Commentary on "The Quest for a 21st Century ICANN: A Blueprint"

Commentary offered to feed discussion
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Preface:

The draft blueprint document "The Quest for a 21st Century ICANN: A Blueprint" was produced by the ICANN Strategic Panel on Multi-stakeholder Innovation, at the request of ICANN.

This commentary addresses the "proposals" in the Blueprint" and will be joined shortly by additional comments taking a greater overview of some of the issues raised in these comments.

These comments are written in a relaxed discussion format to make them more accessible for discussion. Parts can be read in almost any order. It has only two links. One link is to the Strategic Panel document at: http://thegovlab.org/the-quest-for-a-21st-century-icann-a-blueprint/ . The other is to an online copy of this document at: http://samlanfranco.blogspot.ca/ Questions or comments can be addressed to the author at < Lanfran@yorku.ca > .

> *A companion commentary is in the works, one that discusses the broader issues of how to think about the Internet and governance, as background to how to think of broader stakeholder engagement and the issues around the several layers of governance (ICANN, Internet, national, etc.) currently being forged to deal with the governance of, and within, the Internet ecosystem. That commentary will be posted at the above linked blog when ready.*

While these comments assume that one has read the Blueprint document, they can be read separately as freestanding comments. The focus on ideas presented in, and issues raised by, the sixteen proposals as found in the Blueprint document.

On examination, the document is less a blueprint and more a basket of ideas targeted variously at multistakeholder engagement, ICANN administrative practices, and aspects of Internet governance.

The "Quest" for ICANN referenced in the title of the document is best thought of, from an ICANN-centric perspective, as having three objectives: (1) building a viable and effective multi-stakeholder system of ICANN governance; (2) using that to help position ICANN in the Internet ecosystem and system of Internet Governance; (3) Strengthening Internet stakeholder awareness and engagement in both the affairs of ICANN and in Internet Governance.

In pursuing these objectives it is important to remember that pursuing these objectives from a stakeholder-centric perspective will likely yield different priorities. Efforts mounted from within the ICANN need to remain aware of this fact. Stakeholder engagement is different from volunteer involvement.

Introduction: Approaching the Strategic Panel "Blueprint"

This commentary focuses on the sixteen proposals that make up the Blueprint. The document's preface, discussing "ICANN'S Practices" is an overly truncated reference to ICANN'S Practices, focusing on Domain Name System (DNS) management, and is a bit overly myopic in its suggestion that "...ICANN's remit is technical, missing, for example, the whole "hot button" area of the gTLD string and registry processes.

We won't present a full list of the scope of ICANN's remit here, but strongly suggest that part of stakeholder awareness and engagement includes nurturing a deeper understanding the scope of ICANN's remit, and how that relates to ICANN's internal governance structure, as well as understanding ICANN's role in Internet governance within the Internet ecosystem. Beyond this ICANN-centric perspective there is a need for greater stakeholder-centric awareness and engagement in Internet governance

The Blueprint part of the document is *"..sixteen concrete proposals for how ICANN can transform how it governs itself over the next five years".* The proposals are presented to some degree as "trial balloons" with regard to how ICANN governance could operate., and are treated here as "fodder for thought". On reflection, the sixteen proposals go well beyond how ICANN "governs itself" and enters into both ICANN administrative structures, and global Internet governance issues.

> The Blueprint further states that *"While these proposals could all be rolled out within a one-year time frame after approval. It is important to let them run long enough to gather data about what works."* The document also states that these *"..proposal ideas are explicitly experimental and should all be tried, assessed and evolved against current practices."*

There is a caution warranted here. ICANN's remit includes the ongoing management and administration of significant functioning elements of the Internet ecosystem, and that limits scope for experimentation. It is of course always important to assess proposals, identify merits and shortcomings, and then assess prospects for selective implementation, with monitoring, evaluation, feedback, learning and adjustments.

How this is done, and to what extent these proposals are trial balloons, pilot projects, or initial steps in evolutionary governance and policy implementation is important and will discussed below.

Here they are flagged as issues that need to be carefully reflected on and addressed prior to any implementation. ICANN has to deal with the fast pace of technology innovation. Implementation time lines and constraints leave limited scope for experimentation, while nevertheless learning from rapid monitoring and evaluation, and carrying out continuous in-course adjustments. The current roll out of gTLDs may well be a case in point here.

Before introducing the proposals the document further suggests a questionable strategy for the implementation of greater stakeholder engagement. The Blueprint suggests that this needs to be

carried out "*...in a manner that allows people to participate without the need to know specific jurisdictional boundaries as they currently exist*".

Such an implementation strategy is probably a mistake, and at a minimum requires further in depth discussion. One requirement at the core of the ICANN multi-stakeholder model is how to promote knowledgeable stakeholder awareness and engagement. It would be counterproductive if stakeholders were tangled up in debates about governance structures that conflate issues of ICANN governance, ICANN's existing (and proposed) remits in the Internet ecosystem, and Internet governance itself.

