BUENOS AIRES – Multistakeholder Innovation Strategy Panel
Tuesday, November 19, 2013 – 17:00 to 18:00
ICANN – Buenos Aires, Argentina

UNIDENTIFIED MALE: This is the Multi-stakeholder Innovation Strategy Panel, Tuesday, November 19, 2013, at 17:00 in Libertador C.

BETH SIMONE NOVECK: [inaudible] critics, either of which would be great for us in terms of moving this strategy panel forward. We had a chance to speak in the session yesterday about the strategy panel, so I will be fairly brief in my introductory remarks. Happy to answer any questions if we've glossed over any logistical details that you might have missed in the session yesterday or that weren't clear. We're very happy to repeat them.

But my hope is that we'll spend the brief hour that we have, or less than an hour that we have, in conversation and getting your feedback about how we can run this panel and how we can make it as constructive and as productive as possible.

There are really two goals to this that I have. One is to try to get your feedback about the form, about the way that we're engaging with people and how we can do that better. And the second is to have a conversation about substance, about what we're working on, what your proposals and suggestions are, and how we can get them.

Finally, the ultimate goal of this session, as I said yesterday, is as a panel of seven people, we do not have a monopoly on the best ideas. Not only

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that, we don't even, as popular as we might be, have enough Twitter followers between us or enough blog readers to reach the number of people that we would like to, especially the active members of the ICANN community.

So we're hoping to use this session as an effort to enlist your help to get you to reach out and to ask your networks where you live, where you work, where you come from to reach out to people and get them to be useful and helpful and productive as part of this process.

We have some materials over there, and maybe now that the group has settled down we'll pass them out – Antony, if we could start sending them around to people – so we can share a little bit more about the process that we're hoping to run here.

So again, a little bit of repetition but hopefully only very briefly. As you know, there have been these strategy panels that Fadi has set up, and we have created this one on the Strategy Panel on Multi-stakeholder Innovation – say that ten times quickly – where essentially this is just the language from our charter, but it basically says that what our goal is, what we've been tasked with is to think about how do we innovate, how do we evolve the multi-stakeholder model of governance.

As I mentioned already, and as I think Fadi so eloquently said yesterday, we shouldn't beat ourselves up. The multi-stakeholder model is alive and well, and the notion of more open and participatory and bottom-up forms of governance are actively being embraced and sought by countries all around the world, by institutions all around the world who want to learn how to govern in exactly this way.

But we're 15 years on from the inception of this model for ICANN, and there are a lot of new tools, platforms, techniques, experiences that we've had in that period that might help us think about how to do the work of ICANN both more effectively and more legitimately.

That's going to, of course, depend a lot on what that work is, whether we're talking about a contracting process or a regulatory process or another kind of decision making that ICANN is involved in. There's no one-size-fits-all, and we're going to be looking for a range of examples. We can go ahead. We're going to be looking for a range of ideas and examples for how we can move from this, the model today, into again strategies that we can use tomorrow.

So our goal in terms of the output – can we go ahead? Oh, I'm sorry. Let me go in the order of the slide then. Again, you can read more online about the members of the panel, all of whom send their regards and I hope will be able to participate in a future ICANN meeting. We only started to convene very recently.

And the advantage of having such really impressive people as part of this effort is that they are awfully busy and were not able to free up these dates to join us in person. Many of them are watching online right now and participating, again were online yesterday, and will be helping again with the outreach effort.

Some of you may know many or all of these people personally, and I invite you again to reach out to and to contact them. We're happy to supply their contact information for us so that you can talk with us about how we can make this effort a success.

Our thought about what we want to produce in this effort is very concrete implementable proposals. I keep saying I want to have ten proposals to ICANN. It could be eight; it could be 21. But I'm going with the number ten because it sounds good and it's even at the moment. But they should be things that ICANN can actually do. Again, we aren't ICANN. We are here as outside advisors simply to inform what you do. We can't decide for you, but we can provide examples. We can provide ideas for things that you might try.

And as we discussed at some length in what I think was a very productive discussion yesterday, what we might try could be a pilot, could be an experiment, could be a test of different models or ways of working, deciding, and doing that might help us figure out empirically how to evolve what ICANN does.

We are very lucky in this effort to be supported by the research team at [my] institute at New York University which we call the Governance Lab or the GovLab. We have a couple of members here: Jill who is here, Antony who is our ICANN fellow who is standing right there, and also Andrew Young who is the associate director of research here in the front row for the Governance Lab.

And so our focus generally, not just for ICANN but more broadly, is on this question of how to evolve governance. We started only very recently, but we've been doing all of us this work for a long time. Let's keep going.

And we focus essentially on this core notion that by creating institutions that are more open, that are more participatory and that use technology as a way to get there, institutions can be both more

effective and more legitimate. That's our hypothesis, and the work that we do is focused on proving that hypothesis that we can evolve new approaches and new ways of governing and we can apply it not just to small matters but to some of the most wicked and vexing challenges and problems of our time.

So we are centrally focused on this idea, and it will sound to you open, participatory, collaborative. It is very much the multi-stakeholder model. It is this more collaborative way of governing that brings everyone to the table that we think is directly tied to more effective governance and better performance, not just to more legitimate governance. Why don't we keep going.

