



Consensus Playbook

Techniques for Building Consensus within the ICANN Community

Developed by the Consensus Building Institute (CBI.org)

This document was designed for the ICANN community and is only permitted to be used by the ICANN community in support of ICANN related work. The playbook shall not be used for any non-ICANN related purposes. Do not distribute outside of the ICANN community.

Contents

- Why a Consensus Playbook?**3
- The Fifteen Plays**4
 - 1. Assess the Situation7
 - 2. Right-Size the Problem.....15
 - 3. Use a Skilled and Credible Facilitator.....19
 - 4. Convene a Credible and Effective Problem-Solving Group22
 - 5. Get Agreement Up Front on Process and Norms.....27
 - 6. Foster a Culture of Collaboration34
 - 7. Have a Clear Purpose and Well-Thought-Out Agenda for Each Meeting37
 - 8. Stay True to Meeting Best Practices42
 - 9. Facilitate the Process47
 - 10. Recognize Participants’ Emotional Interests52
 - 11. Help the Parties Deliberate for Mutual Gains56
 - 12. Engage in Robust Communication with Constituents64
 - 13. Understand Consensus and How to Get There68
 - 14. Act Like a Mediator to Prevent and Overcome Deadlocks76
 - 15. Implement, Adapt, and Learn.....86
- Final Thoughts**89
- Appendices**90
 - Appendix 1: Consensus Building Checklist91
 - Appendix 2: Example Facilitation Questions/Interventions95
 - Appendix 3: ICANN Definitions of Consensus97
 - Appendix 4: Origins and Context of the Consensus Playbook100

Why a Consensus Playbook?

Achieving consensus is hard. Within ICANN, the issues that are the subject of consensus building processes are becoming both increasingly complex and increasingly critical to the stability and security of the internet's unique identifier systems. To make matters even more challenging, many of the groups tasked with addressing these issues are themselves large and complex. They involve multiple stakeholders coming from very different backgrounds with diverse needs, priorities, and beliefs.

The Fifteen Plays

- 1 Assess the Situation
- 2 Right-Size the Problem
- 3 Use a Skilled and Credible Facilitator
- 4 Convene a Credible Problem-Solving Group
- 5 Get Agreement Up Front on Process and Norms
- 6 Foster a Culture of Collaboration
- 7 Have a Clear Purpose and Well-Thought-Out Agenda
- 8 Stay True to Meeting Best Practices
- 9 Facilitate the Process
- 10 Recognize Participants' Emotional Interests
- 11 Help the Parties Deliberate for Mutual Gains
- 12 Engage in Robust Communication with Constituents
- 13 Treat Consensus as a Journey, Not a Destination
- 14 Act Like a Mediator to Prevent and Overcome Deadlocks
- 15 Implement, Adapt, and Learn

This Consensus Playbook aims to help ICANN’s diverse stakeholders deliver on the considerable promise of consensus building while avoiding its pitfalls.

These realities both raise the stakes of ICANN processes and make consensus itself more difficult to achieve. Even among those groups that do reach consensus, the agreement may reflect a sub-optimal compromise, or the process may have been so long, difficult, and exhausting that the outcome barely seems worth the effort. For group leaders, the job of shepherding a group towards consensus may feel daunting, or at times even impossible.

Despite these challenges, there is reason for optimism. When managed well, consensus building processes deliver multiple benefits. By including multiple stakeholder groups, enabling participants to identify mutually beneficial solutions, and seeking agreements

that everyone can “live with,” consensus building processes have the potential to deliver outcomes that are wiser, fairer, and more durable than those achieved through alternative approaches. And through effective facilitation and process design, leaders can help ensure groups avoid common procedural pitfalls, like allowing holdouts to paralyze deliberations, on the one hand, or engaging in unduly quick and arbitrary decision-making, on the other.

This Consensus Playbook aims to help ICANN’s diverse array of stakeholders deliver on the considerable promise of consensus building while avoiding its pitfalls. Over the past few decades, process experts, mediators, and public policy facilitators

WHY A CONSENSUS PLAYBOOK?

both within and beyond ICANN have developed robust best practices for building consensus within highly challenging and complex policy environments. These practices work. This Playbook aspires to deliver the best tools for helping groups achieve consensus to ICANN community members in as simple and accessible terms as possible.

The best practices in this Playbook are primarily targeted towards establishing and managing consensus building processes. Thus, it may seem reasonable to assume that the Playbook's advice is directed exclusively towards leadership — i.e., the Supporting Organization Councils or Advisory Committee members tasked with setting up group processes and determining their mandates, and the chairs tasked with managing group meetings and helping groups work towards consensus. This assumption is flawed. For consensus building processes to work, they require buy-in from *all* parties. Each and every participant in ICANN processes — from leadership to support staff, from the most engaged to the least active participant — has a meaningful impact on the group's success. Accordingly, this Playbook subscribes to the idea of “the participant as facilitator.” Knowing about and acting in accordance with consensus building best practices is a core competency for *everyone*, not just working group chairs and other leaders. Each participant has a responsibility to their own constituency/stakeholder group and to the group as a whole.

The Playbook is organized around fifteen roughly sequential consensus building best practices or “plays.”¹ Together they encompass the consensus building process from beginning to end — from the first steps of identifying an issue to the follow-on steps of convening a group, designing a process, negotiating, deliberating, making decisions, and implementing agreements.

As these plays make clear, consensus building is not something that happens just at the end of a group's deliberations, i.e. when the group tries to sort through its final differences and the chair makes a consensus call. It is a process with multiple, discrete steps over time, with best practices within each step. It is not easy and doing it well requires substantial skill and practice. Nonetheless, understanding is a key first step. In applying these fifteen plays, ICANN community members will be well on their way to leading or supporting more efficient and effective collaborative processes, resulting in wiser, fairer, and more durable decisions.

¹ The Playbook is a best practice guide, not a policymaking document. Specifically, it does not change any existing ICANN policies or definitions regarding the meaning of consensus or the process for assessing consensus.



1

Assess the Situation

“

Plans are worthless,
but planning is everything.

”

Dwight Eisenhower’s familiar edict, articulated in the aftermath of World War II, applies just as much to group consensus building processes as it does to peacetime global affairs. The initial, critical planning component of any successful consensus building process is an “issue assessment.”

Conduct assessment before convening

Once an organization or committee within ICANN has decided it may want to bring a group together to address a particular issue, it must first gather and analyze key information about the issues and the stakeholders involved before deciding whether and how to convene a group.

It is critical to conduct the issue assessment *before* deciding whether and how to convene a group, as part of the scoping and chartering effort. As discussed in more detail below, appropriate scoping and group design are critical to the eventual likelihood of successful consensus building. The assessment will guide choices around these issues, like how big of a problem to task the group with solving, and whom to include in the process.

Identify issues, stakeholders, and interests

GOALS:

- Clarify the key issues
- Identify groups with an interest in those issues
- Learn the concerns and interests of the stakeholders and assess their incentives and capacities for building consensus.
- Identify areas of potential agreement and conflict among the stakeholders
- Suggest a plan for the consensus building process (including its goals, working agreements, and work plan)

The issue assessment is a tool not only for gathering information, but also for building trust and for helping to design a process that maximizes the likelihood of reaching a broad consensus on the most important issues at stake. The assessment may be especially helpful when an issue involves stakeholders who may not be aware of each other's interests and concerns, or who may have very low levels of trust or comfort with each other. Lastly, the issue assessment identifies the best course of action for organizing the consensus building process, avoiding any missteps or upset in the convening phase.



Who conducts the assessment?

Institutionally within ICANN, **the convener of a given process is the likely candidate to conduct the assessment.** For working groups this is likely the relevant Supporting Organization or Advisory Committee with support from staff. In situations where the convener lacks the capacity to conduct the assessment or where stakeholders do not trust the convener's impartiality, "outsourcing" the assessment to a third party may be helpful. **This third party could be a trusted individual or group, including staff, within ICANN or an independent facilitator.** It may also be possible to involve the presumptive working group chair in conducting the assessment, assuming their identity can be determined in advance and they are respected/trusted by the key stakeholders (see [Play 4](#) below). **The key is for this person or group to seek perspectives from a wide range of stakeholders and to capture their concerns and interests accurately and without bias.**

Hold direct conversations

The main technique used in the assessment process is direct conversations with individual stakeholders. In general, these conversations should address key questions around both substantive and procedural issues like:

What would a good outcome on this issue look like to you? Which elements are most important to you? Why?

