MONTREAL – Evolving ICANN's Multistakeholder Model Session
Thursday, November 7, 2019 – 10:30 to 12:00 EDT
ICANN66 | Montréal, Canada

BRIAN CUTE.   Good morning.

UNKNOWN SPEAKER: Louder!

BRIAN CUTE: Good morning.

Good morning.

Can you hear me in the back of the room?

Okay. Very well.

Good morning. Welcome, everyone, to the session on evolving ICANN's multistakeholder model.

My name is Brian Cute. I'm the facilitator of this process and work with you. And before we get going, I want to share two things, one about this community and one about this process.

My wife, Cynthia, came to Montreal. It's her second time coming to an ICANN meeting. The first time, she came to Puerto Rico, but it was really just for a dinner.

But this is the first time she's come. And at the first session she came to, by chance, was the in memoriam for Tarek Kamel. And what she saw -- because she knows ICANN only through me, what I've shared with her over the years.   But what she saw was oneness, total, love, commitment. And she was moved to tears. She's never met Tarek. But this was her first impression of the ICANN community. That moment was Tarek's gift to us. And that moment, for her, was your gift to her. And thank you for that.

When this community comes together as one, it can move mountains. Nothing is impossible. Nothing.

Thank you for that.

[Applause]

And forgive my notes. There's much to share.

I also want to -- pardon me. oy!

I'll take care of this.

I also want to share something about the process.

I have heard you clearly about the process, the concerns about this process. And they have been at least twofold. One -- thank you very much.

One, this is supposed to be about evolving ICANN's multistakeholder model to strengthen it. And here we are using the same old processes

to produce the same old result, another pile of work for the ICANN community to take on and shoulder.

And I've also heard your concern about whether your voices have been heard. I've heard those.

Let me take you back to the beginning of this process.

In ICANN at Kobe, ICANN64, we had a session. Prior to that session, I had gone through the transcripts of all of the meetings between the ICANN board and the ICANN stakeholder groups and community from ICANN63 in Barcelona. And in going through those transcripts to begin this process, I was looking for the issues that the community had identified that were hampering the more effective and efficient functioning of our model and our work.

And when we came together in Kobe, I presented 21 issues that the community had identified. And we had a conversation.

And in that conversation, I asked you, tell me, are these the issues of utmost importance? Tell me, are there other issues that we haven't identified? Tell me how you might prioritize this list. Tell me how you might combine these issues because they have a logical relationship and need to be addressed together.

We had a very good discussion, an open discussion. I took that feedback, and I started a public comment process, asking the community to further prioritize this list, consolidate this list, combine issues, let's create an actionable list of reasonable issues, issues to

manage that can help us improve the effectiveness and efficiency of our model.

When that list was completed and the public comment period was closed, we came together in Marrakech at ICANN65. And that meeting was not satisfactory. It wasn't satisfactory for you, and it wasn't satisfactory for me.

At that moment of the process, we were turning, pivoting, to phase 2 and developing this work plan that I'm going to present today. And in attempting to engage with you there with the list you had developed of issues that needed to be addressed, I asked you two questions. Here's a list of issues. Are there other solutions in the community that might address these issues? Because we do not want to duplicate work.

I also asked you, which would be the appropriate entity in the community to take on the task of developing a solution to an issue?

That session did not go well. The groundwork had not been properly prepared for that conversation. And that's on me. That was my fault. And I apologize for that. Your time here at ICANN is precious. I wasn't a good steward of that moment for you. And I apologize.

I then took the questions that I had posed to you in Marrakech and put them through a public comment process, which just closed on October 14th. And I asked you, are there other solutions in the community that could address these issues? Let's make sure we don't duplicate work.

I asked you, which entity is the most appropriate entity to take on the work of developing a solution?

And I asked you, do you have any further prioritization of these issues? Any consolidation?

And the community, as it always does, responded.

And today, I'm going to show you the work plan that is the result of your comments answering those questions and walk you through what the work plan is, as proposed.

So, again, thank you for that.

What I'm going to do today -- and we can go to the next slide -- is briefly touch on the background, why we're doing this work, and then walk you through the proposed work streams in the work plan.

But to begin, the work plan addresses three specific strategic plan goals.

First, to strengthen ICANN's bottom-up, multistakeholder model decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.

Two, to support and grow active, informed, and effective stakeholder participation.

And, three, sustain and improve openness, inclusivity, accountability, and transparency.

This work plan, this work plan will become an integral part of ICANN's five-year operating and financial plan for 2021 to 2025. Specifically, it supports the achievement of the strategic objective on governance.

The purpose of the plan is to develop approaches that will lead to solutions that can be implemented in the five-year time frame of the strategic plan.

As I noted, this work plan was developed on the basis of public comment that closed on October 14th. And thank you for that.

And, to be clear, from the beginning, this work plan is about identifying inefficiencies in our work processes, in our working methods, and in our culture. That has been the frame of what we're looking at from the beginning.

Next slide, please.

So what have you said? What have I heard from you through all of the interactions and the public comment?

Here's what I've heard.

You have defined serious pain points that are impacting our work processes, working methods, and culture. And the interesting thing, the important thing to note, is that members from all stakeholder groups are describing the pain points the same way. That is notable. That is important. In a multistakeholder model environment, where we have different views, different positions, everyone is describing the pain points similarly, the same way. That's terribly important.

Here's the big picture. What I think I've heard mostly from you is that you are struggling with a cycle of work that continues to build up, and

you're trying to do it all with the same sense of urgency. And you're saying that is not sustainable.

That is the core message that I'm hearing from you. We can't keep doing it this way.

Next slide.

Before I go into the six work streams that are framed out in the proposed work plan, let me start with something that's most important. And it's something that we've talked about through this process and that we will continue to manage effectively going forward. Dependencies. This is a work stream. It comes from the strategic plan. It proposes six new work streams. And that being said, there is ongoing work in the community. There's work that's been completed that is relevant to this work plan. And we need to be mindful that in this work plan, we're not creating duplication of work and anything that we do is mutually reinforcing or supportive of the other good work that's being done in the community.

