AT-LARGE ADVISORY COMMITTEE
ALAC Statement on Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model

Introduction

On 27 August 2019, public comment opened for Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model. On the same day, an At-Large workspace was created for the statement. The At-Large Consolidated Policy Working Group (CPWG) decided it would be in the interest of end users to develop an ALAC statement on the public comment. Marita Moll, ALAC Member of the North American Regional At-Large Organization (NARALO), Holly Raiche, ALAC Member of the Asian, Australasian and Pacific Islands Regional At-Large Organization (APRALO), and Abdulkarim Oloyede, member of the African Regional At-Large Organization (AFRALO) volunteered as co-penholders for the ALAC statement.

On 11 September 2019, Marita, Holly and Abdulkarim presented an issue brief on ICANN's Multistakeholder Model during the weekly At-Large CPWG meeting.

On 09 October 2019, after weekly CPWG meetings and discussions on the CPWG and ALAC mailing lists, the co-penholders presented an updated draft of the ALAC statement regarding Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model.

On 09 October 2019, the co-penholders and ICANN policy staff in support of the At-Large community sent a call for comments to the CPWG and ALAC mailing lists, requesting final feedback from the Community by 11 October 2019.

On 11 October 2019 the co-penholders finalized the ALAC statement.

On 14 October 2019, the ALAC Chair, Maureen Hilyard, requested that the statement be transmitted to the ICANN public comment process, copying the ICANN staff member responsible for this topic, with a note that the statement is pending ALAC ratification.

ALAC Statement on Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model

Executive Summary

<u>I. Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.</u>

Issue 1: Prioritization of work. ALAC feels this must be addressed (Category A). Some suggestions include: spreading the workload, increased outreach (ATLAS III, further incentives to keep contributing volunteers, adequate knowledge and resources (specified in II) The entire community,as well as ICANN.org must contribute to the resolution of this problem.

Issue 2: Precision in scoping the work. This issue may fall into Category A - must be addressed - or Category B -- might be partially addressed in current processes. We foresee scoping that is tight and smart and relevant to the process. It is impossible to say who should be responsible when so much activity around it is unresolved

Issue 3: Efficient use of resources**.** This is a category A issue which must be addressed. We recognize that it might be partially addressed by current processes but cannot assess the situation at until these processes are completed. We are concerned that PDP 3.0 may offer efficiency at the cost of inclusiveness which we feel would be a backwards step in the evolution of ICANN's MSM.

Issue 4: Roles and responsibilities and a holistic view of ICANN. This is a category A issue although it will require further processes to resolve. ALAC seeks a bottom-up review of roles and responsibilities as an independent process.

<u>II. Support and grow active, informed and effective stakeholder participation.</u>

Strategies to expand the concept of participation are offered as well as various resources and support needed to ensure informed participation. We consider this to be a Category A issue -- the model cannot evolve if it is not addressed. This is a major concern for At Large and other volunteer-based constituencies and all will need to be involved in addressing it. Support from ICANN,org and the Board will be necessary.

Issue 5**:** Representativeness and inclusiveness. Mentorship programs are a key part of ensuring that the MSM system remains representative and inclusive. Relevant constituencies as well as staff need to make sure these programs are working as they are intended and that they are reaching the right demographics. Inclusiveness at the leadership level needs to be improved through a bottom up process with staff assistance.

<u>III. Sustain and improve openness, inclusivity, accountability and transparency.</u>

6. Culture, trust and silos. This is a category A issue that needs to be addressed in this process. All constituencies need to reach across their boundaries, respect for other viewpoints must be reinforced. This is a problem in many large organizations and there are professional services available to help build trust and cooperation. By engaging some of these services, ICANN.org could help constituencies build a better working environment.

7. Complexity. This is an inherent feature of ICANN work, but where it can be alleviated, ICANN.org should take the lead. Make sure information such as the website is well organized and understandable and closely monitor the internet governance environment for issues that will impact ICANN directly.

8 Consensus. Creating conditions that would facilitate consensus is the goal of the issues already listed. Preserving the voice of end users in the decision making processes is crucial to ICANN's MSM model -- a Category A issue in which all parties play a role but the role of the Board will be particularly important.