What would a good consensus building process look like from your perspective? What questions should it seek to answer, which stakeholders need to be involved, and what qualities would you look for in a legitimate and effective facilitator and/or chair?

These conversations can and should be supplemented by other sources, such as online research and a review of previous processes on related issues. The key is that the insights on stakeholders' concerns and interests come directly from the stakeholders themselves, not secondhand sources.



Use online surveys occasionally

The convener may occasionally wish to open an online survey to gather additional input to consider for the assessment. Online surveys can be helpful when a large number of stakeholders would like the opportunity to weigh in and help shape the consensus building process. This can demonstrate inclusiveness if the level of interest far exceeds the number of interviews or direct conversations. However, online surveys do not replace direct conversations; they are additive.



Keep it confidential

Direct conversations should invite candor, so offering confidentiality to stakeholders is key. **Confidential interviews**

are critical to understanding stakeholders' underlying interests, identifying areas of agreement and disagreement, analyzing the potential for resolving the issues through consensus building, and informing the scope and work plan of the potential PDP. Issues and insights from the direct conversations can be shared without attribution and form the basis of the assessment summary. The list of interviewees can also be shared as this can help increase the credibility of the assessment and give other stakeholders confidence that their perspectives have been conveyed. However, actual conversations should not be published, nor details from those conversations that could be associated with the individual interviewees.



Report the findings

An assessment can be short and informal (off-the-record conversations with a few individuals, followed by an oral report), or extensive and structured (many semi-structured interviews using a written protocol, generating a written report that is shared with all interviewees and the ICANN community). Whatever form the assessment takes, it is important for the convening organization to provide a summary of the assessment (written and/or oral) to those who have been interviewed, and to propose next steps based on the assessment.

As noted above, the assessment report should demonstrate an understanding of the key issues, the main stakeholders and their views on the issues, areas of agreement and disagreement, and the potential for resolving some or all of the disagreements through a consensus building process. If it seems likely that some or all issues can be resolved through consensus building, the report could also suggest possible goals, working agreements, participants, and a work plan for the consensus building process. If it does not seem like the issues are “ripe” for consensus building — for example because stakeholders have articulated positions that are in direct opposition and have expressed little interest in seeking a compromise — then the report should state this conclusion explicitly, name the factors behind it, and identify what might need to change moving forward for consensus building to become more viable.¹

The assessment report should demonstrate an understanding of the key issues, the main stakeholders and their views on the issues, areas of agreement and disagreement, and the potential for resolving some or all of the disagreements through a consensus building process.



¹ GNSO and ccNSO prepare issue reports as part of the PDP scoping process, which are highly informative, thoroughly researched documents that in some respects resemble the assessment reports described in this section. For example, GNSO issue reports include a detailed description of the relevant issue and questions to be addressed, an analysis of the issue with respect to various criteria for determining if it is within the scope of the PDP and the GNSO, next steps, a draft charter if appropriate, and an opportunity for public comments. Currently, however, it is not common practice to engage with stakeholders through confidential interviews prior to drafting the issue report. (Note that confidential interviews serve a different purpose than public comments; public comments will typically reflect more of an outward-facing statement of a stakeholder position, rather than the kinds of underlying interests and opportunities for compromise that stakeholders might be willing to share in a more protected space.) In addition, GNSO issue reports focus on clarifying the relevant issue, determining if it is within scope, and evaluating its importance to determine if a PDP should go forward. They do not necessarily include a practical analysis of costs and benefits of addressing the issue through consensus building, and whether, based on the stakeholders’ interests, there appears to be a realistic set of options on which they might agree.

Set the “table”

Once a consensus building process has begun, the issue assessment remains critical by enabling participants to bring their best, most productive selves to the process. By clearly laying out the goals and perspectives of all parties at the outset, and the reasons behind these perspectives, the issue assessment clarifies the likely “idea space” where mutually beneficial agreements are likely to be found. Participants acting in good faith can then pitch their proposals within this “idea space,” avoiding the inefficiencies and consternation that can come with repeated proposals that are clear non-starters for one group or another. A skilled facilitator can similarly use the assessment to the group’s benefit by requesting suggestions from participants that they believe will work for everyone, not just themselves, based on what they know from the assessment and subsequent conversations (i.e. the facilitator might ask, **“Based on all the interests on this issue that you see in this assessment, what are some new ideas that you think everyone could ‘live with?’”**).² Lastly, and critically, an early issue assessment can help avoid convening groups that have a very small chance of being successful, because the issues simply are not yet ripe for consensus building.

No go

When conducting an assessment, it is important that the convening organization be open to the possibility that consensus building may *not* be the right course of action for a given set of issues at a given time. Consensus building has real costs in terms of time, money, and lost opportunities to pursue alternative approaches. Even if an issue seems vital to the organization itself, if the assessment reveals that there is probably not a path forward that all stakeholders can “live with,” then convening a consensus building process may do more harm than good.

There is nothing worse than being part of a group tasked with solving the unsolvable, bridging interests that are simply unbridgeable, or finding common ground when multiple stakeholders see benefits to continued conflict. In such cases, it may be possible to narrow the group’s scope and ambition to increase the likelihood of consensus. Another option is for the convening body to choose an alternative decision-making approach besides consensus building, for example if the status quo is simply unacceptable to a wide range of stakeholders and/or if it fails to meet the needs of the convener. For example, in certain circumstances the ICANN Board might resort

² Here and below the term “facilitator” refers to whoever is in charge of managing the group process within a working group. In most cases, this will be the chair or a co-chair. In some cases, it might be ICANN staff or a third-party, outside facilitator. In many cases, the facilitation function will be performed by more than one individual. Understanding that the identity of this individual or these individuals will vary by working group, the Playbook simply uses the generic term “facilitator” to avoid confusion.

to making temporary policies without engaging in a consensus building process, when necessary to maintain the stability or security of Registrar Services, Registry Services, the DNS, or the Internet. In other cases, a “no go” (or “reassess next year”) decision from the outset will save a group from countless wasted hours, wasted money, and shared frustration.

Consider interim measures

These suggestions give rise to some obvious next questions: What if the status quo is clearly not serving the needs of ICANN and other stakeholders, but the issue assessment reveals that the stakeholders are so hopelessly divided that a consensus building process is unlikely to be successful? Or what if some stakeholders have an active interest in upholding the status quo because it serves their narrow institutional interests, and the issue assessment suggests these stakeholders would therefore try to thwart consensus building from the start?

There are no easy answers to these questions except for a caution to avoid wishful thinking, be clear on the costs and benefits of consensus building, and be ruthlessly realistic on the capacity of ICANN processes to influence stakeholder incentives and behaviors. Sometimes, a decision to wait may in fact allow an issue to “ripen” for consensus building, for example because the costs of the status quo become more obvious over time, or because stakeholder alliances shift in favor of those interested in real, positive change. In the interim, ICANN can engage in various measures to try to accelerate such changes, for example by engaging with a sub-group of stakeholders to help them build a coalition for change, publishing or developing information to build the case for more proactive policymaking, and/or engaging stakeholders in a process to develop multiple, potentially helpful ideas to inform future policymaking (without asking stakeholders to decide among these ideas or try to reach consensus).





2

Right-Size the Problem

If the issue assessment suggests that consensus building could be helpful, the next step of any process is to name the group's scope of work and its charge – to identify the problem to be solved.

In practice, the group's scope and charge could be part of the same report that contains the issue assessment, or it might encompass a second report developed after the issue assessment has been released and vetted by stakeholders. Regardless, the goal for this step is to “right-size the problem” — to identify a scope and a charge that will challenge the stakeholders to make real progress without asking them to do the impossible.

“Scope” means the range of questions or issues the group is being asked to address.

“Scope” means the range of questions or issues the group is being asked to address. Is the group expected to speak to the full range of challenges suggested by a large and complex problem? Or is it just being asked to address a small, narrowly defined component of the problem? A “charge” identifies what the group is being asked to do (e.g. make a final decision or issue a recommendation), and through what mechanism (e.g. draft a detailed report or just provide a simple answer).