And what are some of those dependencies? And they are flagged. ATRT3 pending recommendations. ATRT3 is in the process of developing recommendations to the board that speak to prioritization of reviews, and perhaps more.

CCWG accountability Work Stream 2. Those recommendations are in the hands of the board. Many recommendations there are related to issues in the work plan. As that work moves forward, we need to be

mindful and ensure that we're all moving in the same direction and not duplicating work.

GNSO PDP 3.0 implementation improves is under way. That's a dependency. And that's also an opportunity. The GNSO is doing work on many of these issues for GNSO PDPs. But therein lies an opportunity, perhaps, if we're willing to embrace it.

Next slide.

So what I'm going to do now is walk you through three slides. Each slide has two proposed work streams to address issues that you've identified. It has the proposed lead entity who would take on the task of developing a solution over the five-year strategic plan period. And it also has some statements about the benefits of creating a solution. If we're going to take this on, why take this on? What do we get out of it?

So what I'm going to do first is talk to the issue, and I'm going to read to you the problem statement as you've described it through public comment and through open session, the problem statement. And then we'll look at the proposed entity, we'll talk about the potential benefits. I'll talk through the slide, both work streams, and then I'm going to open up for ten minutes of comment. And then we'll move on. We have three slides, each having two work streams. We'll need to manage our time and get through all of them.

So without further ado, next slide, please. Okay. We're good.

Are the slides online right now, Elisa?

They are. The slides are online if you'd like to follow there.

So consensus and representation and inclusivity, these are issues that you've identified -- oh, no. Back. Sorry, Diana.

Thank you.

Consensus and representation and inclusivity. Here's how you've described the problem statement.

For consensus, there is a lack of incentives for stakeholders to compromise. We need a clear shared understanding of the meaning of consensus and when it is achieved. We need to ensure that chairs of working groups have the necessary skills to effectively facilitate consensus and manage capture tactics.

You have said we need sufficient tools to create the conditions for consensus, be they commitments from stakeholders, be they deadlines, or be they other tools. This is how you've described the problem.

Representation and inclusivity.

You have said that you have struggled with the concept of representation and inclusivity, of allowing all voices to be heard in a decision-making process while advancing the work in a timely manner. This has been a struggle. Some in this community believe that representation and inclusivity are mutually exclusive concepts, that the representation model will not be inclusive enough, and that an open

model will not be representative as stacking occurs and the process can become unwieldy.

Others believe that either model can work effectively.

There's clearly disparate views in the community and work to be done.

Community comment has observed that representation and inclusivity issues have affected the ability to reach consensus, make decisions, and deliver work on time.

And, again, we need to ensure that chairs of working groups have the necessary skills to effectively manage processes using either model.

This is the problem statement.

One other point. As we consolidated and combined issues, within representation and inclusivity were recruitment and demographics. It was suggested there's some relationship between that. Because this really is a process of how we come together and make decisions and policy, through consensus, through people at the table, and more people coming into the tent.

Public comment in the last round made a very strong case -- and I thought convincing case -- that recruitment and demographics really are their own thing. They have their own qualities. They shouldn't just be lumped with representation and inclusivity. So the entity to take on this task needs also to address in its own right recruitment and demographics.

And this is what you've said, how you've described the problem.

The community is concerned that recruitment programs have had limited effectiveness in bringing in new and diverse participants in ICANN. Concerns are noted about whether we are creating effective pathways to participation.

It's also noted that heavy demands of work in ICANN can put constraints on the kinds of people who can come in and do the work.

There's also a recognition that the ultimate decision about newcomers becoming regular participants lie outside of the ICANN community's control. It lies with organizations, sometimes.

And the community is saying that recruitment and demographics need to be addressed more effectively.

These are the problem statements in Work Stream 1, as you described them. I also asked you in public comment, who's the entity that is best fit, who should take on the work of developing a solution? The answers that I provided are based on public comment, and there are some other considerations, including spreading the work, which I'll get to later. But the comment supported the GNSO taking the lead because the GNSO is already doing work on many of these issues. And it's important to leverage, where we can, work that's being done in the community to create solutions, noting that the GNSO would be the lead, working with the other ACs and SOs.

And I'll make one observation. I'm aware of concerns. I'm aware of two things. Work the GNSO does to improve GNSO PDPs may not be perfectly fit for purpose for other work streams. Understood.

Also, the concern about having input to solutions being developed. I've had a call, a chat, with the folks leading PDP implementation -- 3.0 implementation. And I found interesting how they're going about their work, particularly how the GNSO has opened up their processes to inputs from the rest of the community, the way in which they've gone about developing improvements through their work team.

I think the GNSO work can serve as a model in some way, potentially. And these are the opportunities we need to embrace.

What would be the benefits of (indiscernible) a solution to this? Obviously, we need to create the conditions for compromise and consensus. We need to deliver work in a more timely manner than we are. And we need to ensure, as always, that our policies and other work are based on openness and inclusivity.

So I'll move on to work stream number 2.

Prioritization of the work and efficient use of resources. I have to say, this is the one that's come across the most loudly, the most clearly, to me.

Here's a statement of the problem.

Prioritization of the work. When deciding whether to initiate a new work stream that requires cross-community participation or support or deciding whether to retire an existing work stream, there isn't a clear, disciplined prioritization process step. We need a process step to more effectively prioritize work that is combined, with full visibility into all the ongoing projects -- think of a Gantt chart -- as well as current

resource allocation, whether it's volunteers, whether it's budget, or other resources. This is what you're saying is missing. That step, defined by the community.

The community recognizes there is a structured planning process, a strategic plan, five-year plan, annual plan, annual budget. And the community is also saying clearly that sufficient prioritization is lacking.

Efficient use of resources. These two issues are combined. They are logically related. ICANN has a finite amount of time, human capacity, and financial resources to accomplish its mission and get its day-to-day work done. This is a question of supply and demand of work streams and the resources to support them. And improved in discipline prioritization of the work can positively impact the efficient use of resources. These are the problem statements for the Work Stream 2.

Who would be asked to take on the lead in developing an approach that leads to solutions? The community said in public comment that prioritization was probably the number one issue and that this is for the community to solve, the community. Because it affects the community as a whole. Cross-community work affects the community as a whole.