Meaningful stakeholder participation requires understanding where, from the global down through the national, regional, and local levels, which relevant governance structures do (or should) apply. It would be unproductive if ICANN's innovations around multi-stakeholder participation confounded issues of the levels of governance, or were overly ICANN-centric and missed the fact that stakeholders have stakeholder-centric interests in the overall Internet ecosystem beyond ICANN.

> *Stakeholders think of governance in a different context depending on the issues that confront them. Issues involving "the nation's defense" differ from issues involving "the neighbor's fence". Both involve governance at very different levels, to different depths, and involving different governance mechanisms.*

Any strategy of stakeholder engagement must help stakeholder awareness around what is their stake, as individuals, organizations/companies, communities, or nation states., and what levels of governance do and should apply, within ICANN, and beyond, even if only to help delineate that which is of core concern to ICANN and ICANN's stakeholder involvement.

The risks from ignoring this are likely to include dialogue at cross purposes, confusion as to who is (or should be) responsible for what and where, and for ICANN, at what levels of stakeholder involvement should efforts at governance be addressed? There needs to be a discussion around the scope of various strategies of stakeholder engagement before ICANN commits itself to particular courses of action. There are bits of ideas within the Blueprint document, mixed in a basket of proposals that go well beyond stakeholder engagement.

The document includes a call for an ***Internet Governance Laboratory*** involving the Internet ecosystem's (I-Star?) governance big fish, as well as national and supranational players. This goes well beyond the mandate of the Strategy Panel. It raises an important question while at the same time looking a bit like the standard consultant's play for subsequent work and funding.

The idea of any Internet Governance Laboratory calls for a separate discussion, apart from the core central issues at hand. It is not clear, for example, if a "laboratory" strategy has merit, and especially whether a centralized approach is preferred to, or inferior to, a widely decentralized approach to dealing with the same challenges.

The Internet lends itself to the prospects for such work in a distributed presence across the globe. For example, one might prefer to see multiple African governance laboratory initiatives struggling with these issues, as opposed to a struggle on the part of Africans, and others, to gain decent participation in some centralized Internet Governance Laboratory. A decentralized and

distributed approach is likely to be more cost effective, and more open to participation by researchers, students, interns and policy makers around the globe. This suggestion calls for a wider separate discussion.

Proposals: Sixteen Blueprint Components

The sixteen proposals in the Blueprint are grouped under three headings with one or more proposals clustered under sub-headings as follows. The headings are: (1) Toward Effectiveness; (2) Toward Legitimacy; and (3) Toward Evolutionary. These headings draw on a prior brief "Key Principles" section in the Blueprint document.

There is some confusion there as between principles as bound up in an organization's Mission and Vision, and its operational principles. Principles usually anchor the What, Why and How of an undertaking Since disparate principles are deal with here they could be discussed in their own, but need not be discussion prior to looking at the basket of proposals.

The sixteen proposals could be clustered in a more logical fashion; however, to facilitate analysis, here they will be comment on in the order in which they are found in the Blueprint document. Each proposal area will be discussed separately as "food for thought" with respect to the mission of the Strategy Panel.

> **List of the Sixteen Blueprint Proposals**
> [1] Use Expert Networks
> [2] Embrace Open Data and Open Contracting
> [3] Enable Collaborative Drafting
> [4] Crowdsource at Each Stage of Decision-making
> [5] Move from "Stakeholder" Engagement to Global Engagement
> [6] Impose Rotating Term Limits
> [7] Experiment with Innovative Voting Techniques
> [8] Innovate the ICANN public Forum
> [9] Establish "Citizen" Juries
> [10] Crowdsource Oversight and Develop Standards to Measure Success
> [11] Decentralize Accountability
> [12] Use Participatory Budgeting
> [13] Be experimental
> [14] Generate New Insights and Evidence
> [15] Embrace Evidence
> [16] Encourage Games

1. **Use Expert Networks (Highlighting the Issues)**

As one element of a strategy for greater evidence and knowledge based policy making and implementation the Blueprint suggests that "*ICANN together with other Internet governance organizations should adapt* [and experiment with] *expert networking technologies…*" Increased knowledgeable and evidence based decision making is of course welcomed. The suggestion reflects both that aim and the implicit challenge to governance. As well, since this is about multistakeholder engagement, increased knowledgeable and evidence-based engagement on the part of stakeholders should be the focus here.

However, multistakeholder engagement in governance is not akin to lining up the assembly units on a production line, or to outsourcing the right component production. One cannot cluster expertise here, as one can with engineers and designers in automobile or aviation production, and get on with governance. In simple terms governance involves developing "rules of the game" for the structures and processes that govern what various stakeholders can do. They both enable and constrain how things can be done, here in combined literal and virtual space.

For ICANN this is with particular reference to how this is done in the Internet ecosystem and how it is done within ICANN itself. Sourcing expertise and techniques for doing so are important, but is only part of what is needed and, needs to be understood in context.

Governance involves the reconciliation of differences in the vested interests and intent of stakeholders. If there were no differences in intent there would be no need for governance. The dynamics of physical systems can be explained according to rules/laws. There is no wilful intent, and thus no need for systems of governance.