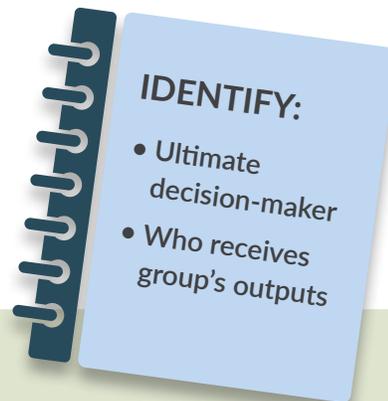
Follow the Goldilocks principle

There are dangers in both “too broad/ambitious” and “too narrow/modest” a scope and charge. Like Goldilocks, you want a scope and charge that are “just right.” If a scope is too broad, the group may have trouble finding common ground, or may just become overwhelmed by the complexity of the problem. In such cases, the problem should be broken down into smaller pieces. Similarly, if the charge of the group is too ambitious — e.g. it is tasked with making a final decision when the stakeholders are really only ready to provide advice — then the group may struggle to reach agreement and any agreement may face an uphill battle getting implemented.

On the other hand, if the scope is too narrow, there may be little point to convening the group in the first place because the solutions are obvious or, paradoxically, the group might struggle to achieve consensus because the range of issues on the table is so narrow that there are no opportunities to resolve disagreements through mutually beneficial trade-offs. In such cases the scope needs to be expanded to include new or more challenging issues. Relatedly, if the charge is too modest, the stakeholders may not treat the problem with the seriousness it deserves or invest the high-level time and energy needed to make real progress.

Clarify decision-making authority

In naming the charge for a group, clarifying who is the ultimate decision-maker, i.e. who will receive the group's outputs, is critically important. Knowing the ultimate decision-maker is critical for group members trying to determine how much to invest in a process. Nothing will erode trust within a group faster than a misunderstanding around the group's level of authority to make a decision. Similarly, the more clarity provided on expected outputs up front, the easier it will be for individuals to commit to a process to meet these expectations.



In naming the charge for a group, clarifying who is the ultimate decision-maker is critically important.

Use the assessment

The charge and scope should be based on the findings of the issue assessment. This is yet another reason why doing assessment interviews first — and doing them well — is so important. Too often, a convener bases the charge and scope on *their own* needs and priorities, not what is likely to be helpful for the larger group of stakeholders. For example, an ICANN convening organization might feel like reaching a binding contractual agreement in relation to a new piece of legislation is vital to maintain its relevance in that particular policy space. A core set of stakeholders, however, might not yet be ready to come to a binding agreement, and insist that an advisory process is the only viable path, at least until the impact of the legislation becomes more broadly understood. In this instance, it would likely be a mistake for the convening organization to insist on a binding, agreement-seeking process even if the alternative approach might feel insufficiently ambitious. Issue assessments have value by revealing the potential spaces for negotiation and agreement-seeking *and* their boundaries; convening organizations ignore these findings at their peril.



3

Use a Skilled and Credible Facilitator

A qualified facilitator is one of the more important resources in consensus building. The facilitator is responsible for creating a climate conducive to joint investigation of issues, productive dialogue, and relationship building among participants. The most effective facilitators are able to work on specific tasks and group dynamics, building a sense of shared purpose, positive relationships, and camaraderie. Within ICANN, the chair typically takes on the role of facilitator, with support from ICANN staff. In some instances, outside facilitators may be brought in to help with particularly complex or challenging issues or groups.

Facilitators can do more than just run a good meeting. They also help design the group's problem-solving process and make key procedural decisions around what issues to address when, and how, for the duration of a given a process. Effective facilitation thus requires substantial process design and management skill and experience, and a good understanding of the substantive issues. Critically, the facilitator must not only be highly skilled but also trusted by all stakeholders. Stakeholders must view the facilitator as impartial, fair, independent, and effective, without evident conflicts of interest.

Effective Facilitator Principles

PROCESS-FOCUSED

Focused on the how
over the what

RESPECTFUL

Model good behavior
for the group

ACCOUNTABLE TO THE GROUP

Above individuals and
organizations

IMPARTIAL

Fair towards all interests

CLEAR AND TRANSPARENT

Regarding their role and the
purposes for their actions

ADAPTABLE

Balancing formality and
informality, structure and
flexibility

Ensure facilitator credibility

The job of the facilitator is to remain neutral on the substantive issues under discussion while managing the group process. However, as any stakeholder understands, process decisions can have enormous effects on substantive outcomes. **It is critical that stakeholders trust the facilitator's decisions around group process and have confidence that they are not intended to privilege any party's substantive interests over another's.** Perception of the facilitator's capacity and impartiality can therefore be as important as reality — for the facilitator to be effective, parties cannot perceive the facilitator as representing a certain group or interest. Without this basic faith in the facilitator as a fair “referee,” the consensus building process will descend into chaos.

For these reasons, ICANN conveners should seek to identify chairs and vice-chairs who are both highly skilled and who have broad credibility across stakeholder groups. Even the most skilled and neutral chair will struggle if stakeholders do not see them as such. In instances where the issues are simply too complex or challenging for the working group leadership team, or where the convener cannot identify a chair with the combination of broad credibility and sufficient facilitation expertise, the organization should consider bringing in outside, expert facilitators who can provide additional facilitation expertise and support.



4

Convene a Credible and Effective Problem-Solving Group

Over the long term, the success of any consensus agreement depends in large part on the skills and credibility of the group that drafts it. The group's leadership, composition, and structure need to be acceptable to the community at large. Key decisions at the outset on issues like group composition, leadership, representation, and the engagement model can influence the likelihood that the group's decisions will be accepted and implemented successfully down the road.

Be inclusive

Change to: In forming a group, it is important to include participants representing the full range of stakeholders with an interest in the outcome of the process. If key interests are not represented, determining whether proposed agreements are acceptable to enough stakeholders for the agreement to move forward may be difficult, and the community at large may question the group's legitimacy. Furthermore, stakeholders who are excluded from a process may be inclined to oppose it even if the group identifies a solution that meets their interests, simply because they did not have a part in drafting it.

But not too inclusive

At the same time, there are dangers to including too many participants in any given process. To borrow the old cliché, too many cooks spoil the broth. As you add more people to a group, communication challenges multiply, meeting management becomes more challenging, and people may



To create a well-functioning group, it is as essential to be wisely *exclusive* of individual participants as it is to be broadly *inclusive* of the full range of stakeholder interests.

take the opportunity to “check out” rather than staying fully engaged and invested in the process, making the whole group less efficient. And with more stakeholder representatives comes more individual demands that may or may not be essential for getting agreement among the constituent groups themselves.

The goal should be to have all stakeholder *interests* effectively represented in a given process. This is not the same as including all individual stakeholders, nor does it mean allowing in anyone who wants to join. For the sake of a well-functioning group — a laudable goal in which all stakeholders have a shared interest — it is as essential to be wisely *exclusive* of individual participants as it is to be broadly *inclusive* of the full range of stakeholder interests. Being able to say no to would-be participants is a critical service on behalf of the group and the community overall.

Ensure effective representation

The key is to ensure that the participants you do include are able to effectively represent the interests you are expecting them to represent, and that in total the individuals at the table represent the full range of stakeholder interests. This means that individual representatives must both be seen as credible and capable by their constituents, and in practice be able to represent their constituents’ interests effectively. If no one individual can do all these things on behalf of a particular constituency, then you will need to bring in more than one representative for that constituency. In general, decisions on

stakeholder representation should be left to the stakeholders themselves, to maximize the credibility of the representatives selected.

Consider a variety of process options

While typical consensus building processes involve a single, representative group working together to problem-solve and yield outcomes, building off the insights of constituent groups, there are many other viable process options to consider. For example, a small proposal committee, representative of major interests, could develop proposals on detailed issues for a larger body to consider and refine. The larger body would make the final recommendations or consensus outcomes; however, relying on the small proposal committee would allow for a nimbler discussion. The charge of the proposal committee would be to develop proposals consistent with the committee's understanding of the larger group's interests. A reverse process could also be advantageous in which a smaller representative group is charged with building consensus and putting forward the agreed-to policies or recommendations, but relies on the insights and feedback of a much broader group at several key milestones in the process. Certain stakeholder groups and/or experts might only be involved during specific phases or moments in a process, when the issues under discussion touch on their specific interests or their input is needed, rather than having a full seat at the table for the duration. These options, and others, can be identified and developed as part of the assessment process and documented in its charter.