The suggestion is that the AC and SO chairs take the lead in dialogue with the ICANN Board CEO and the ICANN chair. That the AC and SO chairs, it is recognized that they do not have a mandate. They do not have a mechanism to produce work, that they would have to work through their respective ACs and SOs to get this work done. But they as a group are that group that can bring together a community-wide view

that would most effectively inform how we go about prioritizing our work better. They are the suggested lead.

Why? This is the central message, to break the cycle of work that continues to build up with the community trying to do it all with the same sense of urgency. I'm asking you to look at this work before we go to the open mic through one particular lens.

Yes, six new work streams proposed. Yes, the current workload, are you kidding me? Yes, we're talking about new PDPs. This is just more work. It is more work. But there's one lens that you need to put over these issues that I think matters. If the central problem here is that the work continues to pile up and we try to do it all with the same sense of urgency and that is a cycle that we're stuck in, these issues, if we can develop solutions to them, represent the tools that can begin to break that cycle.

So with that, I'd like to open up the microphone for ten minutes and hear any comments or questions or suggestions you have on these two work streams. And after that, we'll move onto the next slide and the next two and work our way through all six. So, please.

Sebastien.

SEBASTIEN BACHOLLET: Thank you, Brian, for your presentation and for presenting this first work stream. We will absolutely need to take care of all this work. But one of the questions that come to mind is about the short-term, tomorrow morning.

In November and December, we have already five very pressing issues that have been presented to the community and the community is expected to comment on all that. So it's not doable. If it is done, I think it won't be done properly. So I know this is not within the scope of your work. This is not part of your objectives or your responsibility, but it seems to me that there comes a point in time where we can no longer say this is to be taken care of tomorrow. But we have no immediate solution for today. So we need to come up with a solution. And if there's nothing that is done, it is ICANN that is at risk here and its multistakeholder model.

And so this will be no good because the community will have been destroyed in the two next months. That's on the one hand.

Then, secondly about prioritizing our work, I think one of the main elements of the work under way within the community throughout all these years has been the reviews. The reviews are currently undergoing discussion for the third series of reviews. So ATRT3, that's what I am trying to allude to.

So I think that should be noted. The Board has already worked on simplifying and streamlining our work in parallel, but I think we should try and make sure that the results are applicable. And that could be the case by the end of the year, if we do not overburden the community with all that.

BRIAN CUTE: In terms of dependencies, clearly the Board is going to have a role in terms of how all of this is prioritized, that we don't have duplication of work as the recommendations come in. Clearly the entities that take a lead in developing the solution will have a role in ensuring there's no duplication of work. And so there's much work to be done to ensure that we're moving all of the solutions in the right direction.

And then there's the simple question of prioritization, which is coming regardless. It's on the community. The Work Stream 2 recommendations, the ATRT3, this work, it has to be addressed. The question is how.

Yes.

JOHN LAPRISE: Thank you, Brian.

I'm generally supportive of both of these work streams. I have two concerns, however. The first is one I will voice again.

Sorry, John Laprise, for the record, with ALAC.

The first is the one I mentioned in Marrakech which is many of the challenges that ICANN faces and the work streams that we are compelled to begin come from external sources. And we have little control over when those hit. Our best -- our best chance is to try to see them coming and react proactively, and that's hard.

The other concern -- and this is a really hard one to address, again, because it's also an externality, which is that in terms of representation

and inclusivity, it is very hard -- and At-Large knows this full well -- to retain -- or to address and retain members coming from countries where governments in those countries are not supportive of NGOs and organizations that have a relationship with a U.S.-based corporation and, in fact, actively suppress those kinds of relationships.

And so being globally inclusive is challenging by just the nature of geopolitics in today's world. Again, that's an externality. I don't know how to address it, but it's something that we have to cope with in some way. Thank you.

BRIAN CUTE: Thank you. Steve.

STEVE DelBIANCO: Steve DelBianco with the BC. With respect to number one, we do a good deal of recruiting in the business constituency to fill in gaps we have in terms of a global community of businesses that are concerned about registration and use of business, websites and business resources on the Web. So we do the recruiting based on demographics. It's geographical orientation of businesses that are both large and small in the strata.

When we do that, we bring them into the BC and we try to cultivate their appreciation for the ICANN processes and get them up to speed so that they can then participate on working groups and distribute our ability to handle multiple concurrent processes. So there's a learning curve

that follows the notion of recruiting -- so we call it recruit -- and then we cultivate them and then we mobilize them to get to work on processes.

So I appreciate that you've drawn a distinction that recruiting a demographic is going to occur in each and every AC and SO and the constituencies that live underneath them. And when they are appropriately cultivated, then they're available to be mobilized in Number two, the prioritization and accomplishment of the work. So there's multiple steps that will occur outside of these work streams because we need to build up our bench, as it were.

With respect to number two, you can imagine that the AC and SO chairs come together on a conference call, a Zoom room, or a bunch of emails and try to look at the Gantt chart of the current body of work in front of the community and say, This is too much. There's more than we can get done. What can we delay? What can we kill off? Right? And where can we get extra resources? The opinions of the AC and SO chairs will be different because their priorities are different, and we shouldn't assume that there will always be a consensus about "let's defer this particular review by six months or a year." There may be some ACs and SOs who say addressing GDPR is critical. And GNSO may stand up and say, "Well, folks, you may not think it's important, we think it's critical, so we are going to press ahead on that," regardless of whether the rest of the AC and SOs think it's that important. That may happen as well.

So I'm anxious to see the recommendations you have for how we proceed because the ACs and SOs certainly need an ability to get

together and talk, but we shouldn't assume that they will always have consensus on how to rearrange the priorities. Thanks, Brian.

BRIAN CUTE: Well noted, Steve, that dynamic of the AC and SO chairs coming together. And the reality is for this community that very difficult choices are coming in terms of all the work and what's going to be prioritized. So the sooner that we can get to a common dialogue about how we might address that, that can then turn into the development of a solution the better.

And I will say this, I think -- speaking only for myself, I understand the limitation of the AC/SO chairs and the ones you have elaborated as well.