So we style our work as what we call Living Labs where we work with real world institutions on designing projects that we implement to a two-fold end. One is to accomplish whatever the goal and the purpose is solving the problem that institution might have. It has to work. It has to lead to solutions that work. And at the same time trying to research and understand how do we design these models that are more participatory.

It's what one person described to me as agile empirical. So we're trying to be agile. We're trying to be quick in adapting and adopting new innovations to how we govern and at the same time empirical, measure what works.

I say this by way of background first to point out that we are trying to do deep research and understand what are the models that we can bring to bear that we can back up the proposals that we make to ICANN with some evidence and also to make this point that we can think about

pilots and experiments that are concrete, that can actually accomplish a goal that ICANN has, a difficult decision making process and at the same time try to test two or three things that might work in practice. Why don't we go ahead.

We've tried as part of this process though to really do our homework. We come to you as outsiders, as newcomers to this process. I as a technology lawyer and intellectual property and cyber law professor have followed ICANN and taught about Internet governance for a long time. But in fact, we are attending this as for all of us our first ICANN meeting, and we are very grateful to be welcome here and to be included.

And so we have in an effort to educate ourselves about ICANN written and published these two primers. Let me see what the title is that we've given them. I've forgotten already. Oh, it's just the ICANN Primer and the other one is the Technical and Business Functions of ICANN.

We would invite you and ask you, please, as members of the community to look at these documents. These are our assumptions and our understanding about what ICANN does and how it works. And if we've gotten anything wrong, we need you to please tell us. if we've misunderstood how ICANN functions today, it will be very difficult for the GovLab to support the panel in providing advice and recommendations about what ICANN can do tomorrow.

We also think they're pretty great short summaries, so if you know anybody who needs an intro to ICANN, we tried to write something in very plain English. I think we would offer to translate it into other languages if that would be useful to people. But we above all want to

make sure that we've done our homework and we have adequately educated ourselves about ICANN so that we can make this process useful to you.

As part of that, we'll just flip through these next couple of slides, one of the things we've tried to focus on is what is the work of ICANN. What are the actual decisions? What does ICANN have to do when it gets up in the morning, if you will? What does the ICANN staff work on?

So we've looked at some of these issues, which we include in the primer, around thick domain names, around some of the multi-character domain name issues, using simplified versus traditional Chinese characters, how you make sure that a domain name all goes to the same site – some of these very technical issues that ICANN works on.

What we want to do is to make sure that we've adequately described these use cases, we've adequately described these scenarios of what ICANN does so, again, we can communicate with the rest of the world without jargon, without acronyms, without complex legalese if you will, to enable others to participate who may not be part of the ICANN community today.

We would argue that if we want to get some of the best ideas about new forms of governance, we're going to have to ask people broadly around the world who may have insights to share from their own experiences. But for those insights to be useful for ICANN, we have to be able to communicate what is the work of ICANN. So if there are other use cases, if there are other stories about what ICANN does, we would

really welcome you to share those with us that you think are very instructive of the specific kinds of work that ICANN is engaged in.

Okay. So now on to the last part of this, the introduction, which is to say how we're proceeding. Knowing that we can't do this work by ourselves, what we've done is to set up an online process for getting engagement and feedback from the broader global community.

We envision this as a three-stage process where the first phase is essentially what's called brainstorming or ideation where the goal is to get a lot of ideas from as wide a number of people as possible and as broad a range of ideas. They could be legal. They could be structural, constitutional, technology. They could be suggestions for a better process or a better platform. We're looking for any and all concrete and specific ideas.

Anticipating that we might get a lot of suggestions, many of which won't be useful, won't be helpful, won't be easy to translate into something actionable, we then have a second phase planned where we'll summarize and distill what we've heard and learned and post those summaries as blog posts where we will ask for further commentary, further annotation, further discussion. We might push people to say, "Great. You suggested this wonderful process idea, but how would it apply in the specific context of the way that ICANN does its work?"

So we have a several week process we're anticipating of blogging and annotating the proposals that we've gotten. And in the last phase, what we will try to do is to put up the proposals on a wiki and ask for your help and the help of the wider world in crafting and drafting those specific suggestions to ICANN.

I know from my own experience working on open government and open institutions that it's one thing to have a principle of transparency or collaboration or multi-stakeholder governance and it's a very different thing to translate the principle into actual process into a policy that someone can then follow in terms of how they do their work on a day-to-day basis. So that third phase will really be meant to craft those ten or eight or 20 specific proposals or project designs that we will come up with at the end.

We've now launched the first stage of that process. If you have a laptop open and you want to go to thegovlab.ideascale.com. You can see IdeaScale spelled up here like it sounds, thegovlab.ideascale.com. You'll see the site is live online. It's open for the posting of suggestions as part of this brainstorming process over the next six weeks.

You would click on the button that indicates to submit a new idea. You want to go down? We're on stage three. You know what? Sorry. I described stage two and three, so let's go on to here. Here we go. That gives you this framework for actually suggesting ideas as part of this.

