randomly assigned small public groups of individuals to whom staff and volunteer officials would be required to report over a given time period** (i.e. "citizen" juries). The Panel proposes citizen juries rather than a court system, namely because these juries are lightweight, highly democratic and require limited bureaucracy. It is not to the exclusion of other proposals for adjudicatory mechanisms.

What Do We Mean By "Citizen" Juries?

What they are

Citizen juries are randomly assigned small public groups who convene to deliberate on a specific issue, drawing on "witnesses" or stakeholders who present divergent points of view to inform the jury's deliberation and ultimate recommendation or decision.[215]

A main objective of citizen juries is to "draw members of the community into participative processes where the community is distanced from the decision-making process or a process is not seen as being democratic."[216] Notably, citizen juries are meant to "compliment other forms of consultation rather than replace them."[217]

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213   Brown, Ian. *Research Handbook on Governance of the Internet. Edward Elgar Publishing Limited.* (2013) at 100.

214   Lenard, T.M., White, L.J. *"Improving ICANN's governance and accountability: A policy proposal." Inf. Econ. Policy (2011). doi:10.1016/j.infoecopol.2011.03.001 at 5.*

215   *"Citizen Juries." Department of Environment and primary Industries. Victoria State Government.]*

216   ***Ibid.***

217   ***Ibid.***

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How they work

A common model of citizen juries is one that includes about twelve to twenty people or "non-specialists" randomly selected.[218]

The goal of random selection in these small groups is to involve a wider representative sample of a community in decision-making, while empowering participants who have "no formal alignments or allegiances"[219] to review specific actions or outcomes. Jury makeup tends to not only to be random, but also "demographically balanced."[220]

Citizen jurors meet (traditionally in person) for an extended period of time (typically 2-3 days) to examine a specific issue of "public significance."[221] Notably, issues submitted to citizen juries tend to be localized.[222]

During jury meetings, "specialists" often present or discuss various issues related to the given topic being debated/decided and juries are provided with time to reflect and deliberate with each other; interrogate specialists and scrutinize information presented; and develop conclusions or recommendations for action.[223] Citizen juries tend to conclude their deliberations by delivering a report advising future action or directions for the inquiring institution.[224]

Notably, establishment of citizen juries has also occurred in some marginalized communities, in a more "bottom-up" fashion.[225] Scholars have noted that "citizen juries appear to offer a method of action-research that has a high potential for methodological transparency, participatory deliberation and subsequent citizen advocacy."[226]

Why Does this Proposal Make Sense at ICANN?

Since its inception, ICANN has committed itself to acting on behalf of the global public, consistent with its core mission and values, as set out in the ICANN Bylaws. However, over the years, scholars and those intimate with ICANN have noted the organization's shortfalls, asserting that ICANN tends to operate in a manner that is "disconnected from most of the accountability mechanisms that normally accompany a corporation, a standards development organization or a government agency" – all types of entities with which ICANN shares certain similarities.[227]

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218   "Citizen Juries: a radical alternative for social research." Social Research Update Issue 37. University of Surrey. (Summer 2002).
219   "Citizen Juries." Department of Environment and primary Industries. Victoria State Government.
220   Crosby, Ned and Hottinger, John C. "The Citizen Jury Process." The Council of State Governments: Knowledge Center. July 1, 2011 at 321.
221   "Citizen Juries: a radical alternative for social research." Social Research Update Issue 37. University of Surrey. (Summer 2002).
222   Crosby, Ned and Hottinger, John C. "The Citizen Jury Process." The Council of State Governments: Knowledge Center. July 1, 2011 at 322.
223   "Citizen Juries: a radical alternative for social research." Social Research Update Issue 37. University of Surrey. (Summer 2002).
224   "Citizen Juries." Department of Environment and primary Industries. Victoria State Government.
225   "Citizen Juries: a radical alternative for social research." Social Research Update Issue 37. University of Surrey. (Summer 2002) (discussing U.K. citizen jury efforts).
226   Ibid.
227   Mueller, Milton. "ICANN, Inc.: Accountability and participation in the governance of critical Internet resources." Internet Government Partnership. November 16, 2009 at 3.

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Type of Accountability	TYPE OF ORGANIZATION			
	Corporation	Government	Non-profit	ICANN
Direct	Senior executives are accountable to shareholders, via a board of directors; board of directors is accountable to shareholders	Elected officials are accountable to their electorate	Senior executives are accountable to their members and donors	There are no members; there is no electorate; there are no shareholders; there are no donors
External	Corporations are subject to laws and regulations	Governmental actions are subject to judicial review; lower-levels of government are subject to the restrictions of higher levels of government	Non-profit organizations are subject to laws and regulations	ICANN is a non-profit corporation, incorporated in California; non-profit law places only mild restraints on ICANN
Exit	Customers and/or employees and/or suppliers may desert the company	Residents may desert the jurisdiction	Members and/or donors and/or clientele may desert the organization	ICANN is a monopoly; the possibilities of competing "roots" are limited
Voice	Customer "hot lines"; third-party blogs	"Town hall" meetings; lobbying; support or protest rallies	Organizational meetings	ICANN holds extensive public forums and "notice and comment" periods on proposals

Image credit: Lenard, T.M., White, L.J. "Improving ICANN's governance and accountability: A policy proposal." Inf. Econ. Policy (2011), doi:10.1016/j.infoecopol.2011.03.001.

Furthermore, ICANN tackles issues that affect a wide variety of different stakeholders – from business to government to civil society – differently in different regions around the world. Ensuring sufficient participation and legitimacy of process, not just in the solution-development stage of its work, but also in the evaluation and review stages, requires paying close attention to different localized contexts and fostering feedback loops to ensure outcomes and effects can be analyzed, learned from and evolved in an equitable manner.

As such, establishing "citizen" juries at ICANN has potential to:

▸ Increase accountability by involving the public in advising on or reviewing Board and leadership actions;

▸ Create an "audience effect" of having to be open, which improves accountability and also provides an opportunity for outside insights and input;

▸ "[D]raw members into participative processes where the community is distanced from the decision-making process"[228];

▸ Improve representation by engaging a "cross-section of the community"[229];

▸ Be useful in "moderat[ing] divergence" on issues and increasing transparency of process[230];

228   *"Citizen Juries." Department of Environment and primary Industries. Victoria State Government.*
229   *Ibid.*
230   *Ibid.*

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▸ Provide "jurors" (i.e. community members) an opportunity to build and deepen learnings on specific ICANN issues[231] and to do so collaboratively;

▸ Monitor or gauge community and public sentiment regarding ICANN's work and its execution of commitments in the public interest[232];

▸ Broker conflict or provide "a transparent and non-aligned viewpoint."[233]

Implementation Within ICANN

Before piloting the establishment and use of citizen juries, ICANN should address and consult its community on the following considerations:

Purpose of Jury – what is the goal or decision you want to ask the jury to make?

▸ "Citizen" juries have been deployed in relation to a number of different contexts, for example:

   ▸ *On Issues*: "Citizen" juries have most often been formed to consider specific courses of actions in relation to localized issues.[234]

   ▸ *To Inform "Voters"*: Juries have been used in some contexts to evaluate political candidates and either recommend one for vote or to evaluate candidates on particular issues.[235]

   ▸ *To Review/Evaluate*: Juries have also been used to develop "clear, useful and trustworthy information about ballot measures" in the political context, for example, and have produced key findings and an assessment of particular ballot measures.[236]

▸ Enabling "citizen" or netizen juries to review actions and policies of the ICANN Board after the fact is one particularly ripe area for implementation, as ICANN currently lacks traditional mechanisms for adjudication after-the-fact that exist, for example, in corporate governance (i.e. ICANN is not expressly accountable to any well-defined "members" or shareholders).

▸ However, ICANN should consider all options for citizen juries' capacity within the existing ICANN structure. For instance, enabling cross-community and public deliberation through a citizen jury during the issue-framing or solution development stage of ICANN's work could help ICANN understand potential outcomes and identify possible impacts of its decisions from new channels, and via processes that embrace deliberation and consensus-building. Perhaps this technique would be best suited for areas of ICANN's work where no known desired outcomes exist or where outcomes will have divergent impacts on various regions. A citizen-jury could, therefore, help to gauge cross-community and value-based perspectives in a manner that informs the breadth of possible solutions and considerations to be pursued or could provide the ICANN Board

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231   *Ibid.*
232   *Ibid.*
233   *Ibid.*
234   *Crosby, Ned and Hottinger, John C. "The Citizen Jury Process." The Council of State Governments: Knowledge Center. July 1, 2011 at 322.*
235   *Ibid.*
236   *Ibid.*

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with additional input that could help either reinforce traditional problem-solving processes or help to identify areas in which unintended consequences or issues may arise that were not uncovered through formal policy-development processes.

Jury Selection – without members, who's part of the jury pool?

While typical citizen juries often comprise a random sampling of individuals, ICANN should consider what constitutes a viable general ICANN public in order to determine what the participant pool looks like.

▸ Some commenters have advocated for an official membership program within ICANN. However, establishing members by consequence means there are non-members, which poses certain challenges to ICANN's continued operation as an open, inclusive global organization.

▸ One means of identifying a candidate pool without formalizing membership could be to using data from those who have participated in ICANN Labs' Peer Advisory Network, data on ICANN meeting attendance, data shared from other global Internet governance events and organizations, any forthcoming I* expert network data, stakeholder engagement data, data on participation within ICANN structures and possibly data shared by universities and regional or local organizations working in or studying the Internet industry.

As commenters have noted, much of ICANN's existing community comprises volunteers, who may be lacking in knowledge on specific issues or time to devote to serving "jury duty." ICANN should therefore consider whether incentives (including non-monetary ones) could be used to encourage members of the global public to more willingly participate.[237]

Operation – how do the juries work without having to physically convene, especially across borders?

Regardless of the specific objective established, ICANN citizen juries should build on the traditional offline model and operate in an open and transparent manner online. Online tools suggested in other Panel proposals would assist in communicating and enabling deliberation across-borders, though undoubtedly, some allocation of "administrative organizational resources from ICANN's budget" will still be necessary.

To help maximize value of the citizen jury concept within ICANN, the organization could consider establishing an "ICANN netizen jury handbook" in consultation with the community. Notably, the Jefferson Center's Citizen Jury Handbook is a great guide to be used in designing any pilot or practice in this field.

ICANN should also encourage its global community to run localized "juries" that report back to ICANN's Board or various Councils. This would, of course, require sharing information on Board or Council actions in open, accessible and legible ways with these distributed jury teams.

Presentation to the Jury – how to present evidence relating to complex, specialized issues?

While citizen juries present an opportunity for fostering an environment where people who know little about ICANN can gain expertise together with others, there is no escaping the fact that ICANN's work can be complex, technical and specialized.

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237   For examples of different incentives that may be worth testing in this context, see the specific Panel proposal related to games.

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Therefore, ICANN staff may prove a vital role in helping establish useful frames for the work of the jury to enable all parties of varying knowledge to be able to converse intelligently on the issues.

Furthermore, "specialists" or ICANN Board members, stakeholders or community leaders may be paramount in presenting the requisite evidence from competing or divergent perspectives in order to enable citizen juries to meaningfully deliberate on the issue for which they've been asked to comment.

Notably, carrying out this framing and specialist role will also likely support efforts aimed ore generally at finding ways to articulate ICANN's work in more simplified ways, without losing meaning.

Powers of the Jury – what responsibilities and "rights" should juries have?

As noted above, typically, the outputs from citizen juries are captured via report or recommended plans for action that can then be evaluated and considered by the soliciting institution. If ICANN adopts this method of jury output, it should consider standardizing how citizen juries report their findings in order to enable future cross-referencing and analysis.

The ICANN community should also discuss what additional, if any, responsibilities and rights a citizen jury should be afforded (e.g., removal power and/or veto power are those typical in corporate adjudication processes). Establishing what the criteria should be for when exercising those rights and responsibilities would be deemed appropriate by the community is also vital.

At the very least, ICANN should require that findings from a citizen jury be publicly addressed by the ICANN Board and memorialized along with Board responses in open formats, which are accessible and legible to the public.

Assessing Success – from the perspective of participants

If ICANN does decide to adopt this proposal, we advocate for testing 2-3 initiatives, making certain to assess the process from the perspective of "jurors"/participants to make sure we can iterate what has worked and what doesn't over time.

Case Studies – What's Worked in Practice?

▸ The Jefferson Center – Within the United States, the Jefferson Center serves as a leading organization working "to strengthen democracy by improving civic discourse and advancing informed, citizen-led solutions to public policy issues." It does so by supporting, implementing and studying citizen juries in a variety of contexts – from employment to the economy and U.S. Federal debt to health care. One specific citizen jury initiative undertaken by the Center and Promoting Healthy Democracy focused on 2009 Election Recounts in Minnesota, and was "credited with helping build bipartisan support for reforms to that state's recount procedures."[238]

▸ Citizens' Initiative Review – Created by Healthy Democracy Oregon & Healthy Democracy Fund, this initiative harnesses the citizen jury model to "publicly evaluat[e] ballot measures so voters have clear, useful, and trustworthy information at election time." For each measure reviewed a new panel is formed and hears "directly from campaigns for and against the measure and calls upon policy experts during the multi-day public review."

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238   "Citizens' Jury." Participedia. March 21, 2010.

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▸ Prajateerpu *("People's Verdict")* – This initiative took place from 2001-2003 in the Indian state of Andhra Pradesh (AP), and focused on "future of farming and food security." Specifically, the initiative aimed to serve as "a means of allowing those people most affected by the government's 'Vision 2020' for food and farming in AP to shape a vision of their own." A team of marginalized farmers were identified and the processes were conducted in Telegu – the language used by the least affluent.[239] Jurors were "non-literate – reflecting status of majority of state's citizens - and female, reflecting their greater practical role, but lack of voice, in agriculture."[240] The state government and U.K. Government's Department for International Development ultimately changed aid policy within the state as a result of this initiative, which influenced similar processes in Zimbabwe and Mali. Notably, plans to replicate this process within AP were stopped due to a "lack of state/NGO capacity."[241]

▸ Democratizing Agricultural Research – Focusing in South Asia, West Africa, South America and West Asia, this initiative harnesses the citizen jury approach to introduce local voices into the process of developing food and agriculture policy at the local and national levels.

Open Questions
How Can We Bring this Proposal Closer to Implementation?

▸ What institutional or cultural barriers would pose challenges to implementation?

▸ How can ICANN select a pool of citizen jurors? What challenges are contained in this selection process?

▸ How are online and offline models of citizen juries different? For example, what mechanisms might be required for identity verification and authentication, so that the online citizen jury is not "gamed"?

▸ How can ICANN operationalize a citizens jury process? For example, in which structures or processes might a citizens jury be highly appropriate? If they seem appropriate, how can ICANN institute a citizen jury process in a low-risk context where ICANN can still show proof-of-concept?

▸ How could ICANN best frame and provide adequate learnings to "jurors" in order to foster meaningful and useful deliberation?

▸ What powers and rights should be afforded to citizen juries in which contexts?

▸ Does it make more sense for ICANN to leverage citizen juries before Board deliberations to guide policy-making, after to review decisions, or both?

▸ Are there specific issues ICANN is dealing with at present where broad public deliberation from the global netizen community would be useful but is lacking?

▸ What staffing and resource needs would ICANN need to be able to see this proposal to fruition? How would partnering this effort with others (e.g., creation of an open data policy at ICANN) help bolster transparency and accountability within the organization?

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239   Wakeford, Tom, et al. *"The jury is out: How far can participatory projects go towards reclaiming democracy?"* Handbook of Action Research. Second Ed. Sage Inc.: New York. (2007) at Chapter 2: 6.

240   *Ibid.*

241   *Ibid.*

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PROPOSALS 14 - 16 FOR ICANN:

Become an Effective Participant in the Internet Governance Ecosystem by Decentralizing Accountability, Being Experimental, and Embracing New Evidence and Insights

From Principle to Practice

The concept of "multistakeholder governance" exists on **many levels** in the Internet ecosystem. The bodies that make up ICANN operate through their own multistakeholder models (e.g., the Generic Names Supporting Organization (GNSO) conducts policy-development using multistakeholder, bottom-up processes,[242] involving the many different stakeholder groups and constituencies in the Contracted and Non-Contracted Party Houses). The GNSO and other ICANN structures are all part of a larger multistakeholder model within ICANN, which involves other groups such as the At-Large Advisory Committee (ALAC), for example, representing civil society, and the Governmental Advisory Committee (GAC), representing government. And ICANN itself is part of an even larger multistakeholder model (though at this point less well-defined), involving other "I*" organizations such as the Regional Internet Registries (RIRs), the Internet Engineering Task Force (IETF), the Internet Society (ISOC), national governments (acting independently or in unison, e.g. through the EU), and international organizations (such as the UN or Interpol).

In light of this multistakeholder landscape – the challenge this proposal seeks to address is **how ICANN can meaningfully participate in an increasingly global and diverse Internet governance ecosystem,** *without expanding its current remit.* This means that ICANN must be understood in terms of its functions – standards, protocols, and policy coordination for the Internet's unique identifier resources[243] —and how those functions impact and are impacted by other Internet governance activities (which can also be conceived as functions).

Diversity characterizes the Internet governance ecosystem. To make sense of and navigate this diversity, it may be useful to conceive Internet governance in terms of "layers" of issues, e.g.:

▸ Infrastructure layer (connectivity, universal access, and net neutrality)

▸ Technical layer (Internet names and numbers; protocols and standards)

▸ Content layer (intellectual property, cybercrime, spam, and collaborative applications)

▸ Social layer (trust and identity; human rights and digital rights; Internet governance principles)

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242   *"GNSO Policy Development Process."* GNSO.ICANN.org.
243   *"Bylaws for the Internet Corporation for Assigned Names and Numbers."* ICANN.org. April 11, 2013.

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These layers each interact with ICANN and are impacted by ICANN's activities, and ICANN's activities in turn impact each of these layers. There are several "zones of engagement" that can be conceived as being concentric around ICANN:

▸ Stewardship zone (with ICANN's SO/ACs, Registrars, Registries, and the GAC)

▸ Coordination zone (with the ISOC, IETF, Internet Architecture Board (IAB), World Wide Web Consortium (W3C), and the RIRs)

▸ Participation zone (with National governments, UN organizations, International organizations, and special interest groups).

This diversity of scale, issues, geography, and functions in Internet governance – sometimes called the "patchwork" of Internet governance mechanisms, characterized by "competing and co-existing legal regimes" – creates a complex governance challenge.

This proposal, therefore, recommends *a distributed research-and-practice initiative to design a "distributed governance network"* that addresses the diversity of actors and issues in Internet governance and the variable ways in which ICANN must: a) coordinate its work with other actors, and b) evaluate its own position in the Internet governance ecosystem to the end of becoming an effective participant in the Internet governance process writ-large. Consistent with all proposals made by our Panel, we believe any such "distributed governance network" for the Internet must be *effective, legitimate, and evolving* and must embrace the principle of *subsidiarity* to do so, meaning they operate within a remit comprising only those responsibilities or tasks for which their centralized or authoritative position makes them best equipped and most competent to handle.

Such a distributed governance network would have several characteristics, each of which is substantively supported by a set of concrete activities. These characteristics are:

▸ **Decentralized Accountability –** This involves mapping the Internet governance ecosystem, its layers, the issues, and where these issues are being managed and/or generated. This also involves finding "principles for Internet governance," aligning various stakeholder and governance incentives, and identifying roles and responsibilities of existing actors and also pertaining to existing issues.

▸ **A Culture of Experimentation –** This involves creating a minimum or basic set of rules that set the standards by which bodies can be considered eligible to participate in the governance network – for example, "all bodies must adhere to the following absolutely basic things" to participate. This promotes a culture for experimentation within ICANN and across distributed governance network, which paired with an embrace of analytical tools and qualitative and quantitative frameworks, can help us collectively assess and share insights related to what's working and what's not to address various Internet governance issues in innovative and distributed ways.

▸ **A Systematic Embrace of New Evidence and Insights –** This involves enabling the actual research that promotes change and evolution at the institutional level, to the end of achieving trust and interoperability across the ecosystem. Because of the internetworked nature of Internet governance, "embracing new evidence" at and across the governance-network level means there must be a certain set of common governance elements and functions in place. There must be ways to raise ecosystem awareness of these new insights.

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How Do These Proposals Support Fostering a Distributed Yet Coordinated Internet Governance Ecosystem?

It may be useful to think about these three characteristics in terms of scientific process. In "decentralizing ac-countability," we essentially mean that people must **take stock of reality** – e.g., the context, the resources, the environment, and the variables. By "being experimental," we mean that people should conduct experiments with scientific rigor, so that they are **replicable**. This involves framing the process so that it is widely understandable using standard methods. Finally, by "embrace new evidence and insights," we mean that, **having taken stock of the context**, and **having done experiments in systematically rigorous ways**, people should **analyze the results** and pub-lish them in ways that are understandable by and useful to others, so that they can replicate and learn from them, and so that these insights can inform an entire field (in this case, the "field" or network of Internet governance).

Decentralized Accountability

▸ Mapping the Internet governance ecosystem

   ▸ This involves identifying a matrix of existing bodies and mechanisms in Internet governance. It also involves finding out how the current Internet governance ecosystem can potentially generate harmful fragmentation of the Internet. Situating issues and actors will allow for the identification of where coordination is needed.

▸ Finding "principles for Internet governance"

   ▸ This involves research. Many different bodies have suggested principles for Internet governance.[244] Our panel, too, has put forth effective, legitimate, and evolving as core principles.

▸ Identifying roles and responsibilities of existing actors and pertaining **to** existing issues to reveal where more coordination is needed

   ▸ In the Internet governance ecosystem it makes sense to decentralize accountability for the issues and prior-ities of Internet governance which themselves are **decentralized**. It makes sense to **centralize** accountability for the issues and priorities of Internet governance which themselves are **centralized**. A good example of a centralized priority is the stability of the Internet's technical resources, e.g. the DNS and IP. A decentralized priority may be regional level priorities, e.g., different regulatory approaches to IPv6 adoption.

   ▸ Such a mapping activity can help to identify how coordination can take place and at what "stage" of deci-sion-making, e.g., agenda setting, report drafting, validation (decision-making), implementation, enforce-ment and evaluation or review.

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244   Jeonghyun Baak and Carolina Rossini. "*Issue Comparison of Major Declarations on Internet Freedom.*" *(Summer 2013).*

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Culture of Experimentation

▸ Creating a minimum or basic set of rules that set the standards by which bodies can be considered eligible to participate in the governance network

> ▸ This makes use of the "subsidiarity principle," which, in the European Union context, means that "decisions are taken as closely as possible to the citizen and that constant checks are made to verify that action at Union level is justified in light of the possibilities available at national, regional or local level."[245] Here, what is particularly important is that whichever authority can handle the matter *effectively*.

> ▸ The goal of such an initiative is to create a rigorous and stable set of support mechanisms that allow different bodies to experiment to the end of finding out what works and what doesn't and why. For example, there may be common guidance and advice on privacy and security, promotion of global interoperability standards, use of model metrics to evaluate where interventions are needed, public awareness campaigns and financial pools to increase access to the Internet, etc.

▸ Leveraging incentives for experimentation and collaboration with common priorities in mind

> ▸ There must be ways to experiment and innovate that *balance* the need for stability of the Internet and evolving its governance. Therefore it makes sense to provide necessary incentives and responsibilities in order to achieve objectives. Furthermore, these incentives must allow for adjustments of the experimental process along the way to accommodate new findings and developments.

> ▸ Incentives may include, for instance, technical requirements, consumer expectations, and others. Responsibilities may include harmonization and compliance requirements, reporting on metrics, etc.

