**ICANN Strategy Panel on Multi-Stakeholder Innovation – Gomes Comments - 1 April 2014**

References

* Summary document listing 16 proposals for how ICANN can transform how it governs itself - <http://thegovlab.org/the-quest-for-a-21st-century-icann-a-blueprint>
* Proposals:

1. Use expert networks
2. Crowdsource oversight and develop standards to measure success
3. Enhance Accountability by Crowdsourcing Oversight & Developing Metrics for Success
4. Enable collaborative drafting
5. Become More Inclusive by Innovating the Public Forum
6. Enhance Decision-Making Legitimacy by Experimenting with Innovative Voting Techniques
7. Increase Transparency by Using Open Data & Open Contracting
8. Increase Accountability Through Participatory Budgeting
9. Impose rotating term limits
10. Move from ‘stakeholder’ engagement to global engagement
11. Embrace evidence
12. Encourage games
13. Establish ‘citizen’ juries
14. Decentralize accountability
15. Be experimental
16. Generate new insights and evidence

Links to detailed descriptions of each of the proposals (except for proposal 9) can be found at the end of the web page at <http://www.icann.org/en/about/planning/strategic-engagement/multistakeholder-innovation>. The detailed description of Proposal 9 can be found at <http://thegovlab.org/proposal-11-for-icann-get-inclusive-by-imposing-rotating-term-limits/> .

**Introduction**

This document contains my personal analysis of the 16 proposals posted for public comment by the ICANN Strategy Panel on Multi-Stakeholder Innovation. The URL in the first bullet above provides background information about the panel’s task and work to date including a brief description of the panel’s 16 proposals for how ICANN can transform how it governs itself.

Regarding commenting on the proposals, note that there are three avenues for doing that: i) the comment sections at the end of the detailed descriptions of the proposals on the GOVLAB (The Government Lab @ NYU) site; 2) line-by-line annotation plug-in in the detailed descriptions of the proposals on the GOVLAB site; or via email to msipanel@icann.org. The first two options seemed to be geared toward individual comments rather than group comments.

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

**General Comments**

It is interesting to note the proposals are tactical, not strategic, so it doesn’t seem like they would be very useful as input to ICANN’s 5-year strategic plan. That said though, I think there are some tactical ideas that may be worth exploring further and even testing them as they suggest. Here 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 us as 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. *(I suggest careful review of the detailed description.)*
* 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. *(I suggest careful review of the detailed description.)*
* 13. Establish ‘citizen’ juries – Here is all that is said about this in the brief description: “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.” I need to learn a lot more about this before being able to react. *(I suggest careful review of the detailed description.)*
* 14. Decentralize accountability – Here again there is very little said about this in the brief description: “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. *(I suggest careful review of the detailed description.)*
* 16. Generate new insights and evidence – Part of what the brief description says is: “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.” This may be okay but I need more information. *(I suggest careful review of the detailed description.)*

**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 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.

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, [[2]](http://thegovlab.org/proposal-3-for-icann-get-accountable-by-crowdsourcing-oversight-developing-metrics-for-success#f1) 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](http://www.open-contracting.org/), 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) “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 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 “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. 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.

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 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.[25](http://thegovlab.org/proposal-7-for-icann-increase-transparency-by-using-open-data-open-contracting/#fn-8140-25)” 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.

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**

Here is an introductory statement from the panel: “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***.” They go on to make 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.

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.

**Proposal 10, Become More Inclusive by Moving from “Stakeholder” Engagement to Global Engagement**

Here is 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 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.

**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 statement 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 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”
* I also agree with this statement in the same section: “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 points are 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.

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, testing 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.”

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.

**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 subsidiarityto 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.