So you would go onto the IdeaScale site, click on submit an idea, and then be able to tag it and label it to help us to better sort in the end is it a suggestion for a new platform. Is it a suggestion for a process? Is it a suggestion for a legal innovation? We're looking, again, for all ideas whether they're structural or whether they're technical. And they may be some combination of ideas that need to be put to together in order to be most effective. The arrow key might also work.

So we'll have it online and maybe we could also in a moment – let me leave the questions up there for a moment – and maybe if it's not too

much trouble and we want to switch over to the live site. I don't know if I'm allowed to ask for that now if we're finished with the slides. Jill needs to do that here? Okay. So maybe what we should do is pull this up.

But what we want to ask you is, is this initial brainstorming site clear? Is there a better way that we can organize it? Do we have the right set of categories? Is the process the right process? The three phases and stages that we've laid out, do we have the right timing? Are going about this in the right way in order to elicit the best engagement? What else can we give you? How can we improve this to enable you to reach out to other people and invite them to participate? What can we do?

Then I want to turn, after we take some feedback on the form as I said, to then focusing if people want on the substance of what those proposals could be and might be, your suggestions right now. We're ready to take that feedback. We can put it into the site.

I want to emphasize one other thing, which is many of you are active bloggers and writers about ICANN in your own websites. Many of you are active and constructive critics of ICANN. We want those ideas, and we want them though we have to ask you to help us by putting it into this site. Even if you've written it elsewhere, you can point us to a link is fine.

But we are, while we actively scan the news every day for news about Internet governance, we publish every week now a curation of articles about Internet governance to educate ourselves, to educate the members of the panel, we might not see it. And we don't want to risk missing out on a good idea that you might have or a suggestion that

maybe you made ten years ago, eight years ago, nine years ago that no one has yet listened to. That good idea you've been shouting about for the last 15 years, we'd love to hear it from you again.

Again, we can't decide. We can only use the opportunity that this panel has created and our willingness to invest the time and the effort and the reputations of the people who have volunteered their time to be involved to try to push for these ideas.

Our plan is now, and you may have already gotten this in your inbox or if not you'll get it soon, we are doing a massive e-mail blast. We're writing to everybody we can think of to ask them to help. We've tweeted today in Chinese, in French, in Spanish, in English. It's all up on Twitter. We've posted on the blog.

And if we don't mind, can we do just a minute of the movie? And we've even made what I think is this unbelievably inspirational video, which I'll show you a moment of, to help get people excited and inspired. The qualification for being in this video was you had to be under 30 and you had to be willing to enthusiastically explain why getting involved in this process actually mattered not just to people within the ICANN community but to all of us in the wider world who are netizens and who care about the future security, stability, and openness of the Net. We thought this was a really important way of trying to reach out, particularly and also to a young audience, to engage people in the process. Why don't we just, is it playing? Oh, there we go.

UNIDENTIFIED MALE: You can try, but I don't think we'll all be able to hear it.

BETH SIMONE NOVECK: That's fine. I'll keep talking, but I think at this time we'll let it run because it has really adorable graphics, and you will see all these great young people at the GovLab who are working on supporting this panel and supporting this project who are eager to do the research and to take an idea that you might have and craft a proposal around it and back it up with real research and evidence and cost-benefit analysis that we can use to turn something from an idea into a concrete suggestion for ICANN.

So why don't I let that run for a minute in the background, and then let's see what questions people have. What's the protocol? Pass the mic? Stand up? What do we want to? What are my marching orders here on engagement, and how do we hear from people?

UNIDENTIFIED FEMALE: I will help you if you need to. We're watching the online.

BETH SIMONE NOVECK: Okay, you'll help. Do we have to give any instructions for online engagement for people who want to participate?

UNIDENTIFIED FEMALE: They're there, and they know that they can come through us for [inaudible].

BETH SIMONE NOVECK: Okay. And if people want to tweet to the #ICANN48 hashtag, will we find we'll hear from them?

UNIDENTIFIED FEMALE: You've just told them.

BETH SIMONE NOVECK: There you go. There are nine ways to Sunday as they say to reach us now live and in person, and is there a volunteer? Suggestions, questions, criticism, clarification? And we're also happy to go through the IdeaScale site and show how you post on the site.

CHRIS CHAPLOW: Just to correct you on one point. This isn't actually the worst session to go for. It would be the 7:00 after the gala on Thursday morning.

BETH SIMONE NOVECK: I'm sure we can have another briefing then.

CHRIS CHAPLOW: Just to clarify because we whizzed through it so fast, ideas? Simply ideas to improve ICANN? What's the boundary just in a few word?

BETH SIMONE NOVECK: That's a very good question. What are the boundaries? Is it just ideas to improve ICANN? Let me see if I can offer my clarification on that and I think if others have suggestions about boundaries that we should put on it.

Let me say maybe we want to now go back to the IdeaScale site so we can see also what we've told people. I would go back to the instructions so that people can see what we've said. What we're looking for is specific ways to improve how ICANN makes decisions to make them more legitimate and more effective.

The thought in this first phase is to be very broad. In talking to people and interviewing people and canvassing them to prepare for this, there are those people who have what I would call structural suggestions about how to take that org chart and rearrange it. And on the other side of the spectrum, there are those people who say, "Oh, ICANN should put up a new platform for how it does procurement" – we talked about yesterday – "or an expert network to reach out to individuals with technical expertise to get them to participate in the decision making process."