Systematic Embrace of New Evidence and Insights

▸ Enabling change at the institutional level

> ▸ Internet governance bodies must be able to make use of the evidence derived from experimental processes and research as described above. This means that there must be awareness of what kinds of evidence are useful for what kinds of bodies and mechanisms. This requires a common language — an agreement on a set of basic principles and understandings — that allows an entire ecosystem to benefit from new evidence, regardless of where this evidence is generated.

> ▸ This means that various "layers" in the ecosystem must employ coordinated frameworks so that capacity development accrues to the ecosystem as a whole.

▸ Raising ecosystem awareness of new insights

> ▸ An important question is how to systematically add knowledge to a corpus or repository in a way that is sharable and where people are aware of new evidence being added and have meaningful and effective ways to access and use that evidence.

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245   *"Summaries of EU Legislation: 'Glossary.'" Europea.eu.*

▸ This involves dialogue functions (such as the Internet Governance Forum, and also other virtual means) to bring different bodies and actors together to enable global information exchange in ways that are equitable. These actors can coordinate their discussions with shared understandings of each others' roles and functions, while allowing for devolved implementation and adjustments (this illustrates the notion of centralized vs. decentralized priorities).

Why Do These Proposals Make Sense Specifically for ICANN?

In the "Commentary on 'The Quest for a 21st Century ICANN: A Blueprint," Sam Lanfranco put forth a well-framed reasoning for why ICANN must focus on its role in the Internet governance ecosystem and how multistakeholder innovation can help ICANN become more effective, legitimate, and adaptable in carrying out its functions. He suggests that the Panel's proposals should act as a starting point for strategies for:

1. "Building a viable and effective multi-stakeholder system of ICANN governance";

2. "Using that to help position ICANN in the Internet ecosystem and system of Internet Governance";

3. "Strengthening Internet stakeholder awareness and engagement in both the affairs of ICANN and in Internet Governance."[246]

ICANN occupies a critical and foundational role in the Internet governance ecosystem, especially at the technical layer. However, one cannot neatly separate the content layer or the social layer from the technical or system layers of the Internet, and ICANN inevitably exists in a "web of relationships."[247] This web can be characterized as being historically improvisational. For example, Milton Mueller argues that, "we have been improvising collective governance arrangements for 15 years, and these improvisations have so far failed to fully resolve the issues of legitimacy, adherence and scope on a global basis."[248] However, because actors and stakeholders on the Internet are extremely diverse and decentralized and yet share common priorities (privacy, security, intellectual property, economic growth, policy, culture, rights, consumer choice, safety, etc.[249]), it makes sense that Internet governance accountability structures will be distributed, yet coordinated.

Therefore the Panel recommends an action-research approach that essentially parallels approaches to how scientific fields of knowledge are established. This is in order for ICANN to:

▸ Make better sense of how it impacts Internet governance and how Internet governance impacts ICANN's work;

▸ Make use of this knowledge to the ends of evolving its own practices to more efficient and accountable ends; and

▸ Take these insights and leverage them to benefit the Internet governance ecosystem *writ-large.*

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246   Lanfranco, Sam. *"Commentary on 'The Quest for 21st Century ICANN: A Blueprint*." Distributed Knowledge Blog. (February 2013).

247   See, Vinton G. Cerf (Chair) et al., *"ICANN's Role in the Internet Governance Ecosystem,"* Report of the ICANN Strategy Panel, February 20, 2014 at 48.

248   Mueller, M. and Wagner, B. *"Finding a Formula for Brazil: Representation and Legitimacy in Internet Governance."* Internet Policy Observatory. (January 2014) at 11.

249   Global Commission on Internet Governance *"Frequently Asked Questions"*. OurInternet.org.

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This allows ICANN to:

▸ Set up systematic ways by which to collaborate with other bodies and mechanisms in the Internet governance ecosystem under common frameworks;

▸ Cooperate with those bodies and mechanisms in experimental processes that allow for evidence gathering;

▸ Use the evidence from these experiments to build capacity across the Internet governance ecosystem; and

▸ Finally, these initiatives would help ICANN to address issues **within its remit** in a way that lets ICANN determine how issues are located along different jurisdictional boundaries and how ICANN can best do its work while avoiding, e.g., harmful fragmentation of the Internet.

Implementation Within ICANN

It is important to recognize that ICANN is just one of various actors in the Internet governance ecosystem that serves a "stewardship" role.[250] In particular, ICANN is responsible for the good management, use and evolution of a shared resource – the Internet's unique identifier resources.

However, stewardship roles in the Internet governance ecosystem tend to be **shared** or **entangled** because of the internetworked nature of Internet issues, actors, and mechanisms. Therefore, there are important questions about framing and inclusion that are relevant to this proposal for ICANN to participate in the development of Internet governance as a coordinated and coherent field. Specifically:

Decentralizing Accountability

There is a proliferation of conferences, panels, and research initiatives currently planned or in-progress, which should act as natural organizing platforms for this aspect of the proposal to map the Internet governance ecosystem. This mapping will obviously be a collaborative activity that is as open and transparent as possible. Many of the initiatives currently underway are directly related to previous events, such as the World Summit on the Information Society (WSIS) in 2003 and 2005 or the World Conference on International Telecommunications (WCIT) in 2012. Currently, for example, it makes sense to leverage:

▸ The upcoming Global Multistakeholder Meeting on the Future of Internet Governance in Sao Paulo, Brazil, in April. This will bring together many Internet governance bodies and stakeholders and discuss frameworks for Internet governance going forward.

▸ The Global Commission on Internet Governance set up by Chatham House and the Center for International Governance Innovation. This Commission will take two years to explore almost all the issues relevant to Internet governance.

▸ The High-Level Panel on the Global Internet Cooperation and Governance Mechanisms is a strategic panel facilitated by ICANN, which is hosting its discussions online via the 1Net.org forum. 1Net is an open forum for convening dialogue around Internet governance.

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In particular, there should be a high degree of coordination between these initiatives so that issues and actors can be situated both in long and short-term research and strategic initiatives that collect evidence and prevent redundant discussions and knowledge-gaps. It makes sense for these various initiatives to collaborate in the following regards:

▸ Identifying areas where fragmentation is harmful and coordination is needed;

▸ Identifying how coordination can take place and at what level (for example, agenda setting, drafting, validation, implementation, enforcement);

▸ Identifying those actors that must be coordinated;

▸ Creating expert networks can facilitate virtual community formation where necessary;

▸ Producing discussion papers on these subjects which would be reviewed through further workshops at regional levels and in global meetings.

Culture of Experimentation

There must be open and collaborative processes by which various bodies and mechanisms in Internet governance can decide and establish certain standards or principles by which to devolve Internet governance experimentation. This means there must be a high degree of agreement, implying that there must be centralization of certain priorities, and consensus around those priorities.

This involves identifying a certain set of common governance elements and functions that need to be in place, developed and also overseen through global governance mechanisms (read: not intergovernmental, but multistakeholder).

A distributed research initiative (as described above) would identify some of the areas that demand national intervention or guidance and develop options on when and how global guidance and intervention, through a common framework, would support global information exchange, allowing for developed implementation and adjustment.

▸ An assessment of these governance issues could be conducted using five layers or areas of concern (ACCTT):

  ▸ Access to infrastructure

  ▸ Code and standards

  ▸ Content

  ▸ Trust

  ▸ Trade

Using these metrics, a distributed research initiative could generate regular "State of Internet Governance" reports to determine need for action or progress on certain metrics.

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Systematic Embrace of New Evidence and Insights

In order to effectively leverage new evidence and insights to inform and benefit the entire field of Internet governance, it makes sense that a coordinated Internet governance ecosystem institutes the necessary incentives and responsibilities to achieve its objectives. Experiments should be framed according to the responsibilities and functions of different actors and stakeholders. Using these frameworks allows evidence gathered from these experiments to be meaningfully understandable in context. In turn, new insights would respect a set of fundamental principles or priorities (and therefore would not destabilize the Internet as a result of a lack of coordination).

A distributed research initiative could study various incentives (for example, technical requirements or consumer expectations) and various actors' responsibilities (for example, harmonization and compliance or metrics-reporting) and *identify* a "toolbox of leverage points," which allow for effective yet flexible ways of governing. In addition, these leverage points could be experimented with around specific (likely low-risk) use case scenarios.

Foundational to a distributed research initiative is stakeholder engagement, which allows for more legitimate and global outcomes. Much more innovation on how to solicit meaningful input and generate co-creation is needed. Please see the Panel's other proposals for some ideas on how a variety of innovative participatory processes and practices can be used to experiment and get new evidence and insights.

Examples & Case Studies – What's Worked in Practice?

Decentralizing Accountability

▸ The Universal Declaration of Human Rights (UDHR) – The UN model is often discussed in relation to ICANN, and the reaction thereto tends to be negative. However, there are important lessons ICANN could emulate from how the UN has been used and implemented in practice. The UDHR is not a treaty and is not binding in itself. However, it defines the meanings of "fundamental freedoms" and "human rights," phrases, which are found in the UN Charter, which is binding on member states.

    ▸ The UDHR is the foundation for two binding UN human rights covenants: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESC). This again illustrates the principle of centralized and decentralized priorities.

Culture of Experimentation

▸ The Open Governance Partnership (OGP) – The OGP is an international, non-profit organization dedicated to improving governments by promoting transparency, openness, citizen empowerment, and accountability while also advocating the use of new technologies to strengthen governance. The initiative provides a structural framework for critical discourse and action, while also promoting dialogue between governments and civil society. To participate in the OGP, governments must meet eligibility criteria, which include "demonstrating a minimum level of commitment to open government principles in four key areas (Fiscal Transparency, Access to Information, Income and Asset Disclosures, and Citizen Engagement).[251]

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Systematic Embrace of New Evidence and Insights

▸ Skunk Works (Lockheed Martin) – "Skunk Works" is the official alias for Lockheed Martin's Advanced Development Programs. It is a research and development laboratory characterized by quick turnout rates on advanced research and development projects. A skunkworks is usually highly autonomous and makes use of very original and creative input[252] by avoiding bureaucracies that would otherwise impede development by imposing stability/innovation tradeoffs. Skunkworks projects tend to address extremely precisely-framed problems, inviting a range of potential solutions. For example, a skunksworks project may end when it has fulfilled its agreed-upon "exit-criteria."

▸ MacArthur Research Networks – The MacArthur Foundation hosts signature "research networks" which are intended to "identify a big problem and bring together researchers, practitioners, and policymakers from multiple disciplines to work collaboratively over an extended period of time, typically six to as many as ten years."[253] These research networks are very open and collaborative and members are granted a high degree of freedom in how they address big challenges. Pre-planning (e.g., research framing, network member identification, proposal drafting, and outreach to outside experts) ensures that the research network can make distinctive contributions to a field of knowledge, and also have real-world impact.

Open Questions
How Can We Bring This Proposal Closer to Implementation?

▸ How can such a governance network be created from scratch and still achieve the legitimacy and compliance associated with more well-established forms of governance?

▸ Who gets to participate in the initial set up and who will be excluded from that process? Who decides?

▸ How can participation opportunities remain open while still manageable?

▸ How could a global Internet governance network embrace new participants over time as the Internet grows and expands?

▸ Which actors are empowered to make the decisions that establish the rules and procedures for all subsequent action?

▸ How can ICANN invest in such "environmental protection" efforts while retaining trust from its global community that it will not expand its remit?

▸ How can feedback loops be established in legitimate and effective ways, taking into account different digital communications technologies and the need to accommodate the many different cultures and languages embraced by participants?

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252   "*Skunkworks.*" The Economist. August 25, 2008.
253   "*About MacArthur Research Networks.*" MacArthur Foundation. January 15, 2014.

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Appendix 2: Comments on MSI Panel Proposals.

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COMMENTS AND REACTIONS RECEIVED THROUGH GOVLAB BLOG

This appendix shows the reactions received during Stage 2 of the Panel's work as of March 19, 2014. Notably, the annotation feature used on the GovLab Blog allowed for commenters to "react" to the proposals by clicking to select any of the following pre-defined categories:

▶ Great

▶ Problematic

▶ Important Question

▶ Minor Question

All blog postings remain available on The GovLab's ICANN Project page (thegovlab.org/icann2) and the GovLab Blog.

Many reactions were also paired with questions or comments, documented below, with responses, where appropriate.

Quest for a 21st Century ICANN Blueprint

COMMENT: In regards to the proposal for the creation of an Internet Governance Lab – How does this encourage an ICANN r&d branch? This appears very self-interested on the part of GovLab

RESPONSE: The goal of the iGovLab would be for the creation of a distributed and international research network to look at – not just ICANN's – but all roles, functions and players in the broader Internet Governance ecosystem in order to deepen our collective understanding on how the global community could participate in a distributed, yet coordinated decision-making arrangement for IG issues, especially as the Internet expands and as new issues emerge without any player having clear remit ownership. The GovLab would welcome participating and/or supporting such a research initiative.

COMMENT: Bet[h], Really like where you are taking this. Just one addition: it would be good to include "Proportional" to the key principles. Proportionality is important as it helps put the focus on where it needs to be, and not get too distracted by what is less important to most. Also, it helps make sure that engagement is made possible in ways that are affordable for those that should be at the table … and not be dependent on "deep pockets" or "commercial interest rather than societal interest with less money behind it".

COMMENT: I am a member of NPOC/NCSC and have written a long(ish) 17 page commentary on the 16 "Blueprint" proposals contained in the document produced by the Strategy Panel on Multistakholder Innovation. It is titled "Commentary on "The Quest for a 21st Century ICANN: A Blueprint" and can be found at http://samlanfranco.blogspot.ca/2014/02/commentary-on-quest-for-21st-century.html A copy will be submitted directly to the Strategy Panel. -

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PROPOSAL 1: EXPERT NETWORKS

Problematic	Great
15	1

COMMENT: To the extent that this proposal could "Inspire and incentivize collaboration within and across silod ICANN structures" and "save time and resources", it is very worthwhile exploring. But the types of expertise focused on in the description of this proposal don't seem to be very applicable to ICANN.

RESPONSE: We believe that ICANN could benefit from expertise from a variety of different spheres, sectors and disciplines. The aim of this proposal is not to provide an exhaustive list of all types of expertise needed, but rather to provide some examples and to encourage the idea of using expert networking to better tap expertise, however it is ultimately defined on an as-needed basis at ICANN.

COMMENT: In response to the "Why" portion of the proposal – In my opinion, the panel did not make a very strong case that this idea makes sense for ICANN. A better case needs to be made to ensure that the value of this proposal warrants the expenditures it would take to test it.

RESPONSE: We believe that many of the expert networking technologies and networks already exist and could provide great value to ICANN and to the entire IG ecosystem as a means of identifying needed expertise and willing participants from around the globe to help tackle tough problems existing and emerging in the IG space. Perhaps starting with a small-scale pilot could help ICANN test the proposed value proposition before adopting this proposal wholesale.

COMMENT: One general problem I have with the panel's description of this proposal is that it tends to mix ICANN's mission with a much broader Internet Governance (IG) mission. Are the innovations proposed intended for ICANN improvements or more broadly for IG improvements or both? In testing and evaluating

RESPONSE: We believe this proposal is one that could be deployed specifically to the aid of ICANN in relation to the work within ICANN's remit and would also prove beneficial across the I* organizations. We are not promoting an expansion of remit by ICANN, however. We are just proposing this as a technique that could be leveraged by institutions to identify, locate and engage needed and willing experts.

COMMENT: I agree with the underlying premise of this proposal that ICANN (meaning all of us in the ICANN community) "needs to be smart" and hence "it needs access to the best possible ideas in forms and formats that are useful and relevant to the decision at hand from sources inside and outside the institution.

COMMENT: In response to the point that expert networking could "Increase diversity, reduce redundant participation and remove vested interests from stakeholder groups and working groups at ICANN" – Those with vested interests will be the most likely to participate and will be the most impacted; removing them would make it impossible to thoroughly vet issues and ideas.

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COMMENT: The panel seems to believe that it would be good to "Move ICANN from a representation-based to expertise-based organization." Is it accurate to assume that it is an either-or situation? Are they mutually exclusive? Is there value in combining the benefits of both? A value in a representation-bas...

RESPONSE: This highlights a great point – these are not mutually exclusive. Deciding who decides what, when and how will likely be different depending on the issue or problem at hand. Some decisions (e.g., the highly technical decisions) may be better suited for an expertise-based configuration. Those more values-based decisions, however, may be different. The value is in an agile enough decision-making process and institution that can respond with a configuration that is best suited for getting both wise and wide input for whatever the issue at hand may be.

COMMENT: The potentially relevant networks and communities listed by the panel are predominantly for very technical resources. In the area of domain name policy development, which has been identified as needing improvement, it is not at all clear that technical resources are a big need.

RESPONSE: This highlights an important distinction needed – not all proposals will make sense and/or work in all settings. The 16 proposals offered are really a constellation of sorts, and we hope that the ICANN experts within the staff and community can help identify how and where would be best for piloting and testing these innovative approaches to decision-making.

COMMENT: Here is the very last question asked by the panel: "What would the framework of accountability for decisions being made by experts look like?" The wording of this question seems to illustrate a lack of understanding on the part of the panel regarding the multi-stakeholder model. They appear to a*s...

RESPONSE: We understand that the bottom-up, consensus-based model of multistakeholdership practiced at ICANN, the policy-development processes that provide numerous chances for public input, and the existence of Accountability & Transparency Review teams at ICANN – all of these things provide a framework for accountability. This question is merely about understanding how ICANN could apply the principles and values embedded in its existing processes to a pilot or experiment that leveraged expert networking. The phrasing of "decisions made by experts" in no way was meant to suggest a wholesale change to an expert-only process, where broad input is not encouraged or absorbed.

COMMENT: The goals of the panel are good and the solicitation of feedback is appreciated, but the timeframe is impossible to meet. One major objective of this panel is to come up with ways that will increase the breadth and diversity of participation in ICANN activities. This is a very valid objective and many of the proposals have potential to contribute in that regard but the panel process itself works against that objective. If we just consider the stage 2 process by itself, assuming that it will last a little less than one month, is it realistic to expect very many people to provide feedback on 16 different proposals, some of which have not even been posted in detail yet, and all of which have dozens of issues and questions for which responses are requested. Recognizing that people have regular lives and regular job responsibilities and are in many cases involved in other ICANN and IG activities, is it reasonable to expect much feedback in such a short window even from those who are already familiar with ICANN, let alone those who are new to ICANN? Add to that the fact that there are several other panels seeking feedback and that there are significant IG activities underway. The only way for the panel to achieve its targeted timeframe is to settle for limited input from

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limited participants and make mostly top-down decisions regarding final recommendations. This of course would not be a valid multi-stakeholder approach. It would be faster but there is no way that a broad-based and thorough consideration of the issues could happen. Moreover, similar concerns exist for the other stages and for any experimentation process that may follow.

RESPONSE: The timeframe for the Panel's work was indeed restricted. But we want to reiterate that the Panel's work will go through ICANN's traditional public comment period, too. The opportunities for input provided by the Panel were just the first in the process of deciding which proposals to support and how to move the dialogue forward.

PROPOSAL 2: CROWDSOURCE EACH STAGE OF DECISION-MAKING
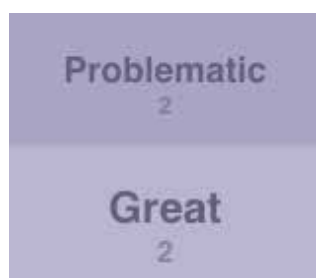
COMMENT: The following seems like a valid premise for this proposal: "The legitimacy of a 21st century global institution operating in the public interest depends on whether those affected by the decisions the institution makes are included in the decisionmaking process." The detailed description goes on to...

COMMENT: Nice conversation starter! A couple of comments: Crowdsourcing and stakeholder engagement are two fundamentally different things. As you rightly point out, crowdsourcing relies on an "undefined (and usually large) network of people". In stakeholder engagement, on the other hand, very specific groups or individuals need to be involved. Which one is it? If the idea is to do both in parallel or in some other complementary fashion, I suggest to outline in more detail what that would entail. Secondly, when it comes to public participation (involving the public in decisions that affect them), it is absolutely critical to know upfront how any of the input generated in the process will impact the decision at hand. In your example, the decision at hand is to define an agenda, presumably. The suggested approach is to support the "up-front issue framing" process by crowdsourcing the identification and ranking of issues. Would it matter who participates in this process and whether certain stakeholders are represented? How binding would the results be? Would the decision making body commit to implement what the crowd decides or merely take their input into consideration?

COMMENT: I compliment the panel for providing constructive suggestions of how this proposal could be tested in ICANN along with existing tools that could be used. They also recognized the important of cost-effectiveness. And they raise important questions that need to be answered. I personally think it would be good to test this proposal.

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PROPOSAL 3: CROWDSOURCING OVERSIGHT & DEVELOPING METRICS FOR SUCCESS

COMMENT: Online ranking and feedback tools seem like useful tools in policy development activities.

COMMENT: I strongly support any action that increases ICANN's accountability so this idea may be worth exploring further for that reason alone, but it is not immediately clear that it could be effectively implemented.

COMMENT: One idea that raises red flags to me from my contracted party perspective is "using open contracting principles, openly post all registry and registrar contracts online (along with other open data sets, such as financial data and existing compliance data) and ask the public to help monitor for compl…

COMMENT: An open peer review platform seems to me like it could have strong potential; it could be a useful tool in policy development activities.

COMMENT: I have no argument with the need to develop success metrics as acknowledged by the panel. But it is not clear that those could be successfully developed using crowdsourcing. The panel does identify some constructive factors that should be considered when developing metrics.

COMMENT: Some of the ideas in this proposal appear to have clear potential for adding value and hence would seem to warrant further investigation. Others seem to me to need more justification before spending very much on testing them. (See my inline comments.)

PROPOSAL 4: COLLABORATIVE DRAFTING

COMMENT: These case studies are not especially relevant to possible ICANN uses but they do illustrate some real life possibilities of collaborate drafting tools.

COMMENT: In response to question, "What are the incentives for sharing drafting responsibility?" – Faster way to incorporate multiple viewpoints.

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COMMENT: In response to question, "Where in ICANN — e.g., which topics or issues, or which venues (i.e. SOs or ACs) — could a collaborative drafting tool best be experimentally implemented?" — GNSO PDP WGs.

COMMENT: In response to question, "What limitations has ICANN encountered in previous efforts to deploy collaborative drafting tools and how can we mitigate those in future experiments?" — Limited functionality.

PROPOSAL 5: INNOVATE THE PUBLIC FORUM

COMMENT: In response to point that "incumbent" participation tends to dominate at ICANN meetings — The point is well taken here but in my experience I see new people coming to the microphone at every ICANN in-person meeting. It would be helpful to test this assumption at the next couple ICANN meetings, gather some data and report on the findings. That said, we should encourage new participants.

COMMENT: I agree with this but am always concerned when the word 'equitable' is used. That is a worthy ideal to shoot for but I am not sure it is achievable. It might be better to strive for 'more equitable participation'.

COMMENT: It may not be possible to 'equalize' participation but we should 'strive to make it more equal'.

RESPONSE: To both of the above comments — this is an incredibly important point. Agreed that equitable is ideal, more equitable may offer a more realistic word choice.

COMMENT: Testing too many tools simultaneously should be avoided.

COMMENT: In response to the proposal's Textizen and Ureport discussion as low-bandwidth example tools for remote participation — Sounds interesting.

COMMENT: In response to question, "How can the Public Forum find a balance between those who want to speak and those who should speak?" — This is a great question.

COMMENT: Quite a few examples of tools that could be used are provided and sound pretty interesting. It is not clear that all of them would work for the ICANN Public Forum, but it seems worthwhile exploring them further. I think that pilot testing of ideas and tools would need to be spread out so that there are not too many things are being tested at the same time.

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PROPOSAL 6: INNOVATIVE VOTING TECHNIQUES

COMMENT: In my opinion, the two purposes the panel lists for this proposal are very legitimate: 1) to make decision-making at ICANN more accessible, and 2) to empower members of the ICANN community to take thought-leadership roles.