Process Options

Representative group deliberates

Same group issues decision/
recommendation

Small proposal committee
deliberates

Larger representative group issues
decision/recommendation

Small committee
deliberates

Larger representative
group provides
feedback/insights

Small committee
issues decision/
recommendation

Input from
additional
stakeholders
engaged on a
sub-issue

Targeted
consultations
with outside
experts

Main group deliberates and decides

Engage others along the way

Another key to managing the size of a group is to build in opportunities for others to contribute or help shape the outcomes as part of the process design. The convener should outline this as part of the charter, and structure check-ins with the broader community at key milestones. At each milestone, the group outlines the key elements that interested ICANN community members might find of interest, summarizing the group's work and identifying questions or dilemmas for feedback. The feedback received goes back to the group, which then considers it as part of the process. This kind of engagement can help broaden the sources of input beyond group members themselves and strengthen outcomes by incorporating new ideas into the development of proposals.

Another key to managing the size of a group is to build in opportunities for others to contribute or help shape the outcomes as part of the process design.

Balance inclusion with group effectiveness

ICANN as an institution has a long and admirable commitment to the value of inclusion, and a general practice of providing any and all interested stakeholders with the opportunity to participate in its various processes. The commitment to inclusion has been a vital source of credibility for individual ICANN processes and for the institution as a whole. At the same time, process managers should understand that an orientation towards inclusion at all costs can have downsides when it comes to the efficiency and effectiveness of consensus building processes.

There is a trade-off between group size and effectiveness, and process managers have a responsibility to help set the right balance by sometimes saying “no” to interested parties.¹ Of course, if a very large group is absolutely required to ensure credible representation in light of institutional norms and the nature of the problem, then a very large group should be convened. But in general, the goal for the convener should be to establish a group that is as small as possible while still credibly representing all relevant interests and ensuring sufficient skills and capacities in the group to work effectively on the problem at hand. As noted above, the goal is to include all stakeholder interests, not all interested stakeholders.

¹ For more analysis and advice on this trade-off and helpful references around best practices, see the ICANN Staff Discussion Paper, “Optimizing Increased Engagement & Participation While Ensuring Effective Policy Development,” 10 January 2018, available at <https://gnso.icann.org/sites/default/files/file/field-file-attach/icann-staff-discussion-paper-10jan18-en.pdf>.



5

Get Agreement Up Front on Process and Norms

Clarifying procedural questions and the relevant Support Organization or Advisory Committee rules at the outset of a group's deliberations (rather than midway through it or at the end) is instrumental to success. At the beginning, the substantive impact of procedural decisions is typically less obvious; this allows participants to engage in the conversation with an eye towards what would be best for the group as a whole rather than themselves as individuals.

Be clear on decision-making up front

As discussed in [Play 13](#) on consensus, a critical step in the process is being clear on decision-making up front. This entails a few elements:

- Identifying the final decision-maker and clarifying who will use the group’s output and how.
- Clarifying the meaning of consensus for this group under the applicable rules and operating procedures, and the chair/facilitator’s process for calling consensus.¹

In the case of a chair and vice chair, or multiple co-chairs, the decision making among the chairs should also be clarified as part of their roles and responsibilities, including what will happen in the event they do not agree.²



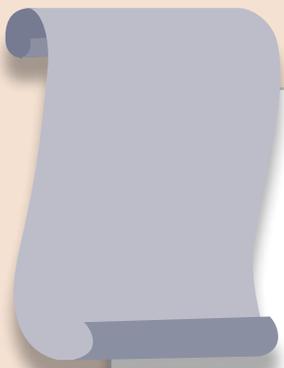
Establish a group charter

The individual or organization that conducted the assessment and/or the group facilitator should draft a charter for the group to review, modify, and agree on at its first few meetings and reference throughout the process.³ Clear, agreed-upon charters ensure that all participants have the same understanding of their roles and responsibilities and help create an environment for productive discussion, negotiation, and consensus building. Charters should include “working agreements” on how the group will conduct meetings and discussion, communicate about the group’s work, and resolve conflicts. Articulating a charter is like constructing the hull of ship: the stronger and more well-designed it is, the easier time the group will have navigating stormy weather in the future.

¹ See [Appendix 3](#) for various definitions of consensus within ICANN.

² If using two co-chairs, for example, it is critical to clarify which of them has final decision-making authority if they do not agree, or to agree on an efficient, trusted process for managing such a disagreement at the outset (e.g. agreeing on a third-party who will make the decision if the co-chairs can’t agree).

³ Within ICANN, the Council approves a charter prior to working groups beginning their deliberations. It is nonetheless important to allow working groups to discuss and add clarifications to any working agreements contained in the charter, to make it their own. They can and should do so without altering any of the mandatory requirements approved by the Council.



Charter Elements

Goals of the group: preferably in the form of an agreed goal or mission statement, reflecting the group's understanding of its charge and scope

Timeline: any final and interim deadlines that the group must meet; timing for specific meetings

Relationship between the group and the convening organization: accountability of the group to the convener; reporting from the group to the convener; specific forms of support to be provided by the convener or others to the group (e.g. funding, technical/consultant assistance), etc.

Membership in the group: selection, duration, rotation, etc.

Members' responsibilities: e.g. representing and communicating with their organizations/constituencies, attending meetings, providing information and other resources, participating in a constructive manner, etc.

Organization of group meetings: who is responsible for preparing and circulating meeting agendas and background materials, chairing/facilitating meetings, drafting meeting summaries, providing logistical support to meetings; etc.

Responsibilities of the chair and/or facilitator: e.g. facilitating the process as a whole and individual meetings, providing meeting summaries/action points, assisting in resolving disagreements, helping to resolve questions about the interpretation of working agreements, confidential communications with group participants; etc.

Working agreements or guidelines for group discussions:

for example, participants to speak in turn, as recognized by the chair/facilitator, without interruption, for no more than X minutes; in person vs. remote participation; role of observers; all participants to make an active effort to understand and respond to each other's concerns; deliberations to be conducted using a mutual gains approach; participants to communicate respectfully; etc.

Conflict resolution procedures and decision rules:

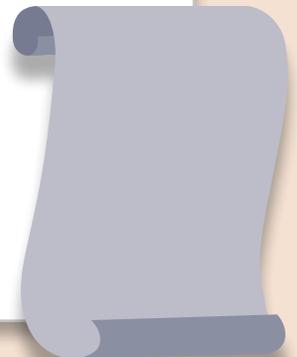
responsibility of participants to identify potential conflicts and to let other participants know their concerns; responsibility of all participants to work in good faith to respond to concerns; use of the facilitator or other sources of assistance to resolve conflicts; possibility of private caucuses; goal of achieving consensus; use of other decision-making procedures when conflicts cannot be resolved by consensus; what will happen if the group cannot reach consensus

Communication with the media and the public: who is responsible for providing public information about the group and speaking on behalf of the group; procedures for reviewing and approving public information materials and public statements; opportunities for members of the public and the media to observe and comment at meetings, etc.

Access to and use of funding available to the group:

sources of funding for the group; agreed uses for funding; procedures for using funds, etc.

Any other issues that group participants feel it is important to address



Consider process agreements to clarify expectations on problem-solving

To help build a positive culture of collaboration, facilitators can ask participants to agree to various expectations and norms around problem-solving.⁴

For example:

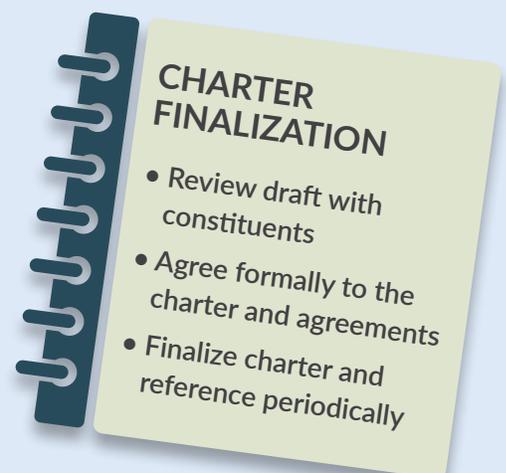
- Everyone agrees to negotiate in good faith.
- Everyone agrees to address the issues and concerns of the participants.
- Everyone agrees to focus on the present and future, and not dwell on the past.
- Everyone agrees that a party's statements made for the purpose of resolving disputed issues will not be used as evidence or admission against it in any subsequent proceeding.
- Everyone agrees that preliminary agreements are the basis for progress.
- Agreements stand even if staff changes.
- Everyone agrees to inform their leadership and constituents about the outcome of the facilitated discussions.
- Everyone agrees to attend all the meetings to the extent possible, to do the required preparation beforehand, and to follow through on agreed action items.
- Everyone agrees that parties can, at any time, request a caucus to meet with other organizational or interest group members.