In the Internet ecosystem, in general terms, those differences in vested interests and intent are with regard to property rights and human rights. In more open society settings these are resolved by an ongoing blend of reasoned dialogue and the exercise of stakeholder (citizen) rights (e.g. Consensus, voting, etc.).

The internal coherence of an ICANN governance model is linked to ICANN's strategic position (self-interest and intent) within the Internet ecosystem, and to Internet Governance itself. It also suggests that the Blueprint's "*Expert Networks*" strategy may be more suited to ICANN's technical responsibilities, where it already does a good job of sourcing expert networks, than it would to ICANN's strategy for strengthening knowledgeable stakeholder engagement.

Strategy here has to involve not just sourcing knowledge expertise, but more importantly strengthening the knowledge and engagement of Internet stakeholders. It also has to guard against marginalizing stakeholders in the interests of expert-based decision making, as distinct from evidence-based decision making. It is important to remember that Internet stakeholders have a stakeholder-centric perspective, and are only also ICANN stakeholders depending on the scope of ICANN's remit with regard to the overall operation and governance of the Internet.

There are possible outside sources of insights worth reflecting on for knowledge enhancement on the part of both the ICANN processes and Internet stakeholders. One source of insights might come from looking at how organizations like the International Labour Organization (ILO) handles tripartite stakeholder involvement. Another is how the Universal Declaration of Human Rights (UDHR) approaches its remit. This is not dealt with here but will be explored in subsequent comments on ICANN's approaches to ICANN governance and Internet governance.

> *The important point here is that while both the ILO and UDHR are multi-lateral treaty entities neither has legislative authority over its core focus. This is important especially for the broader issue of a viable model Internet governance. In both areas, the area of decent work for the ILO, and the area of human rights for the UDHR, authority is distributed through other governing bodies that range from multi-lateral treaty entities to national and local government entities.*

The Blueprint's suggestion that *"ICANN should pilot the use of different* [internet based?] *techniques…"* for mobilizing expert knowledge is useful. This needs to be understood as part of a strategy to promote knowledgeable stakeholder involvement, and not just a path to expert-based decision making within ICANN's governance model. Let experts inform the process, not dictate the outcomes.

2. Embrace Open Data and Open Contracting

The current push for Open Data and Open Contracting are efforts to make elements of governance and government decision making more transparent in the pursuit a more efficiency and more accountability. This is proposed because it has the potential to promote more knowledgeable stakeholder involvement, both in ICANN and in Internet governance.

Is also important to note that ICANN's open access to documents is quite extensive and that there is a problem with an adequate ability on the part of stakeholders to engage with that massive flow and participate in the consultative process within necessary time lines. This is less of a problem for corporate and government interests, where there are salaried positions to cover these tasks, than it is for civil society organizations (CSOs) dependent as they are on volunteer due diligence and response.

Without going immediately to the level of open data apps (e.g. The suggestion of an online "acronym helper") it is useful to reflect on what has been learned from Open Data efforts elsewhere, and what that suggests about what ICANN can fruitfully do in this area. A useful effort is that of the International Aid Transparency Initiative (IATI), which focuses on official foreign assistance flows between donor and recipient countries.. This is not the place for a full assessment of lessons learned there but several need to be noted as inputs into any further discussion of any ICANN initiatives around open data.

Open Contracting has other lessons learned and issues to be confronted, and is not dealt with here. In the main, it is more suitable for organizations such as governments, global funding agencies (official aid agencies) and large funding foundations than it is for most of what ICANN does. ICANN's contracts with Registries are pretty much transparent, and to this point ICANN is not a major disperser of funding to others, although the proceeds from "string" auctions may change that.

One Open Data observation here, and probably something ICANN should reflect on seriously, is the effort that the IATI open data initiative has put into agreeing to use code-friendly terminology in its reporting of data and activities. Numerical data itself is pretty straight forward, but the terminology used to identify a particular object (gTLD, "identifier string", acronym, etc.) can make it very difficult to code applications that work with the textual data.

The IATI strategy is to work with a subset of stakeholders (aid donors, recipients, NGO and private contractors) and the open source coding community to develop data standards and applications that allow knowledgeable use of the IATI open data.

Useful lessons learned thus far include the need, and the challenges, to agree on the terms used to describe specific components of the structures and systems being subjected to an Open Data

strategy. In the area of donor aid it is not uncommon for government documents to use one or two dozen different terms to refer to the same thing.

Part of the dialogue around Open Data is how to get it into usable form, by which is meant, machine readable usable form. Transparency and stakeholder awareness are thwarted if Open Data only means access to reams and reams of text and data files and documents (currently the case with ICANN). Given ICANN's work around domain names and domain name servers this code-friendly terminology challenge is not new territory for ICANN.

Another very important lesson learned, for the successful use of Open Data, is that numeracy (numerical literacy and dense document literacy) is highly variable on the part of stakeholders. Data needs to be presented in a variety of ways, with much of that work involving data visualization apps (mapping overlays, etc.).

The IATI community involves a considerable number of volunteer open source programmers and has made use of "hackathons" and crowd sourced approaches to generate apps for handling open aid data. A similar strategy might be considered with respect to any ICANN Open Data initiative.