At this moment in time, I think we need to be courageous and we need to work in ways that perhaps we haven't worked in the past or at least try to get to solutions.

UNKNOWN SPEAKER: (saying name).

I'll speak in French. I would like to thank you for all the efforts that you have taken in order to be able to finalize all of these activities and to define the work streams, which is very complicated. So thank you very much for all your work.

As regards the prioritization of the work, I don't think the SO and AC chairs or leaders can solve this issue of prioritizing work and

coordinating work amongst themselves to use the different resources in order to implement this at ICANN.

So I think we should rather focus on creating entities that group the different SOs and ACs to coordinate their efforts and to be able to prioritize the actions that we wish to undertake.

So I think the chair of the GNSO is only one person, and he cannot do anything on his own given the amount of work that this will take. So I would like to reiterate my suggestion to have stable entities within the different advisory committees and supporting organizations and having the objective of having a permanent standing committee to coordinate all their work.

BRIAN CUTE: So, first of all, I would say we have five years to take care of all this. And then, secondly, it is to create the approaches first, to turn them into solutions in time. But we start by discussing. This is how we take care of things. There's always a dialogue.

And I think SO and AC chairs can discuss amongst themselves but also with the ICANN chair, the chair of the Board, but also the CEO so that together they can define an approach that will later on become their way of working and a solution.

JEFF NEUMAN: Good morning. My name is Jeff Neuman. And I just wanted to -- this is not going to come as a surprise because we've had this conversation

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several times. I definitely think number one is the most important issue, and I absolutely think it's much more important than prioritization.

But I think number one is a little bit different than the way it's up there. And I would take issue with the fact that the GNSO is already working on this.

So the issue with consensus I don't believe is an issue of inclusiveness and representation. You can have all the people in the world participate in every region of the world, and that would be fantastic. However, until everyone that participates has the willingness, the authority, and the incentive to compromise, it doesn't matter at all. And I don't think we have five years. I think we have much shorter to get that settled.

And I wish I had a great answer, and it's the issue I struggle with as one of the working group chairs for subsequent procedures, or one of the co-chairs.

And it's hard because people come in. There's many people in this community that come in with a singular focus, one issue, maybe two. But they're not looking at the organization as a whole. And they may be paid by somebody to only look at that one issue. And they may be paid by somebody to take one position so they don't have the willingness necessarily to compromise. They don't have the authority to compromise even if they had the willingness.

And they don't have the incentive because they think that if they give a little bit, that someone is going to take a mile, right? Give an inch, take a mile.

That's not a group thing that has to come top-down or even bottom-up. That's every individual themselves when they participate. You can't force that on people. I wish we could.

So this exercise is not just as ICANN as an organization but it's looking internal into every single participant. When they agreed to participate in these activities, they need all of those. They need the willingness to want to come in and compromise. They have to have the authority. They can't, you know, always go back to someone else and get permission. And then they need some incentive of what's in it for me if I compromise, and I actually end up in a little bit worse position than when I start. That's the issue in my mind and in doing this -- this is my 60th ICANN meeting. That is an issue that I would love to leave this community with that solved. Thanks.

BRIAN CUTE: Thank you.

One more and then we'll go on to the next. Thanks, please.

ELLIOT NOSS: I want to build on Jeff's point. And we're going to come back to this I believe in your point 4.

We can't impose intentions on people. That's impossible. But what we can do at a practical level is be much more transparent in our backgrounds. So when we represent ourselves either at the mic making comments or when we represent ourselves participating in working groups and in any number of fora, we tend to identify our stakeholder group. That doesn't help people.

There must be some way to provide more transparency for who people work for, where their funding comes from when they are participating. That is not intended to discredit people at all. What it is intended to do is what we're all trying to do, whether we're talking about diversity or whether we're talking about consensus, is to remove bias from the process. And the only way we can do that is with greater transparency. Thanks.

BRIAN CUTE: Thanks very much.

Let's move on to the next slide. So the next two work streams -- and, again, I'll do the same. I'll describe the problem statement as you described it through comment, mention the entity that suggested some of the (audio distortion) two times and open for Q&A.

The next one: Culture, trust and silos. Being on my side of this dialogue, I think these first three are the ones that spoke most loudly to me listening to you.

Culture, trust and silos, here's what you said. There are multiple and different cultures across the ICANN community. Those multiple

cultures paired with a silo mentality have challenged ICANN's ability to work more cohesively and deliver policy and other work in a timely fashion.

A lack of trust within the community makes it difficult to step out of silos.

A lack of trust makes community members feel they need to be a part of every process as opposed to trusting others to develop policy and work. That is contributing to volunteer resources being stretched too thin.

I have questioned whether what's been articulated is actually an issue of trust because trust is so fundamental to the functioning of a family, a group, an organization. Are you really saying this is trust issues, or are you saying: We've been dissatisfied with the outcome? Are you saying: We're dissatisfied with the structure? Have you been saying: We're dissatisfied with the power relationships? You have been saying all of those things, and I want to touch on structure, too.

You've been saying all of those things, and your comment has indicated that there is a trust issue within this community. Trusting each other, full stop. Nothing can be more fundamental to the functioning of a family, a group, or an organization than trust.

Nothing can be more fundamental to the functioning of a family, a group, or an organization than trust.

For this one, and I'll be direct, the community did not stand up and say they would actually take the lead on this. Do you know what you said?

You said we have a trust problem. We have a silo mentality problem, we've got a culture problem. Do you know what the majority of the comments said? ICANN org should solve it.

Think about that response. We have a problem of trust among each other and ICANN org should solve it.

No. No. Own it. Take it on. This is from me. I am proposing that the ALAC take the lead on this issue working with the other ACs and SOs, in coordination. Why? The ALAC has a track record of outreach, engagement, bridge building, trying to find common problems so that they can facilitate the work that needs to be done. They have the track record and the DNA to step into this work and work with the entire community to lead, to trust, to begin to break down silo mentalities.

This type of work requires experts and external resources, and I'll get to that later. But this is the proposal: That the ALAC take the lead. Why? Because we need to begin to break down the silo mentality that has frustrated our ability to work together more cohesively.