COMMENT: This is an accurate description of the process for the GNSO although task forces are no longer used.

COMMENT: Allowing people to organize around topics and issues rather than around their constituencies could have positive and negative consequences. If only individuals were allowed to contribute, it would be necessary to ensure that a critical mass of individuals participated from all impacted groups; that...

COMMENT: The panel seems to assume that these innovative voting ideas would mostly benefit voting at the Council level. Voting at the Council level is not really that big of a problem in my opinion. Assessing the views of participants in WGs could probably be a much more useful application of the voting id...

COMMENT: It is not clear to me that using Liquid Voting for the GNSO Council or ICANN Board adds much value. The current voting methods seem to work okay. But I believe there might be lots of value in using Liquid Voting in policy develop WGs to assess the various views of stakeholders.

COMMENT: As commented above for Liquid Democracy, Ii is not clear to me that using Ranked-Choice voting for the GNSO Council or ICANN Board adds much value. The current voting methods seem to work okay. But I believe there might be lots of value in using Ranked-Choice voting in policy development WGs to as...

RESPONSE: To the above three comments, the Panel heard mixed input on whether and how innovative voting could be applied to Working Groups. This seems an important topic to discuss in future dialogue about where and how to pilot this proposal.

COMMENT: The concept of citizen juries needs much more investigation before being considered.

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PROPOSAL 7: OPEN DATA & OPEN CONTRACTING

Problematic 4	Great 4
Important question 2	
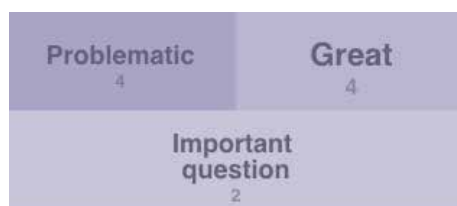
COMMENT: It is important to note that the principles were designed for 'public contracting', i.e., contracting of government organizations. ICANN is not a government organization so it is important to keep that in mind. At the same time, ICANN, like government organizations, has the responsibility to serve...

COMMENT: Regarding the possible use of 'open data' principles, it seems to me that opportunities for improving ICANN's transparency and accountability would be very worthwhile pursuing further.

COMMENT: Does the panel think that this would apply to contracts with registries and registrars? Is so, how?

COMMENT: In one of the steps listed by the panel for embracing 'open contracting' it is suggested that "ICANN could put in place an open contracting plan. This requires determination of which ICANN contracts could be subject to an open contracting policy, including registry contracts, registrar accreditation...

COMMENT: Overall, I think the 'open data' idea has some good potential to improve ICANN's accountability and transparency. I also think that 'open contracting' approaches could yield some benefits for procurement contracts but it is not clear that the same would be true for registry and registrar agreements.

RESPONSE: To the above comments related to opening up registry and registrar contracts – this seems to be a topic question that should be addressed by the community together in thinking about whether, how and in regard to which contracts ICANN should pilot this proposal.

PROPOSAL 8: PARTICIPATORY BUDGETING

Problematic 2	Great 1
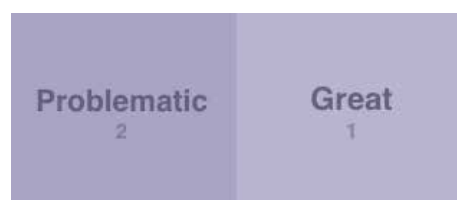
COMMENT: In response to question, "How does ICANN decide whether there has been sufficient engagement with the public in budget consultations at present?" – Here is my personal answer: The budget process moves forward based on Bylaws time requirements; it has never mattered whether there was sufficient engagement with the public.

COMMENT: In my opinion, PB could greatly improve ICANN's budgeting process, but it should be understood that PB by itself won't solve the main problem. The main problem for years is that insufficient budget detail has not been provided or has provided too late in the process for public input to be reflected

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PROPOSAL 9: ROTATING TERM LIMITS
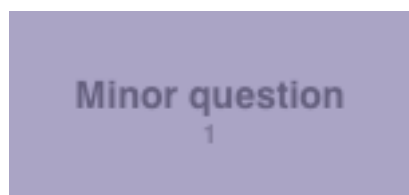
NO COMMENTS.

PROPOSAL 10: FROM "STAKEHOLDER" TO GLOBAL ENGAGEMENT

COMMENT: In response to point indicating newcomers should be able to quickly get up to speed on what ICANN does and how – This is a great goal but is it realistic?

COMMENT: The Panel says "In general, people are more aware of Internet governance issues at large than their specific "stake" in those issues via ICANN." It is not obvious to me that this is a true assumption; it may be but probably should be validated before proceeding with this proposal.

COMMENT: Designing any new approach should make certain that current participants can meaningfully partic- ipate in any experiment and that interest-based approaches and alternative approaches for organiz- ing ICANN participants do not directly compete with each other and thus undermine the value.

COMMENT: In my opinion, there are lots of good ideas in this proposal that would be valuable to test. But to do so will require a lot of time and resources including ability for volunteers who are already stretched thin. Also, one of the suggestion that community participation should be based on topic rather than stakeholder interest seems to be based on the assumption that "people are more aware of Internet governance issues at large than their specific "stake" in those issues via ICANN." It is not obvious to me that this is a true assumption; it may be but probably should be validated before proceeding with this proposal because the entire proposal seems to be based on this assumption.

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PROPOSAL 11: EMBRACING EVIDENCE
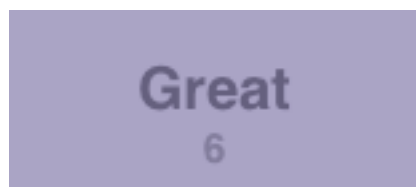
COMMENT: In response to point that research unit should not have power to make binding decisions – These are critical points in my opinion.

PROPOSAL 12: GAMES

COMMENT: These examples illustrate how gamification could actually be used within ICANN.

COMMENT: All of these approaches seem worth pursuing in my opinion.

COMMENT: It would be helpful to develop a plan to introduce gamification principles gradually over time test some of them in existing processes.

PROPOSAL 13: "CITIZEN" JURIES

COMMENT: In response to "Accountability typically is a consequence of both procedural fairness before the fact and adjudicatory processes after the fact to help ensure that decisions serve established goals and broader public interest principles." – Well-said.

COMMENT: The table below shows in a very concise way how limited ICANN's accountability is.

COMMENT: Randomly selecting jurors from a local population and then funding that jury would be much easier and less expensive than doing it for ICANN's global population. Would it be feasible to do it in ICANN?

RESPONSE: Perhaps running citizen juries at the local or regional level would make good sense. This is surely something to consider in discussions moving forward.

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COMMENT: In response to proposed idea to select jurors from existing data pools of participants in ICANN – It seems to me that this would compromise one of the fundamental principles of citizen juries, i.e., random selection.

COMMENT: In my opin[i]on, this is a huge problem. If jurors were selected truly randomly, they would need very large amounts of training to come up to speed on the issues involved. Is it feasible? Could it be cost effective? I have my doubts.

COMMENT: Unfortunately, this case and the other three are all based on localized population in contrast to ICANN's global population.

PROPOSALS 14-16: BE EXPERIMENTAL, DECENTRALIZE ACCOUNTABILITY AND GENERATE NEW INSIGHTS

COMMENT: The line-by-line annotation plug-in doesn't appear to be work for this document so I will enter my comments here.

I definitely endorse the principle of subsidiarity if 'best equipped and most competent to handle' means consistent with mission.

The panel says that "Such a distributed governance network would have several characteristics, each of which is substantively supported by a set of concrete activities. These characteristics are: decentralized accountability . . . ; a culture of experimentation . . . ; and a systematic embrace of new evidence and insights . . ." Decentralized accountability and a systematic embrace of new evidence and insights sound pretty reasonable but I think some caution is called for regarding a culture of experimentation because there is an awful at stake in what ICANN does.

My concern is mitigated some with this qualification by the panel: "By "being experimental," we mean that people should conduct experiments with scientific rigor, so that they are replicable." Regarding experimentation, I support the panel statement that "there must be a high degree of agreement, implying that there must be centralization of certain priorities, and consensus around those priorities."

I strongly agree with this: "An important question is how to systematically add knowledge to a corpus or repository in a way that is sharable and where people are aware of new evidence being added and have meaningful and effective ways to access and use that evidence."

With regard to embracing new evidence and insights, the panel makes a good point in saying "Foundational to a distributed research initiative is stakeholder engagement, which allows for more legitimate and global outcomes. Much more innovation on how to solicit meaningful input and generate co-creation is needed."

In considering developing a governance network ICANN should apply these priorities: 1) it should first fulfill its primary mission well; 2) ICANN should obtain community consensus for actions it takes in the Internet Governance arena; 3) ICANN should be fiscally responsible in all IG activities it undertakes and use the resources it receives from the community with their concurrence.

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COMMENTARY ON "THE QUEST FOR A 21ST CENTURY ICANN: A BLUEPRINT" FROM SAM LANFRANCO.

February 12, 2014. Available here: http://samlanfranco.blogspot.ca/2014/02/commentary-on-quest-for-21st-century.html.

PREFACE:

The draft blueprint document "The Quest for a 21st Century ICANN: A Blueprint" was produced by the ICANN Strategy Panel on Multi-stakeholder Innovation, at the request of ICANN.

This commentary addresses the "proposals" in the Blueprint" and will be joined shortly by additional comments taking a greater overview of some of the issues raised in these comments.

These comments are written in a relaxed discussion format to make them more accessible for discussion. Parts can be read in almost any order. It has only two links. One link is to the Strategy Panel document at: http://thegov-lab.org/the-quest-for-a-21st-century-icann-a-blueprint/ .

The other is to an online copy of this document at: http://samlanfranco.blogspot.ca/

Questions or comments can be addressed to the author at < Lanfran@yorku.ca > .

A companion commentary is in the works, one that discusses the broader issues of how to think about the Internet and governance, as background to how to think of broader stakeholder engagement and the issues around the several layers of governance (ICANN, Internet, national, etc.) currently being forged to deal with the governance of, and within, the Internet ecosystem. That commentary will be posted at the above linked blog when ready.

While these comments assume that one has read the Blueprint document, they can be read separately as freestanding comments. The focus on ideas presented in, and issues raised by, the sixteen proposals as found in the Blueprint document.

On examination, the document is less a blueprint and more a basket of ideas targeted variously at multistakeholder engagement, ICANN administrative practices, and aspects of Internet governance.

The "Quest" for ICANN referenced in the title of the document is best thought of, from an ICANN-centric perspective, as having three objectives: (1) building a viable and effective multi-stakeholder system of ICANN governance; (2) using that to help position ICANN in the Internet ecosystem and system of Internet Governance; (3) Strengthening Internet stakeholder awareness and engagement in both the affairs of ICANN and in Internet Governance.

In pursuing these objectives it is important to remember that pursuing these objectives from a stakeholder-centric perspective will likely yield different priorities. Efforts mounted from within the ICANN need to remain aware of this fact. Stakeholder engagement is different from volunteer involvement.

INTRODUCTION: APPROACHING THE STRATEGY PANEL "BLUEPRINT"

This commentary focuses on the sixteen proposals that make up the Blueprint. The document's preface, discussing "ICANN'S Practices" is an overly truncated reference to ICANN'S Practices, focusing on Domain Name System (DNS) management, and is a bit overly myopic in its suggestion that "...ICANN's remit is technical, missing, for example, the whole "hot button" area of the gTLD string and registry processes.

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We won't present a full list of the scope of ICANN's remit here, but strongly suggest that part of stakeholder awareness and engagement includes nurturing a deeper understanding the scope of ICANN's remit, and how that relates to ICANN's internal governance structure, as well as understanding ICANN's role in Internet governance within the Internet ecosystem. Beyond this ICANN-centric perspective there is a need for greater stakeholder-centric awareness and engagement in Internet governance

The Blueprint part of the document is "..sixteen concrete proposals for how ICANN can transform how it governs itself over the next five years". The proposals are presented to some degree as "trial balloons" with regard to how ICANN governance could operate., and are treated here as "fodder for thought". On reflection, the sixteen proposals go well beyond how ICANN "governs itself" and enters into both ICANN administrative structures, and global Internet governance issues.

The Blueprint further states that "While these proposals could all be rolled out within a one-year time frame after approval. It is important to let them run long enough to gather data about what works." The document also states that these "..proposal ideas are explicitly experimental and should all be tried, assessed and evolved against current practices."

There is a caution warranted here. ICANN's remit includes the ongoing management and administration of significant functioning elements of the Internet ecosystem, and that limits scope for experimentation. It is of course always important to assess proposals, identify merits and shortcomings, and then assess prospects for selective implementation, with monitoring, evaluation, feedback, learning and adjustments.

How this is done, and to what extent these proposals are trial balloons, pilot projects, or initial steps in evolutionary governance and policy implementation is important and will discussed below.

Here they are flagged as issues that need to be carefully reflected on and addressed prior to any implementation. ICANN has to deal with the fast pace of technology innovation. Implementation time lines and constraints leave limited scope for experimentation, while nevertheless learning from rapid monitoring and evaluation, and carrying out continuous in-course adjustments. The current roll out of gTLDs may well be a case in point here.

Before introducing the proposals the document further suggests a questionable strategy for the implementation of greater stakeholder engagement. The Blueprint suggests that this needs to be carried out "...in a manner that allows people to participate without the need to know specific jurisdictional boundaries as they currently exist".

Such an implementation strategy is probably a mistake, and at a minimum requires further in depth discussion. One requirement at the core of the ICANN multi-stakeholder model is how to promote knowledgeable stakeholder awareness and engagement. It would be counterproductive if stakeholders were tangled up in debates about governance structures that conflate issues of ICANN governance, ICANN's existing (and proposed) remits in the Internet ecosystem, and Internet governance itself.

Meaningful stakeholder participation requires understanding where, from the global down through the national, regional, and local levels, which relevant governance structures do (or should) apply. It would be unproductive if ICANN's innovations around multi-stakeholder participation confounded issues of the levels of governance, or were overly ICANN-centric and missed the fact that stakeholders have stakeholder-centric interests in the overall Internet ecosystem beyond ICANN.

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Stakeholders think of governance in a different context depending on the issues that confront them. Issues involving "the nation's defense" differ from issues involving "the neighbor's fence". Both involve governance at very different levels, to different depths, and involving different governance mechanisms.

Any strategy of stakeholder engagement must help stakeholder awareness around what is their stake, as individuals, organizations/companies, communities, or nation states., and what levels of governance do and should apply, within ICANN, and beyond, even if only to help delineate that which is of core concern to ICANN and ICANN's stakeholder involvement.

The risks from ignoring this are likely to include dialogue at cross purposes, confusion as to who is (or should be) responsible for what and where, and for ICANN, at what levels of stakeholder involvement should efforts at governance be addressed? There needs to be a discussion around the scope of various strategies of stakeholder engagement before ICANN commits itself to particular courses of action. There are bits of ideas within the Blueprint document, mixed in a basket of proposals that go well beyond stakeholder engagement.

The document includes a call for an Internet Governance Laboratory involving the Internet ecosystem's (I-Star?) governance big fish, as well as national and supranational players. This goes well beyond the mandate of the Strategy Panel. It raises an important question while at the same time looking a bit like the standard consultant's play for subsequent work and funding.

The idea of any Internet Governance Laboratory calls for a separate discussion, apart from the core central issues at hand. It is not clear, for example, if a "laboratory" strategy has merit, and especially whether a centralized approach is preferred to, or inferior to, a widely decentralized approach to dealing with the same challenges.

The Internet lends itself to the prospects for such work in a distributed presence across the globe. For example, one might prefer to see multiple African governance laboratory initiatives struggling with these issues, as opposed to a struggle on the part of Africans, and others, to gain decent participation in some centralized Internet Governance Laboratory. A decentralized and distributed approach is likely to be more cost effective, and more open to participation by researchers, students, interns and policy makers around the globe. This suggestion calls for a wider separate discussion.

PROPOSALS: SIXTEEN BLUEPRINT COMPONENTS

The sixteen proposals in the Blueprint are grouped under three headings with one or more proposals clustered under sub-headings as follows. The headings are: (1) Toward Effectiveness; (2) Toward Legitimacy; and (3) Toward Evolutionary. These headings draw on a prior brief "Key Principles" section in the Blueprint document.

There is some confusion there as between principles as bound up in an organization's Mission and Vision, and its operational principles. Principles usually anchor the What, Why and How of an undertaking Since disparate principles are deal with here they could be discussed in their own, but need not be discussion prior to looking at the basket of proposals.

The sixteen proposals could be clustered in a more logical fashion; however, to facilitate analysis, here they will be comment on in the order in which they are found in the Blueprint document. Each proposal area will be discussed separately as "food for thought" with respect to the mission of the Strategy Panel.

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LIST OF THE SIXTEEN BLUEPRINT PROPOSALS

▸ [1] Use Expert Networks

▸ [2] Embrace Open Data and Open Contracting

▸ [3] Enable Collaborative Drafting

▸ [4] Crowdsource at Each Stage of Decision-making

▸ [5] Move from "Stakeholder" Engagement to Global Engagement

▸ [6] Impose Rotating Term Limits

▸ [7] Experiment with Innovative Voting Techniques

▸ [8] Innovate the ICANN public Forum

▸ [9] Establish "Citizen" Juries

▸ [10] Crowdsource Oversight and Develop Standards to Measure Success

▸ [11] Decentralize Accountability

▸ [12] Use Participatory Budgeting

▸ [13] Be experimental

▸ [14] Generate New Insights and Evidence

▸ [15] Embrace Evidence

▸ [16] Encourage Games

1. USE EXPERT NETWORKS (HIGHLIGHTING THE ISSUES)

As one element of a strategy for greater evidence and knowledge based policy making and implementation the Blueprint suggests that "ICANN together with other Internet governance organizations should adapt [and experiment with] expert networking technologies..."

Increased knowledgeable and evidence based decision making is of course welcomed. The suggestion reflects both that aim and the implicit challenge to governance. As well, since this is about multistakeholder engagement, increased knowledgeable and evidence-based engagement on the part of stakeholders should be the focus here.

However, multistakeholder engagement in governance is not akin to lining up the assembly units on a production line, or to outsourcing the right component production. One cannot cluster expertise here, as one can with engineers and designers in automobile or aviation production, and get on with governance. In simple terms governance involves developing "rules of the game" for the structures and processes that govern what various stakeholders can do. They both enable and constrain how things can be done, here in combined literal and virtual space.

For ICANN this is with particular reference to how this is done in the Internet ecosystem and how it is done within

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ICANN itself. Sourcing expertise and techniques for doing so are important, but is only part of what is needed and, needs to be understood in context.

Governance involves the reconciliation of differences in the vested interests and intent of stakeholders. If there were no differences in intent there would be no need for governance. The dynamics of physical systems can be explained according to rules/laws. There is no wilful intent, and thus no need for systems of governance.

In the Internet ecosystem, in general terms, those differences in vested interests and intent are with regard to property rights and human rights. In more open society settings these are resolved by an ongoing blend of reasoned dialogue and the exercise of stakeholder (citizen) rights (e.g. Consensus, voting, etc.).

The internal coherence of an ICANN governance model is linked to ICANN's strategic position (self-interest and intent) within the Internet ecosystem, and to Internet Governance itself. It also suggests that the Blueprint's "Expert Networks" strategy may be more suited to ICANN's technical responsibilities, where it already does a good job of sourcing expert networks, than it would to ICANN's strategy for strengthening knowledgeable stakeholder engagement.

Strategy here has to involve not just sourcing knowledge expertise, but more importantly strengthening the knowledge and engagement of Internet stakeholders. It also has to guard against marginalizing stakeholders in the interests of expert-based decision making, as distinct from evidence-based decision making. It is important to remember that Internet stakeholders have a stakeholder-centric perspective, and are only also ICANN stakeholders depending on the scope of ICANN's remit with regard to the overall operation and governance of the Internet.

There are possible outside sources of insights worth reflecting on for knowledge enhancement on the part of both the ICANN processes and Internet stakeholders. One source of insights might come from looking at how organizations like the International Labour Organization (ILO) handles tripartite stakeholder involvement. Another is how the Universal Declaration of Human Rights (UDHR) approaches its remit. This is not dealt with here but will be explored in subsequent comments on ICANN's approaches to ICANN governance and Internet governance.

The important point here is that while both the ILO and UDHR are multi-lateral treaty entities neither has legislative authority over its core focus. This is important especially for the broader issue of a viable model Internet governance. In both areas, the area of decent work for the ILO, and the area of human rights for the UDHR, authority is distributed through other governing bodies that range from multi-lateral treaty entities to national and local government entities.

The Blueprint's suggestion that "ICANN should pilot the use of different [internet based?] techniques…" for mobilizing expert knowledge is useful. This needs to be understood as part of a strategy to promote knowledgeable stakeholder involvement, and not just a path to expert-based decision making within ICANN's governance model. Let experts inform the process, not dictate the outcomes.

2. EMBRACE OPEN DATA AND OPEN CONTRACTING

The current push for Open Data and Open Contracting are efforts to make elements of governance and government decision making more transparent in the pursuit a more efficiency and more accountability. This is proposed because it has the potential to promote more knowledgeable stakeholder involvement, both in ICANN and in Internet governance.

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Is also important to note that ICANN's open access to documents is quite extensive and that there is a problem with an adequate ability on the part of stakeholders to engage with that massive flow and participate in the consultative process within necessary time lines. This is less of a problem for corporate and government interests, where there are salaried positions to cover these tasks, than it is for civil society organizations (CSOs) dependent as they are on volunteer due diligence and response.

Without going immediately to the level of open data apps (e.g. The suggestion of an online "acronym helper") it is useful to reflect on what has been learned from Open Data efforts elsewhere, and what that suggests about what ICANN can fruitfully do in this area. A useful effort is that of the International Aid Transparency Initiative (IATI), which focuses on official foreign assistance flows between donor and recipient countries.. This is not the place for a full assessment of lessons learned there but several need to be noted as inputs into any further discussion of any ICANN initiatives around open data.

Open Contracting has other lessons learned and issues to be confronted, and is not dealt with here. In the main, it is more suitable for organizations such as governments, global funding agencies (official aid agencies) and large funding foundations than it is for most of what ICANN does. ICANN's contracts with Registries are pretty much transparent, and to this point ICANN is not a major disperser of funding to others, although the proceeds from "string" auctions may change that.

One Open Data observation here, and probably something ICANN should reflect on seriously, is the effort that the IATI open data initiative has put into agreeing to use code-friendly terminology in its reporting of data and activities. Numerical data itself is pretty straight forward, but the terminology used to identify a particular object (gTLD, "identifier string", acronym, etc.) can make it very difficult to code applications that work with the textual data.

The IATI strategy is to work with a subset of stakeholders (aid donors, recipients, NGO and private contractors) and the open source coding community to develop data standards and applications that allow knowledgeable use of the IATI open data.

Useful lessons learned thus far include the need, and the challenges, to agree on the terms used to describe specific components of the structures and systems being subjected to an Open Data strategy. In the area of donor aid it is not uncommon for government documents to use one or two dozen different terms to refer to the same thing.

Part of the dialogue around Open Data is how to get it into usable form, by which is meant, machine readable usable form. Transparency and stakeholder awareness are thwarted if Open Data only means access to reams and reams of text and data files and documents (currently the case with ICANN). Given ICANN's work around domain names and domain name servers this code-friendly terminology challenge is not new territory for ICANN.

Another very important lesson learned, for the successful use of Open Data, is that numeracy (numerical literacy and dense document literacy) is highly variable on the part of stakeholders. Data needs to be presented in a variety of ways, with much of that work involving data visualization apps (mapping overlays, etc.).