The most challenging issue for Open Data is stakeholder involvement [the driver behind commissioning this ICANN Strategy Panel]. This challenge is seen in the IATI efforts and elsewhere. For the most part the data access is used by key stakeholders intent on using it to protect their narrow self-interests. The difficult problem is making the fruits of Open Data accessible and used for stakeholder awareness and engagement.

The lessons from IATI and national Open Data efforts suggest that any ICANN Open Data initiative has to start from how will stakeholders fruitfully engage in access, and not just how extensive and "open" is the available data.

3. Enable Collaborative Drafting

On the surface a strategy to enable collaborative drafting looks to be a "no brainer" (i.e., an obvious good idea), especially in light of extensive online collaborative drafting tools. However, an idea is a good idea depending on context. Collaborative drafting works best when (a) the group of participates is not too large, and (b) when there is a high degree of agreement as to what the final document is supposed to look like. That works well, for example, with an expert technical group is looking to create a technical standard for some process within the systems of the Internet, or a programing project.

It is limited as an adequate tool for large group stakeholder engagement with ICANN issues, and especially with issues of governance, ICANN Internet policy positions, and crafting policy documents for ICANN's position Internet Governance. Consider what would happen today if the United States, or India, used an open access online collaborative drafting application to draft their respective constitutions, or the globe used an online collaborative drafting application to write the Universal Declaration of Human Rights (UDHR). The issue here is not entitlement to participate but the logistics of participation.

If ICANN is to play a lead role in Internet stakeholder awareness and engagement it is more likely that something other than collaborative drafting tools be the leading edge of that effort,

although they may have a "last mile" drafting role to play. One strategy might look more like the ILO approach of clustering stakeholders by areas of interest or practice (e.g., those concerned with maritime labour and their stake in the United Nations *Convention on the Law of the Sea.)*.

This is not to suggest that the ILO approach is the right way, but is only to underscore the large gap between a stakeholder lead dialogue around issues, and the final stages of crafting a document using collaborative drafting tools.

It is in these last stages where, as the blueprint suggests, administrative efficiency can be enhanced by using "*..new techniques for streamlining timely workflow*".

4.   **Crowdsource at Each Stage of Decision-making**
         [*Toward Inclusive Legitimacy*]

To have a multistakeholder model of ICANN governance, as well as contributing to an inclusive stakeholder participation in Internet Governance, awareness and engagement are central objectives. Where and how a crowd sourced approach to stakeholder engagement should occur in ICANN's decision-making chains requires substantial further reflection.

The issues and items that call for decision-making can come from several sources. They can be tossed up by ongoing practices and demand quick decisions. They can be tossed up by crowd sourced concerns and demand well deliberated decisions. In both cases decision are always subject to review and revision in the light of what happens. This is always true in any decision-making process. There are several challenges that need to be teased apart here.

One challenge has to do with policy setting versus implementation. The standard organizational process is useful as a starting point for discussion. In the classic model, policy is set by a Board of Directors (or similarly titled group, constituted in a number of ways) and implementation is assigned to a staff, usually under the direction of an Executive Director (ED), Chief Executive Officer (CEO), or some similarly designated position charged with implementation. Decisions and actions are accountable through a process of "*oversight and assessment*" (to use language from the Blueprint) which fuels the interplay between policy and implementation.

Open Data and Open Governance (for governments and for organizations such as ICANN and the other Internet ecosystem I-Stars) are ways to increase transparency to all. Where crowdsourced decision-making fits in here a bit confusing. Does this mean that a stakeholder voice is both present in policy setting (a good thing) and in the daily implementation of policy (a questionable thing)? If so, within the ICANN administrative structures who is accountable to whom with regard to implementation? What and how is the interplay (fast or slow) between crowdsourced preferences and administrative procedures? While the objective of inclusive engagement is laudable, and in fact essential for a multi-stakeholder model of governance, there are a number of challenges to crowd-sourced input "*..at each stage of decision-making*".

Might it make more sense to have a high degree of process transparency, with Open Date available in formats appropriate to stakeholder data/document literacy, and to nurture stakeholder awareness in ways that promote engagement in policy making and accountability in implementation?

Again, to reference stakeholder involvement in the ILO's model, those stakeholders concerned with decent work in extractive industries, and those concerned with decent work in the garment industry, share a common concern around decent work, but focus on those aspects that are relevant to their own positions as stakeholder groups, and take the results of those efforts back to other areas of governance in the worker ecosystem.

There are ways of engagement here, other than crow sourced participation at every level, that would better serve ICANN governance, stakeholder interests, and the wider issues in Internet governance.

5. From "Stakeholder" Engagement to Global Engagement

This section of the Blueprint starts from the valid observation that ICANN as a multistakeholder organization is grossly under represented by stakeholders. This is true and the challenge is how to raise stakeholder engagement in ICANN's governance, as well as in Internet governance itself. As the technology-driven Internet revolution precedes apace, those who are not Internet stakeholders is approaching the null set (i.e., nobody). However, not every stakeholder will necessarily have an interest in ICANN policy, even while everyone is a stakeholder with regard to Internet governance.