Why? Because trust leads to faster decision-making. That's an axiom. I don't need to be in that room because I trust the people in that room. They're going to follow a transparent process, and I could put my resources elsewhere, where they're needed.

Trust leads to faster decision-making.

That's why.

Number 4, complexity. This one is a challenge, and I have to admit it was a bit of a challenge listening to your comments on how to carefully define the two aspects, but here's what I took away, that there's two specific aspects to the complexity problem that you've articulated. One is about the accessibility to and the ease of use of data and information. And what you're really saying is this is about the tools that are available to us to be able to access the information and the data we need so that we can participate fully, so we can take positions that are fully informed on the history of decisions in ICANN. This is about the tools, the tools. The ICANN website, the community wiki. Those tools, as you're saying, are not serving the purpose yet. Ease of navigation. Content is organized. The tool itself is easy to use. This is the first aspect of complexity that you've described.

The second is complexity of content. The complexity of ICANN's bylaws, processes, and procedures. This is really about how we create content and communicate through documentation. That's what you're saying.

ICANN's bylaws, processes, and procedures are complex and involve excessive use of jargon, technical and otherwise.

You said we are not good as a community at developing issue or problem statements that put complex issues into plain, easier-to-understand language.

You do have a proof point, though. The IANA transition. You noted that in the IANA transition reform process, there were very complex legal constructs and models that were compressed into understandable,

short executive summaries. You've done it. It needs to be done more broadly, for all of the work so that more people can participate effectively. These are the two aspects of the problem.

For the first one, accessibility to the tools -- excuse me, the tools themselves, if you will, the suggestion is ICANN org. ICANN org has programs. ODP, OTI. I have heard you. They're not currently delivering what you need. But ICANN org is suggested as the entity to take on the development of a solution to this particular problem.

Again, for complexity of content and the rationale being that this affects the entire community, the entire community. And the entire community is engaged in developing the content we're talking about. The AC and SO chairs or their delegates as the lead, working with the ICANN org CEO and ICANN Board chair. And this is to improve accessibility to processes, to facilitate meaningful inputs from a broader swath of the community. These are the benefits that we can gain.

Promote and support effective participation for all members of the ICANN community and have available broadly understood content. These are the potential benefits if we develop a solution to this issue.

So again, I'm going to open the mics for ten minutes, and I'd love all of your reactions and feedback.

Farzi.

FARZANEH BADII: Thank you. Farzaneh Badii, NCSG. Well, I'm getting funded. I'm an incoming councilor -- oh, no. I am the councilor now, GNSO Councilor.

So I just wanted to ask a question about ALAC leading the culture, trust and silos. I understand because they're a diverse group and they've had experience with, like, resolving conflict and creating trust in their own group, you're suggesting this.

Perhaps other community members do not have that impression when looking from outside. And I think that it would be much better if we could actually look at this and have, like, a more diverse -- we don't even have to have, like, someone leading it, as such, than just have a group and get people to join from across the community, and then they can choose their leader. It could be ALAC, it could be others. But I think that we are -- we will create a -- kind of like a silo if we actually ask ALAC to lead it.

Thank you.

BRIAN CUTE: Yes.

ALAN GREENBERG: Thank you, Alan Greenberg.

I just wanted to point out the linkage between those two, because they're not at all separate. ICANN has a long history of addressing lack of trust by adding complexity.

One could claim, I certainly have claimed, that the whole accountability process was because of lack of trust of the Board. We added unbelievable complexity in ICANN CCWG in accountability, and as of today we have just added a significant more, because the Board approved Work Stream 2 recommendations. Over a hundred recommendations, many of them adding complexity and process.

I don't know how to break that endless circle, but we use complexity and process to address our lack of trust because we don't believe we're going to have trust unless we double-check everyone is doing everything.

So I'm not optimistic we can separate those two and roll it back. We're not going to roll back CCWG in accountability, and yet we have used those processes in exchange -- in -- instead of trying to really build trust.

Thank you.

BRIAN CUTE: Thank you, Alan. And I'll say it another way to build on your point. We can have all the accountable and transparent processes that we can conceive in place, and if I don't trust you, we have a problem. It will never work. You can have the best processes, but if you don't have interpersonal relationships and trust, it doesn't matter.

I'm going to ask everybody, if you can just keep your comments to about two minutes or as concise as you can so we can get everyone through.

Please.

MARK DATYSGELD: This is Mark Datysgeld. I was one of the drafters of the business constituency's comment. I would like to address issue 3.

I'm actually very happy to see the work of our friends from ALAC being recognized. They are incredible at doing this sort of work, but I do want to point to something, which is that we do already have a tool intended for silo breaking, which is Meeting B.

So if we go back to the meeting strategy plan and we point this on the BC comment, Meeting B supposed to be exactly about making this sort of outreach, listening to each other, having sessions where we get to discuss. And we were actually doing this during this, I think. The DNS abuse session was deeply enlightening on how we can do this, because I came in not knowing everybody's position on it, and I left knowing exactly pretty much wherever stakeholder stands. And that facilitates dialogue a lot.

So we do have a tool here, but it's not being enforced. Meeting B is being used as a compressed version of Meetings A and C. It's the same thing on a shorter time span.

So that's where I think, in our suggestion, ICANN org comes in. We need the staff's help to facilitate this sort of thing. If it doesn't get into the schedule, it won't -- we won't be able to do it. We can do it informally. But again, drawing from the DNS abuse session, we do see it can work. It's feasible. It's not impossible. So we do need extra support in getting

us together, helping us coordinate, finding the points that need to be balanced. And that's the point I think ICANN org enters.

Thank you.

BRIAN CUTE: Thank you very much. Yes, are we at time? Sorry?

Oh, sorry. We have a remote question.

REMOTE PARTICIPATION: Hi, this question is from Sivasubramanian.