Please see full ALAC statement on the next page.

ALAC Statement on Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model

The ALAC appreciates the opportunity to comment on this second phase of steps to improve the effectiveness of ICANN's multistakeholder model.

ICANN's Strategic Plan is very clear on the need for effective participation of all ICANN stakeholders. Two of its Strategic Goals - clearly recognising the importance of an effective At-Large Community - are to "...*support and grow active, effective, informed stakeholder participation and...sustain and improve openness, inclusivity, accountability and transparency.*"

The ALAC has provided input into the Phase One of this process in identifying issues faced by the At-Large community in actively and constructively participating in ICANN processes. They can be summarised into two categories: the human resources available within the AT-Large Community and the framework of issues to be addressed including both the often complexity of issues and the time frames in which they are to be addressed.

The human resources issues stem from the volunteerism of At-Large Community members: all are contributing their time and expertise on a voluntary basis. The frequent result is that it is those few in the community who do have time and resources who contribute the lion's share of At-Large Community input.

The other major barrier are the issues themselves and the process for addressing them. The issues themselves are often complex and often require additional knowledge to fully appreciate the implications for end users. Compounding that difficulty, if At-Large Community members are not familiar with the issue and/or have not been involved in the development of the issue, a thirty day comment period does not provide sufficient time for the larger At-Large Community to understand and then respond to a particular issue. The barrier presented by the need to have a medium to good level of English cannot be underestimated. There issues are addressed in more detail in Section II below: support and grow active and effective stakeholder participation.

The ALAC responses to this second phase of the process concentrates on those issues identified by ALAC in participating in the multistakeholder model.

I. Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.

1. Prioritisation of Work:

This is clearly an important issue for both ALAC and ICANN. For ICANN, its Strategic and Operating plans should be the basis on which work is prioritised.

In At-Large discussions on this issue, it was felt that the solution would need to go beyond than the processes offered as potential solutions, i.e. ICANN's planning process and the as yet incomplete ATRT3 review. This problem is not new. In fact each constituency, each community has different priorities. Looking for a process to choose one over the other would be futile. In addition, we note that urgent issues are not predictable and don't always come from inside ICANN. The most recent issues which absorbed thousands of staff and volunteer hours and untold financial resources were the IANA transition and the current EPDP process. These were initiated as a result of decisions made by external groups.

Improvements to prioritization can be found in reconsidering how we share the load. An analysis presented by Mikey O'Connor to the GNSO in 2004 showed clearly that the workload is handled by a small number of people -- in a visual representation, this process is an inverted triangle. In our experience, this analogy still holds true. The personal toll on individuals who take on this very time consuming work can be significant. Finding more people to share that load is one of the goals of the upcoming ATLASIII meeting in Montreal

organized by At-Large. Such outreach initiatives must be ongoing and supported by ICANN.org so that, during the inevitable periods of increased activity, there will be a strengthened workforce to address it.

Prioritization must go hand in hand with how we organize and grow our resources -- it is not an issue that can be addressed outside this context. The solution will be multifaceted. Priority setting in the policy context will always be somewhat unpredictable due to external factors. Making sure the volunteer workforce has the resources and knowledge to adapt to the ever changing demands must be a priority for ICANN.org. We offer various specific suggestions on growing our knowledge base are in Section II: Support and Grow Active and Effective Stakeholder Participation and Issue 5: Representativeness and Inclusiveness

The At-Large Community has recently started developing its own processes for determining what issues facing ICANN significantly impact on end users and therefore, need attention from the At-Large Community. Prioritization becomes critical for ALAC when faced with many issues - all deemed important for end users and all requiring considerable time - with ALAC not necessarily able to adequately resource ongoing consideration of each issue. The current situation of the huge workload of EPDP and the various worktracks of Subsequent Procedures taking up considerable time and resources of ALAC's volunteers.

Finally, we feel the issue of prioritization of work must be addressed in the current MSM work plan. It belongs in category A. It is urgent and important and forms a crucial part of an overall solution which includes growing the volunteer pool, supporting that volunteer pool, and managing the type, timing and urgency of the workflow.