This means that ICANN has a dual role to play here. One role is to raise awareness and engagement on the part of Internet stakeholders with regard to Internet governance issues (policy, implementation) in general, in order that they exercise good Internet citizenship. The other is to engage those Internet stakeholders who have particular interests (and maybe expertise) as relates to what ICANN is, what it does, how it is governed, and where it is going in shaping the future of the future of the Internet.

This suggests that "global engagement" is not a transition from stakeholder engagement, to global engagement. It is a call for effective strategies to generate greater, more equitable, inclusive and meaningful engagement in those aspects of the Internet ecosystem that impact on the lives and future of stakeholders, and here from an ICANN-centric perspective. Strategies can and do draw on existing, or new, online participatory tools, but they also call for collaboration between the various players in the Internet ecosystem, ranging from the I-Star "big fish" down through and to stakeholders as individuals and as organized groups.

Should ICANN staff be charged with launching new "engagement" tools, the choice of appropriate tools should be wedded to the specific purposes for the various areas of engagement. This is not an area where blanket crowd-sourced involvement is called for.

6. Imposing Rotating Term Limits

Rotating term limits are a technique for broadening participation and curbing tendencies for cliques to develop within elected bodies. In national politics these are frequently used to prevent an electoral process from producing what is essentially a dynastic control over an elected position. In some settings it is just to spread the burden of work, or expand the opportunities of participation in decision-making and leadership.

Within the context of ICANN's decision-making culture a significant number of decisions are made by consensus, after deliberation. At the same time, to newcomers to the inner workings of ICANN, there do seem to be dynastic elements in committee composition and structure. At the same time there are merits to some membership continuity to preserve a presence of ICANN's organizational knowledge in its decision-making processes. The Blueprint correctly suggests that this is an area calling for more thought and reflection. At the same time it is probably true that a more aware and engaged stakeholder base would give it a voice that reduce the need for term limits, while supplying more qualified candidates for such elected positions.

7. Innovative Voting Techniques

The blueprint suggests experimenting with innovative voting techniques for decision-making. ICANN has votes, and consensus seeking, at a variety of levels ranging from committee positions, to policy positions to -in some cases- implementation strategies.

If the ICANN community found merit is pursuing the idea of innovative voting techniques one way to proceed would be a two pronged approach where on the one hand an inventory was draw up of the various situations in which voting occurs within ICANN, and on the other hand a menu of alternative voting techniques is drawn up and each ICANN electoral process, as well as interested stakeholders, could propose a menu voting technique alternatives for particular voting situations. Given ICANN's blend of consensus and voting procedures this is not an area where "one shoe must fit all"

Such a deliberate approach would probably be more productive than experimenting with options in actual practice. Many of ICANN's decisions are too important, and to difficult to reverse, for such efforts to be run on an experimental basis, without careful forethought.

8. Innovative the ICANN Public Forum

While the idea of a parallel virtual public form in parallel with ICANN physical meetings sounds like it would increase participation, that is unlikely to happen. What tends to happen is that a small number of "at a distance" interjections occur but they are highly constrained by time, and complicated by time zones across distance.

Without going into detail here, an alternative approach would be greater ongoing stakeholder involvement in the asynchronous spaces of the Internet ecosystem, and less attention, time and effort devoted to face-to-face meetings several times a year,. Face-to-face meetings effectively constrain wider, and especially civil society, stakeholder participation due to budget and time constraints.

One idea is that the time-path of ICANN policy making should look like an iceberg, with 9/10ths of that process taking place in a highly transparent and engaged ongoing asynchronous Internet venue, involving and providing service to aware and engaged stakeholders. The other 1/10th of process would/could take place in synchronous time and space or online at specific times but across locations as ICANN currently does. The synchronous component would be heavily shaped and enabled by what has, is, and will be occurring in the ongoing asynchronous digital Internet venue.

The ability to build structures and carry on processes in asynchronous time and space is one if the strengths of the Internet ecosystem. While ICANN has been conscientious in providing some forums for access, some highly depending on synchronous time, and has provided extensive archival material online, these fall short of the potential to which the Internet's spaces can be put, in particular with respect to how Open Data and Open Governance support awareness and engagement.

ICANN's processes have also only been able to take limited account of the differences between the resource constraints of stakeholders who have high financial or political stakes in ICANN decisions (corporate and government stakeholders) and broader stakeholder groups whose lives and futures are impacted by those ICANN decisions (CSO, NGO, NFP, and communities). Part of the solution to that problem will be the evolution of a layered system of Internet governance, involving and beyond ICANN.

9. Establish "citizen" juries [*to facilitate oversight by stakeholders*]

This is a proposal to enhance oversight by stakeholders by appointing randomly assigned "*small public groups of individuals to whom staff and volunteers would be required to report over a given time period*". It is difficult to assess the merit of such a proposal since it assumes two things: (1) an available "jury pool" of volunteers with appropriate skills and time, and (2) more importantly, that an ICANN oversight process would best lend itself to such a strategy. Both assumptions are questionable.