Could ICANN evolve this model, not only for the DNS, but as a framework to be replicated in mainstream governance? Even in the interest of DNS governance, could ICANN work on increasingly high-level participation of governments and business and civil society reaching out to one through another? Are these the defined stakeholder classes or are there more groups to balance? Or dedicate one of its meetings every year as high level, perhaps upgrade the policy forum. Or, suspending cost and time concerns, perhaps a Meeting D, or a 3-day winter retreat with open sessions open to registered remote participation? Meeting D makes it somewhat possible to reorient A or B or C to be more informal to promote trust. Better understanding of the multi-stakeholder process at high levels could expedite faster evolution and, in the process, empower the participating community, especially GAC Representatives, with the required authority, the absence of which slows down processes.

BRIAN CUTE: Thank you very much for that.

                          Please.

JAVIER RUA-JOVET: Good morning. Javier Rua-Jovet, for the record, from ALAC. Thanks, Brian, for your presentation.

                          Just wanted to -- on number 3 on trust and breaking silos, just to emphasize that with minor tweaks, great things can be accomplished, and one example is the leadership structure in work track 5. Having a cross-community led PDP was a silo-breaking and trust building exercise. And I really ask the community to listen to work track members, work track 5 members from different sides of issues said at the end of the work track's work when we turned in that report.

                          People were not completely happy with the substantive result, but they were -- people -- the community members were happy with the process and the -- maybe the cross-community nature of the process which enabled communications, enabled trust building, and definitely was an experiment that should be replicated over and over in ICANN.

                           Thank you.

BRIAN CUTE: Thank you very much.

                          Sebastien.

SEBASTIEN BACHOLLET: Sebastien Bachollet speaking. I'm the EURALO chair, and you can see what I've done otherwise online.

... about ALAC, I think we need to rename ALAC URLAC.

UNKNOWN SPEAKER: Pourquoi?

SEBASTIEN BACHOLLET: Because I think that the -- there is a -- I think if we ALAC to do this work, we need to tell them that they need to look forward and not backward. They need to have new leaders to do that and not old leaders to do that. And I am among them. I take myself in this case. I think it's very important if we ask ALAC to do that, it must be new leaders and not the one who rehash the same thing from the past 10 or 20 years.

And my second point is that, as Alan said very truly, the two are link, and one of the reasons it's not here linked is because you are not taking as part of your work the complexity of the organization itself. Then we need to find a way where we will address that. And I hope that ATRT3 -- once again, I talk about the ATRT3 -- will be able to come with some proposal and some solution, but it's why it's not here.

And my last point is ICANN org can't be alone. They need to be with, like all the other UR, putting somebody with. ICANN org need to have somebody with them.

Thank you.

And sorry not for speaking French.

BRIAN CUTE: Time? Okay. We are just about at time, but please.

JORGE CANCIO: Thank you. This is Jorge Cancio, Swiss GAC representative, for the record.

I think that there are many links between the different work streams we are seeing so far, and if we have to walk the talk, we would, I think, need to try to reduce complexity as much as possible.

And as Javier's intervention before showed, I think there's a very, very strong connection between Work Stream 3, culture, trust and silos, and the first one. Because in the end, if you have good procedures which are inclusive and allow for transparency and really meaningful participation from the different silos of the community, people work together, which is the experience of work track 5, for instance, or of the CCWG-Accountability and IANA transition process, and you create trust because people now okay. This -- this group has meaningful representation, so it's being made sure that each part of the community is working there. So I can trust my -- my colleagues there making the right work, and they will also represent my interests, even if I'm -- if I'm not there. And for all those who participate in these working groups, it

really creates a cultural of collegiality and it breaks down in a practical way the silos.

So I would really very strongly propose that these two points merge somehow. And so will also help to walk the talk on the complexity point.

So thank you.

BRIAN CUTE: Thank you. I'm going to stop the line after Heather. I've got time-wise to manage. I'm sorry. And then we'll get to the next two issues or workstreams. Heather, please.

HEATHER FORREST: Thanks, Brian. My name is Heather Forrest. I'm the incoming president of the Intellectual Property Constituency. I have not assumed that role just yet but I'm speaking in my personal capacity. And, Brian, you've heard my concerns, and I appreciate that, so I suppose perhaps I'm directing what I have to say to the Board, the new Board, and ICANN org, and to us as a community.

Personally, it worries me very deeply that we've spent 12 months to determine, to come to the grand conclusion that culture, trust, silos and complexity are problems.

I think we need to work out a way, and I would like to challenge us to work out a way, not to allow this exercise to become a victim of our own failures of culture, trust, silos, complexity, and so on.

I think we have some work to do as a community to acknowledge that the way we go about doing things is not great, and using those methodologies to do this exercise here is likely not going to lead us to success.

So I hope I'm not at the microphone at ICANN 70 as the IPC president making a statement in that capacity or my personal capacity to that nature.

Thank you.

BRIAN CUTE: Thank you, Heather. We're going to go to the next two, and the final two work streams.

Next slide, please. So the next two that you identified, precision and scoping work, and roles and responsibilities.

Prescription and scoping work, here is the problem statement as you described it.

The failure to properly scope work has led to delays in delivering work, duplication of work, and implementation issues that arise after the fact. The community has noted that scoping has been too wide in the past, leading to endless discussions.

It was also observed that the community does not follow a disciplined approach in deciding on the types of work it takes on, how the work is scoped, and how it gets executed.

It's been observed that volunteers sometimes are tempted to put everything into one project in order to not have to revisit the work again in the future. And as a matter of scoping, of course, this doesn't work.

In the ICANN ecosystem, there is no current common disciplined approach to scoping the work.

I have as the entity assigned currently to be determined. And the reason for that is this: These are new work streams. If they're to be taken on, it means more commitment of resources. Spreading this work across the entities of the community would be important, if possible.

The GNSO in PDP 3.0 implementation is addressing aspects of precision and scoping their work. Again, that could be something we could leverage. But at the same time, to the extent that we could lean into this and have other entities step up and take on this work, that would be welcome.

The other concern -- and I'm not -- there is going to be some concern, some concern, with whoever becomes the lead. We've already heard some of it at the microphone already. We need to trust, and we need to do this the right way.

And so if GNSO carries all of the load or most of the load, those concerns get amplified. The GNSO is going to somehow define how we make improvements in our work. Those concerns will come.