With respect to the question about who should be taking on this work, the response would be that all of the community must be involved -- but roles will differ.

2. Precision in scoping the work

Proper scoping of issues of work can greatly improve the efficiency and effectiveness of processes. We note that possible ways to address this issue include outcomes of reviews and the PDP3 - the GNSO's process to improve the PDP processes. While some review outcomes could assist, it is not clear whether proposed changes to the PDP process under PDP3 will do that. A review of the headings for the PDP3 process suggest that while there may be some discussion on PDP processes it is not clear that properly scoping issues will be addressed.

In our view, scoping should be tight, but it should also be smart. It should enable some degree of flexibility to accommodate changing conditions. Scoping has to fit the process for which it was designed. There can be ICANN wide principles as well as more specific guidelines to suit specific purposes.

It may be that the recommendations flowing from the proposed solutions will alleviate the current situation and that they can also be applied to activities beyond reviews and PDPs. However, we are extremely reluctant to endorse a process (PDP 3.0) which has not yet been released for comment. Depending on the outcome of PDP 3.0, we place this issue either in Category A (must be addressed) or Category B (is addressed in current processes). It is very difficult to say who should be responsible for this issue when so much activity around it is unresolved.

3. Efficient use of resources

There is no argument with the need to efficiently allocate ICANN resources. The danger comes with the word 'efficiently' and how it is defined. It may be more 'efficient' to hold PDP meetings more frequently or for longer periods, but the 'efficiency' may be gained at the inability of At-Large Community members to fully participate. It may be more 'efficient' to schedule meetings at a set time to meet the needs of the majority of members, but again, at the expense of global members not able to attend at those times.

ALAC ensures its meetings have language interpreters and a service for text as well as voice. They are both expensive, but they are both far closer to ensuring that ALAC tries to listen to its multistakeholder

constituency. Indeed, while the PDP3 process is not complete, some of its headings may give cause for concern. Three of its headings: 'Terms of participation for working group members', 'alternatives to open working group model' and ' criteria for joining working groups' have the potential to exclude people not in the right time zone, not able to meet large time commitments or not able to participate through language or disability impediments. Efficiency must be balanced with inclusiveness

In moving forward, at some point, we need to trust others to do some jobs. Everyone does not need to work on everything. Better scoping will help. Better knowledge of what resources are actually available or what resources ICANN is prepared to make available will help all groups "cut the coat to suit the cloth." However, as we go, the resilience of the volunteer workforce which makes up ICANN's MSM model must be a matter under constant review. The goal of At-Large in this process is to ensure that the perspectives of end users are respected. There is a balance to be had. It is clear that that balance still eludes us.

With respect to the proposed solutions that would enable more efficient use of resources, the At-Large feels that these solutions do not go deep enough. The strategic plan seeks to manage operations and optimize effectiveness but strategic plans don't define resources for specific projects. The new operating standards for specific reviews, and potential new approaches to processes and methods coming from the ATRT3 and the GNSO PDP 3.0 processes may provide some relief. But, without all the information in hand, with some processes still underway, we cannot have confidence in the solutions that might be offered.

At-Large would place this issue in category A -- it must be addressed. It might be partially addressed by some current processes, but we can only assess the situation when the current processes release their reports. At that point, it might be possible to suggest who should be responsible for the work that still needs to be done on this issue.

4. Roles & responsibilities, and a holistic view of ICANN

There is no question that, after the massive changes in ICANN structures, there is a need for a wholescale review of ICANN, and its various SO/SCs and the PTI. Presumably, this will be covered by the ATRT3 processes.

Over the years, there have been incremental changes in roles and responsibilities -- more power for the community, less power for the Board, the changed role of the CEO. The IANA transition, in the interests of a balance of power, constrained the Board, but the communities' responsibilities to ICANN/ICANN.org still need to be spelled out. In other words, we have changed some seats and part of the engine so the plane is still flying, but the reality is, it needs a complete overhaul. We need to decrease the complexity of ICANN as an organization.