An alternative strategy would be to build on an Open Data transparency model in which ICANN would provide data and information on processes in such a way that specialized apps could be developed (by commission , by "hackathon", etc., as has been done in the case of IATI) and turn the bulk of oversight over to interested stakeholder volunteer eyeballs. This would draw attention to oversight hotspots and require little or no administrative organizational resources from ICANN's budget.

10. Crowdsource Oversight & Development Standards to Measure Success.

This section is simply another call for greater stakeholder awareness and engagement in monitoring and evaluation, as well as the development of the appropriate metrics (measurements) for assessing ICANN's performance, in particular with regard to the currently under defined Internet "public interest".

This may be an area where "public interest" and other ICANN objectives can either be worked up within an ICANN stakeholder process, but probably more beneficially they should be embedded in something that applies to the whole Internet ecosystem. That might be something akin to the Universal Declaration of Human Rights (UDHR) as mentioned above. Some have suggested a parallel Universal Declaration of Digital Rights (UDDR). Others have suggested ways of subsuming such digital rights under the existing, or amended, Universal Declaration of Human Rights. The twin issues of how to translate notions of "public interest" into Internet stakeholder rights and obligations, and how and where those should be embedded in global policy and governance are issues that call for wide collaborative dialogue at various levels within the Internet ecosystem. The issue of by what standards should ICANN and Internet ecosystem

behaviour be assessed should be a high priority issue for Internet stakeholder discussion and dialogue. ICANN could lead in this area but it should not "own" it.

11. Decentralize Accountability

This section of the blueprint suggests that "*ICANN should facilitate the development of standards...for national internet governance organizations*" to be innovative, open, transparent, to facilitate ease of equitable access, and to be supportive of civil participation.

This is where ICANN as an organization, and its stakeholder supporters have to figure out what ICANN's role is in overall Internet governance, and how ICANN wants to execute that role, probably in collaboration with the I-Star big fish in the Internet ecosystem, as well as with broad based stakeholder awareness of the issues and stakeholder engagement in the formulation of policy.

In the face of the complexities of a one-on-one process of ICANN engagement with international and national bodies, and in light of existing mixed participation levels in ICANN's Governmental Advisory Committee (GAC), there are some who lean toward a binding multilateral approach involving an international entity, existing or new. Others lean toward a non-binding digital rights accord along the lines of the Universal Declaration of Human Rights. Others lean toward a broader stakeholder-centric model of accountability.

Whichever way this goes, the choice of vehicle is important, and at the core any approach are two questions: 1. accountable for what (in terms of observed metrics)? and 2. accountable to whom? However, the how, what and two whom are settled here, evidence from existing models of governance and accountability suggest that each of those will exist at different levels with the Internet ecosystem, much as levels of governance encompass the global, the national, the regional and the local, and find a basis in a blend of binding and non-binding agreements.

12. Use Participatory Budgeting

This topic in the blueprint conflates two ICANN budgetary suggestions. One suggestion centers on how to handle the (likely substantial) revenue from the pending auction of gTLD strings. As one-time windfall revenue (economic rent) it is suggested that a stakeholder voice should be involved in decisions on the use of those funds. The other suggestion involves extending stakeholder engagements (stakeholders referred to as the "global public") in ICANN's ongoing budgetary processes. The first suggestion resonates with concerns already tabled within ICANN. The second suggestion requires further thought.

There are clearly ICANN budgetary decisions in the technical sphere where transparency and accountability would be part of due course, and where participatory budgeting would probably contribute little. Beyond that, the when, where and how participatory budgeting might fit in, beyond transparency and accountability, demands a lot more thought.

13. Be Experimental

This blueprint proposal is more a comment about the nature of the blueprint than a component of the blueprint. It tosses up a number of problems. It suggests that the blueprint proposals be

treated as "*pilot projects*" with measurement and evaluation to capture lessons learned acted on accordingly. While this is a pretty standard description of how to run a pilot project, it is not at all clear how much of the pressing business of ICANN can be run in such a mode. Many of the issues ICANN faces demand learning while doing, and continuous in course adjustments, based of course on measurement and evaluation.

There may be some areas of ICANN's participation in the Internet ecosystem where circumstances, or stakeholder interest, might promote specific pilot project initiatives, possibly with funding from the gTLD string auction revenues. However, for ICANN in general, trying new ways of doing things usually involves a bigger buy-in and risks too great to use a pilot project approach.

Under "*Be Experimental*" the Blueprint segues into a explosive laden suggestion that, to use the proverbial phrase, is "the elephant in the Internet Governance room". It says:

> "*...experimentation on what incentives work best could be designed and baked into approaches (including the concept of federated participation by national entities that abide by a set of principles and practices that qualify them to participate in setting the agenda. Including national-level entities allows nation states to play a role through their relationship with the Internet governance organization in their home country while avoiding direct management by national governments.)*"

It is difficult to see this as anything other than a suggestion for a multilateral agreement process where nation states agree to "*abide by a set of principles and practices*" [whose?] *for setting the* [Internet Governance] *agenda.*" Is this within ICANN or some other existing or new member of the Internet ecosystem? Does this stop at agenda setting or does it also presume involvement in policy setting and implementation? There is a virtual "Pandora's Box" of highly charged issues contained in this proposal.