The IATI community involves a considerable number of volunteer open source programmers and has made use of "hackathons" and crowd sourced approaches to generate apps for handling open aid data. A similar strategy might be considered with respect to any ICANN Open Data initiative.

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The most challenging issue for Open Data is stakeholder involvement [the driver behind commissioning this ICANN Strategy Panel]. This challenge is seen in the IATI efforts and elsewhere. For the most part the data access is used by key stakeholders intent on using it to protect their narrow self-interests. The difficult problem is making the fruits of Open Data accessible and used for stakeholder awareness and engagement.

The lessons from IATI and national Open Data efforts suggest that any ICANN Open Data initiative has to start from how will stakeholders fruitfully engage in access, and not just how extensive and "open" is the available data.

3. ENABLE COLLABORATIVE DRAFTING

On the surface a strategy to enable collaborative drafting looks to be a "no brainer" (i.e., an obvious good idea), especially in light of extensive online collaborative drafting tools. However, an idea is a good idea depending on context. Collaborative drafting works best when (a) the group of participates is not too large, and (b) when there is a high degree of agreement as to what the final document is supposed to look like. That works well, for example, with an expert technical group is looking to create a technical standard for some process within the systems of the Internet, or a programing project.

It is limited as an adequate tool for large group stakeholder engagement with ICANN issues, and especially with issues of governance, ICANN Internet policy positions, and crafting policy documents for ICANN's position Internet Governance. Consider what would happen today if the United States, or India, used an open access online collaborative drafting application to draft their respective constitutions, or the globe used an online collaborative drafting application to write the Universal Declaration of Human Rights (UDHR). The issue here is not entitlement to participate but the logistics of participation.

If ICANN is to play a lead role in Internet stakeholder awareness and engagement it is more likely that something other than collaborative drafting tools be the leading edge of that effort, although they may have a "last mile" drafting role to play. One strategy might look more like the ILO approach of clustering stakeholders by areas of interest or practice (e.g., those concerned with maritime labour and their stake in the United Nations Convention on the Law of the Sea.).

This is not to suggest that the ILO approach is the right way, but is only to underscore the large gap between a stakeholder lead dialogue around issues, and the final stages of crafting a document using collaborative drafting tools.

It is in these last stages where, as the blueprint suggests, administrative efficiency can be enhanced by using "..new techniques for streamlining timely workflow".

4. CROWDSOURCE AT EACH STAGE OF DECISION-MAKING

[Toward Inclusive Legitimacy]

To have a multistakeholder model of ICANN governance, as well as contributing to an inclusive stakeholder participation in Internet Governance, awareness and engagement are central objectives. Where and how a crowd sourced approach to stakeholder engagement should occur in ICANN's decision-making chains requires substantial further reflection.

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The issues and items that call for decision-making can come from several sources. They can be tossed up by on-going practices and demand quick decisions. They can be tossed up by crowd sourced concerns and demand well deliberated decisions. In both cases decision are always subject to review and revision in the light of what happens. This is always true in any decision-making process. There are several challenges that need to be teased apart here.

One challenge has to do with policy setting versus implementation. The standard organizational process is useful as a starting point for discussion. In the classic model, policy is set by a Board of Directors (or similarly titled group, constituted in a number of ways) and implementation is assigned to a staff, usually under the direction of an Executive Director (ED), Chief Executive Officer (CEO), or some similarly designated position charged with implementation. Decisions and actions are accountable through a process of "oversight and assessment" (to use language from the Blueprint) which fuels the interplay between policy and implementation.

Open Data and Open Governance (for governments and for organizations such as ICANN and the other Internet ecosystem I-Stars) are ways to increase transparency to all. Where crowdsourced decision-making fits in here a bit confusing. Does this mean that a stakeholder voice is both present in policy setting (a good thing) and in the daily implementation of policy (a questionable thing)? If so, within the ICANN administrative structures who is accountable to whom with regard to implementation? What and how is the interplay (fast or slow) between crowdsourced preferences and administrative procedures? While the objective of inclusive engagement is laudable, and in fact essential for a multi-stakeholder model of governance, there are a number of challenges to crowd-sourced input "..at each stage of decision-making".

Might it make more sense to have a high degree of process transparency, with Open Date available in formats appropriate to stakeholder data/document literacy, and to nurture stakeholder awareness in ways that promote engagement in policy making and accountability in implementation?

Again, to reference stakeholder involvement in the ILO's model, those stakeholders concerned with decent work in extractive industries, and those concerned with decent work in the garment industry, share a common concern around decent work, but focus on those aspects that are relevant to their own positions as stakeholder groups, and take the results of those efforts back to other areas of governance in the worker ecosystem.

There are ways of engagement here, other than crow sourced participation at every level, that would better serve ICANN governance, stakeholder interests, and the wider issues in Internet governance.

5. FROM "STAKEHOLDER" ENGAGEMENT TO GLOBAL ENGAGEMENT

This section of the Blueprint starts from the valid observation that ICANN as a multistakeholder organization is grossly under represented by stakeholders. This is true and the challenge is how to raise stakeholder engagement in ICANN's governance, as well as in Internet governance itself. As the technology-driven Internet revolution precedes apace, those who are not Internet stakeholders is approaching the null set (i.e., nobody). However, not every stakeholder will necessarily have an interest in ICANN policy, even while everyone is a stakeholder with regard to Internet governance.

This means that ICANN has a dual role to play here. One role is to raise awareness and engagement on the part of Internet stakeholders with regard to Internet governance issues (policy, implementation) in general, in order that they exercise good Internet citizenship. The other is to engage those Internet stakeholders who have particular interests (and maybe expertise) as relates to what ICANN is, what it does, how it is governed, and where it is going in shaping the future of the future of the Internet.

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This suggests that "global engagement" is not a transition from stakeholder engagement, to global engagement. It is a call for effective strategies to generate greater, more equitable, inclusive and meaningful engagement in those aspects of the Internet ecosystem that impact on the lives and future of stakeholders, and here from an ICANN-centric perspective. Strategies can and do draw on existing, or new, online participatory tools, but they also call for collaboration between the various players in the Internet ecosystem, ranging from the I-Star "big fish" down through and to stakeholders as individuals and as organized groups.

Should ICANN staff be charged with launching new "engagement" tools, the choice of appropriate tools should be wedded to the specific purposes for the various areas of engagement. This is not an area where blanket crowd-sourced involvement is called for.

6. IMPOSING ROTATING TERM LIMITS

Rotating term limits are a technique for broadening participation and curbing tendencies for cliques to develop within elected bodies. In national politics these are frequently used to prevent an electoral process from producing what is essentially a dynastic control over an elected position. In some settings it is just to spread the burden of work, or expand the opportunities of participation in decision-making and leadership.

Within the context of ICANN's decision-making culture a significant number of decisions are made by consensus, after deliberation. At the same time, to newcomers to the inner workings of ICANN, there do seem to be dynastic elements in committee composition and structure. At the same time there are merits to some membership continuity to preserve a presence of ICANN's organizational knowledge in its decision-making processes. The Blueprint correctly suggests that this is an area calling for more thought and reflection. At the same time it is probably true that a more aware and engaged stakeholder base would give it a voice that reduce the need for term limits, while supplying more qualified candidates for such elected positions.

7. INNOVATIVE VOTING TECHNIQUES

The blueprint suggests experimenting with innovative voting techniques for decision-making. ICANN has votes, and consensus seeking, at a variety of levels ranging from committee positions, to policy positions to -in some cases- implementation strategies.

If the ICANN community found merit is pursuing the idea of innovative voting techniques one way to proceed would be a two pronged approach where on the one hand an inventory was draw up of the various situations in which voting occurs within ICANN, and on the other hand a menu of alternative voting techniques is drawn up and each ICANN electoral process, as well as interested stakeholders, could propose a menu voting technique alternatives for particular voting situations. Given ICANN's blend of consensus and voting procedures this is not an area where "one shoe must fit all"

Such a deliberate approach would probably be more productive than experimenting with options in actual practice. Many of ICANN's decisions are too important, and to difficult to reverse, for such efforts to be run on an experimental basis, without careful forethought.

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8. INNOVATIVE THE ICANN PUBLIC FORUM

While the idea of a parallel virtual public form in parallel with ICANN physical meetings sounds like it would increase participation, that is unlikely to happen. What tends to happen is that a small number of "at a distance" interjections occur but they are highly constrained by time, and complicated by time zones across distance.

Without going into detail here, an alternative approach would be greater ongoing stakeholder involvement in the asynchronous spaces of the Internet ecosystem, and less attention, time and effort devoted to face-to-face meetings several times a year,. Face-to-face meetings effectively constrain wider, and especially civil society, stakeholder participation due to budget and time constraints.

One idea is that the time-path of ICANN policy making should look like an iceberg, with 9/10ths of that process taking place in a highly transparent and engaged ongoing asynchronous Internet venue, involving and providing service to aware and engaged stakeholders. The other 1/10th of process would/could take place in synchronous time and space or online at specific times but across locations as ICANN currently does. The synchronous component would be heavily shaped and enabled by what has, is, and will be occurring in the ongoing asynchronous digital Internet venue.

The ability to build structures and carry on processes in asynchronous time and space is one if the strengths of the Internet ecosystem. While ICANN has been conscientious in providing some forums for access, some highly depending on synchronous time, and has provided extensive archival material online, these fall short of the potential to which the Internet's spaces can be put, in particular with respect to how Open Data and Open Governance support awareness and engagement.

ICANN's processes have also only been able to take limited account of the differences between the resource constraints of stakeholders who have high financial or political stakes in ICANN decisions (corporate and government stakeholders) and broader stakeholder groups whose lives and futures are impacted by those ICANN decisions (CSO, NGO, NFP, and communities). Part of the solution to that problem will be the evolution of a layered system of Internet governance, involving and beyond ICANN.

9. ESTABLISH "CITIZEN" JURIES [TO FACILITATE OVERSIGHT BY STAKEHOLDERS]

This is a proposal to enhance oversight by stakeholders by appointing randomly assigned "small public groups of individuals to whom staff and volunteers would be required to report over a given time period". It is difficult to assess the merit of such a proposal since it assumes two things: (1) an available "jury pool" of volunteers with appropriate skills and time, and (2) more importantly, that an ICANN oversight process would best lend itself to such a strategy. Both assumptions are questionable.

An alternative strategy would be to build on an Open Data transparency model in which ICANN would provide data and information on processes in such a way that specialized apps could be developed (by commission , by "hackathon", etc., as has been done in the case of IATI) and turn the bulk of oversight over to interested stakeholder volunteer eyeballs. This would draw attention to oversight hotspots and require little or no administrative organizational resources from ICANN's budget.

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10. CROWDSOURCE OVERSIGHT & DEVELOPMENT STANDARDS TO MEASURE SUCCESS.

This section is simply another call for greater stakeholder awareness and engagement in monitoring and evaluation, as well as the development of the appropriate metrics (measurements) for assessing ICANN's performance, in particular with regard to the currently under defined Internet "public interest".

This may be an area where "public interest" and other ICANN objectives can either be worked up within an ICANN stakeholder process, but probably more beneficially they should be embedded in something that applies to the whole Internet ecosystem. That might be something akin to the Universal Declaration of Human Rights (UDHR) as mentioned above. Some have suggested a parallel Universal Declaration of Digital Rights (UDDR). Others have suggested ways of subsuming such digital rights under the existing, or amended, Universal Declaration of Human Rights. The twin issues of how to translate notions of "public interest" into Internet stakeholder rights and obligations, and how and where those should be embedded in global policy and governance are issues that call for wide collaborative dialogue at various levels within the Internet ecosystem. The issue of by what standards should ICANN and Internet ecosystem behaviour be assessed should be a high priority issue for Internet stakeholder discussion and dialogue. ICANN could lead in this area but it should not "own" it.

11. DECENTRALIZE ACCOUNTABILITY

This section of the blueprint suggests that "ICANN should facilitate the development of standards...for national internet governance organizations" to be innovative, open, transparent, to facilitate ease of equitable access, and to be supportive of civil participation.

This is where ICANN as an organization, and its stakeholder supporters have to figure out what ICANN's role is in overall Internet governance, and how ICANN wants to execute that role, probably in collaboration with the I-Star big fish in the Internet ecosystem, as well as with broad based stakeholder awareness of the issues and stakeholder engagement in the formulation of policy.

In the face of the complexities of a one-on-one process of ICANN engagement with international and national bodies, and in light of existing mixed participation levels in ICANN's Governmental Advisory Committee (GAC), there are some who lean toward a binding multilateral approach involving an international entity, existing or new. Others lean toward a non-binding digital rights accord along the lines of the Universal Declaration of Human Rights. Others lean toward a broader stakeholder-centric model of accountability.

Whichever way this goes, the choice of vehicle is important, and at the core any approach are two questions: 1. accountable for what (in terms of observed metrics)? and 2. accountable to whom? However, the how, what and two whom are settled here, evidence from existing models of governance and accountability suggest that each of those will exist at different levels with the Internet ecosystem, much as levels of governance encompass the global, the national, the regional and the local, and find a basis in a blend of binding and non-binding agreements.

12. USE PARTICIPATORY BUDGETING

This topic in the blueprint conflates two ICANN budgetary suggestions. One suggestion centers on how to handle the (likely substantial) revenue from the pending auction of gTLD strings. As one-time windfall revenue (economic rent) it is suggested that a stakeholder voice should be involved in decisions on the use of those funds. The

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other suggestion involves extending stakeholder engagements (stakeholders referred to as the "global public") in ICANN's ongoing budgetary processes. The first suggestion resonates with concerns already tabled within ICANN. The second suggestion requires further thought.

There are clearly ICANN budgetary decisions in the technical sphere where transparency and accountability would be part of due course, and where participatory budgeting would probably contribute little. Beyond that, the when, where and how participatory budgeting might fit in, beyond transparency and accountability, demands a lot more thought.

13. BE EXPERIMENTAL

This blueprint proposal is more a comment about the nature of the blueprint than a component of the blueprint. It tosses up a number of problems. It suggests that the blueprint proposals be treated as "pilot projects" with measurement and evaluation to capture lessons learned acted on accordingly. While this is a pretty standard description of how to run a pilot project, it is not at all clear how much of the pressing business of ICANN can be run in such a mode. Many of the issues ICANN faces demand learning while doing, and continuous in course adjustments, based of course on measurement and evaluation.

There may be some areas of ICANN's participation in the Internet ecosystem where circumstances, or stakeholder interest, might promote specific pilot project initiatives, possibly with funding from the gTLD string auction revenues. However, for ICANN in general, trying new ways of doing things usually involves a bigger buy-in and risks too great to use a pilot project approach.

Under "Be Experimental" the Blueprint segues into a explosive laden suggestion that, to use the proverbial phrase, is "the elephant in the Internet Governance room". It says:

"...experimentation on what incentives work best could be designed and baked into approaches (including the concept of federated participation by national entities that abide by a set of principles and practices that qualify them to participate in setting the agenda. Including national-level entities allows nation states to play a role through their relationship with the Internet governance organization in their home country while avoiding direct management by national governments.)

It is difficult to see this as anything other than a suggestion for a multilateral agreement process where nation states agree to "abide by a set of principles and practices" [whose?] for setting the [Internet Governance] agenda." Is this within ICANN or some other existing or new member of the Internet ecosystem? Does this stop at agenda setting or does it also presume involvement in policy setting and implementation? There is a virtual "Pandora's Box" of highly charged issues contained in this proposal.

As well following "be experimental" suggestion is both confusing and seems to be misplaced:

 "Including national-level entities allows nation states to play a role through their relationship with the Internet governance organization in their home country while avoiding direct management by national governments"

This would involve countries relinquishing aspects of their national sovereignty, and abrogating some governance responsibilities to their citizens. It would appear that what is bundled under "Be Experimental" here is nothing less than the bare bones of a proposal for a global entity to set policy and govern the internet. This may not be what was intended, but whatever the intent; there is a big elephant under this small carpet of "Be Experimental" text.

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14. GENERATE NEW INSIGHTS AND EVIDENCE

This Blueprint suggestion starts from the common observation that current Internet governance is a "patchwork" of mechanisms and bodies, calls for more research and thought (evidence and insights), and suggests that the likely outcome would be a more "distributed governance structure". It hints at the fact that Internet governance, and the governance within Internet stakeholders such as ICANN has to be innovative, nimble and adaptive.

On reflection, most governance structures are "distributed" both across distinct entities and layered within entities. It should come as no surprise that as human society tries to develop governance structures for the virtual spaces on the Internet, much of what will be build will resonate well with human built governance structures for the literal spaces of the planet. There is, of course, some hope that this expanded reality of literal and virtual spaces will give humanity a venue to do a better job of building a future than it has done thus far.

One of the governance challenges here is the fact that technological change in the Internet ecosystem is taking place at a pace faster, and in a more pervasive way, than human-built systems have ever had to deal with in the history of the species. Broader stakeholder awareness, and more engaged stakeholder involvement, are essential here.

15. EMBRACE EVIDENCE

This is simply another call for more monitoring and evaluation, with the goals of greater ICANN efficiency and effectiveness. It calls for more evidence-based policy and evidence-based practice, as well as more practice-based evidence (and -one might add- less self-serving policy-based evidence by stakeholders in the Internet ecosystem) .

16. ENCOURAGE GAMES

This final proposal in the Blueprint has a title that is a bit of a misnomer. Proposal 16 tosses around several quite dissimilar proposals, all basically designed to enhance stakeholder participation, either in ICANN or, apparently, in governance issues within the Internet ecosystem.

It suggests that some ICANN (or Internet) issues could be tossed up as problems to be solved in a gaming context (with prizes?) using techniques similar to hackathons or Grand Challenges. That might work better in some contexts than in others. Coding challenges with Open Data, as in the case of the International Aid Transparency Initiative (IATI), have brought forth coding efforts for visualization apps, with and without incentives or prizes. The Internet's venue supports efforts in all formats, including video and audio.

There are prospects to strengthen incentives here, but this is not an area where a "one size fits all". Some of the challenges (for ICANN or the Internet) lend themselves to crowd solutions, others lend themselves to expert working group solutions, and yet others are amenable to competitive prize or profit based incentives.

However, it is important to understand that a 100-mile-per gallon car challenge involves performance on one technological metric, whereas "mitigating name collisions" or "minimizing abuse of the DNS infrastructure" involve ongoing processes of challenge and response, and call for different approaches involving technical components and the occasional use of "the carrot and the stick".

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The "games" proposals here suggest that greater stakeholder awareness and engagement might be promoted by making"...the complexities of Internet governance and ICANN's work more open, accessible and interesting to people with games and activities aimed at the next generation..." The implied suggestion is that the next generation will either learn differently or that it will learn only if learning is fun. That which is fun many not be important, and that which is important may not be fun, no matter how attractive "fun" may be. Greater stakeholder awareness will be the deciding factor as to proper strategy here.

It is certainly true that the Internet's venue of virtual spaces will change much of how learning takes place, and everything will have to adapt and adjust to that reality. As well, games have always had a role in learning. Suggestions that "we could practice taking ourselves less seriously" and have more fun, have merit on their own, but have to be considered side by side with approaches to stakeholder awareness and engagement more rooted in a stakeholder's understand of what is at stake, both personally and for the larger existing and future communities.

POSTSCRIPT ON THE SIXTEEN PROPOSALS

In the end the sixteen proposals are about strategies and tactics to generate greater stakeholder awareness and involvement in both ICANN's business and the business of the Internet, either through motivating stakeholders, or though the structures and processes that constitute ICANN's (and the Internet's) systems of governance and policy making.

The proposals are "food for thought" that goes well beyond the implied terms of reference for the Strategy Panel on Multistakeholder Innovation" They provide both a list of proposed ingredients and some proposed recipes for "cooking" those ingredients into ICANN policy and practice.

They exist, and are a starting point for strategies, from an ICANN-centric perspective, for: (1) building a viable and effective multi-stakeholder system of ICANN governance; (2) using that to help position ICANN in the Internet ecosystem and system of Internet Governance; (3) Strengthening Internet stakeholder awareness and engagement in both the affairs of ICANN and in Internet Governance.

PARADIGM SHIFTS, CONSTRAINTS AND CHALLENGES, AND NEXT STEPS

After presenting the sixteen proposals the Blueprint document devotes a page to discussing "paradigm shifts, constraints and challenges, and next steps". This section builds on those comments.

References to the term "paradigm shifts" have been used ever since American physicist, historian, and philosopher of science Thomas Kuhn popularized the notion of paradigm shifts in the 1960s. The Blueprint speaks more about "effective", "legitimate" (in the eyes of stakeholders), and "evolving" change for ICANN, with a checklist of proposals. It doesn't really proposal a "paradigm shift", for either ICANN's behaviour, or for Internet Governance.

There is however a basis for reference to a paradigm shift here. That shift, driven by new technology, is the expanded "new reality" in which humans are now building things (organizations, structures, etc.) and carry out processes (governance, production, socializing, etc.) across literal time and space, combined with the virtual venue of the Internet ecosystem. The paradigm shift, simply put, is how do we live, and function, and do what we do in the presence of this expanded reality.

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Given the speed of the technological change, ICANN and all the components of the Internet ecosystem have found reality running ahead of governance, and of import here, running ahead both for ICANN's own governance processes and those for Internet governance as a whole.

With the emergence of the Internet's virtual properties, processes and spaces there are those who are mining those territories for private gain, and those who are pushing for custodianship for the common good, not unlike when European expansion discovered the "new worlds" of America, Africa and Asia.

As a key player in shaping aspects of the Internet ecosystem, ICANN committed itself to a multi-stakeholder model of ICANN governance. ICANN could have pressed for a multilateral model, a private sector (public utility) model, or any of a number of other approaches to how to structure ICANN.

The Blueprint identifies ICANN's position as figuring out, or helping to figure out, how to conduct a "21st century governance of a shared, global public resource"

[Note: to avoid confusion it is important to note that a "public resource" is not the same as a "public good", and both mean something quite different from "in the public good"]

There are those involved with ICANN and beyond who firmly believe that a similar multi-stakeholder model is necessary for Internet Governance itself. There are those with different views of Internet governance, and possibly even different notions of ICANN governance, or governance over what is currently within ICANN's remit. Where ever one stands on these issues, progress and outcomes will be better the greater the levels of stakeholder awareness and stakeholder involvement.

The Blueprint suggests, probably correctly, that if ICANN rose to the challenge of designing and embracing a truly functional multi-stakeholder model of governance and accountability, this could serve as a "pragmatic example" to the rest of the Internet governance community. This is taking governance beyond an ICANN-centric view of stakeholders and the Internet ecosystem, and looking at governance from a stakeholder-centric view of the Internet ecosystem, and of ICANN.

This also underscores the sense of urgency around ICANN successfully confronting the challenges of a viable multi-stakeholder model in a world where virtually every person is becoming an Internet stakeholder. Dome with some degree of success, ICANN can serve as a model for others in the Internet ecosystem. Done poorly, ICANN is doomed.

With reference to constraints and challenges, the Blueprint notes the challenges around internet access, both the last mile access problem and bandwidth constraints/costs, but says little about the role of mobile devices, or the issues to be tossed up by impending Internet of Things.

The Blueprint also recognizes that the literal spaces of the planet, and the virtual spaces of the Internet, are inputs into human built systems. Whatever ICANN does requires attention to human-centric perspectives around design, structures, and process. It also suggests that "getting there from here" (e.g. governance for the Internet and for ICANN) will require "a concerted commitment to shifting cultural norms …to build the requisite mutual trust and ownership [buy-in]".

To call for "..shifting cultural norms.." can have two important different meanings here. One is the value-based idea that the Internet is a "common resource" to be used for the "public good". There are those who see large

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components of it as frontier property to be appropriated for private gain. That tension needs to be recognized, understood and dealt with. Dealing with that will likely be facilitated by the fact that much of stakeholder awareness will involve drawing parallels between issues in the Internet ecosystem and how societies have approached similar issues over time in literal time and space. With care and attention humans may be able to improve on performance to date.