At-Large realizes that this will require more time than is available for the current process -- but we emphasize that the **resolve** to address it must start with the current process. One of the recommendations out of this process should be to review bylaws and roles and responsibilities with a view to address the identified problems together with a timeline for doing so. This should be a bottom up process with all SOs and ACs participating in it.

II. Support and grow active, informed, and effective stakeholder participation.

Active, informed and effective participation implies participation in PDP processes or other ICANN WG processes. Given the challenges faced by the At-Large Community in fully participating in working groups, however, the concept of 'participation' needs to be expanded. It needs to include AT-Large Community members simply contributing to a discussion of issues, to providing comments for draft responses, or developing background material on a particular issue.

Some of the 'solutions' proposed include the PDP3 or outcomes from the ATRT3. As noted above, however, even the headings of the PDP3 suggest that its recommendations will focus on more closely defined WG charters, clearer scoping of issues, with closer attention to WG members and their qualifications and ability

to fully participate. As noted above, such 'efficiencies' may well work against a more inclusive, participatory WG membership.

One set of recommendations that does look toward a more open, inclusive WG membership in PDP processes comes from the 2014 Review of the GNSO. Those recommendations include a range of strategies to broaden the outreach and diversity of WG membership. As stated above, however, 'participation' must be viewed as more than membership in various categories of working groups.

Given the challenges of time, language, technical knowledge and geographic location, strategies should be put in place to inform the At-Large Community of the issues at hand - in their own language, in their own time zone and in a comprehensible language that does not require sophisticated technical knowledge. While that may not mean more diverse working group memberships, it could mean that At-Large Community members will be able to understand the issues and contribute to ALAC discussions that result in a more informed and informing ALAC response.

Such strategies could include webinars held BEFORE the formation of working groups, in several languages and a choice of time zones. It should also include WG meetings at rotating times to accommodate WG members located globally. It could include a presentation at ICANN meetings of potential issues to be developed so that ALAC members can understand upcoming issues and plan for discussion of those issues within their communities. It could include GNSO representatives attending a Consolidated Policy Working Group meeting both to explain an issue and hear ALAC feedback.

At- Large is reaching out to future leaders in the Montreal Atlas III workshop and adjusting its internal workflow with weekly meetings on top priority issues. ICANN.org should provide additional funding and staff to realize the learning opportunities noted above so that volunteers (active and potential) can be informed about upcoming issues.
We place this issue in Category A. The bulk of the work in this category falls on volunteers who are already deeply engaged and the need to support them beyond what is currently offered is urgent.

5. Representativeness + Inclusiveness

ICANN cannot become the exclusive domain of experts. It is essential to have input from everyone. We need to retain and enhance inclusivity. We are concerned that some current processes, such as PDP 3.0, may not have that result. As previously stated, attention must be paid to the many and varied ways in which people can participate in the multistakeholder system.

Inclusiveness can be determined by looking at various surveys including the recent age and diversity survey. Some improvements would include better structured mentorship for newcomers to ensure new people find a role to play. Mentorship programs need better, more secure funding, train the trainers sessions and assistance in making sure newcomers do not get lost in the complexity.

AFRALO believes there should be a process in place to ensure that the leadership of SOs and ACs is more diverse and has suggested a regional rotation. As all regions have competent individuals, this would not sacrifice competence. Training should include basic items like how local hosts for meetings are selected and how to help participants secure visas to meetings. This would be undertaken by staff in conjunction with the relevant constituencies.

ICANN.org and the Board, in cooperation with the community, should take up this responsibility of ensuring that different groups are well represented. The fellowship and Next Gen program offer good opportunities to bring new faces and underrepresented groups to meetings; however there should be better follow up processes in place to keep people engaged. The burden on the current few carrying the workload needs to be reduced.

Many of our very active volunteers are individuals who no longer work full time. We note that many ICANN outreach resources (Next Gen, etc.) are focussed on attracting younger people who are usually also

building careers and families. Perhaps more effort could go towards attracting academics, consultants and others who have worked in related industries and who are at the end of their careers and would have more time.

We also suggest that ICANN's MSM system could be improved by offering further incentives to retain volunteers who invest the long hours required to address the work that comes forward. Such incentives might include more flexibility/comfort in travel options - e.g. advance seat selection, upgrades, more routing flexibility -- or child care stipends for community members attending meetings.