As well following "**be experimental**" suggestion is both confusing and seems to be misplaced:

> "*Including national-level entities allows nation states to play a role through their relationship with the Internet governance organization in their home country while avoiding direct management by national governments*"

This would involve countries relinquishing aspects of their national sovereignty, and abrogating some governance responsibilities to their citizens. It would appear that what is bundled under "*Be Experimental*" here is nothing less than the bare bones of a proposal for a global entity to set policy and govern the internet. This may not be what was intended, but whatever the intent; there is a big elephant under this small carpet of "*Be Experimental*" text.

14. Generate New Insights and Evidence

This Blueprint suggestion starts from the common observation that current Internet governance is a "*patchwork*" of mechanisms and bodies, calls for more research and thought (e*vidence and insights*), and suggests that the likely outcome would be a more "*distributed governance structure*". It hints at the fact that Internet governance, and the governance within Internet stakeholders such as ICANN has to be innovative, nimble and adaptive.

On reflection, most governance structures are "*distributed*" both across distinct entities and layered within entities. It should come as no surprise that as human society tries to develop governance structures for the virtual spaces on the Internet, much of what will be build will resonate well with human built governance structures for the literal spaces of the planet. There is, of course, some hope that this expanded reality of literal and virtual spaces will give humanity a venue to do a better job of building a future than it has done thus far.

One of the governance challenges here is the fact that technological change in the Internet ecosystem is taking place at a pace faster, and in a more pervasive way, than human-built systems have ever had to deal with in the history of the species. Broader stakeholder awareness, and more engaged stakeholder involvement, are essential here.

15. Embrace Evidence

This is simply another call for more monitoring and evaluation, with the goals of greater ICANN efficiency and effectiveness. It calls for more evidence-based policy and evidence-based practice, as well as more practice-based evidence (*and -one might add- less self-serving policy-based evidence by stakeholders in the Internet ecosystem*) .

16. Encourage Games

This final proposal in the Blueprint has a title that is a bit of a misnomer. Proposal 16 tosses around several quite dissimilar proposals, all basically designed to enhance stakeholder participation, either in ICANN or, apparently, in governance issues within the Internet ecosystem.

It suggests that some ICANN (or Internet) issues could be tossed up as problems to be solved in a gaming context (with prizes?) using techniques similar to hackathons or Grand Challenges. That might work better in some contexts than in others. Coding challenges with Open Data, as in the case of the International Aid Transparency Initiative (IATI), have brought forth coding efforts for visualization apps, with and without incentives or prizes. The Internet's venue supports efforts in all formats, including video and audio.

There are prospects to strengthen incentives here, but this is not an area where a "one size fits all". Some of the challenges (for ICANN or the Internet) lend themselves to crowd solutions, others lend themselves to expert working group solutions, and yet others are amenable to competitive prize or profit based incentives.

However, it is important to understand that a 100-mile-per gallon car challenge involves performance on one technological metric, whereas "*mitigating name collisions*" or "*minimizing abuse of the DNS infrastructure*" involve ongoing processes of challenge and response, and call for different approaches involving technical components and the occasional use of "the carrot and the stick".

The "*games*" proposals here suggest that greater stakeholder awareness and engagement might be promoted by making *"...the complexities of Internet governance and ICANN's work more open, accessible and interesting to people with games and activities aimed at the next generation..."*

The implied suggestion is that the next generation will either learn differently or that it will learn only if learning is fun. That which is fun many not be important, and that which is important may not be fun, no matter how attractive "fun" may be. Greater stakeholder awareness will be the deciding factor as to proper strategy here.

It is certainly true that the Internet's venue of virtual spaces will change much of how learning takes place, and everything will have to adapt and adjust to that reality. As well, games have always had a role in learning. Suggestions that "*we could practice taking ourselves less seriously*" and have more fun, have merit on their own, but have to be considered side by side with approaches to stakeholder awareness and engagement more rooted in a stakeholder's understand of what is at stake, both personally and for the larger existing and future communities.

Postscript on the Sixteen Proposals

In the end the sixteen proposals are about strategies and tactics to generate greater stakeholder awareness and involvement in both ICANN's business and the business of the Internet, either through motivating stakeholders, or though the structures and processes that constitute ICANN's (and the Internet's) systems of governance and policy making.

The proposals are "food for thought" that goes well beyond the implied terms of reference for the Strategic Panel on Multistakeholder Innovation" They provide both a list of proposed ingredients and some proposed recipes for "cooking" those ingredients into ICANN policy and practice.

They exist, and are a starting point for strategies, from an ICANN-centric perspective, for: (1) building a viable and effective multi-stakeholder system of ICANN governance; (2) using that to help position ICANN in the Internet ecosystem and system of Internet Governance; (3) Strengthening Internet stakeholder awareness and engagement in both the affairs of ICANN and in Internet Governance.