It might be a procedural suggestion. Like for particular kinds of decisions, there should be a phase where expert networking is used to reach the leading experts on a topic and a phase in which stakeholders are engaged and a phase in which a demographically representative random sample of the public is engaged.

Our thought is at this stage not to foreclose discussion around the different types of suggestions we might get. It's also as a practical matter given the short timeframe we've had to begin this work, we're not starting with from the – you know maybe in another universe we would have as a panel spent six months preparing ten suggestions to then let other people criticize.

But I think we both didn't have the opportunity to do that yet and we also don't want to do that yet because we might come up with ten very good ideas for platforms and along comes and eleventh idea which is structural or legal about clauses in ICANN's contracts which need to be changed that we wouldn't even come up with ourselves.

So the thought is to keep it broad, but I think as we go along we might your question suggests to me that we might need to shape that definition more narrowly as we go, but would welcome suggestions. And again, taking a look at the specific language if there's a better way we can describe what we're looking for, we would like to know.

One more thing I want to mention while we're passing the mic is we also want to reach out to people who have suggestions to share where what we really need to do is to get on the phone and to interview people and to really talk at greater length. Even if we translate what we've heard into something we share here, we're not limiting or foreclosing the option of online briefings and conference calls or Google Hangouts, outreach to people through interviews and meetings and other things. We want to do within the limits of our capacity as much as we can to try to get at the best ideas, whatever they might be.

We're expecting to get beaten up. You're supposed to criticize us. We're here. We're here for that purpose. What are we doing wrong? Chris, what are we doing wrong?

[CHRIS GIFT]:   I'm staff. I'm not allowed to speak.

BETH SIMONE NOVECK: Oh, you're staff. He's not allowed to speak. Okay.

[CHRIS GIFT]:   I got beat up [inaudible].

BETH SIMONE NOVECK: Oh, maybe you should speak then. We need a little controversy.

CAROLINA AGUERRE: I have a question. Hold on.

BETH SIMONE NOVECK: Mic, mic, mic.

CAROLINA AGUERRE: I'm coming. Thank you so much. Hi. I'm Carolina Aguerre from LACTLD, so I'm talking from the perspective of someone who engages with the ICANN ecosystem from a very particular part, and that's the technical community.

Yesterday when all the five panels were being presented, I think that as a panel I don't know whether I have sort of concrete suggestions. What I think is ideas and thoughts that came to my mind when I was listening to everything and now listening to you. And it's that the panel that Vint is coordinating has a lot of overlapping into what I think is lot of the challenges that ICANN is facing in the current Internet governance ecosystem.

And being multi-stakeholder is a policy principle for ICANN, and so I find it a great challenge. I mean, how are you going to go about the development of multi-stakeholder processes within ICANN and from ICANN and the ecosystem in policy development, which is kind of a very particular issue? I mean, I'm interested in – I'm not saying that's the only one – but I mean that's a concern or a question or something I wanted to sort of raise.

BETH SIMONE NOVECK: I think there's a tremendous amount of overlap between and among all the panels. So one way that we're dealing with that is by talking to each other regularly. We've already had two meetings between and among – oh, a third here. This is our third conversation between and among the panel chairs. We have a regular convening schedule to exchange what we're hearing from each other, number one.

Number two, we're starting to explore how the other panels might leverage either the same or related online platforms. And then for us to have the multiple stages is so we can see, "Ah. What are we hearing and learning? Maybe we're getting some suggestions, ideas, and input from people that we need to pass to one of the other chairs."

And I think as maybe Vint or Paul put it yesterday, he wants everything – one of them said – "I want everything I do to be informed by the public interest values that [inaudible] is focusing on." And obviously that drives everything that we're doing, so we're going to need a process of cross pollination, cross fertilization.

The last thing I'll say is we can't finish anything in the time that we have. We're going to try our hardest to get to implementable proposals, but we can only tee up the first stage of that. What we can do is develop a – so let's take the example that was discussed yesterday, which was innovations in procurement.

We could come up with some designs and some experiment suggestions, some pilots for how ICANN might improve its procurement processes, but then the hard work of taking that proposal which may be a memo of a couple of pages or a mockup into the adaptation to ICANN's working processes – in that case, as a vendor – or in a different stage of the policy development process is probably a longer term adaptation which has to get done with the right group of people in the ensuing weeks or months.

Some things might be quicker. Some things might be longer. Obviously, proposals that we get that might be more structural or constitutional in nature will require a lot broader longer term involvement. Again, we'll see what kinds of suggestions we get, but I don't think there's… Alas, we won't finish anything in the few months that we have, but our goal is to tee up and have very clear next steps. Anything that we develop, there should be a clear pathway to next steps. If there's a decision to take it forward, here are the five next things that have to happen.

That's the hope is then we can bring in and get together the right voices and hear from other people and reconfigure the panels into some other big other panel, but the goal is to keep talking to each other throughout. It's a very good point though.

Yes. So there's a hand back there, and then we'll pass the mic here.