⁴ The working agreements that follow could be incorporated into the "Statement of Participation" that participants agree to at the outset of ICANN processes.

Define working agreements to guide participation

It is also helpful to include working agreements to guide how participants will communicate, and the kinds of behaviors they aspire to, for example:

- Use common conversational courtesies
- Think innovatively and welcome new ideas
- Be honest, fair, and as candid as possible
- Help others understand you and work to understand others
- Avoid editorials
- Efficiency — people's time is precious; treat it with respect
- Invite humor and good will





Review the charter with constituents

Once the group has drafted a charter and working agreements that all participants can support, ideally the participants should review the draft charter with their organizations or constituencies. After that review is complete, all of the group’s participants should formally agree to the working agreements. Potential new participants should receive and review the working agreements before joining the group.

Within ICANN, there may be different practices around who is permitted to draft and review a group’s charter. Within the GNSO, for example, it is the GNSO Council team that drafts the charter; GNSO working group members typically do not play a direct role in this process. Regardless, discussing the charter and working agreements at the outset of a group’s deliberations, addressing concerns to the extent possible, and getting full group buy-in on the process before moving forward are essential.



Foster a Culture of Collaboration

Once the group enters its deliberation phase, it is critical for both leadership and participants to help foster a group culture of collaboration. “Group culture” might seem like a squishy concept, but anyone who has been part of a group where a collaborative culture is in place, and one where it is not, understands the difference.



Understand what good problem-solving looks like

In groups that have successfully established a collaborative culture, participants will:

Communicate their real goals, concerns and red lines openly because they trust other members of the group to not take advantage of their transparency

Deal with disagreements by working jointly to solve the problem

Tackle challenging or work-intensive tasks by sharing the burden

In groups without this kind of culture, on the other hand, participants will keep their true concerns close to the vest out of fear of exploitation, making it difficult or impossible to identify new or creative solutions. In the face of disagreements, they will waste time and energy accusing people on the other side of acting in bad faith. And when faced with challenging group tasks, they will seek to pass responsibilities on to others.

To the untrained eye, these elements of collaborative culture can seem to arise spontaneously, due to luck, or simply based on the personalities at the table. In practice, they often result from simple but powerful group management best practices.

The facilitator plays a crucial role in establishing a positive group culture. They accomplish this primarily through their control over group process. **“Group process” encompasses everything from when and where the group will meet, to how the discussion will be organized, the sequencing of issues, and the working agreements for discussion.** It is thus critical that facilitators have a deep understanding of procedural best practices and the interpersonal skills to utilize them in the moment. The “plays” below demonstrate various procedural practices, all of which contribute to collaborative group culture.





7

Have a Clear Purpose
and Well-Thought-Out
Agenda for Each Meeting

Designing meetings with a clear purpose understood by all the participants and an agenda that is structured to accomplish this purpose is a critical element of success. This may seem like common sense, but people lead meetings without a clear purpose, or with an agenda that does match the purpose, all the time. Facilitators should consider the “Four P’s” in drafting an agenda — purpose, product, people, process.

The Four P’s

PURPOSE

Why are we meeting?
What’s our goal?

PRODUCT

What product or other output do we want to leave the meeting with?

PEOPLE

Who needs to be at the meeting to achieve our purpose and create our product?

PROCESS

What set of conversations needs to take place for us to achieve our purpose and create our product? How should these conversations be structured so as to elicit the kind of input we need?



Determine your purpose first

The purpose for a meeting will vary depending on what stage of the consensus building process you are in. As noted above, the purpose of your first meeting might be to agree on procedural working agreements. In subsequent meetings it might be to explore participants' concerns on a particular issue, share new data or findings, brainstorm potential solutions to a problem, identify criteria for decision-making, elicit preferences, rank a set of ideas against agreed criteria, review a draft agreement, or test for consensus.

Once you have clarified your purpose for meeting, then you can decide the group process you will use to achieve this purpose. You should always design your process based on your purpose, not vice versa. For example, the optimal group process for brainstorming ideas will look very different from a meeting designed around decision-making. In the former, you will want to design a space where people can be creative and invent ideas without fear that they will be asked to commit to them, and to include participants who are willing to think outside the box. In the latter, you may need to impose more structure to the meeting, clarify the approach for decision-making beforehand, and ensure participants with the right authority to make decisions are in attendance.

Use effective tools and techniques for dialogue

During meetings, facilitators should use a variety of tools to encourage dialogue. It is a mistake to always facilitate the same type of straightforward conversation with all participants in the group raising hands and getting in the queue. As noted above, your process choices — including the questions you ask and how you structure the dialogue — should flow from your objectives for the meeting.

Dialogue Techniques



INDIVIDUAL REFLECTION

Give participants time for individual reflection before anyone can comment.

This may mean that there is silence for a few minutes on the call (or in the room) to allow for participants to think and/or review a certain text or document, but this should not be considered wasted time as it will result in more thoughtful, informed comments.



POPCORN

Do a “popcorn round,” where the facilitator calls on multiple people for quick, rapid responses.



CHAT ONLINE STRATEGICALLY

If the meeting is online, use the chat function carefully and strategically, for example by turning it off during discussions when you want everyone to focus on what is being said, and using it proactively during designated periods for quick reactions, questions, and brainstorming.



TALK IN PAIRS

If the meeting is in person, allow people to discuss the question in pairs before sharing with the large group.



SMALL GROUP CAUCUSES

Allow interest groups to meet separately and discuss the question as a group, before coming back and discussing their thoughts in the larger group. Note that breakout groups are possible both in person and online, depending on the online meeting platform.



GO-ROUND

Do a “go-round” where everyone provides a brief answer or reflection on the question at hand.