Paradigm Shifts, Constraints and Challenges, and Next Steps

After presenting the sixteen proposals the Blueprint document devotes a page to discussing "*paradigm shifts, constraints and challenges, and next steps*". This section builds on those comments.

References to the term "*paradigm shifts*" have been used ever since American physicist, historian, and philosopher of science Thomas Kuhn popularized the notion of paradigm shifts in the 1960s. The Blueprint speaks more about "*effective*", "*legitimate*" (in the eyes of stakeholders), and "*evolving*" change for ICANN, with a checklist of proposals. It doesn't really proposal a "*paradigm shift*", for either ICANN's behaviour, or for Internet Governance.

There is however a basis for reference to a paradigm shift here. That shift, driven by new technology, is the expanded "*new reality*" in which humans are now building things (organizations, structures, etc.) and carry out processes (governance, production, socializing, etc.) across literal time and space, combined with the virtual venue of the Internet ecosystem. The paradigm shift, simply put, is how do we live, and function, and do what we do in the presence of this expanded reality.

Given the speed of the technological change, ICANN and all the components of the Internet ecosystem have found reality running ahead of governance, and of import here, running ahead both for ICANN's own governance processes and those for Internet governance as a whole.

With the emergence of the Internet's virtual properties, processes and spaces there are those who are mining those territories for private gain, and those who are pushing for custodianship for the common good, not unlike when European expansion discovered the "new worlds" of America, Africa and Asia.

As a key player in shaping aspects of the Internet ecosystem, ICANN committed itself to a multi-stakeholder model of ICANN governance. ICANN could have pressed for a multilateral model, a private sector (public utility) model, or any of a number of other approaches to how to structure ICANN.

The Blueprint identifies ICANN's position as figuring out, or helping to figure out, how to conduct a *"21ˢᵗ century governance of a shared, global public resource"*

> [*Note: to avoid confusion it is important to note that a "public resource" is not the same as a "public good", and both mean something quite different from "in the public good"*]

There are those involved with ICANN and beyond who firmly believe that a similar multi-stakeholder model is necessary for Internet Governance itself. There are those with different views of Internet governance, and possibly even different notions of ICANN governance, or governance over what is currently within ICANN's remit. Where ever one stands on these issues, progress and outcomes will be better the greater the levels of stakeholder awareness and stakeholder involvement.

The Blueprint suggests, probably correctly, that if ICANN rose to the challenge of designing and embracing a truly functional multi-stakeholder model of governance and accountability, this could serve as a "*pragmatic example*" to the rest of the Internet governance community. This is taking governance beyond an ICANN-centric view of stakeholders and the Internet ecosystem, and looking at governance from a stakeholder-centric view of the Internet ecosystem, and of ICANN.

This also underscores the sense of urgency around ICANN successfully confronting the challenges of a viable multi-stakeholder model in a world where virtually every person is becoming an Internet stakeholder. Dome with some degree of success, ICANN can serve as a model for others in the Internet ecosystem. Done poorly, ICANN is doomed.

With reference to constraints and challenges, the Blueprint notes the challenges around internet access, both the last mile access problem and bandwidth constraints/costs, but says little about the role of mobile devices, or the issues to be tossed up by impending Internet of Things.

The Blueprint also recognizes that the literal spaces of the planet, and the virtual spaces of the Internet, are inputs into human built systems. Whatever ICANN does requires attention to human-centric perspectives around design, structures, and process. It also suggests that "getting there from here" (e.g. governance for the Internet and for ICANN) will require "*a concerted*

commitment to shifting cultural norms ...to build the requisite mutual trust and ownership [buy-in]".

To call for "*..shifting cultural norms..*" can have two important different meanings here. One is the value-based idea that the Internet is a "*common resource*" to be used for the "*public good*". There are those who see large components of it as frontier property to be appropriated for private gain. That tension needs to be recognized, understood and dealt with. Dealing with that will likely be facilitated by the fact that much of stakeholder awareness will involve drawing parallels between issues in the Internet ecosystem and how societies have approached similar issues over time in literal time and space. With care and attention humans may be able to improve on performance to date.

The other cultural norm is probably consolidating the understanding that the Internet's virtual ecosystem just as real as the natural ecosystem and what humans have done with it. Drilling back down to ICANN, embedding these norms into stakeholder awareness and engagement is essential to achieve ICANN's objectives around multi-stakeholder ICANN governance, and for ICANN to play a leading role in Internet governance.

In discussing next steps the Blueprint document says it will turn these proposals into stand-alone 1-2 page proposals, go through a comment and revision process, submit concluding work from the panel and propose the creation of proposal specific working groups to work up plans for applying these suggestions to the workings of ICANN and the Internet governance ecosystem (or maybe more correctly the components of Internet governance within the Internet ecosystem.).

The dialogue around these proposals, and more importantly around the issues that surround ICANN's governance and policies, the Internet ecosystem, and Internet governance present an opportunity for a highly distributed initiative that feeds both dialogue and greater stakeholder awareness and engagement. In the spirit of ICANN's commitment to a multistakeholder model of governance, what the next steps actually are, and how they should be executed, are things that should be widely stakeholder driven.

End

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