MARIE-LAURE LEMINEUR: Good afternoon. My name is Marie-Laure Lemineur. I'm with NPOC, a noncommercial stakeholder group within the GNSO. Just a friendly comment based on a very quick look I just had at the printed version you distributed. I read it very quickly and I can see words like policymaking, participation, then participatory decision making. So it's not clear to me. Again, it's a very quick impression. I mean, it's a first impression based on what I read very quickly. It's not clear to me what is this about exactly. Are we talking decision making processes within the ICANN community that is doing policy? Are we talking about participation within ICANN as a whole? There are communities – ACs/SOs – that do not do policy. So can you clarify for me, please? Could you? Thank you.

BETH SIMONE NOVECK: If I could clarify the meaning of policymaking within ICANN, I would be a very rich woman or something, a very much smarter person that I think I am. It's obviously very complicated, and this doesn't do justice to the finer points of the different kinds of decision making processes that ICANN has. I think I've heard both from your comment and another comment yesterday where someone – oh, [Bertrand] may want to answer this, I think. Is that going to be an answer?

BERTRAND DE LA CHAPELLE: No, it's a contribution.

BETH SIMONE NOVECK: It's a sorry?

BERTRAND DE LA CHAPELLE: It's a contribution.

BETH SIMONE NOVECK: It's a contribution. No, no. I think this is a very helpful part of the discussion and what I heard yesterday was also someone came up and said, "What's your definition of multi-stakeholder?" That's an even harder question than the one you're asking me now.

I'm going to say right now that what we need to do is over the course of the next few weeks evolve, be more explicit about what those stages and processes look like. We do that to a greater extent in this primer that we created. It's hard. We can't fit it all on one page on a website or in a handout, and especially since the handout is aimed at the broader world as well.

We want to get lots of people engaged, and our thought is we don't want to foreclose engagement by people who don't speak ICANN who don't know what these acronyms mean but if they have useful ideas. But I think we have a lot of hard work to do to marry general suggestions and good innovations to the specifics of the different kinds of processes in which the different roles that ICANN plays, the different kinds of decision making.

And maybe I like the world decision making better than policymaking. It seems easier to me. In fact, I think we forgot our injunction was we

weren't going to use the word policymaking anywhere because it's such a difficulty term and such a complex term.

But I think we're going to need a lot of help, and I want us to make sure that we're noting. And it's a great place for us to also get help from ICANN community and ICANN staff is to try to do that marriage better.

On a very concrete note, if you have specific suggestions for how we can better present this either in terms of a handout or what we said on the Web, if you have time to look at it a little more and there are suggestions of how to improve this and also improve our credibility in terms of demonstrating our understanding, that would be great. What we chose in the space we had was to focus on – which I think are on the website – is a couple of different examples, again, of the kinds of decisions. Here are three things ICANN is working on right now to help people understand what those processes look like without necessarily requiring people to understand the specific information flow of the policymaking process from a kind of legal perspective, if you will. But it's really important.

So there's a comment here, unless there's a two fingers from somebody that is directly related. Yeah, you need a… Here. There's an… If you don't mind, I'll take the, we'll give Chris the… Oh, is it directly follow on to this such that we should interrupt the order?

BERTRAND DE LA CHAPELLE: Yeah, I just wanted to, looking at the different discussions one of the biggest things that is a challenge I guess for the group is to identify the range or the scope of what you're going to explore and particularly to

find a few areas of focus that relate to ICANN but also can piggyback on other experiences. The scope is very general, is very generic.

In listening to different interventions and also the other day, there are a few things that have emerged. For instance, we had this morning in the Board a discussion with one of the constituencies that was dealing with compliance and gathering information. It was in precisely in the interaction with At-Large. How to get information on, for instance, the behavior of a particular registry or registrar in the context of compliance.

This is a domain where crowdsourcing is an important element because most of the dispute resolution mechanisms that we have rely on a situation of having a proof of harm, whereas you can be simply spotting a misbehavior and not be affected yourself. But the collection of that kind of information is much like a [inaudible] type of thing or crowdsourcing type of information. At the same time, crowdsourcing in the traditional environment or just consultation of people is different from the multi-stakeholder process where the stakeholder groups have particular functions. And so it's different from most of the participatory processes.

One of the key things that I think you mentioned in the presentation the other day is how to gather discussions early on like what Vint mentioned with birds of a feather and so on. How could ICANN integrate in its organizational system what is often labeled cross-community groups or whatever but in a much more informal way? Just issue framing workshops, issue framing sessions at physical meetings where everybody can come in and chime in.

Third and last element, there's something we have never explored and I don't know if it's feasible, but is there in the amount of data that ICANN collects or the registries or the registrars collect something that would be relevant to use in an open data type of policy? Are there some data that should be reused in a certain way. And if yes, under what type of format?

And finally, but I know that this is a [inaudible] topic for Chris, is we're struggling with collaborative drafting tools. I mean, it's not us. Everybody is struggling with that, and exploring this would be a tremendous benefit for all actors who deal with governance at the global level. Even identifying who does what and what are the experiments, the bad examples would be tremendously useful.