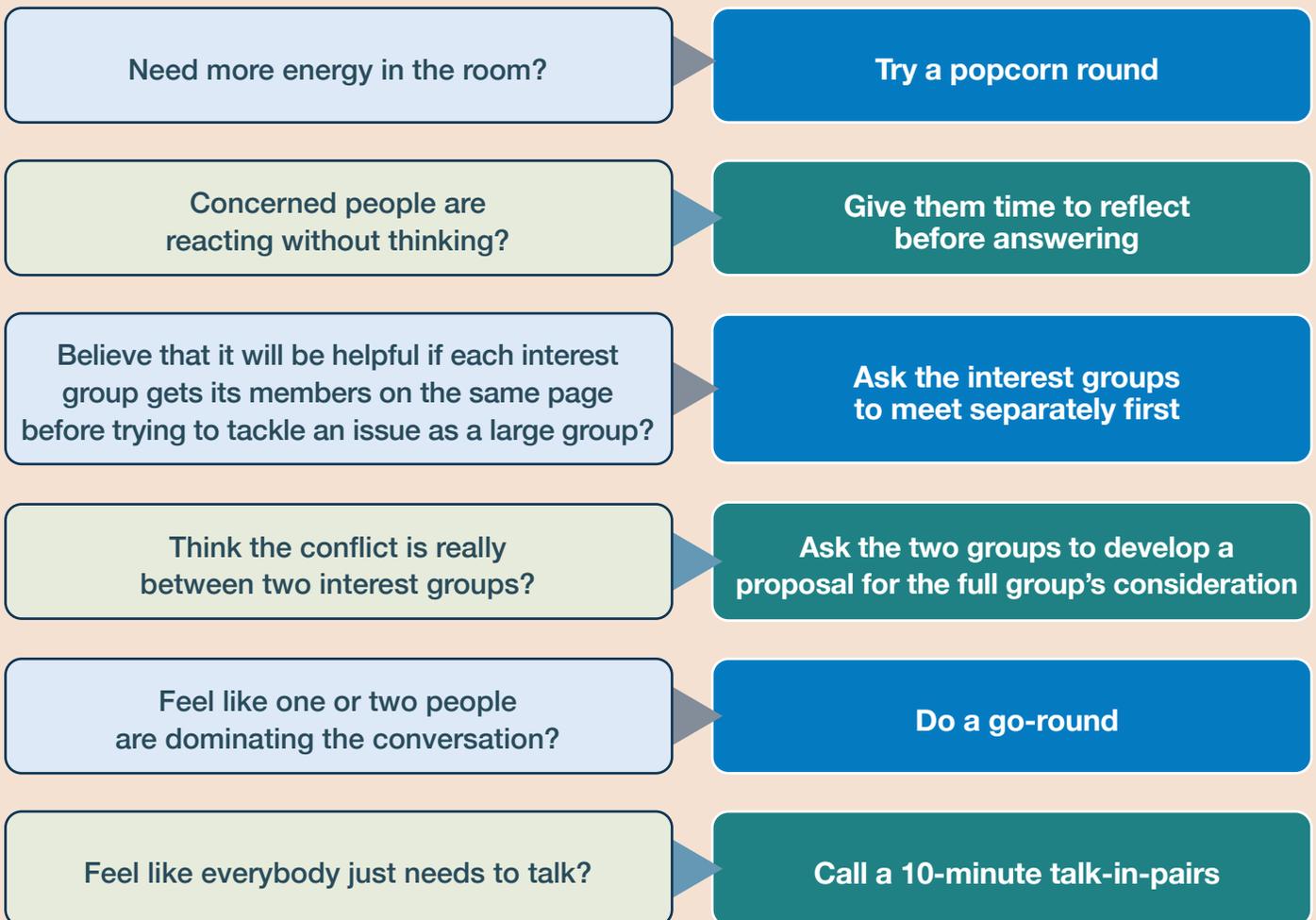
ONLINE MEETING TOOLS

Use online meeting space tools that allow for real-time structured brainstorming, polling, prioritization, decision-making, and other functions.

Mix it up to draw out participants

One goal of using these different approaches is just to add some variety to meetings. Using the same format all the time is boring, and bored people aren't as good at problem-solving as those who are actively engaged. But more importantly, each of these approaches has a different impact on the group and can therefore be deployed to accomplish a different purpose. The key, again, is to fit the format to your purpose — to use the right tool to help build the kind of discussion you want. You wouldn't try to build a house using only a hammer. So don't facilitate a group using only one meeting tool!

Trouble-Shoot the Group





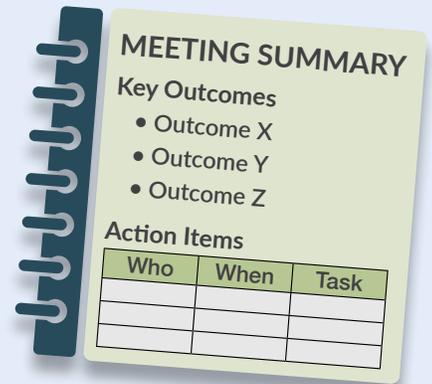
8

Stay True to Meeting Best Practices

Another best practice for groups that develop a culture of collaboration is so simple and mundane it may barely seem worth mentioning, but it is in fact hugely important. This is the issue of meeting protocol. Meeting protocol means all those little organizational tasks that help keep group members informed about, prepared for, and engaged during meetings. Unless these organizational tasks are performed consistently and effectively, groups will tend to flounder. Meeting participants will feel less prepared, unsure of exactly what they are trying to accomplish and how, unclear on what has been agreed to and why, frustrated by the perceived disorder, and less trusting of each other overall. None of these of these feelings is conducive to building a culture of consensus.

Before the meeting

- Distribute agendas and background materials well in advance of meetings, so participants have time to prepare.
- Include clearly defined meeting objectives at the top of the agenda.
- Make sure sufficient background materials are provided in advance and/or during meetings such that participants with varying levels of expertise can participate effectively.
- When possible, get participant feedback on a draft agenda in advance of the meeting, to ensure meeting topics are well-vetted and supported.



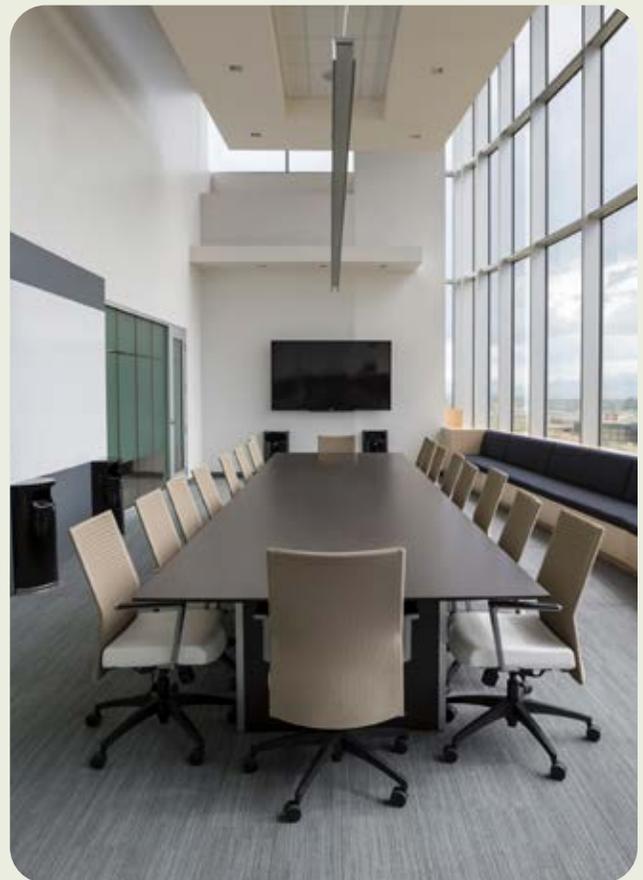
During the meeting

- Begin and end meetings **on time**.
- Ensure there are **sufficient breaks**.
- Clarify the **objectives** and agenda at the outset of the meeting.
- For in-person meetings, **have food** available if the meeting will last for more than three hours
- **Use meeting time wisely**. Focus meetings on tasks that merit group discussion time; avoid those that don't. For in-person meetings, select difficult, challenging, initial, or complex topics that would benefit from being together. For online meetings, simplify group questions and tasks as much as possible, and avoid meetings longer than 90 minutes without a break.
- Ensure technical information and presentations are “pitched” at the right level and with the **right level detail**; avoid overly-technical or overly-detailed presentations.
- Take accurate **meeting notes** with the appropriate level of detail and distribute them after meetings to ensure an accurate record of the discussion. **Lead with action items and key outcomes** so people can quickly assess next steps and key take-aways.
- Maintain **clear and effective queuing** (which is not always the order that people raised their hands) during meetings; reassure participants who have been waiting that they are in the queue as needed.
- Stay **on time and on topic** during meetings unless there is a good reason for making a change.
- Proactively try to get a **diversity of voices** in the conversation, for example by asking for perspectives from particular stakeholder groups if they have not contributed for some time or asking to “hear from someone who hasn’t spoken yet.”
- **Be willing to cut short** conversations if the agenda requires (e.g. give a “one or two more comments” warning; note politely but clearly that you are moving on “just for purposes of time” if people still want to contribute but you need to move on).
- Intervene to **keep conversations on topic** (e.g. use a “parking lot” for off-topic issues to be addressed at the end of the meeting or electronically).
- At the same time, **be flexible** if more time is needed or a new issue must be addressed.

For online meetings

ICANN org’s support teams provides efficient, effective support to facilitate online meetings. With online-platform operations managed productively, the facilitator and participating staff can consider other meeting practices to support the group in consensus building during online meetings. Building off the impeccable meeting protocol, here are some additional considerations:

- **Post presentations and materials online** whenever possible in advance of call in case someone is having a difficult time viewing via the online meeting platform.
- **Create a visual “flip chart”** to outline proposals and summarize key ideas and action items along the way that can help people anchor their participation.
- **Introduce brainstorming tools**, like online sticky notes or a virtual white board, that might also mix up the way participants are able to contribute.
- **Consider online breakout rooms** that are available in online platforms to give small groups time to vet or discuss and issue before coming back to the full group.
- **Try posting the question on the screen** or in the chat first, then asking everyone to weigh in if calling a question — “is there anyone in the group that can’t live with this?”
- **Bring people into the conversation.** If the group has not been hearing from a particular participant, the facilitator can notice the person that she or he is coming to that person. “I’m going to person A, now, but person B, I would like to hear your thoughts on this topic, so I will be coming to you next.”
- **Pause to read chat.** If the chat is particularly active, the facilitator can request a brief pause to give participants (and the facilitators) a few minutes to review the chat.
- **Encourage video conferencing** for small group meetings to develop proposals on challenging topics. Being able to see each other can improve problem-solving.