So I'm leaving this blank for now. But it's an important pain point that you've described, and it's something that needs to be addressed and

develop a disciplined approach that can be adopted or adapted to particular work streams. That will create more timely delivery of work. The quality of deliverables go up over time. When you don't find yourself after the fact with implementation issues and have to go back to square one, quality goes up. It also can contribute to more effective allocation of volunteer resources. If you scope properly, you know the resources that you're going to need. That can contribute in a small way to resource allocation.

The last issue, roles and responsibilities.

With all of the tremendous work that was done in the IANA transition -- and I said at the beginning, this community can move mountains, and it did.

With all of that tremendous work, defining roles, responsibilities, changing the bylaws, based on your comments, there still seems to be a need for a clear and shared understanding of the respective responsibilities of the ICANN board, the ICANN org, and the ICANN community.

And this is what you said. In this process, you noted, the big question is, who should be responsible for changing the way the ICANN community approaches its work? Not the board. Not ICANN org. It is incumbent upon community leaders to take on this mantle, but currently there's a lack of structure for leaders to work together across the community.

You also noted that there are differing views about the role the board should play when community work is stalemated. Observe that the board has taken a posture of, policy comes from the bottom up, very healthy. But noting still, what do we do when work is stalemated? Who does what to make that come to a conclusion?

Also references to continuing lack of clarity around relationship between the board and advisory committees. These are the things that you've described in the problem statement. In short, broader shared clarity is needed.

For me, most importantly, if this work is to move forward, if we're going to develop solutions to work processes, working methods, and culture, you can't design a solution without knowing the appropriate role and responsibility of the board, the org, and the community. If you're changing a work process and they have a role in the work process, you need to know that.

So simply for the matter of supporting this work and the clarity of the work in ICANN, roles and responsibilities needs to be addressed.

My suggestion is that the ICANN board take this on, in coordination with the ICANN CEO, and in coordination with the community, however you define that. It couldn't be done any other way.

What could we benefit from? Imagine if we had a common resource or point of reference for all the work being done in ICANN about the respective roles and responsibilities of the board, org, and community.

How many of you have seen the ICANN board and org Delegation of Authorities document? Have you seen that?

It's a fabulous document. It lays out in great detail the responsibilities of the board, the responsibilities of the ICANN CEO, the delegation of authority, and who does what. There's no piece in that document about the community.

This is a resource that's needed, a point of reference that's needed, not just for this work; for all of the work.

So with that, I'm going to open up for ten minutes.

How much time do we have left total? 20, 23?

Okay, I'll open up for ten minutes. Please.

CHOKRI BEN ROMDHANE: Chokri Ben Romdhane from Tunisia.

I share with you this notion that the ICANN board should assume its responsibility and clearly define the roles and responsibilities within ICANN.

Indeed, the ICANN board has been created to apply a particular view or vision for the organization that needs to be determined. So board directors have been appointed following the expectations of the community.

So they need to make sure that the roles or responsibilities are clearly defined and organized.

 I regret not seeing a seventh issue which discusses holistic views. I believe the ICANN board should have a determination on the global vision for the organization. Before being appointed, the directors should have a definition on their global view of what ICANN is and what they expect to do for ICANN. In doing so, they would clearly define their responsibilities.

 Thank you.

ALAN GREENBERG: Alan Greenberg.

I believe item number 5 is not of the same level as all the other items. And I think there's two aspects to it.

Number one, the -- by you having this process over the last year, the community has reacted to a number of notable failures or bad experiences that have been attributed to scoping.

 I don't believe that's a long-term problem. I don't think it's one that has historically been troubling us. But it's recent and it's currently on our minds.

The other half of scoping that is problematic really goes back to the first issues of trust and silos.

 It's fine to say let's trust each other. But we're made up of groups which often have fundamentally different targets, different goals. And I can't -- you know, if you're here to do something exactly opposite from me, how can I say I'll trust you to take my position? And I think one of the

scoping problems is, in some of the recent areas, we have people going into this with different opinions. And it's easier to say let's add them all together than to fight out which of them is right.

So part of it devolves into the trust and the fact that we are -- you know, we can call them silos, but we really are here for different reasons. We have different goals, different needs. And we're never going to stop that. That's why we're multicultural -- multistakeholder. Otherwise, we'd all appoint you to represent us all, and we could just take vacations.

So I'm not sure 5 is of the same -- same level of all the others.

Thank you.

JORDAN CARTER: Jordan Carter, NZ.

In the spirit of not doing things more than once, the CCWG Accountability Work Stream 2 did some work on roles and responsibilities, defining what the community, the board, and the org do. So I point you there. It's in the staff accountability report.

BRIAN CUTE: Thank you, Jordan. Very important.

PETERS OSAWARU OMORAGBON: Osawaru Peters, for the record, (indiscernible) president, Nurses Across Borders, Nigeria.

My observations are, one: I've just been an observer of the process. For a meeting like this, I think 90 minutes is quite short for us to have an all-inclusive discussion.

If it is, you leave room. Everyone is free to come up and discuss the strategic plans ICANN is proposing (indiscernible) going forward.

And also, in having these sort of discussions, it was very, very useful if the discussions is left open for the participants to speak more, for all of you inside of ICANN to take notes, than we sitting down and then listen like in a classroom and be lectured. So it's better to have a discussion.

Lastly, as to with the -- I want to support the position of Sebastien when he says if ALAC or the community is given an assignment to do, then this should be done by new leaders, not the old leaders, where (indiscernible) circle ourselves or circle ideas.

So in that regard, I think it would be fair also for the leaders who are also observing this to recognize that (indiscernible), not years, determines (indiscernible) for changes.

(indiscernible) retirement, give way for the new ones to take part, because ICANN is an international accountability group with new ideas.

Thank you very much.

SIVASUBRAMANIAN: My name is Sivasubramanian. I'm from Internet Society India Chennai.

And I actually want to respond to Alan Greenberg's first comment on complexity. The kind of complexity that he was talking about is concerting and disconcerting.

And the reason why it's complex is that the accountability exercise is designed to focus on processes and procedures. From a distance, when I see the room, I see mostly lawyers and people in business suits. And I think the approach is to create more paperwork. And in the process, it has brought the multistakeholder process closer to that multi (indiscernible) process. There is more paperwork to be done. And by redesigning the accountability processes, not only that concern, but the concern related to scoping, et cetera, can be more effectively addressed.