BETH SIMONE NOVECK: I'm going to not respond. Let's take more comments and discussions. I have no monopoly on any wisdom here, so Stephanie [inaudible].

STEPHANIE PERRIN: Yes. Hi. My name is Stephanie Perrin, and I'm a volunteer with the Expert Working Group on WHOIS. And since is my, I guess, fourth ICANN meeting, I have to say I'm still struggling to understand ICANN-ese and all of the information that is housed at ICANN. So it seems to me you've set yourself a real challenge in digesting all the information.

If people do weigh in, if young people who are naïve and don't speak ICANN comment, put that together with the fact that the four different strategic groups are kind of cross fertilizing, I hope you've got the resources to come up with some kind of digest. Because if I were, say,

an expert in some arcane area and I decided to weigh in, I wouldn't have the time to check every day or check every week. I'd want to see a digest, and particularly if you're digesting and translating, you know, that's a challenge. I just wanted your thoughts on how you're going to manage that.

BETH SIMONE NOVECK: Maybe I will take – let me just offer one quick response, and Jill or Antony can correct me. One of the good things is the tools do some of the heavy lifting. If you're signed up for this, when someone posts it sends you an e-mail with the new things that are on the site. I suspect it gives you an option whether you want to get an e-mail once a day or more than once a day, number one.

Number two, we are lucky to have the smart resources of these guys and maybe occasionally even me who will do things like once a week say, "Here's what we're hearing on the site" who will do that kind of digesting for people.

I think the translation function, so to Bertrand's point, there may be suggestions we have which are just here are really useful innovations about how people are using collaborative drafting, and maybe that will turn out to be useful as something that others can take forward even if it's not in ICANN speak. And there are other suggestions, I think, that will be hopefully be from – whatever we – high priests of ICANN-dom who can really do that kind of translation function. I think that's something we're really going to have to pay a lot of attention to.

But the tools will do some of the summary and crystalizing, and then we'll add some of that with a human layer on top. So that's something we can definitely do.

MILTON MUELLER: Hello. I'm Milton Mueller at Syracuse University, and I just read through your brochure and looked at part of your presentation here. Although one major recommendation would be to have larger type on your slides. And I think there's something very important missing from your Designing a 21st Century ICANN, and that is the notion of power.

You don't seem to understand that we're engaged in a political and economic process here and that when people contend over policy, they're talking about gaining or losing literally millions of dollars, possibly even billions of dollars and that most of the problems we have with policymaking are based on the fact that we have contentious organized interest groups that are going into the policy process. It's not just this nice little collaborative thing where people want to get together to achieve a joint result. And it's not always clear that more participation – meaning more people, more voices – is inherently better. Certainly, we need balances in participation.

But I just wonder, is there anybody with sort of a political science background in there or a policymaking background? It was a bit disturbing to me that when [Ann Marie] asked you the question about whether this is talking about policymaking processes or other processes, you didn't seem to distinguish between those two things.

And one thing I really like in your thing here is you're talking about ideas for constitutional structure or legal models of ICANN. Again, that's great. If you can come up with new ideas for that, that would be a wonderful thing.

And the process you have for generating new ideas may be a good one here in terms of collecting ideas. But in terms of implementing them, you probably know that we have this Brazil summit coming up. We have all kinds of political contention among very powerful players. So when you talk about constitutional models of ICANN you're talking about an extremely political environment, and it just seems that your concepts here are very innocent of this.

BETH SIMONE NOVECK: I don't have a mic, so let's take two or three more comments and then I will actually own up to my naiveté I wear proudly. So we'll come back to that in a second. I think David has the mic though.

[DAVID]:   Thank you very much, Beth. In the context of the ICANN-ese, we all struggle with the issue of what I call English-to-English translation or Chinese-to-Chinese translation. We have this in professions, such as the law, medicine, chemistry, and the like, and this is a challenge. Would you be able to help us on how those types of professional services or sectors deal with that challenge of plain English to convey the context of things? Because that would be a very helpful and useful way of how we could translate into understandable and thus actionable or comment-able procedures.

BETH SIMONE NOVECK: Can we take one more? Over here.

CINTRA SOOKNANAN: The way that ICANN creates policy is through the policy development process. There's an interesting excerpt that I want to read on page five where you say, "Based on your feedback we will publish draft proposals on the GovLab wiki where you can collaborate with the MSI Panel to fine tune and edit concrete proposals that ICANN can begin to test right away." How do you see this panel's work in terms of that policy development process? Does it work in parallel? Is it complimentary? Are there intersections? That's my question.

UNIDENTIFIED FEMALE: [inaudible] unless you want to stop there.

BETH SIMONE NOVECK: Do one more, and then I'll start to forget. So let me take the mic back. Go ahead.

TOM MACKENZIE: Hi. Tom Mackenzie. I'm based in Paris. Yeah, I think what you're doing is really great. In fact, just a few months ago, I worked with the government of innovation in Sweden on some very similar kind of labs the intention of which were to try and engage people in the public at large to get involved in the definition of public policy. And we organized some what they called "do tanks," which were action-oriented think

tanks. So we got everybody involved, and we had these very intense 48 hours in which we all kind of brainstormed about things.