At the end

- End on time as much as possible. If running late, do a quick check-in with the group to agree to 10 minutes more, or whatever is needed.
- Make special note of and agree upon action items and decisions before closing the meeting.
- Summarize agreements, progress made, remaining issues, and next steps.

After the meeting

- Distribute decisions and action items in writing after the meeting, including who is responsible for each of them, and follow-up as needed.





Facilitate the Process

Another area of best practices revolves around the overall approach and stance of a good facilitator during meetings.

Be assertive on the process and impartial on the substance

In general, good facilitators must be assertive around process issues while remaining impartial on the substance. This can be a tricky balance. Facilitators must be thoughtful and forward-thinking in designing an overall process that will help the group achieve its goals, take an active role in guiding discussion and enforcing process norms during meetings, and do all of this in a way that does not privilege the substantive interests of one particular group over those of another.

Put the group first

In managing the process and guiding discussion, the facilitator's primary responsibility is to the needs of the group overall, secondarily to the needs of group members as individuals, and lastly towards themselves. No one else in the group has this unique prioritization of responsibilities, so it is critical that the facilitator exercise it effectively. This means that if a particular participant is having a negative impact on the group dynamic, for example by violating the working agreements

or refusing to stay on topic, it is the facilitator's job to actively manage this individual on the group's behalf, even if that might result in some tension or discomfort with the individual. If the facilitator fails to manage the individual — perhaps because they want to appear kind or relaxed, or because they want to demonstrate concern for the individual — they are shirking their responsibility to the group as a whole. In fact, in many such circumstances it is likely that multiple participants are waiting quietly, hoping that the facilitator steps in to right the ship and getting increasingly frustrated if the facilitator fails to step up. Good facilitators are rarely if ever laid back about negative group dynamics. Good facilitators step up.

Care for individuals second

Of course, facilitators should not take this advice to the opposite extreme and be overly domineering, or fail entirely to demonstrate care for the individuals within the group. The needs of each the individuals within the group are still important to the facilitator, they are just secondary to the needs of the group overall. This means, for example, being sensitive to individuals' feelings, **always** treating them respectfully, being clear about the reasons behind one's process interventions, and checking in with individuals after-the-fact if there are concerns about how a particular decision may have impacted them. It does not mean, however, giving in to demands from individuals that would in fact harm the group overall.

Intervene tactfully to keep the group on course

The form of the facilitator's intervention will vary depending on the circumstances. It could be as simple as cutting off a

Good facilitators are rarely if ever laid back about negative group dynamics. Good facilitators step up.



participant's interruption and suggesting, **“Please let's raise hands,”** or **“One person at a time please.”** Or it could mean acknowledging an off-topic suggestion while firmly directing the group back to the issue under discussion, e.g. “I want to park that idea for a minute. I promise we'll get back to it eventually, but first let's get some more thoughts on this issue we've been discussing...” In more extreme cases, it could involve explicitly enforcing a ground rule, e.g. **“At the outset we all agreed to treat each other respectfully and I'm concerned that's not happening right now. What do we need to do to get back on track?”** In many cases the interventions will be small and barely perceptible to participants, but added up they can make a huge difference in terms of managing communication and keeping the discussion on topic and on track.

Stay on topic, even when managing the queue online

In online meetings, it can be particularly challenging — and important — to keep the conversation on track. Newer facilitators may have a tendency to simply call on people in the order in which their hands were raised, without regard to whether or not their comments address the topic under consideration. This is a recipe for chaos. Facilitators in online meetings need to be especially clear on the specific issue under discussion, and periodically request that participants lower their hands if they want to address a different topic or if their point has already been made by someone else. If a participant makes an off-topic comment, it is important to be polite but firm, even interrupting if need be: **“Thanks, we'll get to that issue in a moment and I'll make sure we get back to you then. Let's now please keep comments to this topic. Other comments on this topic only?”**

The facilitator acts assertively on behalf of the group in deciding what issues to discuss, when, and how, and they don't wait to conduct a vote every time before making an intervention.

Be responsible for the process

It can be helpful to think about the facilitator as a kind of sensitive and benevolent authoritarian when it comes process issues. The facilitator acts assertively on behalf of the group in deciding what issues to discuss, when, and how, and they don't wait to conduct a vote every time before making an intervention. At the same time, they are also open and accepting of group input on how to do this effectively. They check in with the

group frequently on how the process is going for them and how it could improve, and they adapt as needed. They are utterly non-defensive when it comes to criticism of their work, responding with curiosity even if they feel the criticism may not be justified. After all, for the facilitator it is the needs of the group, not the facilitator's individual needs or ego, that are paramount.

Participants, allow yourselves to be led

On the other side of this equation, participants can make the facilitators job a lot easier by being willing and helpful process “followers.” It is natural and beneficial for group members to suggest ideas for improving a group's process, and they should not mindlessly accede to process directives from the facilitator that would in fact lead the group astray. At the same time, when every group member starts arguing for his or her own version of good process and refusing to buy in to the facilitator's well-reasoned decisions, enormous amounts of time and energy can be wasted in process hell.

Process hell is that place where low-trust groups often go, where they argue about one process issue after another and descend deeper and deeper into a pit of minimally productive procedural confusion. Both facilitators and participants share responsibility for preventing this descent from happening. The best thing participants can do in such circumstances is often just to *allow themselves to be led* — i.e. provide input but allow the facilitator to decide on the optimal procedural road, and then go along with the facilitator's decision.





10

Recognize Participants' Emotional Interests

When managing meetings, the facilitator can promote good group culture through the way they interact with individual participants and respond to comments. No matter their substantive interests on a given issue, every group participant will have a set of core emotional interests. People want to feel heard, respected, included, and valued. They want to feel like they have autonomy over decisions that impact them, appreciated for their contributions, and like they a positive role to play in the group. And when they do not feel this way, they will typically engage in any number of unhelpful behaviors, from withdrawing from the conversation to actively opposing the direction you are trying to lead group.

Effective facilitation should always try to meet participants' emotional interests. What does this mean in practice? It means actually listening to what participants are saying and demonstrating your understanding (e.g., **“I hear you saying this is absolutely a no-go idea for you. Is that right?”** or **“Can you say a bit more about why this option is so problematic from your perspective?”**). It means always treating them with respect, including them in discussions, and valuing their contributions. It means respecting their autonomy

by honoring their choices, and looking for opportunities to “cast” them in positive roles within the group (e.g., “helpful advocate” vs. “roadblock”) — and doing these things even if you disagree with their choices or feel like they are being difficult.

Use emotional interests as a diagnostic tool

If a participant is acting out and you as the facilitator are not sure why, it might be because you or another participant has trampled on one or more of their emotional interests. Perhaps you promised to get back to an issue they raised, but then forgot to do so. Or maybe you or another participant unwittingly triggered a sensitive cultural issue. If you recognize that this has happened, it suggests you may need to do some work to meet that participant’s emotional interests. You can try to do this in the moment if possible, but it is more likely you will want to check in with them and have a conversation offline, after the meeting.

Rather than assuming you understand what they experienced, you will most likely want to begin this conversation by asking a few simple questions and just listening before offering acknowledgement or suggestions (e.g., **“Let’s check in. How are you feeling about that last meeting?”**). Generally speaking, it is important that facilitators set up group norms at the outset that will give them — or another trusted intermediary — license to engage in these kinds of private conversations. Some best practices around private stakeholder conversations or “caucuses” are discussed in [Play 14](#) on “acting like a mediator.”

This kind of attentiveness to emotional issues in a group is not just about making participants feel good. Positive emotions in a group are directly correlated with more creative problem-solving and more integrative agreements. And participants are more likely to accept proposed agreements if they feel like they have been treated fairly and respectfully, even if they are not totally happy with the final outcome.



Positive emotions in a group are directly correlated with more creative problem-solving and more integrative agreements.

Establish inclusive norms

One of the most important emotional interests, and one over which facilitators have uncommon control, is the interest in feeling included. There is no more sure-fire way to alienate a participant — and handicap a group's chances of reaching consensus — than making the participant feel excluded or somehow “less than” the others in the group. Facilitators must therefore be especially attuned to issues that might make it more difficult for certain group members to participate, such as language issues, cultural issues, power dynamics, or gender dynamics.