The other cultural norm is probably consolidating the understanding that the Internet's virtual ecosystem just as real as the natural ecosystem and what humans have done with it. Drilling back down to ICANN, embedding these norms into stakeholder awareness and engagement is essential to achieve ICANN's objectives around multi-stakeholder ICANN governance, and for ICANN to play a leading role in Internet governance.

In discussing next steps the Blueprint document says it will turn these proposals into stand-alone 1-2 page proposals, go through a comment and revision process, submit concluding work from the panel and propose the creation of proposal specific working groups to work up plans for applying these suggestions to the workings of ICANN and the Internet governance ecosystem (or maybe more correctly the components of Internet governance within the Internet ecosystem.).

The dialogue around these proposals, and more importantly around the issues that surround ICANN's governance and policies, the Internet ecosystem, and Internet governance present an opportunity for a highly distributed initiative that feeds both dialogue and greater stakeholder awareness and engagement. In the spirit of ICANN's commitment to a multistakeholder model of governance, what the next steps actually are, and how they should be executed, are things that should be widely stakeholder driven.

End

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ICANN STRATEGY PANEL ON MULTI-STAKEHOLDER INNOVATION

PERSONAL COMMENTS FROM CHUCK GOMES - 18 MARCH 2014

INTRODUCTION

This document contains my personal analysis of the 16 proposals posted for public comment by the ICANN Strategy Panel on Multi-Stakeholder Innovation.   Note that I tried to post most of these comments on the GOVLAB site using the line by line annotation plug-in or the comment box provided in the detailed descriptions of the proposals, but I found the plug-in to be awkward and am not sure how successful I was; also, it wasn't clear that others could see my comments. Therefore, I decided to send them to the email address as well.

My comments and analysis start with some general comments and then I address the specific proposals in the order that the detailed descriptions were posted (except for Proposal 9).

GENERAL COMMENTS

One of the legitimate goals of this panel is to facilitate increased participation in the multi-stakeholder process. Unfortunately, the efforts of this panel require an inordinate amount of time just to track, let alone to actively participate. Just by itself, it is a serious challenge for experienced ICANN participants to contribute to the panel's ideas, not to speak of newcomers. When considered in light of the work of the other three strategy panels, the extensive ongoing work in ICANN policy development activities, the ICANN FY15 Operating Plan and Budget process, New gTLD implementation activities and the global Internet Governance work currently underway, the ability to get broad-based community feedback is extremely challenging. It confirms what the recently published One World Trust final report (titled 'ICANN Accountability and Transparency Metrics and Benchmarks: Consultancy'): "The amount of information provided to stakeholders can be a barrier to accessibility . . . ." Therefore, I strongly suggest that the panel keeps this in mind when making final recommendations including proposed timeframes.

Overall I think that the panel's proposals may be worth exploring further and even testing them as they suggest, but there are several that especially raised questions in my mind:

7. INCREASE TRANSPARENCY BY USING OPEN DATA & OPEN CONTRACTING – What does open contracting mean and how might that impact registries and registrars? In the brief description, the panel says, "As for opening contract data, this could increase and diversify opportunities to participate in monitoring for contractual compliance, and would enable a deeper understanding over time of the roles of ICANN vs. contracted parties, problems or areas for improvement to the procurement process at ICANN, and opportunities and/or needs for contract evolution." Depending on what this means, open contracting could have huge impact on contracted parties. (I encourage everyone to carefully review the detailed description.)

9. IMPOSE ROTATING TERM LIMITS – In the brief description, the panel says, "As a way to increase and diversify engagement in existing ICANN voting bodies, ICANN should experiment with imposing rotating term limits over the course of the next year for all voting positions within ICANN." Frankly, I do not understand how this would be done so this raises lots of concerns in my mind especially because of how it might impact the present balance on the GNSO Council between contracted and non-contracted parties.

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11. EMBRACE EVIDENCE – The brief description talks about creating "an institutional assessment network that develops current benchmarks for existing practices" and enabling "a more formalized R&D function within ICANN". This may be okay but I need more detail.

14. DECENTRALIZE ACCOUNTABILITY – Here again there is very little said about this: "ICANN should facilitate the development of standards for what it means for national Internet governance organizations (for example, the Brazilian Internet Steering Committee) to be "open" organizations in the 21st century (e.g., those that are transparent, enable easy and equitable access, and are supportive of innovation and civic participation)." More information is definitely needed about this. I am not sure how it relates to ICANN's mission because it is not a standards development body.

PROPOSAL 1, USE EXPERT NETWORKS

I agree with the underlying premise of this proposal that ICANN (meaning all of us in the ICANN community) "needs to be smart" and hence "it needs access to the best possible ideas in forms and formats that are useful and relevant to the decision at hand from sources inside and outside the institution". But red flags go up in my head when I read statements like this: "And some have assessed that ICANN's current working group (WG) model for developing consensus around how to solve such complex problems "often appears to be lacking – especially when dealing with complex issues compounded by widely disparate points of view and/or strongly held financial interests in particular outcomes." Using experts could definitely enhance the WG model but they should not be viewed as a replacement for the WG model.

One general problem I have with the panel's description of this proposal is that it tends to mix ICANN's mission with a much broader Internet Governance (IG) mission. Are the innovations proposed intended for ICANN improvements or more broadly for IG improvements or both? In testing and evaluating them, it will be important to be clear in this regard. To the extent that they are for broader IG improvements, is ICANN the right forum to test them?

The panel seems to believe that it would be good to "Move ICANN from a representation-based to expertise-based organization." Is it accurate to assume that it is an either-or situation? Are they mutually exclusive? Is there value in combining the benefits of both? A value in a representation-based organization is that it facilitates identifying potential impacts of proposed policies; could an expertise-based organization do that as readily and effectively.

The potentially relevant networks and communities listed by the panel are predominantly for very technical resources. In the area of domain name policy development, which has been identified as needing improvement, it is not at all clear that technical resources are a big need.

Here is the very last question asked by the panel: "What would the framework of accountability for decisions being made by experts look like?" The wording of this question seems to illustrate a lack of understanding on the part of the panel regarding the multi-stakeholder model. They appear to assume that experts might be making decisions in ICANN.

To the extent that this proposal could "Inspire and incentivize collaboration within and across siloed ICANN structures" and "save time and resources", it is very worthwhile exploring. But the types of expertise focused on in the description of this proposal don't seem to be very applicable to ICANN's mission of coordinating Internet technical identifiers.

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In my opinion, the panel did not make a very strong case that this idea makes sense for ICANN. A better case needs to be made to ensure that the value of this proposal warrants the expenditures it would take to test it.

PROPOSAL 2, CROWDSOURCE OVERSIGHT AND DEVELOP STANDARDS TO MEASURE SUCCESS

I strongly support any action that increases ICANN's accountability so this idea may be worth exploring further for that reason alone, but it is not immediately clear that it could be effectively implemented. The following briefly describes the concept of this proposal: ". . .using the power of the crowd to evaluate the success of ICANN's decisions, measured not only in light of ICANN's core public interest values, but also based on the impact, effect and level of compliance following ICANN's policy development process."

I have no argument with the need to develop success metrics as acknowledged by the panel. But it is not clear that those could be successfully developed using crowdsourcing. The panel does identify some constructive factors that should be considered when developing metrics.

Two ideas for implementing this proposal in ICANN seem like they have strong potential: an open peer review platform; online ranking and feedback tools. These seem like useful tools in policy development activities.

One idea that raises red flags to me from my contracted party perspective is "using open contracting principles, openly post all registry and registrar contracts online (along with other open data sets, such as financial data and existing compliance data) and ask the public to help monitor for compliance by all contracting parties". What would be the impact on registries and registrars if this was done? Could it be done effectively without unduly burdening the contracted parties?

Some of the ideas in this proposal appear to have clear potential for adding value and hence would seem to warrant further investigation. Others seem to me to need more justification before spending very much on testing them.

PROPOSAL 3, CROWDSOURCING AT EACH STAGE OF DECISION-MAKING

The following seems like a valid premise for this proposal: "The legitimacy of a 21st century global institution operating in the public interest depends on whether those affected by the decisions the institution makes are included in the decision-making process." The detailed description goes on to say: "Especially in the case of the Internet and of ICANN, to be legitimate, anyone must have easy and equitable access to help shape the policies and standards of the Internet that ICANN helps facilitate." Easy access for all seems like a reasonable ideal to work toward. Equitable access though may be unrealistic. It is a noble goal, but is it achievable in an extremely diverse, global community?

Finding ways of crowdsourcing ideas ("conducting a distributed brainstorm" of ideas) could be useful in ICANN's policy development activities. If it could be done globally in an efficient and cost-effective manner, it could provide a way to obtain input from stakeholders who might not otherwise be able to contribute and/or it might motivate new parties to participate in ICANN policy work.

As the panel observes, for this to work, ICANN would have to i) "proactively work to identify who in the global community is affected by its decisions and who has the expertise to bear to help solve a given challenge" and ii)

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"enable online collaboration to support distributed work for effective participation without physical attendance". The panel identifies several challenges that would have to be solved to make these things happen and also lists quite a few benefits to ICANN processes that might be realized.

I compliment the panel for providing constructive suggestions of how this proposal could be tested in ICANN along with existing tools that could be used. They also recognized the important of cost-effectiveness. And they raise important questions that need to be answered.

I personally think it would be good to test this proposal.

PROPOSAL 4, ENABLE COLLABORATIVE DRAFTING

The following seems like common sense to me if the tools used are efficient and effective: "In order to open itself to broad-based and global participation, **ICANN could leverage collaborative drafting tools** (e.g., wikis), which allow many different people to work on the same document at different times and from different places and often keep a track-record of the history of revisions made to those documents. Such collaborative drafting tools can enable meaningful participation that allows a dispersed community to work together over time to accelerate the path to sharing responsibility."

The panel says, "When it comes to collaborative drafting tools, these could be deployed to make use of participants identified as experts during the issue-framing stage, or people identified as experts in ICANN's expert network outreach – either to serve as "moderators" of the discussion or the "owners" of a project." It is not clear to me why the panel only identifies experts as possible users of collaborative drafting tools. It seems to me that they could be very useful for anyone in a WG in the process of developing policy language.

The panel provides a list of desirable characteristics when evaluating possible collaborative drafting tools for use in ICANN. They also provide a list of available tools. It would be helpful if the characteristics were mapped to the possible tools that are listed.

The case studies provided by the panel illustrate some of the possible usages of collaborative drafting tools. They aren't especially relevant for possible ICANN uses but they do show some real life applications.

Collaborative drafting tools could be very useful in GNSO policy development if they are effective and efficient and seem worthwhile investigating further.

PROPOSAL 5, BECOME MORE INCLUSIVE BY INNOVATING THE PUBLIC FORUM

Here is the thrust of this proposal: "ICANN could **experiment with running a more dynamic virtual public forum in parallel to the physical one conducted during ICANN meetings** and with using innovative tools and techniques for encouraging diverse participation during the forum."

The panel accurately identifies several challenges to the public forums. Here is one of them: ""Incumbent" participants tend to dominate speaking time during the Public Forum, e.g., people who have been in the ICANN Community upwards of a decade. There is a remarkable lack of new participants who speak during the Public Forum." In

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my personal observations, I think I see new participants at the microphone in public forums at every meeting so I think it would be good to test this hypothesis by gathering some data at the next two meetings, analyze it and report on it. That said, it still seems like a good idea to do some things to facilitate new participants.

The panel states that "participation at the Public Forum should be made easy (i.e. provide accessible, legible, multilingual and low-bandwidth participation options) and equitable". I am always bothered when I see the word 'equitable' because it is generally not achievable. At the same time, I think a worthy goal would be to 'strive for more equitable participation'. They later suggest that we should try to 'equalize' remote participation so would again suggest that we 'strive to make remote participation more equal'.

The following panel-identified benefits of innovating the public forum all seem worthwhile:

- ▶ Improve remote participation
- ▶ Streamline question-asking and opinions-aggregation
- ▶ Encourage participant-networking
- ▶ Devolve responsibility among a broader group of participants
- ▶ Motivate non-incumbent participation.

Regarding implementation within ICANN the panel says: "While we believe innovating the ICANN Public Forum could improve inclusivity at ICANN – testing this hypothesis is vital. In an effort to move this proposal from principle to practice, here are some initial ideas for tools and techniques around which ICANN could design pilots." One caution I would suggest is to not test too many tools and techniques at once.

Quite a few examples of tools that could be used are provided and sound pretty interesting. It is not clear that all of them would work for the ICANN Public Forum, but it seems worthwhile exploring them further.

The panel raises some excellent questions about how to bring this proposal closer to implementation. I particularly like this one: "How can the Public Forum find a balance between those who want to speak and those who should speak?" It might be hard to answer though.

I definitely think that it would be a good idea to explore this proposal further although I think that pilot testing of ideas and tools would need to be spread out so that there are not too many things are being tested at the same time.

PROPOSAL 6, ENHANCE DECISION-MAKING LEGITIMACY BY EXPERIMENTING WITH INNOVATIVE VOTING TECHNIQUES

The panel's purpose in this proposal is to: "a) make decision-making at ICANN more accessible, and b) empower members of the ICANN community to take thought-leadership roles". In my opinion, these are both very legitimate goals. The panel specifically recommends considering two voting models: Liquid Democracy and Ranked-Choice Voting. The detailed description of this proposal contains clear and concise definitions of each model.

The panel's detailed description of this proposal accurately describes the policy development process for the GNSO although they refer to task forces, which are no longer used.

A possible advantage listed by the panel for this proposal is that it could "Allow people to organize around topics and issues rather than around their constituencies. For example, in the GNSO, there are a host of different "con-

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stituency groups," and people may not always agree with their constituencies on each issue. In this way these methods account for a multiplicity of priorities."

Allowing people to organize around topics and issues rather than around their constituencies could have positive and negative consequences. If only individuals were allowed to contribute, it would be necessary to ensure that a critical mass of individuals participated from all impacted groups; that might be difficult to accomplish without the help of the formal constituencies and stakeholder groups. If input is received from constituencies and stakeholder groups as well as individuals who are members of those same constituencies and stakeholder groups who have different views then some way would be needed to weigh the group comments against the individual comments. It would seem to be problematic to count a minority view in a constituency the same as a majority or supermajority view from that group.

Another possible advantage listed for this proposal is that it would "Remedy the fact that those responsible for casting votes (often volunteers) do not have enough time and knowledge to vote meaningfully on every issue." The current model in the GNSO has this same advantage. If the GNSO moved away from constituencies and stakeholder groups, the advantage may go away.

A third advantage listed is that it would "Allow people to bypass the constituency-level vote by choosing not to vote for a Council member but to vote directly on the issue." The panel seems to assume that these innovative voting ideas would mostly benefit voting at the Council level. Voting at the Council level is not really that big of a problem in my opinion. Assessing the views of participants in WGs could probably be a much more useful application of the voting ideas, not in a formal sense of voting because that is probably undesirable in a consensus building approach, but rather as tools to develop positions that most people can support. Also, bypassing the constituency-level vote in WGs would likely make it more difficult to get broad participation of individuals.

One of the pilot ideas for Liquid Democracy is this: "New voting methods could be applied wherever voting currently occurs in ICANN, e.g., at the Council or the Board level. . . ." It is not clear to me that using Liquid Voting for the GNSO Council or ICANN Board adds much value. The current voting methods seem to work okay. But I believe there might be lots of value in using Liquid Voting in policy develop WGs to assess the various views of stakeholders.

One of the pilot ideas for Ranked-Choice Voting is this: "Where SO/AC Councils or ICANN's Board of Directors must take a vote, it makes sense to use ranked-choice voting to quickly determine which issues or positions win (for example, where the Board has the power to appoint the Nominating Committee Chair . . ." As commented above for Liquid Democracy, Ii is not clear to me that using Ranked-Choice voting for the GNSO Council or ICANN Board adds much value. The current voting methods seem to work okay. But I believe there might be lots of value in using Ranked-Choice voting in policy development WGs to assess the various views of stakeholders.

The open questions listed by the Panel for this proposal are very good for the most part but I have concerns about the reference to 'citizen juries' in this one: "How can innovative voting techniques be used more broadly, for example by "citizen juries" or to consider issues or their impacts retroactively (e.g., outside of a formal PDP?)" From what little I know, I think the concept of 'citizen juries' needs a lot more investigation before being considered seriously.

I think that this proposal has some very interesting potential in ICANN but maybe not in the areas that the Panel identified. It seems to me that voting mechanisms in the GNSO Council or the Board work fine and alternative voting mechanisms would not add much value, but I believe they might add a lot of value in policy development efforts in the GNSO. I definitely recommend further exploration of the two voting processes proposed.

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PROPOSAL 7, INCREASE TRANSPARENCY BY USING OPEN DATA & OPEN CONTRACTING

In the detailed description of this proposal, the panel refers to 11 open contracting principles developed by the Open Contracting Partnership.

It is important to note that the principles were designed for 'public contracting', i.e., contracting of government organizations. ICANN is not a government organization so it is important to keep that in mind. At the same time, ICANN, like government organizations, has the responsibility to serve the public so it seems reasonable to apply elements of the principles to ICANN contracting but that means that they should be applied as they fit ICANN contracting needs. This is consistent with the following statement from the Preamble of the principles: "These Principles are to be adapted to sector-specific and local contexts and are complementary to sector-based transparency initiatives and global open government movements." In other words, the principles need to be adapted to specific ICANN contexts.

Of particular interest to me, are the contracts that ICANN has with gTLD registries and registrars. In that context, I strongly believe that a legal analysis should be done regarding the possible impact if the concept of open contracting was applied to those contracts. The following principles from the 11 raise possible concerns in that regard, understanding that 'Governments' should be replaced with 'ICANN' in the wording of the principles:

"7. Governments shall recognize the right of the public to participate in the oversight of the formation, award, execution, performance, and completion of public contracts." It can be argued that ICANN already does this. Would introducing 'open contracting' change this in any way? Would registries and registrars incur new costs to support 'open contracting'? Would contractual terms need to be changed?

"9. Governments shall work together with the private sector, donors, and civil society to build the capacities of all relevant stakeholders to understand, monitor and improve public contracting and to create sustainable funding mechanisms to support participatory public contracting." Helping stakeholders to understand contracts with registries and registrars is a reasonable objective and it seems that 'open contracting' could facilitate that. But what would be the implications of stakeholder monitoring under an 'open contracting' model. Would there be risk that registries and registrars would incur new costs to manage and respond to stakeholder monitoring activities?

"11. With regard to individual contracts of significant impact, contracting parties should craft strategies for citizen consultation and engagement in the management of the contract." This sounds like it could result in a new obligation for registries and registrars beyond what many may already do in being responsive to customer needs.

Regarding the possible use of 'open data' principles, it seems to me that opportunities for improving ICANN's transparency and accountability would be very worthwhile pursuing further.

Here is one of the guidelines listed by the panel regarding implementing this proposal in ICANN: "Tying contract awards to transparency requirements". Does the panel think that this would apply to contracts with registries and registrars? If so, how?

In one of the steps listed by the panel for embracing 'open contracting' it is suggested that "ICANN could put in place an open contracting plan. This requires determination of which ICANN contracts could be subject to an open contracting policy, including registry contracts, registrar accreditation agreements as well as ICANN's procurement contracts." Because of the significance, uniqueness and ongoing nature of registry and registrar contracts, a legal analysis should be done before pursuing 'open contracting' for registry and registrar agreements.

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Overall, I think the 'open data' idea has some good potential to improve ICANN's accountability and transparency. I also think that 'open contracting' approaches could yield some benefits for procurement contracts but it is not clear that the same would be true for registry and registrar agreements.

PROPOSAL 8, INCREASE ACCOUNTABILITY THROUGH PARTICIPATORY BUDGETING

As stated in the detailed description of this proposal, "Participatory budgeting (PB) is a process which allows citizens ("members," "stakeholders") of an area (region, organization, or some kind of defined group) to participate in the allocation of part or all of the organization's available financial resources." In my opinion, PB could greatly improve ICANN's budgeting process, but it should be understood that PB by itself won't solve the main problem. The main problem for years is that insufficient budget detail has not been provided or has provided too late in the process for public input to be reflected. If this problem is not solved, stakeholders will still not be able to contribute meaningfully even if PB principles are implemented.

Here is one of the suggested Adopting Outcomes provided by the panel: "As community deliberations occur, PB participants could either volunteer (or be chosen through innovative voting techniques) to work as "budget delegates" with the steering committee, ICANN staff and community leaders who are actively involved in budget decisions at ICANN." I personally think that using one of the innovative voting techniques discussed in other proposals is a very good idea for prioritizing certain budget items.

One of the Open Questions asked by the panel is "How does ICANN decide whether there has been sufficient engagement with the public in budget consultations at present?" Here is my personal answer: The budget process moves forward based on Bylaws time requirements; it has never mattered whether there was sufficient engagement with the public.

PROPOSAL 9, IMPOSE ROTATING TERM LIMITS

Except for once or twice at the beginning of this document, the line-by-line annotation plugin would not allow be to insert comments so I am inserting them all here.

I found this to be an interesting statement: "Experts note that "the bottom-line principle when implementing the practice of rotation must be that if a competent citizen wishes to serve his organization, he should have a chance to do so."" A key word here is 'competent'; in my opinion competency would need to be defined relative to the needs of the ICANN organization involved. Also does mean that every 'competent individual' should eventually be able to serve on the Board? That seems like a stretch considering how many 'competent' individuals there are in our global environment. A similar argument could be made for all ICANN organizations.

The panel says, "Experimenting with rotating term limits could help to address some of these critiques – whether real or perceived – that the Board is not a mirror of the community as much as a distinct bureaucracy that doesn't fully leverage the power of the global community as well as it could." To accomplish this at the Board level would of course require major changes to the Bylaws, the biggest one possibly being to add a requirement that Board members serve as representatives of different sectors of the community instead of serving the corporation. In contrast, other organizations such as the SOs are designed to be more representative already.

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Below are some of the potential advantages of rotating term limits that the panel lists with my comments following:

"Increase "voter choice" and the diversity of the candidate pool" – A common reality in ICANN SOs and ACs is the difficulty of finding candidates. It is possible that rotating term limits could exasperate this problem rather than help it.

"Increase the level of "learning and on-the-job experience" throughout the ICANN community" – On-the-job experience might be more appropriately gained in working groups rather than in leadership positions.

"Avoid entrenched, incumbent bureaucracy" – This is one of the clear benefits of rotating term limits. Within ICANN, Board term limits tend to be the most liberal, 3 terms at 3 years each. In contrast, the GNSO Council has 2 terms at 2 years each.

"Prevent possibility of "long-term incumbents abusing power or gaining extraordinary financial or political power in office." – This is just one example of many where it seems that the panel members do not understand very much about ICANN. It might be possible for incumbents in some cases to abuse power although it doesn't seem very likely. I don't think there is any way to gain financial power or political power.

In discussing implementation of this proposal as well as in the proposal description in its entirety, it is not clear that the panel is aware that rotating term limits are in place for most ICANN organizations. Does the panel think that they are insufficient? If so, how should they be changed?

The panel says: "Rotating term limits are likely more appropriate in those "gate-keeper roles" within ICANN where votes are cast, as opposed to where individuals contribute insights, expertise or perform facilitative functions." Would this conclusion be the same in cases like the GNSO Council where votes are cast as directed by constituencies and stakeholder groups?

The panel rightfully recognizes that "membership continuity has merit in order "to preserve a presence of ICANN's organizational knowledge in its decision-making processes."

The panel lists some very good questions that would need to be asked when evaluating this proposal for implementation in ICANN:

▸ "What institutional or cultural barriers may pose challenges to implementing this proposal?

▸ Should rotating term limits apply to ICANN's consensus-based working groups? Why or why not?