Now I think it's a fantastic kind of methodology, but it is fraught with problems as well. And what we found quite quickly with this kind of methodology is that people with interests – commercial interests or whatever – they make sure that they get in there in the kind of definition of what your priorities are. And so whereas you think you're setting out to define things in a very open and democratic way, occasionally those kind of priorities can get warped with commercial interests and all sorts of other things along the way. It was just a kind of lesson that we unfortunately picked up along the way.

BETH SIMONE NOVECK: Right. Not unrelated to the point about power and money and the real politics at issue. Let me respond first with a little story. Back in 2005, I began the process of designing what became and probably for a long time still is the first expert network ever in use by a national government or I think by a government writ large. And that was for the patent office in the United States, a project subsequently rolled out at the patent office in the U.K., in Japan, and in Australia.

An area of decision making which is extraordinarily complicated, with extraordinary levels of jargon, with huge amounts of money at stake. When we think about the industries that rise and fall with the grant of patents in biotechnology and genomics and information technologies. And what we did was to build an expert network to help the decision makers, the patent examiners, to get better expertise from the scientific and technical community to help improve and inform how they made a

decision about who got a grant of 20 years of monopoly rights that, again, could be the corner or backbone of an industry.

In that process, again, we designed a process where the patent office retained its decision making authority in that case. What we were designing and building was a system to inform how they worked with the best possible forms of expertise to make up for the gaps in information that they were lacking and to make up for some of the legitimacy that they were lacking, the criticisms about the quality of their decisions because they were cloistered in an office in Washington and were not out in industry, were not out in the field with the ability to actually get access to the best information.

We also had to design those processes with a tremendous number of technical and procedural safeguards to secure against gaming of the system because this was a case in which participation, the desire to supply information that could help to tank, that could help to kill a competitor's patent, was based purely on economic self-interest.

It was vicious, right? Microsoft wanting to kill patents by IBM. Everybody wanting to kill patents by Microsoft. A popular blood sport you may remember in previous years was by open source advocates who hated anything and everything that Microsoft did. And so extraordinarily contentious, driven by self-interest, large amounts of money at stake.

This process then – this example, this model – that was quite successful and has led to legislative change and the change in practice in the national patent office in the U.S. led to the creation of a project called the Open Government Initiative that I founded in the White House and

that has spun out into the Open Government Partnership, which has been adopted now by 62 countries who are working to use exactly these kinds of innovations to try to solve very hard and difficulty problems.

So one of the critiques that I have often heard – and let me say, I don't regard it as a criticism at all – I am relentlessly optimistic, naïve if you will, because it takes a lot of optimism to keep doing this work, to propose and to suggest that we can evolve institutions which otherwise seem unchangeable or often unfixable. So that is absolutely true.

The thing I will take issue with though is the idea which, again, I hear all the time is that these techniques of open data or crowdsourcing or engagement are somehow sort of sweet and quaint and designed really to, you know, "It's nice to give citizens a chance to chat. It's nice to have this bottom-up concept, but really this is about real money and hard power." It's a longer conversation than we can entirely do here, and I would welcome the chance to have it.

But what we're seeing in these other initiatives going on around the world is the efforts to use these techniques to solve some of the hardest problems. The National Health Service in the United Kingdom is investing heavily in exactly these same type of innovations, demonstrating real results around a) saving people's lives, b) generating huge amounts of economic value and new industries, creating jobs. It's a much longer conversation, but I think it's a conversation we need and have to have here about ICANN fully cognizant of the political realities against which these strategy panels were set up and against which these processes were created.

You are right that on these pages and in these materials we don't go into any discussions about the politics, if you will. And this is an optimistic and an upbeat presentation of what we're trying to address which is, what is it that ICANN does on a day-to-day basis and how do we make ICANN better, more legitimate, and more effective at doing that?

Our hope is that part of this panel, what we've been asked to do, what we've been charged with, is to make ICANN, if we can come up with suggestions for how to make ICANN more effective and more legitimate, we will reinforce its – what shall I say? We will reinforce its legitimacy, and we will make it a stronger actor and player in the political battles which it has to wage. That is Vint's panel, I think. That's the fifth panel. But our job is to focus on these mechanisms and processes of how ICANN works and makes decisions.

To the point that was over here, there are some suggestions we will get. I'm glad you quoted the language back to us. Now that I hear it, there are ideas we're going to get which we won't be able to implement immediately. So that probably is a little too optimistic, that language, and maybe we should revise that in how we phrase it.

But there are things that we can try immediately, and the point of that language is to suggest that if we think about experiments, if we think about pilots, if we think about things we can test, if we think about a decision making practice where the goal is to use an expert network to get access to the ten smartest people in the planet on a particular technical issue and then to test that against another kind of crowdsourcing process of the kind that Bertrand mentioned or we want

to test what happens if we open up ICANN's contracts and ask people to hack on them and do things.

There are things that are examples of other things we're seeing in the world that are very concrete that we could do tomorrow. Again, it's not for us to do. It's for us to recommend. It's for us to suggest. And I think our point is that I view it as our job in this panel to recommend things that are capable of being acted upon rather than offering only as part of this reiteration of vague principles without any concrete suggestions.