Thank you.

BRIAN CUTE: Thank you. Yes.

JOHN LAPRISE: John Laprise, for the record, with ALAC.

So it's with sincerest respect and deepest apologies that I'd like to suggest that my friends at SSAC be nominated for point 5.

They have demonstrated consistently a sharp acumen for precision scoping under scarce resource constraints. And those are exactly the qualities that we're seeking in this.

BRIAN CUTE: Is SSAC here?

                         [Laughter]

CHRIS DISSPAIN: Of course they're here, Brian. Don't be silly.

                         Morning, everybody. Chris Disspain, board -- director of ICANN, speaking entirely personally and absolutely as an old leader.

                         Boy, trust is a hard thing. The board's spent time talking about -- a lot of time talking about trust.

                         Can I ask us to -- And some of the things that have been said here today demonstrate that we have challenges across the board with trust.

                         That's a very emotive word and it's a very powerful word. So I think we need to be very careful. We use it as an umbrella word. And sometimes, actually, it's not what we mean. Sometimes what we mean is, "You didn't do what I wanted." And, "You didn't do what I wanted," doesn't necessarily lead to, "And so I don't trust you." "You didn't do what I wanted" is a very common thing around in this community. But we tend to bunch that underneath the umbrella of trust.

                         The way that you deal with "You didn't do what I wanted" is, you accept that compromise is important and you make sure that representation is -- in groups is what is important. It's not "I have to be there."

But we basically don't trust each other. It's not just about the community doesn't trust the board. It's about we all don't trust each other. And we have to try and solve that problem. And I don't think, Brian, with huge respect, that necessarily one piece of work on here is going to do that. Because what we'll end up doing is trying to build mechanisms to deal with something you just can't deal with with mechanisms. It's actually about us. It's about heart, and it's about forgiveness, and it's about being prepared to accept that we all have the same motivation in the sense of maintaining this model and making it work. It's just that we think about it in different ways. Thanks.

BRIAN CUTE: Thank you, Chris. And I couldn't agree more. It's about the human dimension of this question.

We've just got ten minutes left or so.

So I want to touch on one important topic that came up and then walk you through two more slides.

Structural changes. Okay? Throughout this comment process that we had in the spring and had in October, you provided a lot of feedback. And two important pieces were: Structural change, and, hey, here's some solutions that could address these issues.

Structural change. As I kicked off the work, I noted that this was about work processes, working methodologies, and culture, that this was not going to be a process about triggering or starting structural change. But structural change is clearly on many people's minds. That may, in fact,

happen. I've taken some of your comments. And as I move toward a final work plan and report, I will reflect back that thinking.

And I will offer this thought that I offered to the Commercial Stakeholders Group. This is for what it's worth because I understand the appetite for structural change in some places. It doesn't address that. These are work processes, working methodologies, and culture. We could go about the business of restructuring ICANN and creating a new structure that balances things differently. This is a political policy-making group. In the current structure, every stakeholder is going to try to leverage that structure to the best of their ability to ensure that their stakeholder view is represented and considered. That's how it works. You can go about the business of restructuring and creating new balance. And when you land that plane, every stakeholder will try to leverage that structure to the best of their ability to ensure that their point of view is represented and considered.

Improvements in prioritization, improvements in how we reach consensus are the muscles that make this work. They're the muscles that you need to develop to be more efficient and more effective.

You need those muscles in this structure, and it will improve it. You may still be dissatisfied with the structure, and maybe that needs to be addressed. You need the muscles in this structure, and you're going to need these very same muscles in whatever structure you create in the future. That's how you need to look at these tools. They can break the cycle that you're stuck in, of work that just keeps coming and we're

trying to do it all with the same sense of urgency. And they're muscles that will help you do it better. So thank you for all your feedback.

If we can go to the next slide. I'm not going to go through the next three. We don't have the time.

But I want to reflect back to you that I have heard all of the many solutions that have been suggested because I asked that question, and there have been many. And in these next slides, there's two things. I've reflected some of the solutions. I can't reflect them all. But I promise you that when this work is ready to move forward, the entities that are taking on the task of developing a solution and starting the work will be provided to them through a report, all of the solutions that are relevant to the work they're doing that you have suggested so that they may find shortcuts to a solution. They may find a way to begin designing a solution that is informed by the solutions you suggested. Those will be kept. Those will not be lost.

Two more things. And thank you for your attention.

Part of this work plan was also about what are the resources you're going to need to take on the task of developing a solution. We're talking about a new work process step, new working methodology, and culture. That's a little different in terms of resources. But there's some resources that can be assumed in doing this work, assumed volunteer time, volunteers and leaders and the support that they're going to need: ICANN staff time and support; budget for meeting space and logistical support; and external exports, if required. These can be assumed. Whichever entity takes on the task of developing a solution

will have the opportunity to define the resources that they're going to need. They may need resources beyond this list. But this is a list that is safe to assume given the nature of the work that we're going to do. And that's important, and that is an assumption because, again, this work plan is going into the five-year operating plan to go out for public comment. So you're going to have another opportunity to comment on all of this, including the resources that will be needed. And the entities, again, who will lead will be given the opportunity to define that.

With that, actually if we can go to the last slide because I think we're almost at the end. So what are the next steps? The next steps are with your feedback from this session, the work plan may be further refined by me. The work plan will then become part of the five-year proposed operating plan that goes out for public comment in December. And that will be your opportunity again to provide feedback on these issues, on the suggested entities, on the resources that are going to be needed, and even solutions. And as with every public comment period, whatever you're willing to offer is welcomed.

Once that public comment period is closed, the final work plan will be created based on community comment. And then work streams in that work plan will become part of the annual plan and budget for fiscal year '21. Those are the next steps.

So in closing, thank you. The community never fails to astound me with its ability to step up no matter how burdened you are and lean into the things that matter and the things that need to be done.

This was a wonderful session. Thank you all for everything you've offered so far. I appreciate your time.

[Applause]

[END OF TRANSCRIPTION]