<u>III. Sustain and improve openness, inclusivity, accountability, and transparency.</u>

6. Culture, trust, and silos

As noted in the paper "Determining how ICANN's culture can be a driver of shared common purpose and foster trust across the community is an opportunity that is central to evolving ICANN's MSM." Also noted is the fact that trust is built through personal relationships, communication and repeated constructive behaviour.

How can this be fostered at ICANN? Recent new initiatives are helpful. Various groups meet with ALAC during F2F meetings and At-Large leaders also meet with leaders of other constituencies. An outreach/information event between NCSG and At- Large is almost always on the agenda at F2F meetings. Joint projects, finding areas of common concern/interest and creating processes around that would be part of the solution. At- Large is currently investigating such a liaison with the GAC.

Most of the potential solutions offered in the paper are directed at new members. Unfortunately new members seem to quickly take on the existing culture in the constituency in which they participate. The isolation and siloing continues. Working in closer collaboration could be useful, but a process will have to evolve that make that happen. Team building initiatives, as suggested below, could be of assistance.

Respect for one another is also critical. Having different opinions can sometimes lead to lack of respect for those holding differing opinions. This sometimes comes from misunderstandings about everyone's roles. Education and the presence of mediators, counselors, etc. could help address this problem before situations arise that require interventions by the ICANN ombudsman.

Addressing the issue of culture, trust and silos is central to the evolution of the model and one that does not hinge as much on financial resources but on creative ideas towards building a trust culture. Most large organizations have found ways to address this issue in the process of team building. ICANN.org should undertake an investigation of how this is done and offer recommendations to the community for processes that might be applicable to the ICANN environment.

The culture, trust and siloing is a A category that must be part of the work plan which addresses the evolving multistakeholder model.

7. Complexity

The facilitator observes that "The issue of complexity can be challenging to define and address. To the extent that solutions need to be developed in Evolving ICANN's MSM Work Plan, particularly in making data and information accessible and easier to use for community members, they should focus on effective participation and be informed by a clear understanding of the respective roles and responsibilities of the ICANN community, Board and organization."

We agree with this observation, noting that navigating the information that exists about ICANN on the website is challenging -- making it difficult for many volunteers to easily find this information. Some of this could be alleviated through better organization of the information available. This is the responsibility of ICANN.org and it needs to be a priority.

ICANN exists in a rapidly changing ecosystem that is subject to both internal and external factors. ICANN.org needs to make sure that it is continuously monitoring external developments and not wait for a crisis to emerge before addressing oncoming issues. The impact of external developments has also been discussed under Issue 1: Prioritization of Work.

Some potential solutions to complexity issues are suggested by the facilitator but ensuring that these processes are not working in silos should be a priority. For our notes on trust and silos, see the previous section..

8. Consensus

The facilitator observes that the community comments on this issue have focussed on the need to create conditions that facilitate consensus. Many of the comments already provided in this response are designed to move in that direction. But we remain wary of trade-offs that would compromise inclusiveness. We are concerned about the inherent inequalities that exist within ICANN -- from legal experts to governments to individual users. The power structures are extremely complex. There are sometimes competing interests and for the MSM to survive, the voice of all parties must be respected and balanced. Preserving the voice of end users, often the least powerful in this mix, requires particular attention when rebalancing the decision making process. The At Large, as the voice of end users, places this issue in category A -- it must be addressed as part of the revitalization of ICANN's MSM model. It will require the input of all parties, but the role of the Board will be crucial.

There is also the fact that various groups in ICANN use different definitions of consensus. At this point it is not possible to say whether recommendations coming out of PDP 3.0 will offer solutions not only to PDPs but to other processes that are part of
the ICANN environment.

In conclusion, we realize that this is a lengthy response, but we have seen this as an opportunity to bring forward as many ideas as possible that could contribute to the resolution of the difficult issues in question, for the benefit of the whole community as well as At-Large. This is a product of consultation and, other than in the opening summary, we have included, without extensive editing, all suggestions (and rationale for them) that garnered support in our discussions.