▸ What is the appropriate term limit for which positions within ICANN? Would it be appropriate for ICANN to run controlled experiments to determine which make-up works best for which group or structure?

▸ How could ICANN assess the successes and shortcomings of those voting bodies that embrace some form of term limits at present in order to design the most effective pilot?"

It is not at all clear to me that the panel members understood enough about ICANN when making this proposal. They make the case for the value of rotating term limits in a general sense but do not evaluate the ways in which rotating term limits are already implemented in ICANN organizations nor do they identify ways in which those implementations are unsatisfactory.

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PROPOSAL 10, BECOME MORE INCLUSIVE BY MOVING FROM "STAKEHOLDER" ENGAGEMENT TO GLOBAL ENGAGEMENT

Here is an excerpt that I perceive to be the thrust of this proposal: "ICANN should therefore experiment with **establishing supplementary engagement mechanisms** in addition to existing stakeholder group participation processes. For instance, ICANN **could pilot alternate or complimentary channels for participation (e.g., topic-based or decision-making stage-dependent) rather than participation as channeled through the currently existing stakeholder groups**. These channels would pay less attention to people's stakes as stakeholders per se and more attention to their specific interests in specific issue-areas, as well as how they can contribute their talents in ways that speak to their passions and abilities. Within such an experiment, various crowdsourcing practices can be used as complements to existing stakeholder group practices."

Under '**Invest in framing ICANN's work for various audiences**', the Panel says "In general, people are more aware of Internet governance issues at large than their specific "stake" in those issues via ICANN." It is not obvious to me that this is a true assumption; it may be but probably should be validated before proceeding with this proposal because the entire proposal seems to be based on this assumption.

Under '**Experiment with different organizing principles to determine how best to "plug people in" to ICANN's work**', I strongly agree with this statement: "Designing any new approach should make certain that current participants can meaningfully participate in any experiment and that interest-based approaches and alternative approaches for organizing ICANN participants do not directly compete with each other and thus undermine the value presented in these frameworks."

Under '**Establish mechanisms clearly delineating between various levels of complexity and expertise in ICANN's work**', the following is a great goal but it is not clear that it is realistic: "Newcomers should be able to quickly get a sense of what ICANN is and what it does, and what role it occupies in Internet governance writ large.

In my opinion, there are lots of good ideas in this proposal that would be valuable to test. But to do so will require a lot of time and resources including ability for volunteers who are already stretched thin. Also, one of the suggestions that community participation should be based on topic rather than stakeholder interest seems to be based on the assumption that "people are more aware of Internet governance issues at large than their specific "stake" in those issues via ICANN." It is not obvious to me that this is a true assumption; it may be but probably should be validated before proceeding with this proposal because the entire proposal seems to be based on this assumption.

PROPOSAL 11, BECOME AGILE, ADAPTIVE, AND RESPONSIVE BY "EMBRACING EVIDENCE"

Here is a brief description of this proposal: "Organizations evolve by learning, done through the uses of quantitative and qualitative methods for rigorous assessment to figure out what works and in order to change what doesn't. Therefore, **ICANN should develop the institutional capacity – in the form of a research unit, research department, or research function – as well as a systematic approach to monitor, evaluate, learn from, and use evidence more effectively in ICANN's decision-making practices**."

I agree with these statements by the panel in the section titled 'What Does it Mean to "Embrace Evidence"?':

"ICANN should use evidence in all aspects of its work. This includes its operations and administration, as well as

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its policy-development work, domain name system services, outreach and engagement, and strategic and budget planning. Different kinds of evidence may require different analytic frameworks with different challenges and concerns. Different stakeholders may have different criteria – both quantitative and qualitative – for determining if a program is successful"

"For ICANN to "embrace evidence," then, means developing a mechanism to be held accountable to the established and articulated values of its various stakeholders."

"ICANN should convene research efforts through an institutional assessment function (or "Research Unit"). This unit would serve as a facilitator of internal and cross-community research efforts (e.g., research-gathering), and also create and maintain an evidence database. It would be tasked with linking the supply and demand of evidence. The proposed Research Unit is conceived as a cross-community resource – it should be able to inform decision-making in various ICANN contexts, and provide useful materials to people who want to learn about ICANN."

The following critical point is made in the section titled 'Why Does This Proposal Make Sense at ICANN?': "Notably, this unit should not have the power to make binding decisions at ICANN. Essentially, the purpose of the unit is to create a space where researchers and research initiatives can convene, and also to provide support to the volunteers that work together via ICANN, who largely do not have the time or resources to produce their own research (this is especially a concern as ICANN often faces issues that are new and therefore require extensive research)."

In my opinion this proposal makes a lot of sense and could add lots of value to ICANN processes. The key is to do it in continual consultation with the community, i.e., consistent with the multi-stakeholder model.

PROPOSAL 12, ENHANCE LEARNING BY ENCOURAGING GAMES

Here are some experts from the detailed description of this proposal that give the essence of what it is about: "**ICANN could make the complexities of Internet governance and ICANN's work more open, accessible and interesting to people with games and activities aimed at the next generation.** . . . ICANN could run contests, e.g., to design short videos, graphics and other strategies to engage a more diverse audience to the end of making ICANN's work more accessible to everyone – from newcomers to active technologists. . . . To embrace and make use of the dynamism and expertise of its globally distributed stakeholder base, ICANN should leverage prizes, games and challenges to solve problems."

The proposal description introduces a term that is new to me: 'gamification'. Gamification refers to the application of "game design thinking to non-game applications to make them more fun and engaging." Three gamification central principles are discussed: 1) "Incentives motivate people to perform actions"; 2) "Rules are useful for determining the rights and responsibilities of participants and for creating predictability . . ."; 3) goals.

The panel says: "there are three main approaches to using game mechanics in problem solving that could be meaningful for ICANN. They are the competitive approach (e.g., "prize-induced contests" or "selective crowdsourcing"), the collaborative approach (e.g., "grand challenges" or "integrative crowdsourcing"), and the mixed-strategy approach in which competitive and collaborative "phases" are sequenced and/or combined." All of these approaches seem worth pursuing in my opinion.

The panel gives lots of examples of initiatives within ICANN for which gamification could be applied including suggested incentives and effects. These examples illustrate how gamification could actually be used within ICANN.

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The potential of using gamification in constructive ways in ICANN seems very promising to me. In the section of the detailed description of the proposal titled 'Open Questions – Help Bring This Proposal Closer to Implementation?' the panel asks lots of good questions but I think there is one overarching question that is missing: How can we introduce gamification principles into ICANN work in a way that can realistic bring about positive change while recognizing that participants are already overwhelmed? It would be helpful to develop a plan to introduce gamification principles gradually over time and test some of them in existing processes.

PROPOSAL 13, PROVIDE AN ADJUDICATION FUNCTION BY ESTABLISHING "CITIZEN" JURIES

I really like the second paragraph of the detailed description for this proposal: "Accountability typically is a consequence of both procedural fairness before the fact and adjudicatory processes after the fact to help ensure that decisions serve established goals and broader public interest principles."

The panel goes on to say: "As one means to enhance accountability – through greater engagement with the global public during decision-making and through increased oversight of ICANN officials after the fact – ICANN could **pilot the use of randomly assigned small public groups of individuals to whom staff and volunteer officials would be required to report over a given time period** (i.e. "citizen" juries). The Panel proposes citizen juries rather than a court system, namely because these juries are lightweight, highly democratic and require limited bureaucracy. It is not to the exclusion of other proposals for adjudicatory mechanisms."

One of the side benefits of this proposal is a chart developed by T.M. Lenard and L.J. White showing how limited ICANN's accountability is compared to corporations, governments and other non-profit organizations. The panel presents this information to illustrate why more accountability is needed by ICANN. They later say: "ICANN is not expressly accountable to any well-defined "members" or shareholders." This is a true and critical statement.

Referring to the use of citizen juries to evaluate issues, the panel says ""Citizen" juries have most often been formed to consider specific courses of actions in relation to localized issues." Randomly selecting jurors from a local population and then funding that jury would be much easier and less expensive than doing it for ICANN's global population. Would it be feasible to do it in ICANN?

In the Jury Selection section, the panel suggests ways to identify a jurist pool in ICANN, but it seems to me that this would compromise one of the fundamental principles of citizen juries, i.e., random selection.

In the section titled '**Presentation to the Jury – how to present evidence relating to complex, specialized issues?**' the panel tries to address the challenge of preparing jurors. In my opinion, this is a huge problem. If jurors were selected truly randomly, they would need very large amounts of training to come up to speed on the issues involved. Is it feasible? Could it be cost effective? I have my doubts.

Four successful case studies are given by the panel. Unfortunately, they are all based on localized population in contrast to ICANN's global population.

In my personal assessment, the panel makes a fairly good case for the value of some form of citizen juries but they do not do a very good job of demonstrating the feasibility and cost effectiveness in the ICANN environment. It seems like it would take a huge amount of work at a significant cost just to pilot a few programs.

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PROPOSALS 14, 15 & 16, BECOME AN EFFECTIVE PARTICIPANT IN THE INTERNET GOVERNANCE ECOSYSTEM BY DECENTRALIZING ACCOUNTABILITY, BEING EXPERIMENTAL, AND EMBRACING NEW EVIDENCE AND INSIGHTS

These proposals recommend *"a "distributed governance network"* that addresses the diversity of actors and issues in Internet governance and the variable ways in which ICANN must: a) coordinate its work with other actors, and b) evaluate its own position in the Internet governance ecosystem to the end of becoming an effective participant in the Internet governance process writ-large.

Consistent with all proposals made by our Panel, we believe any such "distributed governance network" for the Internet must be effective, legitimate, and evolving and must embrace the principle of **subsidiarity** to do so, meaning they operate within a remit comprising only those responsibilities or tasks for which their centralized or authoritative position makes them best equipped and most competent to handle." I definitely endorse the principle of subsidiarity if 'best equipped and most competent to handle' means consistent with mission.

The panel says that "Such a distributed governance network would have several characteristics, each of which is substantively supported by a set of concrete activities. These characteristics are: decentralized accountability . . . ; a culture of experimentation . . . ; and a systematic embrace of new evidence and insights . . ." Decentralized accountability and a systematic embrace of new evidence and insights sound pretty reasonable but I think some caution is called for regarding a culture of experimentation because there is an awful lot at stake in what ICANN does. My concern is mitigated some with this qualification by the panel: "By "being experimental," we mean that people should conduct experiments with scientific rigor, so that they are replicable." Regarding experimentation, I support the panel statement that "there must be a high degree of agreement, implying that there must be centralization of certain priorities, and consensus around those priorities."

The following statement makes good sense to me: "In the Internet governance ecosystem it makes sense to decentralize accountability for the issues and priorities of Internet governance which themselves are decentralized. It makes sense to centralize accountability for the issues and priorities of Internet governance which themselves are centralized. A good example of a centralized priority is the stability of the Internet's technical resources, e.g. the DNS and IP. A decentralized priority may be regional level priorities, e.g. different regulatory approaches to IPv6 adoption."

I strongly agree with this: "An important question is how to systematically add knowledge to a corpus or repository in a way that is sharable and where people are aware of new evidence being added and have meaningful and effective ways to access and use that evidence."

With regard to embracing new evidence and insights, the panel makes a good point in saying "Foundational to a distributed research initiative is stakeholder engagement, which allows for more legitimate and global outcomes. Much more innovation on how to solicit meaningful input and generate co-creation is needed."

In considering developing a governance network ICANN should apply these priorities: 1) it should first fulfill its primary mission well; 2) ICANN should obtain community consensus for actions it takes in the Internet Governance arena; 3) ICANN should be fiscally responsible in all IG activities it undertakes and use the resources it receives from the community with their concurrence.

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COMMENTARY FROM AT-LARGE ADVISORY COMMITTEE

AT-LARGE ADVISORY COMMITTEE
ALAC Statement on the ICANN Strategy Panels:
Multistakeholder Innovation

Introduction
Holly Raiche, ALAC member from the Asian, Australian and Pacific Islands Regional At-Large Organization (APRALO) and ALAC Leadership Team member composed an initial draft of this Statement after discussion of the topic within At-Large and on the Mailing Lists.

On 30 April 2014, this Statement was posted on the At-Large ICANN Strategy Panels Workspace.

On 02 May 2014, Olivier Crépin-Leblond, Chair of the ALAC, requested ICANN Policy Staff in support of the ALAC to send a Call for Comments on the Recommendations to all At-Large members via the ALAC-Announce Mailing List.

On 08 May 2014, a version incorporating the comments received was posted on the aforementioned workspace and the Chair requested that Staff open an ALAC ratification vote on the proposed Statement on 09 May 2014 and close on 15 May 2014.

The Chair then requested that the Statement be transmitted to the Public Comment process, copying the ICANN Staff member responsible for this Public Comment topic, with a note that the Statement was pending ALAC ratification.

On 16 May 2014, online vote results in the ALAC will be published and a new version of the Statement incorporating an updated Staff introduction section will be submitted.

Summary
1. The ALAC supports the report from the Panel on Multistakeholder Innovation with some reservations.
2. This panel is a useful reminder of the need to reach beyond the 'usual suspects' with suggestions on how new techniques and technologies can be used to support global engagement.
3. However, we are concern that some of the suggestions, such as crowdsourcing, for obtaining broad-based input may be seen as alternatives to existing methods of reaching consensus on issues. New techniques should not be seen as replacing the valuable policy processes of collaboration and dialogue. Crowdsourcing for policy input risks breaking the truly bottom-up policy development.
4. We suggest the development and use of tools to assist participation for those whose voice should be heard but do not communicate, or not communicate easily in the English language.
5. Ultimately, multistakeholder innovation should be targeted at enabling widespread participation at grassroots level as opposed to encouraging counter-arguments at top level.

The original version of this document is the English text available at http://www.atlarge.icann.org/correspondence. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

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ALAC Statement on the ICANN Strategy Panels: Multistakeholder Innovation

The ALAC strongly supports the report from the Panel on Multistakeholder Innovation. Although the Panel was developed prior to the US Government's announcement about the IANA function, it nevertheless provides valuable insights and recommendations for ICANN's expanded role in Internet Governance.

This panel is a useful reminder of the need to reach beyond the 'usual suspects' at ICANN meetings to move from what the panel calls 'stakeholder engagement to global engagement', with suggestions on how new techniques and technologies can be used to support that engagement. However, we have serious concerns with some of the Panel's findings.

The ALAC is troubled that some of the suggestions for obtaining broad-based input, for instance crowdsourcing, may be used as alternatives to existing methods of reaching consensus on issues. While new techniques may be valuable to obtain additional, diverse input on issues, they should not be seen as replacing the valuable policy processes of collaboration and dialogue through working group discussions and face-to-face meetings. Furthermore, crowdsourcing for policy input risks breaking the truly bottom-up policy development taking place both in the GNSO and in the ALAC, thus compromising hard work in Working Groups. Crowdsourcing also has the potential to offer a stage for vocal and organized participants whilst smothering the input of stakeholders that are less well represented or whose native tongue is not English. ICANN should promote working group level participation in its component organizations and not promote more top-heavy individual, sporadic and potentially disrupting participation at higher levels of the pyramid.

One suggestion that would encourage wider, global participation is the development and use of tools (in addition to other interpretation provided) to assist participation for those whose voice should be heard but do not communicate (often deprived communities), or not communicate easily in the English language (thus requiring reliable automated translation).

Ultimately, multistakeholder innovation should be targeted at enabling widespread participation at grassroots level – the base of the Policy Development Process – as opposed to encouraging counter-arguments at top level, once the work to reach consensus has already been done.

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PANEL RESPONSE

▸ The Panel agrees that participation opportunities and the development and deployment of any new tools need to take into close consideration those who do not communicate easily in English. All should have as easy and equitable access and use to any new tools as possible.

▸ Regarding the concern over crowdsourcing, we do not advise wholesale changes to replace existing processes within ICANN. We simply propose running smaller-scale pilots to experiment with and test the value of this technique as a way to supplement existing processes.

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COMMENTARY FROM GTLD REGISTRIES STAKEHOLDER GROUP

gTLD REGISTRIES STAKEHOLDER GROUP

COMMENTS ON ICANN STRATEGY PANEL ON MULTI-STAKEHOLDER INNOVATION

Date: **30 April 2014**

Public Comment URL: http://www.icann.org/en/news/public-comment/strategy-panels-25feb14-en.htm

This statement on the issue noted above is submitted on behalf of the gTLD Registries Stakeholder Group (RySG). The statement that follows was supported by a majority of RySG members, with none opposed and two abstaining.

Introduction

The RySG welcomes the report from the ICANN Strategy Panel on Multistakeholder Innovation and agrees with the premises focused on broadening and strengthening the multistakeholder model. The panel has suggested a number of areas to focus on and also suggests tools, platforms, and structural changes that could make specific engagement and the wider multistakeholder model more inclusive. The RySG is intrigued by many of these but on the whole would like to stress that any experimentation be methodical and include ample preparation and reflection periods to judge the effectiveness of the new approach.

We agree and support the panel's goal to facilitate increased participation in the multistakeholder process. However, the extensive output of this one panel is a challenge for even experienced ICANN participants, including RySG members, to contribute to, not to mention the newcomers and non-contracted parties that this panel ostensibly hopes to reach out to. Considering this panel's work alongside the other three strategy panels, the extensive ongoing work in ICANN policy development activities, the ICANN FY15 Operating Plan and Budget process, New gTLD implementation activities and the global Internet Governance work currently underway, the ability to get broad-based community feedback is extremely challenging. When considered in light of the work of the other three strategy panels, it confirms "[t]he amount of information provided to stakeholders can be a barrier to accessibility . . . ." as described in the recently published One World Trust final report (titled 'ICANN Accountability and Transparency Metrics and Benchmarks: Consultancy'). Therefore, we strongly suggest that ICANN and the community keep this in mind when considering any of the recommendations, including proposed timeframes.

The RySG has compiled comments on all 16 of the panel's recommendations. We note that each of the recommendations presented by the panel includes a series of outstanding questions. The community must keep these questions and others that arise here and throughout the comment period in mind if and when it experiments with any of the proposals. Furthermore, many of the panel's characterizations and suggestions remain exceedingly broad and should be reframed to address specific problems with a specific experimental solution before proceeding.

Proposal 1, Use expert networks

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From the outset of this discussion the panel seems to assume that a general level of expertise is lacking within ICANN (meaning all of us in the ICANN community) and states that we must "reduce redundant participation and remove vested interests from stakeholder groups and working groups at ICANN."

We do not know if the specter of "vested interests" includes the large and diverse group of experts found within our own stakeholder group but we reject the apparent suggestion that expertise is somehow antithetical to consistent ICANN participation. The final question asked by the panel is, "What would the framework of accountability for decisions being made by experts look like?" The wording of this question seems to illustrate a lack of understanding on the part of the panel regarding the multistakeholder model. They appear to assume that experts might be making decisions in ICANN and that we could and should somehow identify a group of decision-making experts that would not have "vested interests" within ICANN. Pursuing such an approach would be the end of the multistakeholder model.

Further red flags go up when we read statements like this: "And some have assessed that ICANN's current working group (WG) model for developing consensus around how to solve such complex problems 'often appears to be lacking – especially when dealing with complex issues compounded by widely disparate points of view and/or strongly held financial interests in particular outcomes.'" Using experts could definitely enhance the WG model but they should not be viewed as a replacement for the WG model.

We take issue with the fact that in describing this situation and possible solutions, the panel has mixed ICANN's mission with a much broader Internet Governance (IG) mission. Are the innovations proposed intended for ICANN improvements or more broadly for IG improvements or both? In testing and evaluating them, it will be important to be clear in this regard. To the extent that they are for broader IG improvements, is ICANN the right forum to test them?

The panel seems to believe that it would be good to "Move ICANN from a representation-based to expertise-based organization." Is it accurate to assume that it is an either-or situation? Are they mutually exclusive? Is there value in combining the benefits of both? A value in a representation-based organization is that it facilitates identifying potential impacts of proposed policies; could an expertise-based organization do that as readily and effectively?

Finally, the potentially relevant networks and communities listed by the panel are predominantly for very technical resources. In the area of domain name policy development, which has been identified as needing improvement, it is not at all clear that technical resources are a big need.

We agree with the underlying premise of this proposal that ICANN "needs to be smart" and hence "it needs access to the best possible ideas in forms and formats that are useful and relevant to the decision at hand from sources inside and outside the institution". To the extent that this proposal could "Inspire and incentivize collaboration within and across silod ICANN structures" and "save time and resources", it is very worthwhile exploring. But the types of expertise focused on in the description of this proposal don't seem to be very applicable to ICANN's mission of coordinating Internet technical identifiers.

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Proposal 2, Crowdsourcing at each stage of decision-making

The following seems like a valid premise for this proposal: "The legitimacy of a 21st century global institution operating in the public interest depends on whether those affected by the decisions the institution makes are included in the decision-making process." The detailed description goes on to say: "Especially in the case of the Internet and of ICANN, to be legitimate, anyone must have easy and equitable access to help shape the policies and standards of the Internet that ICANN helps facilitate." Easy access for all seems like a reasonable ideal to work toward. Equitable access though may be unrealistic. It is a noble goal, but is it achievable in an extremely diverse, global community?

Finding ways of crowdsourcing ideas ("conducting a distributed brainstorm" of ideas) could be useful in ICANN's policy development activities. If it could be done globally in an efficient and cost-effective manner, it could provide a way to obtain input from stakeholders who might not otherwise be able to contribute and/or it might motivate new parties to participate in ICANN policy work. The RySG supports the idea of using feedback tools and crowdsourcing ideas.

We also support the idea that ICANN should establish a "formal and continuous" presence in other "face-to-face forums such as the Internet Governance Forum (IGF) or Internet Society (ISOC)," and agree that this relationship could result in more representative participation in ICANN itself. We support ICANN in updating other relevant organizations on its activities and defending its role in developing IG conversations. However, we wholeheartedly reject the most recent example of ICANN "representative participation" in the preparations for Netmundial, where ICANN's CEO has claimed he will represent the whole of the community and ICANN's contracted parties were not invited to directly participate. The very idea that one individual can represent such a large and diverse community is misguided and his words and actions throughout his tenure have shown that he is not delivering on this promise.

Proposal 3, Crowdsource oversight and develop standards to measure success

We continue to support actions that increase ICANN's accountability, so this idea may be worth exploring further for that reason alone, but it is not immediately clear that it could be effectively implemented. The following briefly describes the concept of this proposal: ". . .using the power of the crowd to evaluate the success of ICANN's decisions, measured not only in light of ICANN's core public interest values, but also based on the impact, effect and level of compliance following ICANN's policy development process."

We have no argument with the need to develop success metrics as acknowledged by the panel. But it is not clear that those could be successfully developed using crowdsourcing. Furthermore, it is an important inconsistency that many of the panel's recommendations are predicated on apparently limitless human resources that are willing and ready to be ICANN's "crowd" despite the fact that one of the panel's goals is to increase and widen the currently limited participation within ICANN.

The panel does identify some constructive factors that should be considered when developing metrics. Furthermore, two ideas for implementing this proposal in ICANN seem like they have strong potential:

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an open peer review platform; online ranking and feedback tools. These seem like useful tools in policy development activities.

One idea that raises red flags from our contracted party perspective is "using open contracting principles, openly post all registry and registrar contracts online (along with other open data sets, such as financial data and existing compliance data) and ask the public to help monitor for compliance by all contracting parties". It is unclear how this would expand upon the existent public portal related to contractual compliance, (http://www.icann.org/en/resources/compliance/complaints). Was the panel aware of this portal? If they are proposing a new system, what would be the impact on registries and registrars if this were done? Could it be done effectively without unduly burdening the contracted parties? How would this affect existing agreements, including those Registry Agreements that ICANN is executing with new TLD registries on a weekly basis? Those agreements are supposed to provide certainty and predictability for the contracted parties. As such, no unilateral action should be taken that could adversely affect the reporting and compliance systems that registries have or are putting in place to meet these agreements. Indeed, many of the RySG's newest registries remain pre-revenue and have received approval for business plans outlined in their TLD applications that were based on the current state of contracting and compliance.