So it's a task we've set ourselves, and it is not easy given the complexities of what ICANN does today. Some of which and some of that complexity the hope is we might be able to make recommendations for how to get rid of some of that complexity, which may be quite unnecessary. And so, again, if we can get both ideas from insiders who understand the specifics and ideas from the wider world, I think that we can try to form – particularly with your help – we can get some marriage between the two.

If there are issues that – particularly given the power politics, particularly given the money at issue, particularly given the contentiousness of the broader context – if there are things we need to focus on first.

And by the way, you've suggested many of them on your blog, so when I say there are things that other people have written that we also need to get in here, I'm talking specifically to you. You should know. Because we're big fans and readers of yours, and we read your proposals. And they're important, and we need to get them as part of this process so

that we can make them part of what this panel does and what this panel suggests, and that goes to a lot of the other work of people in the room.

But let me say, there are smaller things and there are bigger things that we can try. Opening up some data may not solve some of the larger geopolitical problems, but it actually might. And that's one of the things that we've discovered in the broader context is what surprises you is sometimes what people will do when you give them a chance to hack on your data, to get engaged in the process. As you know, people surprise you often with their talents and abilities.

And, again, if the goal is to build up legitimacy by being both more legitimate and more effective, my hope is that the consequences of what this effort might propose can have much broader and more important and lasting effects.

So I'm sure I forgot to answer ten things that people suggested, but maybe there are other comments or suggestions. Oh, okay. Maybe there are any final comments or suggestions. There's a need for a mic there in the back. And if there are any comments online that we need to get, we should get those, and I'm going to shut up. And we can always continue more of the conversation online. What? We're over? Can we let the two more people who want to talk talk, and I will not respond. How about that? I have nothing to say. I mean, I always have something to say. I'm a law professor. I have endless things to say.

RAFIK DAMMAK: I joined late this session, but I have a question. I understand that you are trying here to get comments, feedback, and so on, but do you have

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a plan to join, to observe working groups? How it works. What kind of dynamics are within working groups? Did you attend some sessions and ICANN meetings to see how it really works?

It's good to get data, but I think observing how it works on the ground might make much better understanding. And that's why I join what Milton said. It's a lot about power, and if you observe these dynamics of power particularly in the working groups, that makes much more sense.

UNIDENTIFIED FEMALE: And, Beth, if I could just read off. I'm right here, Beth. Over here. Your mic girl. Right here. Right here.

BETH SIMONE NOVECK: Sorry.

UNIDENTIFIED FEMALE: I'm so sorry. I know. I'm just going to read for the record a comment from the chat room from J.P. which is, "The whole New gTLD program is all about money and power, isn't it? If you have the money and power, you can buy a good piece of the Internet. Isn't that the official policy of ICANN right now?" For the record, from J.P. Thank you. Sébastien?

SÉBASTIEN BACHOLLET: Thank you. Sébastien Bachollet, member of the Board of ICANN. Since I joined the Board, I was asking for open data within this organization. For example, to have a useable list of the registrars currently having a contract with ICANN is almost impossible. It's on a PDF, and you can't

sort it out. I am a very fan of pushing that idea to have open data as much as possible in this organization. We talk about transparency. Let's do it, not just in word and just in producing documents but also in publishing as much as possible data, including the finance data. Thank you.

BETH SIMONE NOVECK: Sixty-two countries, including now all the members of the G8 who got together a few months ago, have signed on to a specific charter on open data. Those are governments. There are lots of companies. There are other kinds of NGOs who are pushing towards opening up their data both to create greater accountability, to respond to some of the concerns about power, and also to be more effective at how they work, to allow their members to spot the mistakes and to find the problems and to help them do better at delivering the service that they deliver.

So without a doubt, I can assure you that there will be something on the list about open data. It's utterly predictable for me as somebody who has worked on this issue for a long time. So I can guarantee you there will be a proposal about open data, and I don't think any of the other members of the strategy panel I can venture to say will disagree that the greater push towards transparency as a mechanism for accountability, legitimacy, but again also effectiveness and better delivery of service. We've seen lots of examples about how to do it elsewhere, and we can also do it here. So I on a personal level really applaud those comments.

So I don't want to keep you from cocktails, karaoke, galas, and other much more important things because, to the point, it's the socializing,

it's the working groups, it's the people, it's the interaction between the people here that is the important thing. I want to thank everybody for coming today and missing the other important session that was taking place.

We come to you with great humility in this process, and we really ask you to continue giving us your feedback, corrections, input, suggestions. We really, really are grateful to you for taking the time and effort that you do to be here generally and to help with this process in particular and in specific. And thank you again to Jill and to Antony and to Andrew for their support for this panel effort.

And we look forward to hearing from you. We have lots of ways to find us in the materials. Put a sticker on your laptop. Use the hashtag #yeswecan which is the hashtag – [laughter] terrible, I know – that we couldn't help ourselves but coming up with for this panel. And above all, please spread the word to others. Rewrite the materials. Tell us how you want to rewrite them for you, and we will be happy to help you with this outreach effort on our behalf and on ICANN's behalf. Thank you again. Thank you.

[END OF TRANSCRIPTION]