Thank you for the opportunity to comment on the potential for improvements in the operation of ICANN's Multi-Stakeholder Model. My views are my own and are not expressed on behalf of my firm or any client or other interested party. Having participated in ICANN meetings since 2010, been a member of certain Working Groups, and having chaired the GNSO Standing Committee on Improvement Implementation, I have the following observations:

Role of the Board in Relation to the MSM – ISSUE 15

In order for ICANN to operate more efficiently, the Board must recognize that it in fact does make policy and must be willing to do so. It is inherent in the structure of ICANN that SOs and ACs are not the final word. The ByLaws recognize this and provide for required number of votes to overcome GNSO Consensus Policy recommendations and Government Advisory Committee Consensus Public Policy Advice. In the end, it is not helpful for the ICANN Board to "kick disagreements back to the policy process" and encourage holders of widely differing views to "work it out". This approach causes unnecessary delay. Furthermore, there is no entity in ICANN other than the Board itself which actually has responsibility to act in the Global Public Interest in executing its Mission. Every other body can be trusted to advance its own interests and there is nothing in the structure of ICANN that requires any other body that provides recommendations to the Board to do otherwise. In my opinion, it is absolutely critical for the ICANN Board to "step up its game" in the realm of acting in the Global Public Interest. The world is still watching. The time has long passed when it is sufficient to repeat the mantra of "We don't make policy - the "Community" makes policy."

Role of the Policy Development Process in the GNSO – ISSUE 15

GNSO members need to stop taking the position that only the GNSO makes policy. It is clear historically that decisions may have to be made to advance ICANN's role and Mission which may or may not include every recommendation (or lack thereof) coming out of the GNSO policy process. This fact is explicitly recognized in ICANN's ByLaws which permit the Board (with good reason and the required 2/3 majority) to override GNSO policy recommendations. With regard to the PDP process, the Manual itself is actually sound. Many of the comments related to the need to develop better methods of facilitating and categorizing consensus don't

take into account the actual text of the PDP Manual, which is very clear on roles and responsibilities of leaders and members already. In my experience, Chairs of actual PDP Working Groups sometimes follow these provisions in the GNSO Operating Procedures and sometimes they do not. The biggest factor here appears to be the problem that Chairs of Working Groups are unpaid leaders with backgrounds and current business interests that, while these are theoretically disclosed via SOIs, are actually operating to create a less-than neutral policy-making environment. Accordingly, the GNSO could vastly improve the policy-making process by moving to a model of hiring and paying a professional PDP Chair who is truly neutral on the topic of the issues being addressed in the PDP. The same recommendation applies to Cross-Community Working Groups. Hire and pay qualified neutrals with experience facilitating agreement among differing viewpoints and the process will go faster. In addition, although the PDP Manual clearly recognizes that Divergent views and Minority Statements have a place in the PDP process, Chairs of PDP Working Groups are often reluctant to recognize and document these divergent views. Divergent and minority views are "swept under the rug" in the name of trying to achieve consensus or "rough consensus" when in fact both the GNSO and the ICANN Board would benefit from a clear understanding of Divergent and Minority views.

When Roles and Responsibilities are clear and Actions by those in Charge are consistent according to governing documents which are actually followed, many other issues take care of themselves and stability in working processes is achieved. In that environment, it is much easier to recruit volunteers and to inspire trust, even when facing complex issues.

Precision in Scoping the Work – ISSUE 10

It should be noted that ICANN staff does an excellent job of scoping work and attempting to remain neutral in the fray. Kudos to those who consistently support the Policy Development Process while keeping a lid on their own emotions and viewpoints.

Accountability – ISSUE 11

Seriously? We just spent years on this – IANA Transition, Workstream 1, Workstream 2. Could we just give all that work a chance to succeed?

Prioritization of Work, Costs, Efficient Use of Resources – ISSUE 4, ISSUE 13, and ISSUE 16.

These issues relate back to Roles and Responsibilities. It is ultimately the responsibility of the ICANN Board to set priorities for ICANN Org and the Community within the bounds of ICANN's Mission.   The Board needs to set these priorities and manage the related costs based on its Strategic Plan goals. SOs and ACs need to "fall in line" once they have provided input on those goals and the plan itself. If the Board does not lead in this regard, chaos results. The current state of the Community processes has been negatively influenced by the Board's "deference" to ongoing community process where disagreement among community factions merely leads to Board direction to "go back and try again to get agreement". Tough decisions have to be made. No ICANN body other than the Board is empowered to act in the Global Public Interest and the Board must assume a more active role going forward in the balancing of differing opinions and promoting that GPI, all within ICANN's limited mission and without becoming a manager of Internet "content'.

Respectfully submitted,

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