Proposal 4, Enable collaborative drafting

The following seems like common sense to us if the tools used are efficient and effective: "In order to open itself to broad-based and global participation, *ICANN could leverage collaborative drafting tools* (e.g., wikis), which allow many different people to work on the same document at different times and from different places and often keep a track-record of the history of revisions made to those documents. Such collaborative drafting tools can enable meaningful participation that allows a dispersed community to work together over time to accelerate the path to sharing responsibility."

The panel says, "When it comes to collaborative drafting tools, these could be deployed to make use of participants identified as experts during the issue-framing stage, or people identified as experts in ICANN's expert network outreach – either to serve as "moderators" of the discussion or the "owners" of a project." It is not clear to us why the panel only identifies experts as possible users of collaborative drafting tools. It seems to us that they could be very useful for anyone in a WG in the process of developing policy language.

Collaborative drafting tools could be very useful in GNSO policy development if they are effective and efficient and seem worthwhile investigating further.

Proposal 5, Innovate the Public Forum

The RySG recognizes that the public forum and the interaction of the ICANN Board with the wide community and public is a fundamental part of ICANN's multistakeholder model. We welcome ideas to improve remote participation; streamline question-asking and opinion aggregation; encourage participant networking; and motivate non-incumbent participants. ICANN could experiment with some of the tools suggested in a methodical manner.

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Prior to any experimentation, we encourage ICANN to collect data on the current state of the public forum to support or disprove the panel's claims, such as the assertion that the public forum is dominated by participants who have been involved in ICANN for over a decade and that there is a remarkable lack of new participants. This will allow for a quantitative, baseline understanding of the current state of the forum to be compared against future forums that may feature enhanced participation tools.

Proposal 6, Enhance Decision-Making Legitimacy by Experimenting with Innovative Voting Techniques

The panel's purpose in this proposal is to: "a) make decision-making at ICANN more accessible, and b) empower members of the ICANN community to take thought-leadership roles". In our opinion, these are both very legitimate goals. The panel specifically recommends considering two voting models: Liquid Democracy and Ranked-Choice Voting. A possible advantage listed by the panel for this proposal is that it could "Allow people to organize around topics and issues rather than around their constituencies. For example, in the GNSO, there are a host of different "constituency groups," and people may not always agree with their constituencies on each issue. In this way these methods account for a multiplicity of priorities." Allowing people to organize around topics and issues rather than around their constituencies could have positive and negative consequences. If only individuals were allowed to contribute, it would be necessary to ensure that a critical mass of individuals participated from all impacted groups; that might be difficult to accomplish without the help of the formal constituencies and stakeholder groups. If input is received from constituencies and stakeholder groups as well as individuals who are members of those same constituencies and stakeholder groups who have different views then some way would be needed to weigh the group comments against the individual comments. It would seem to be problematic to count a minority view in a constituency the same as a majority or supermajority view from that group.

Another possible advantage listed for this proposal is that it would "Remedy the fact that those responsible for casting votes (often volunteers) do not have enough time and knowledge to vote meaningfully on every issue." The current model in the GNSO has this same advantage. If the GNSO moved away from constituencies and stakeholder groups, the advantage may go away.

A third advantage listed is that it would "Allow people to bypass the constituency-level vote by choosing not to vote for a Council member but to vote directly on the issue." The panel seems to assume that these innovative voting ideas would mostly benefit voting at the Council level. Voting at the Council level is not really that big of a problem in our opinion. Assessing the views of participants in WGs could probably be a much more useful application of the voting ideas, not in a formal sense of voting because that is probably undesirable in a consensus building approach, but rather as tools to develop positions that most people can support. Also, bypassing the constituency-level vote in WGs would likely make it more difficult to get broad participation of individuals.

One of the pilot ideas for Liquid Democracy is this: "New voting methods could be applied wherever voting currently occurs in ICANN, e.g., at the Council or the Board level. . . ." It is not clear to us that using Liquid Voting for the GNSO Council or ICANN Board adds much value. The current voting methods

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seem to work well. But we believe there might be lots of value in using Liquid Voting in policy develop WGs to assess the various views of stakeholders.

One of the pilot ideas for Ranked-Choice Voting is this: "Where SO/AC Councils or ICANN's Board of Directors must take a vote, it makes sense to use ranked-choice voting to quickly determine which issues or positions win (for example, where the Board has the power to appoint the Nominating Committee Chair . . ." As commented above for Liquid Democracy, it is not clear to us that using Ranked-Choice voting for the GNSO Council or ICANN Board adds much value. The current voting methods seem to work well. But we believe there might be lots of value in using Ranked-Choice voting in policy development WGs to assess the various views of stakeholders.

The open questions listed by the panel for this proposal are very good for the most part but we have concerns about the reference to 'citizen juries' in this one: "How can innovative voting techniques be used more broadly, for example by "citizen juries" or to consider issues or their impacts retroactively (e.g., outside of a formal PDP?)" We think the concept of 'citizen juries' needs a lot more investigation before being considered seriously. We address this in greater detail in the citizen jury specific proposal (Proposal #13).

Proposal 7, Increase Transparency by Using Open Data & Open Contracting

In the detailed description of this proposal, the panel refers to 11 open contracting principles developed by the Open Contracting Partnership.

It is important to note that the principles were designed for 'public contracting', i.e., contracting of government organizations. ICANN is not a government organization so it is important to keep that in mind. At the same time, ICANN, like government organizations, has the responsibility to serve the public so it seems reasonable to apply elements of the principles to ICANN contracting but that means that they should be applied as they fit ICANN contracting needs. This is consistent with the following statement from the Preamble of the principles: "These Principles are to be adapted to sector-specific and local contexts and are complementary to sector-based transparency initiatives and global open government movements." In other words, the principles need to be adapted to specific ICANN contexts.

Of particular interest to us, are the contracts that ICANN has with gTLD registries and registrars. In that context, we strongly believe that a legal analysis should be done regarding the possible impact if the concept of open contracting was applied to those contracts. The following principles from the 11 raise possible concerns in that regard, understanding that 'Governments' should be replaced with 'ICANN' in the wording of the principles:

> "7. Governments shall recognize the right of the public to participate in the oversight of the formation, award, execution, performance, and completion of public contracts." It can be argued that ICANN already does this. The registrar accreditation agreements and the base registry agreement for new gTLDs were subject to various public comments and finalized after many iterations. Would introducing 'open contracting' change this in any way? Would registries and

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registrars incur new costs to support 'open contracting'? Would contractual terms need to be changed?

"9. Governments shall work together with the private sector, donors, and civil society to build the capacities of all relevant stakeholders to understand, monitor and improve public contracting and to create sustainable funding mechanisms to support participatory public contracting." Helping stakeholders to understand contracts with registries and registrars is a reasonable objective and it seems that 'open contracting' could facilitate that. But what would be the implications of stakeholder monitoring under an 'open contracting' model. Would there be risk that registries and registrars would incur new costs to manage and respond to stakeholder monitoring activities?

"11. With regard to individual contracts of significant impact, contracting parties should craft strategies for citizen consultation and engagement in the management of the contract." This sounds like it could result in a new obligation for registries and registrars beyond what many may already do in being responsive to customer needs.

In one of the steps listed by the panel for embracing 'open contracting' it is suggested that "ICANN could put in place an open contracting plan. This requires determination of which ICANN contracts could be subject to an open contracting policy, including registry contracts, registrar accreditation agreements as well as ICANN's procurement contracts." Because of the significance, uniqueness and ongoing nature of registry and registrar contracts, a legal analysis should be done before pursuing 'open contracting' for registry and registrar agreements.

We believe it would be an important sign of ICANN's interest and dedication to this proposal for it to first make its own procurement contracts publicly available (recent examples would include those executed related to new TLD Auctions and new TLD external evaluations provided by the ICC, WIPO, EIU, etc.) and then adopt the 'open contracting' model for its future procurement contracts.

Proposal 8, **Increase Accountability through Participatory Budgeting**

As stated in the detailed description of this proposal, "Participatory budgeting (PB) is a process which allows citizens ("members," "stakeholders") of an area (region, organization, or some kind of defined group) to participate in the allocation of part or all of the organization's available financial resources." In our opinion, PB could greatly improve ICANN's budgeting process, but it should be understood that PB by itself won't solve the main problem. The main problem for years is that sufficient budget detail has not been provided or has provided too late in the process for public input to be reflected. If this problem is not solved, stakeholders will still not be able to contribute meaningfully even if PB principles are implemented.

Here is one of the suggested Adopting Outcomes provided by the panel: "As community deliberations occur, PB participants could either volunteer (or be chosen through innovative voting techniques) to work as "budget delegates" with the steering committee, ICANN staff and community leaders who are actively involved in budget decisions at ICANN." We think that using one of the innovative voting techniques discussed in other proposals is a very good idea for prioritizing certain budget items.

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One of the Open Questions asked by the panel is "How does ICANN decide whether there has been sufficient engagement with the public in budget consultations at present?" Here is our answer: The budget process moves forward based on the Bylaw's time requirements; it has never mattered whether there was sufficient engagement with the public.

Proposal 9, Impose rotating term limits

It is not at all clear to us that the panel members understood enough about ICANN when making this proposal. They make the case for the value of rotating term limits in a general sense but do not evaluate the ways in which rotating term limits are already implemented in ICANN organizations nor do they identify ways in which those implementations are unsatisfactory. Here are three examples:

1. The RySG limits the terms of its officers.
2. GNSO Council voting seats have two term limits and terms end in different years for each group represented.
3. Board seats are limited to three terms and terms end in different years for different sets of board members.

Proposal 10, Become More Inclusive by Moving from "Stakeholder" Engagement to Global Engagement

In our opinion, there are lots of good ideas in this proposal that would be valuable to test. But to do so will require a lot of time and resources including volunteers who are already stretched thin. The panel has once again made the error of assuming it has already solved the problem of limited participation within ICANN and creates new work for the same group it has characterized elsewhere as insufficiently resourced.

Also, one of the suggestions that community participation should be based on topic rather than stakeholder interest seems to be based on the assumption that "people are more aware of Internet governance issues at large than their specific "stake" in those issues via ICANN." It is not obvious to us that this is a true assumption; it should be validated before proceeding with this proposal because it seems to be based on this assumption.

Proposal 11 Embrace Evidence

We support ICANN in developing a research function but stress that defining what this means and developing the appropriate structure should be done in continual consultation with the community, i.e., consistent with the multi-stakeholder model.

Proposal 12, Enhance Learning by Encouraging Games

The panel asks lots of good questions but we think there is one overarching question that is missing: How can we introduce gamification principles into ICANN work in a way that can realistically bring about

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positive change while recognizing that participants are already overwhelmed? It would be helpful to develop a plan to introduce gamification principles gradually over time and test some of them in existing processes. Any gamification strategy should not compromise the gravity of the work at hand or negatively impact those areas that are not deemed suitable for said games, i.e., by redirecting attention and resources from ongoing or other pressing work. Any use of monetary compensation in connection with gamification should be put to the community.

Proposal 13, Provide an Adjudication Function by Establishing "Citizen" Juries

We empathically agree with the second paragraph of the detailed description for this proposal: "Accountability typically is a consequence of both procedural fairness before the fact and adjudicatory processes after the fact to help ensure that decisions serve established goals and broader public interest principles."

The panel goes on to say: "As one means to enhance accountability – through greater engagement with the global public during decision-making and through increased oversight of ICANN officials after the fact – ICANN could *pilot the use of randomly assigned small public groups of individuals to whom staff and volunteer officials would be required to report over a given time period* (i.e. "citizen" juries). The panel proposes citizen juries rather than a court system, namely because these juries are lightweight, highly democratic and require limited bureaucracy. It is not to the exclusion of other proposals for adjudicatory mechanisms."

One of the side benefits of this proposal is a chart developed by T.M. Lenard and L.J. White showing how limited ICANN's accountability is compared to corporations, governments and other non-profit organizations. The panel presents this information to illustrate why more accountability is needed by ICANN. They later say: "ICANN is not expressly accountable to any well-defined "members" or shareholders." This is a true and critical statement.

In the Jury Selection section, the panel suggests ways to identify a jurist pool in ICANN, but it seems to us that this would compromise one of the fundamental principles of citizen juries, i.e., random selection. Furthermore, it is not clear that selecting citizen juries for ICANN's global population will be cost-effective and feasible given that the panel characterizes the use of citizen juries as most often working on "localized issues." We seriously doubt that truly randomly selected jurors could be trained and understand the issues involved in a comprehensive and resource efficient manner.

The panel gives four successful case studies. Unfortunately, they are all based on localized population in contrast to ICANN's global population.

In our assessment, the panel makes a fairly good case for the value of some form of citizen juries but they do not do a very good job of demonstrating the feasibility and cost effectiveness in the ICANN environment. It seems like it would take a huge amount of work at a significant cost just to pilot a few programs.

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While we do not find citizen juries promising, we still strongly encourage ICANN to prioritize accountability and to work with the community to develop other possible remediation structures. Most recently, RySG members have been party to a significant number of perceived inconsistencies related to the New TLD procedures, such as string similarity, community objection, and related decisions, which could provide appropriate case studies for developing much-needed accountability mechanisms.

Proposals 14, 15 & 16, Become an Effective Participant in the Internet Governance Ecosystem by Decentralizing Accountability, Being Experimental, and Embracing New Evidence and Insights

These proposals recommend *"a distributed governance network"* that addresses the diversity of actors and issues in Internet governance and the variable ways in which ICANN must: a) coordinate its work with other actors, and b) evaluate its own position in the Internet governance ecosystem to the end of becoming an effective participant in the Internet governance process writ-large. . . ."

In considering developing a governance network ICANN should apply these priorities: 1) it should first fulfill its primary mission well; 2) ICANN should obtain community consensus for actions it takes in the Internet governance arena; 3) ICANN should be fiscally responsible in all Internet governance related activities it undertakes and use the resources it receives from the community with their concurrence.

RySG Level of Support

1.   Level of Support of Active Members:

      1.1   # of Members in Favor: 17

      1.2   # of Members Opposed: 0

      1.3   # of Members that Abstained: 2

      1.4   # of Members that did not vote   10

2. **Minority Position(s):**   **None**

    1.   Level of Support – Active Members: Majority

- Total # of eligible Voting RySG Members[1]: 30
- Total # of Voting and Non-voting RySG Members: 34
- Total # of Active Voting RySG Members[2]: 29

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[1] All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the "effective date" set forth in the operator's or sponsor's agreement (Article III, Membership, ¶ 1). The RySG Articles of Operations can be found at http://gtldregistries.org/sites/gtldregistries.org/files/Charter_of_the_gTLD_Registries_Stakeholder_Group.pdf

[2] Per the RySG Articles of Operations, Article III, Membership, ¶ 4: Members shall be classified as "Active" or "Inactive". A member shall be classified as "Active" unless it is classified as "Inactive" pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a Constituency meeting or voting process for a total of three consecutive meetings or voting processes or both, or by failing to participate in meetings or voting processes, or both, for six weeks, whichever is shorter. An Inactive member shall have all rights and duties of

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- Minimum requirement for supermajority of Active Voting Members: 20

- Minimum requirement for majority of Active Voting Members: 16

- Names of Members that participated in this process:

  1. Afilias, Ltd.
  2. Charleston Road Registry (non-voting member)
  3. .CLUB Domains LLC
  4. CORE (non-voting member)
  5. Donuts Inc.
  6. DotAsia Organisation
  7. dotBERLIN GmbH & Co. KG
  8. dotCooperation
  9. Dot Kiwi Ltd.
  10. Dot Latin, LLC
  11. DotShabaka Registry
  12. dotStrategy Co.
  13. Employ Media LLC
  14. Famous Four Media
  15. Fundació puntCAT (inactive)
  16. GMO Registry, Inc. (non-voting member)
  17. ICM Registry LLC
  18. Minds + Machines
  19. Museum Domain Management Association – MuseDoma (inactive)
  20. Neustar, Inc.
  21. Plan Bee LLC
  22. Public Interest Registry - PIR
  23. Punkt.wien GmbH
  24. Punto 2012 S.A. de C.V.
  25. Societe Internationale de Telecommunication Aeronautiques – SITA
  26. Starting Dot Limited
  27. Telnic Limited
  28. The Foundation for Network Initiatives "The Smart Internet"
  29. Top Level Design LLC
  30. Tralliance Registry Management Company (TRMC)
  31. Uniregistry Corp. (non-voting member)
  32. United TLD Holdco Ltd. (non-voting member)
  33. Universal Postal Union (UPU)
  34. VeriSign
  35. XYZ.COM LLC
  36. Zodiac

- Names & email addresses for points of contact
  - Chair: Keith Drazek, kdrazek@verisign.com
  - Alternate Chair: Paul Diaz, pdiaz@pir.org

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membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a Constituency meeting or by voting.

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> o Secretariat: Cherie Stubbs, Cherstubbs@aol.com
> o RySG representative for this statement: Chuck Gomes, cgomes@verisign.com, and Andrew Merriam, andrew@tldesign.co.
>
> Regarding the issue(s) noted above, the following position(s) represent(s) the views of the ICANN GNSO gTLD Registry Constituency (RySG) as indicated. Unless stated otherwise, the RySG position(s) was (were) arrived at through a combination of RySG email list discussion and RySG meetings (including teleconference meetings).

PANEL RESPONSE

▸ The Panel does not advocate for an either-or model of organization along expertise or representation for ICANN. We believe that a mixed approach makes sense and that a balance between such models should be struck appropriately depending on both the issue and the context at hand.

▸ The Panel is pleased that the RySG agrees that collaboration across and within ICANN to save time and re-sources is important and invites the RySG to identify needed types of expertise.

▸ Where, in some cases, the Panel's recommendations appear "mixed" in terms of whether they are meant for ICANN or for broader missions within Internet governance, the Panel notes these recommendations are meant explicitly for ICANN, although we recognize that they may apply more broadly or serve as examples for the broader Internet governance ecosystem.

▸ Regarding innovative voting models, the Panel encourages further exploration into these voting tools and their experimental use in non-binding contexts.

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COMMENTARY FROM GNSO COUNCIL

The GNSO Council welcomes this opportunity to respond and provide input on the recommendations by the ICANN's Strategy Panel on Multistakeholder Innovation (MSI Panel), which published its Blueprint on 31 January 2014. As it is the Council's understanding that the outcome of this and the other Strategy Panels will be submitted directly to ICANN's President and CEO Fadi Chehadé for his consideration, this input is both submitted in response the call for public comment (http://www.icann.org/en/news/public-comment/strategy-panels-25feb14-en.htm) and also sent directly to CEO Fadi Chehadé for his consideration as he evaluates the recommendations of the MSI Panel. The focus of our contribution is of those aspects of the recommendations that specifically relate to the GNSO Council's role as manager of the gTLD policy development process. Please note that GNSO Stakeholder Groups and/or Constituencies may submit additional comments on aspects of the recommendations that are specific to their role in the GNSO eco-system.

The initial deliverables for the MSI Panel as set out on the ICANN web-site were set to focus on:
- Examining how Internet policy related to unique identifiers might be best managed in the future;
- Proposing new models for broad, inclusive engagement, consensus-based policymaking and institutional structures to support such enhanced functions; and
- Designing processes, tools and platforms that enable the global ICANN community to engage in these new forms of participatory decision-making.

As many of these areas relate closely to the remit of the GNSO, which is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains, the GNSO Council as well as its Stakeholder Groups and Constituencies have followed the developments of the MSI Panel closely, including active participation in the session that was held at the ICANN meeting in Buenos Aires. Several GNSO community members also provided input to the Ideascale as well as participating in the webinar that was subsequently organized at the end of January.

As an overarching comment, the GNSO Council would like to point out that several assumptions have been made in this paper concerning potential lack of effectiveness and legitimacy which do not accord with our understanding of the ICANN multistakeholder model and seem to result from the Panel's lack of understanding and failure to examine in

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detail the GNSO Policy Development Process and existing policy development mechanisms. The GNSO Council itself acknowledges that there is room for improvement and/or enhancement in the development and management of gTLD policy. Consistent with our bottom up, ongoing improvements commitment, and recognizing this, the GNSO Council has recently embarked on initiatives to enhance and streamline the GNSO Policy Development Process (PDP), focusing on areas such as engaging new volunteers in the PDP process, improving online tools and training and exploring other mechanisms to make policy development more effective and efficient (see http://gnso.icann.org/en/drafts/pdp-improvements-table-16jan14-en.pdf). As such, we note several of the proposals of the MSI Panel which are very much in line with our own approach; some of which are actually already in effect.

Having had an opportunity to review the DRAFT blueprint in further detail, the GNSO Council would like to share the following feedback in relation to the proposals that could be directly applicable to the GNSO and its policy development and policy management activities (noting that other parts of the broader ICANN community may have different views or opinions on how these recommendations may apply to their respective activities):

- **Use Expert Networks**: the Blueprint seems to assume that there is a lack of expertise within ICANN, however it is not clear on which basis this assumption is made. The GNSO Council view is that, to the contrary, a great deal of expertise is currently already available and many experts from different backgrounds (technical, IP, civil society, registry/registrar, security, etc.) already actively participate in GNSO policy development activities. Clearly, attracting additional experts or identifying which fields of expertise are currently not represented within GNSO Policy Development activities is always welcome. The PDP Manual already foresees that GNSO PDP Working Groups are expected to actively reach out to individuals and/or organizations that have a known expertise or interest in the subject matter relevant to said PDP WG. In addition, PDP WGs are encouraged; both at the start of their deliberations and throughout the process, to identify whether there is a need for expert briefings to facilitate the deliberations (see GNSO PDP Manual at http://gnso.icann.org/council/annex-2-pdp-manual-13jun13-en.pdf). At times, ICANN budget has been cited as a barrier to such additional resources, but in general, the Council has not found this a barrier and has

welcomed ICANN policy staff full engagement in identifying and bringing onboard subject matter experts specific to PDPs.

However, the GNSO Council does recognize that additional outreach and access to expert networks may be beneficial to obtain additional insights and perspectives, especially in those areas where less 'internal' expertise may be available. This obviously is a matter with budget implications, and the GNSO Council welcomes the recognition by ICANN of such needed resources to the PDP process.

- **Embrace Open Data and Open Contracting** – The GNSO Council would like to point out that all gTLD registry and ICANN accredited registrar contracts are already freely available from ICANN's web-site (see http://www.icann.org/en/about/agreements/registrars and http://www.icann.org/en/about/agreements/registries). If it is helpful to certain communities to have this information available in machine-readable, usable and structured formats, the GNSO Council would support this recommendation.

In this section, the term 'contracts' appears to refer to both the contractual agreements that ICANN has with gTLD registries and ICANN accredited registrars as well as contracts that ICANN has with third party suppliers. The GNSO Council would like to strongly caution against treating these very different kinds of contracts in a similar way. We believe that the broader community will support this perspective.

Contractual agreements that ICANN has with gTLD registries and ICANN accredited registrars, especially the provisions relating to "Consensus Policies", which can be developed through multistakeholder participation in a GNSO Policy Development Process are a unique feature of the ICANN model and should not be confused with 'normal procurement' contracts for different kinds of ICANN services to the broader community for website development, identification of general contractors, retention of experts for different kinds of supporting services, etc, for which open platforms and crowd sourcing may be appropriate experiments.

Recent trends by ICANN are apparently to not even post those kinds of contracts for public bid, so it is challenging to assume that moving to crowd sourcing to design such bids is a useful approach.

- **Enable Collaborative Drafting** – The GNSO Council is pleased to report that it already makes active use of wikis to collaborate online (see https://community.icann.org/category/gnso). Furthermore, PDP WGs make active use of tools such as Adobe Connect which allow for live editing and sharing of documents which have had a major impact on facilitating online collaboration and participation. In considering new tools, a strict requirement and respect for diversity of geo participants must be maintained. Many options ignore the bandwidth limitations and time limitations of the widely distributed participants in ICANN.

- **Crowdsource Each Stage of Decisionmaking** - The GNSO Council notes that GNSO PDP Working Groups already make active use of brainstorming tools such as mind-mapping, public comment forums, workshops as well as outreach to other organizations and fora when opportunities for input and feedback exist via WG members, to encourage and ensure opportunities for input at every step of the PDP. It may also worth pointing out that GNSO PDP Working Groups are open to anyone interested to participate, the only requirement for participation is the completion of a Statement of Interest to ensure a level playing field.

  Crowdsourcing is not an appropriate tool to use in the development of consensus policy, which has in effect the force of regulation/binding contract agreements. Policy making in the gTLD space brings a responsibility that requires informed and engagement in not just designing the policy, but in assuming responsibility for its implementation, and its enforcement. The public comment process, which the GNSO follows, and ICANN follows provides appropriate general opportunity to review and comment on policy recommendations. Numerous comments have been submitted to ICANN to call for improvements in the public comment process, which rely on improvements in staff support to summaries; and adjustments to the public comment period.

- **Move from "Stakeholder" Engagement to Global Engagement** – GNSO PDP Working Groups are already topic based rather than Stakeholder Group or Constituency based

(PDP Working Groups tackle a certain issue or problem around which interested parties will gather regardless of affiliation). Also, Stakeholder Groups, such as the gTLD Registry Stakeholder Group already allows for this concept of organizing around topics, see for example the new gTLD Applicant Group (NTAG). Further reviews of the performance of the current structure and its ability to allow for broad involvement and participation are expected to be conducted as part of the upcoming GNSO review. This recommendation is an example of the gap between the Panel, and the practices and realities within ICANN.

Moving to global engagement implies that the communities engaging at ICANN are not hard at work in broadening and deepening participation from interested and relevant parties, This is perhaps a misunderstanding of the Stakeholder Groups strong interest in this broadened engagement. The GNSO Council leaves this input to the key stakeholder communities to comment on.

- **Impose Rotating Term Limits** –Term limits for the GNSO Council were introduced during the last GNSO Review (See ICANN Bylaws Article X, Section 3(2) "Except in a "special circumstance," such as, but not limited to, meeting geographic or other diversity requirements defined in the Stakeholder Group charters, where no alternative representative is available to serve, no Council member may be selected to serve more than two consecutive terms, in such a special circumstance a Council member may serve one additional term"). In relation to GNSO PDP Working Groups, as these have a limited life-time and each WG is newly formed, there does not seem to be much purpose to introduce term limits, but the GNSO Council is happy to be convinced otherwise.

- **Experiment with Innovative Voting Techniques** – It is very important to point out that GNSO Policy Development decision-making in PDP Working Groups is done on the basis of consensus, NOT voting. This is a very important feature of the GNSO PDP and the multistakeholder process that underpins the GNSO PDP. The GNSO Council believes that consensus based decision-making is actually much more challenging than voting, but is much better designed to ensure broad support to decisions taken. As such great care has been taken to map out the process that needs to be followed to make consensus determinations (see section 3.6 of the GNSO Working Group Guidelines at http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-08apr11-en.pdf).

Voting does take place at the GNSO Council level where as the manager of the process, the GNSO Council typically confirms the outcome of a GNSO PDP Working Group through a vote. This is also a requirement per the Bylaws to ensure that when it concerns "Consensus Policies" these are implementable and enforceable on ICANN contracted parties.

Working groups may from time to time, take a sense of the members, and voting occurs at the Constituency/Stakeholder and in some of the Advisory Committees to affirm, or confirm policy statements/positions.

However, ICANN's processes largely rely on consensus decision making, which, in our view, is a strength of the ICANN model. Moving to crowd sourcing, voting, would greatly stress the collegial nature that we have worked so hard to embed at ICANN. The GNSO Council fails to understand the value of taking this step backward.

- ***Crowdsource Oversight and Develop Standards to Measure Success & Embrace Evidence –*** The GNSO Council has recently initiated a Working Group that has been tasked with exploring opportunities with respect to reporting and metrics recommendations that could better inform policy development via fact-based decision making, where applicable. The GNSO Council is planning to pass on any further information in relation to these recommendations to this Working Group so it can take it into account as part of its deliberations.

    We, however, fail to understand the enthusiasm for 'crowdsourcing' as a modality proposed to ICANN processes. ICANN GNSO Policy processes, and other parts of ICANN's work have strong accountability requirements. While we welcome the continued increase in engaged and informed participants in all parts of ICANN, mechanisms for increasing participation must be accompanied by accountability mechanisms.

In conclusion, the GNSO Council notes that most of the proposals made by the MSI Panel that are considered applicable to the GNSO Policy Development Process are either already implemented or existing mechanisms for their further exploration exist which will allow for further review and consideration of these proposals.

We appreciate this opportunity to provide input and would welcome any questions or dialogues in relation to our input. We are committed to the ICANN bottom-up, multi-stakeholder model and remain open to innovation and development ideas that are appropriate and suitable to the consensus based model that we are actualizing within policy management at ICANN.

Sincerely,

Jonathan Robinson

Chair, GNSO Council

For and on behalf of the ICANN GNSO Council

PANEL RESPONSE

▸ The Panel stresses that all proposals aim to suggest ways in which a 21st century organization tasked with coordinating a global public resource like the DNS could operate legitimately, effectively and in a manner capable of evolving.

▸ We agree that great care and attention is needed between the panel and/or ICANN staff and the community to design the most useful pilot scenarios for these proposals. While some recommendations propose small changes, we believe that experimenting, even with small changes, in a low-risk manner is one way to avoid wasting resources or committing to large scale operational changes before the value of doing so has been tested and validated.

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COMMENTARY FROM GNSO "BUSINESS CONSTITUENCY"

The ICANN GNSO "Business Constituency"

Comments on Draft report of the Strategy Panel "The quest for a 21st Century ICANN"

Status: FINAL

Version: 2

30-Apr-2014

Business Constituency Submission

GNSO//CSG//BC

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Background

This document is the response of the ICANN Business Constituency (BC). The BC's comments arise from the perspective of Business users and registrants, as defined in our Charter[1]:

> The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:
> 1. promotes end-user confidence because it is a safe place to conduct business
> 2. is competitive in the supply of registry and registrar and related services
> 3. is technically stable, secure and reliable.

On 25 February 2014, the ICANN Multistakeholder Innovation Strategy Panel published its Draft Recommendations and it was posted for public comment.

BC General Comment

The BC greatly appreciates the efforts of the ICANN Multistakeholder Innovation Strategy Panel.

The BC agrees in principle that there is merit in "adopting an evolutionary approach that embraces targeted experimentation and empirical evidence".

Still, we wish to highlight that while some great innovative ideas were rendered in this report, we believe that "experimenting" with some of these ideas requires a deep understanding of the ICANN community as is. We cannot afford to implement any of these ideas if this is done with not enough understanding on how we are getting our work done at ICANN, and the time and resources that we need to get our core jobs done. We expect that any implementation of these ideas or others will be done with a very deep understanding of where we are today.

In the sense that we would need to consider experimentation only in those areas in which there is:

1. An agreement that the way things are done today is not adequate and needs to be improved
2. An agreement that the way things are done today can improve significantly by the experiment

In sum, we believe that the ability to absorb these ideas, evaluate them, and implement those that really meet the needs of the organization will present a great challenge for the community, particularly at these times of transition. That is why BC members would rather avoid experimenting when there is not a real need or a significant incentive to do so, and to limit experimentation to those imperative situations in which change is needed and preferred by the community the experiment is deemed to serve.

Finally, when we consider experimentation, we expect experiments to be agile and cost effective, using lean methodology to run them if applicable. In this sense, we strongly agree with the report when it

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[1] Business Constituency Charter, at http://www.bizconst.org/charter.htm.

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states that it is important to let the experiments to be done "run long enough to gather data about what works" in order to learn from the experiments and move to the next face, either by reformulating them or implementing them.

1. The 3 Key Principles and the 16 proposals

The report organizes the information in 3 Key principles in which 16 recommendations are offered, each related to one of the 2 key principles.

1.1. Key Principles

The report opens by identifying three key principles that characterize the best "21st century organizations". In the light of the report, 21st organizations are those which are:

- Effective;
- Legitimate; and,
- Evolving."

Whilst the three are no doubt legitimate principles, these are clearly not the only characteristics of successful modern organizations and we are not sure it is necessary to single out these three other than to give a structure to the mixed recommendations.

1.2. The Proposals

As mentioned above, the report identifies some proposals related to each of the 3 key principles. We had mixed views on the 16 proposals as detailed below.

Towards Effectiveness

Under the umbrella of the "effectiveness" principle, the report identifies 3 proposals analyzed below.

In general the BC supports the goal of a more effective ICANN and supports the three recommendations that are aimed at this goal, with some concerns to be considered.

Use Expert Networks

The BC agrees in general terms with the proposal to use of expert networks.

Still, we consider it appropriate to balance the use of expert networks with the oft-stated goal to bring more relevant and diverse voices into the discussion. In that sense we would like to suggest using the best/most qualified expert networks from both in and outside the traditional ICANN and IG communities, while continuing awareness and outreach efforts to bring relevant and diverse voices to the community and help those newcomers acquire the information, knowledge, capacity they need to undertake valuable roles in the community.

Moreover, we would like to point out that we certainly agree with some of the concepts associated with this recommendation such as "the use of expertise to solve new and complex problems", the notion of "increasing diversity, reducing redundant participation", and "inspiring and incentivizing collaboration within and across solid ICANN structures".

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Nevertheless, we read with some concern concepts such as to "Move ICANN from a representation-based to expertise-based organization" as we believe ICANN´s legitimacy comes from the representation of their membership.

We would also like to express our concerns regarding some comments in the report such as considering the PDP as a "slow-moving policy development processes", that needs to be fixed in terms of speed, regardless of the outcome of doing so. In this respect, we note that ICANN's multistakeholder model is not necessarily a fast way of policy development. Still, the PDP and recommendations, reports and decisions that are taken through these mechanisms are an essential element of the multistakeholder bottom-up consensus-based model that we consider worthy of the time and the effort it requires. Of course, we are in favor of improving these mechanisms, and welcome the implementation of ideas in this regard, but not by favoring speed over the legitimacy and value of a community process.

Embrace Open Data and Open Contracting

The BC strongly supports embracing open data and open contracting. The BC agrees that "ICANN should make all of its data in all sources, including registry and registrar contracts, freely available and downloadable online in machine readable usable and structured format". The BC also encourages ICANN to do this in a timely manner, to facilitate multi-lingual and multi-jurisdictional access.

The BC agrees that "ICANN should foster the creation of an ecosystem that is increasingly accessible, using apps and models to promote public understanding. In particular the BC supports the creation (by ICANN Labs) of an Acronym Helper App and the unification of the three current data sets.

As for open contract data, the BC agrees that "this could increase and diversify opportunities in monitoring for contractual compliance".

The BC suggests that ICANN experiment with an open procurement platform, given the paucity of procurement information currently available on the ICANN website (the number of procurement contracts published on the ICANN website in the last 18 months is only two -link-).

Enable Collaborative Drafting

The BC strongly supports research to enable collaborative drafting. We note that there is often a debate whenever it is suggested that ICANN use free third party tools such as Google Docs or Google Moderator as opposed to Open Source, licensed software, or its own procured code. This debate needs to be resolved and a policy developed.

The BC Believes that ICANN should study document management systems and Staff and Community should be able to use (and be educated on) consistent document naming conventions for both draft and published documents.

Toward Legitimacy

Under the umbrella of "Legitimacy" , the report identifies nine proposals analyzed below.

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Crowdsourcing Each Stage of Decision Making

The BC does not support the proposal around "Crowdsourcing Each Stage of Decision making", because it would subject existing stakeholder groups (like the BC) to an experiment using a parallel process. The BC believes strongly that crowdsourcing, while potentially valuable, should not be used as a replacement for the existing constituency structure.

Importantly, the BC wishes to make clear that its members are in no way against using new techniques to foster greater global involvement in ICANN's work, especially if this leads to greater informed participation in various working groups and projects. That said, like other members of the ICANN community, the BC wishes to avoid any processes which could lead to emotional – but uninformed – calls for action. We acknowledge the need to increase *both* the level of participation and the knowledge of new participants, avoiding the creation of a "global cybermob" reacting to hot topic issues.

Incidentally 'Google Moderator' as a tool is mentioned. See note about software tools under Enable Collaborative Drafting above.

Move from "Stakeholder" Engagement to Global Engagement

BC position is as 4 above. BC does not support the pessimistic view of Elliot Noss cited by the report when he states "ICANN has largely failed in its goals of broad involvement…" Our view, instead, is that broad involvement has been growing, and that awareness, participation, and engagement of participants at ICANN is an ongoing effort that needs to keep evolving and maturing.

In this sense, the BC supports the aims of ICANN's Global Stakeholder Engagement division and believes it should channel outreach more through the constituency structures not less, and also provide resources directly to the constituencies in order for them to be able to support their local members in their own contexts to help with awareness, outreach and participation goals.

Impose Rotating Term Limits

Term limits are already imposed on certain positions such as GNSO Councilor. The BC supports a review of the rationale and the consistency of term limits across all ICANN structures.

Experiment with Innovative Voting Techniques

The BC supports in principle the idea of experimenting with different voting methods for decision-making. We also support comments made by others during the Singapore meeting, that instead of experimenting with these voting techniques in any given scenario, we would rather choose to experiment in those cases where there is a deadlock, in order to try new techniques that will help the community solve concrete problems that it faces.

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Innovate the ICANN Public Forum

Like many others in the ICANN community, the BC is concerned by the continued low level of remote participation. This 'problem' has been discussed many times at ICANN meetings over the last few years but no advances appear to have been made. Whilst we are not convinced that remote participation will ever become a viable option for full participation in ICANN's work, the BC supports continued work to improve the quality, availability and increase the use of remote participation.

Establish "Citizen" Juries

The BC believes that this recommendation, in the way it is offered, parallels the work of the Ombudsman. Further study would be needed on the shortcomings (if any) of the Ombudsman system before advancing this recommendation.

Also, the BC suggests that instead of replacing the Ombudsman with "citizen" juries, it might be more interesting to offer innovative tools to the Ombudsman to solve specific issues that need the input of experts/users/members/participants of the community. Thus, if "citizen" participation is experimented through this proposal, we would like to run "citizen" expert panels randomly chosen from the community to assist the Ombudsman's work in specific issues.

Also, we would rather call this proposal "Experiment with community juries" rather than "Establish "citizen" juries". We would rather run this as an experiment, and we would suggest the word "community" juries instead of "citizen" juries, as "citizens" is not a word by which we identify ourselves in the ICANN community.

Crowdsource Oversight and Develop Standards to Measure Success

While (as noted above) there may be a place for the use of crowdsourcing and other new approaches to oversight, the BC position is to start with – and rely on – metrics and data as the cornerstone of informed oversight. This includes measuring the effects of ICANN policy decisions on the wider community of internet users. We think that 'crowdsource oversight' is a misleading term in this area.

Decentralize Accountability

BC members believe this proposal, which involves actions such as: "Mapping the Internet governance ecosystem", finding "principles for Internet governance", and "Identifying roles and responsibilities of existing actors and pertaining to existing issues to reveal where more coordination is needed" is work that should not be done by ICANN in isolation. Rather, we suggest this kind of activity is more suitable for working together with the other Internet Governance Ecosystem Organizations.

Use Participatory Budgeting

The BC supports further openness and community consultation in Budget decisions and will continue to take an active role in the Community Finance sessions and development of the annual budget. The specific example given in the recommendations is supported and was discussed at the Buenos Aires public forum. The BC hopes community dialog will continue on this issue.

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Toward Evolutionary

Under the umbrella of the "Evolutionary" principle, the report identifies 4 proposals analyzed below.

Be Experimental

The BC supports the agile approach, the use of the lean methodology, and the concept of pilot projects as long as there is adequate monitoring, collection of data, review ,and meaningful feedback. Also, in an implementation/experimentation scenario, the BC strongly supports cost-effective implementation/experimentation of any of these proposals.

Generate New Insights and Evidence

The recommendation appears to call for "serious research on distributed governance structures and identification of the topics and functions that can be regulated at a supranational level."   The BC would need to study this topic in greater detail, with examples, in order to comment meaningfully.

Embrace Evidence

The BC believes that it is essential to work with metrics and data where available and supports the collection of data. Whether this extends to setting up a R&D department, the BC is undecided.

Encourage Games

The BC believes there is merit in the recommendation, though the terminology "encouraging games" may not adequately convey the importance of the desired outcomes. For clarity purposes, the BC takes this term to reflect the kind of 'grand challenge' contests used to solve global problems.

At a simpler level, and in order to encourage participation in working groups, a certificate signed by the Chair could be an encouragement to newcomers. Much of the hard work of ICANN volunteers goes unrecognized, and additional efforts to recognize the efforts – especially those of new participants – could be valuable.

In this sense, it was noted that the voting of ideas from phase one of this panels work, that was encompassed into the Ideascale software was well received by those taking part.

Gabriela Szlak, Chris Chaplow and Andrew Mack led drafting of these comments. These comments were approved in accordance with the BC Charter.

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PANEL RESPONSE

▸ The Panel greatly appreciates the ideas introduced to expand and make more practicable the ideas recommended within the proposals.

▸ The Panel reiterates that in any decision to apply crowdsourcing techniques to ICANN, we don't advise completely replacing the existing ICANN model, but rather designing an appropriate pilot to test whether crowdsourcing would prove a beneficial technique for getting broad and informed insights into ICANN's work.

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COMMENTARY FROM CCNSO COUNCIL

Comment to the recommendations from the Strategy Panel: ICANN Multistakeholder Innovation

Introduction

The ccNSO Council welcomes the opportunity to comment on the recommendations from the Strategy Panel on ICANN Multistakeholder Innovation.

The council acknowledges the detailed work from the panel and underscores the efforts to guide the future of multistakeholder governance at ICANN.

In general

We observe that the document raises many important questions and highlights fundamental aspects of the multistakeholder model at ICANN. However, we find it is somewhat challenging to use it as a guiding document.

A general concern is that there was no full explanation for choosing the key principles ("legitimate, effective, evolving").

Moreover, we were confused by the structure of the text, where the recommendations seem to jump around multistakeholder engagement both inside ICANN (within the different ICANN SO/ACs) and also in the broader IG space beyond ICANN. We found it difficult to connect one recommendation with the other.

In addition, we note that the language of the document is very abstract, and it would have been helpful to provide further examples in the recommendations. We found the some of the public comments to the Panel (for example this one by Elliot Noss) to be more informative and specific than the Panel document itself.

We also had the impression that some of the recommendations did not take into account many ICANN's current processes and work. Many of the proposals currently exist or would only demand minor changes to the current processes, as we indicate below.

Comments to the recommendations

We have the following comments and questions on the specific recommendations:

- 1. Use Expert Networks:

Comment: ICANN already seems to be strong at connecting and involving a wide range of experts in policy-making processes, in an organic way.

However, to follow the proposal, a case study could be the current ccNSO "Community Pools of Expertise" website (http://ccnso.icann.org/about/expertise.htm), where ccNSO members voluntarily define their expert areas to be considered when needed. A system of public comments or working group "alerts", where expert volunteers are reached based on the "tags" assigned to the projects, could complement the pool database.

- 2. Embrace Open Data and Open Contracting:

Comment: We wish to note that opening all data and contracting may be problematic. While these may be noble objectives there are likely to be significant objections from those who create the data out of their own work and

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who attach value to that data. The idea of publicly available contracts between different parties may also face objections from those who enter into such contracts. These issues should be addressed with critical thought.

Moreover, with regards to "fostering an ecosystem of users for open data", what would this entail? Would ICANN support be the development of applications economically, or automatically just by making its data more open? Further explanation from the panel would be helpful.

- 3. Enable collaborative drafting:

Comment: If implemented, this should still take into account the central role that ICANN staff has today at helping community work and producing useful working documents. The role of staff should not be overlooked.

- 4. Crowdsource Each Stage of Decisionmaking:

Comment: This proposal should be clarified. Is it targeting improvement in the public comment process? Is the proposal to crowdsource each stage, or only some stages of the policy development processes?

- 5. Move to Global Engagement:

Comment: This comment seems to be targeting the traditional GNSO processes mainly, otherwise how does it apply to other ICANN structures?. Would the current strategy panels be an example of global engagement? Could the panel explain why should ICANN continue on that line?

- 6. Impose Rotating Term Limits:

Comment: How is this proposal different from the current ICANN bodies, where voting members have fixed terms? Would this prevent reelection? Moreover, currently the NomCom appoints volunteers on rotating terms, to provide balance to different governance bodies. How would this proposal improve the current system?

- 8. Innovate the ICANN Public Forum:

Comment: How is the "virtual reality" proposed different than the current remote participation provided at meetings?

- 9. Establish citizen juries:

Comment: How does this proposal take into account the role of the ATRTs?

- 11.Descentralize accountability:

Comment: How would this take into account the work of the ccNSO and the GAC? Why should ICANN develop standards for national Internet usage, and not leave the issue to the country's local IG scenario, or to the joint work between ICANN and other IG fora?

- 15. Embrace evidence:

Comment: ICANN already works with universities and other institutions to perform empirical research, on a con-tractual basis. How would this proposal be different? Would it explore creating an R&D unit inside ICANN? If so, given ICANN's mandate and resources, would ICANN be in a position to have one?

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PANEL RESPONSE

The ccNSO Council has raised many questions that should be used as discussion topics moving forward.

Notably, the principles chosen by the Panel are those that we feel embody a truly well-functioning 21st century organization. They may not encompass all characteristics of such, but we feel that categorizing our recommendations within a set of ideal organizational principles proved a useful frame.

Some recommendations are abstract and do need more work to make as practicable as possible. We believe this work should be conducted alongside existing community members and staff. We very much agree that all recommendations can be fleshed out further and clarified if ICANN and the strategy panel were to team up on any implementations.

In response to some of the specific questions posed:

Open Data & Open Contracting:

▸ ICANN could support the development through outreach and possibly through convening or encouraging convenings on a regional level (e.g., hackathons) to make use of data released in open formats. We do not propose ICANN invest in any new contracts for app development at this stage.

Crowdsourcing:

▸ Where and at what stage of the policy-making process crowdsourcing would work best requires inside perspective from those actively engaged in ICANN's existing work.

▸ During stages on the fringe of policy making (e.g., issue identification), it may make more sense to engage a wider crowd than during the solution development stage, for example.

Move to Global Engagement:

▸ Strategy Panels are one example of different convenings that could be used to gather new insights into ICANN, but by no means are they the only example. We believe the community should actively participate in designing any new global dialogues/convenings.

Rotating Term Limits:.

▸ There is clarity needed on which structures currently use rotating term limits as opposed to simply fixed term limits.

▸ The Panel believes the community should debate whether rotating term limits would be beneficial to pilot in working groups.

Innovate the Public Forum:

▸ Current remote participation opportunities exist to plug-in those participating remotely to the actual, live, in-person ICANN forums/events. Virtual reality poses a separate and distinct environment for robust conversation and idea-exchange that does not need to compete or sit as a second-tier alternative to live participation.

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"Citizen" Juries:

▸ The recommendation to pilot the use of "citizen" juries is not meant to replace the ATRT. Perhaps this pilot is something that could be coordinated through the ATRT?

Decentralize Accountability:

▸ The panel proposes that any standards development should indeed be done as joint, collaborative work by ICANN and other IG organizations.

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