In practice, facilitators from certain cultures or backgrounds may be less attuned to dynamics affecting participants from other cultures or backgrounds. For example, despite the best of intentions, a native English-speaking American facilitator may be less likely to notice language confusion or a perceived cultural “slight” experienced by a non-native English-speaking participant, or a participant from a developing country. This reality is a strong thumb on the scale for diverse leadership teams and underscores the importance of paying close attention to differences in cultural expectations, as well as issues like meeting accessibility, translation of materials (for both participants and the broader community), and travel funding for in-person meetings. A best practice is to consult with participants most impacted by cultural and accessibility issues and work out approaches that will work in light of budget realities.

The importance of inclusion further underscores the value of inclusive facilitation practices, like taking care during meetings to allow for multiple means of participation, encouraging less frequent contributors to share their perspectives (and using meeting tools that create various kinds of spaces for them to do so), and periodically engaging in confidential check-ins with group members.

In general, facilitators should act less like neutral, arms-length observers of the process and more like active, engaged advocates on behalf of *all* participants *equally*. In other words, facilitators actively seek to ensure that each and every voice has a place in the conversation, with an especially attentive eye towards those who might ordinarily be left out of the dialogue. This description of facilitation dramatizes both the importance and the challenge of the facilitator's role: if even one participant feels inhibited from raising their voice before the group, then the facilitator has failed. Effective facilitation means insisting on meeting spaces and dialogue that are welcoming and inclusive towards *all* group members, regardless of their individual circumstances.

Effective facilitation means insisting on meeting spaces and dialogue that are welcoming and inclusive towards *all* group members, regardless of their individual circumstances.



11

Help the Parties Deliberate for Mutual Gains

Once a process is up and running and the group begins deliberating on the issues at hand, the group's interactions may begin to resemble a negotiation. The term "negotiation" refers to any process by which two or more parties, with conflicting and compatible interests, seek to influence or persuade each other toward reaching agreement on a particular issue or decision. Using this definition, nearly every ICANN consensus building process includes at least some elements of negotiation.

To be clear, negotiation does not mean horse-trading, logrolling, threatening others, or haggling — although in practice untrained negotiators will use these approaches (usually to their own detriment and to the detriment of the group overall). On the contrary, effective negotiation involves creating value to the benefit of *all* stakeholders, then figuring out how to divide that value in a fair, efficacious, and defensible manner. At its most productive, negotiation is a form of collective group problem-solving. Furthermore, within ICANN, consensus building processes must be in service of ensuring the stable and secure operation of the Internet's unique identifier system, rather than any individual stakeholder's interests narrowly understood. It is the job of the facilitator to help the group embrace productive, rather than destructive approaches towards negotiation, and to help ensure that any agreement is aligned with ICANN's mission.



Negotiation best practice is to utilize an approach called “integrative” negotiation or the Mutual Gains Approach. The Mutual Gains Approach is a process model, based on experimental findings and hundreds of real-world cases, that lays out four steps for negotiating better outcomes while protecting relationships and reputation. A central tenet of the model, and the robust theory that underlies it, is that a vast majority of negotiations in the real world involve parties who have more than one goal or concern in mind and more than one issue that can be addressed in the agreement they reach. The model allows parties to improve their chances of creating an agreement superior to existing alternatives.

This is not a zero sum or win-lose approach

In practice, parties often do not utilize mutual gains negotiation because they perceive negotiations as “zero sum” — i.e. anything that you gain is something I lose, and vice versa. This mindset can lead to a strategy based around positional bargaining or haggling — i.e. using approaches like puffing, bluffing, threats, and minimal concessions to try to claim as much value as possible. In truth, however, *almost no* negotiations are actually zero sum, and both research and experience suggest the haggling approach is very rarely the optimal strategy. Parties that use these approaches — often because they have been told they are effective, or because they have unconsciously absorbed cultural and institutional messages around what good negotiation “looks like” — in fact dramatically reduce their chances of doing as well for themselves as they could. That is because nearly every negotiation includes opportunities for *all* parties to do better off by identifying and building off of shared interests and identifying wise trade-offs around issues the parties value differently. Haggling approaches close off the possibility that the parties will recognize and take advantage of these opportunities, and can result in impasse even when an agreement would make all

parties better off. The facilitator can help disrupt parties' natural tendency to engage in haggling approaches by guiding them through the steps of the mutual gains approach and assisting them in identifying opportunities for joint gain.

Different from a win-win

The mutual gains negotiation is not the same as “Win-Win” (the idea that all parties must, or will, feel delighted at the end of the negotiation) and does not focus on “being nice” or “finding common ground.” Rather, the mutual gains approach emphasizes careful analysis and good process management. The four steps in the model are: preparation, value creation, value distribution, and follow through. These steps are discussed in more detail below.

Use the mutual gains approach to structure your process

Facilitators should use the mutual gains approach to help structure their overall process for group deliberations. Early in a consensus building process, meetings should focus on helping participants prepare to build consensus — i.e. improve their shared understanding of interests and alternatives. The issue assessment can be a great tool for this. The facilitator can present it to the group, ask if participants feel it accurately depicts their interests, and help them clarify what really matters to them and why.

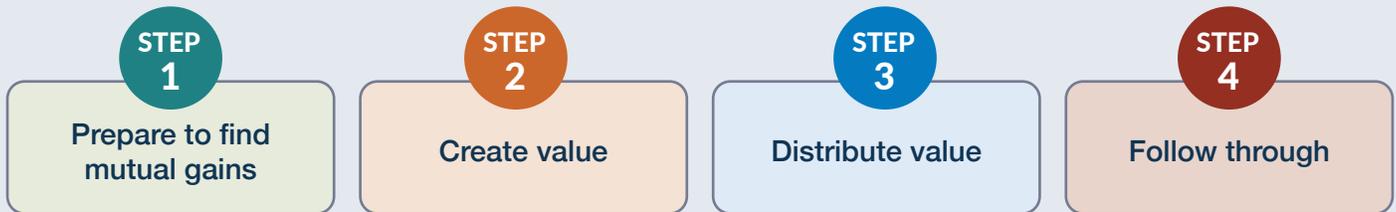
After the parties have a sound understanding of the multiple interests at play, the meetings should then turn to the second step in the mutual gains approach: value creation. The facilitator should design a meeting space where participants can suggest multiple ideas for agreement and mutually beneficial trade-offs without committing to them.

In the third phase, value distribution, the facilitator should help the parties identify shared criteria for decision-making, which all can agree are fair, and then help them apply that criteria to the ideas and trade-offs suggested in the previous phase.

Lastly, assuming the parties are able to reach an agreement, the facilitator should make sure the group addresses all the important questions around follow through needed to ensure the agreement has staying power.



Mutual Gains Approach



STEP 1 Prepare to find mutual gains

Parties should prepare to find mutual gains by understanding alternatives and interests. More specifically, parties should spend time early on in a consensus building process estimating their BATNA (BATNA stands for “Best Alternative to a Negotiated Agreement”). This is because, generally speaking, a party will only want to sign on to a consensus agreement if it is superior to their BATNA. However, parties are often hampered in their decision-making because either a) they have not thought carefully about their BATNA, and b) they over-estimate the strength of their BATNA due to common psychological biases like overconfidence bias and risk aversion. Later in the consensus building process, they might err by rejecting a potential agreement that would have made everyone better off, or accepting a bad one that will not stand the test of time. Good preparation around BATNAs can help avoid these mistakes.

Parties should also work hard to understand their own interests as well as the interests of the other parties. Interests are the kinds of things that a person or organization cares about, in ranked order. Good participants and facilitators listen for the interests behind positions or the demands that are made. For instance, “There can be no changes to this technical spec” is a position; the interests behind the position might include avoiding the risk of litigation, protecting a market position, or fear that the proposed changes might prove unreliable. By focusing on interests, parties open up the space for more creative, workable options. For example, if the party’s core interests are avoiding litigation and ensuring reliability, there may be multiple ways to meet those interests. On the other hand, the party’s position — “no changes” — is simply a binary yes/no proposition that leaves no room for creative thinking.

A facilitator can encourage parties to think about their BATNAs at the outset of deliberations and keep them focused on interests rather than positions (e.g., **“Can you help me understand why this issue is so important to you?”** or **“Which of these issues is most critical?”**). In practice,

parties may not feel comfortable discussing their BATNAs in front of other stakeholders, but it is important that they share their underlying interests with the group. By sharing their true interests, parties can help open up the possibility of new ideas or solutions that meet those interests, beyond their initial positions.

STEP 2

Create value

Effective facilitators help the parties identify value-creating solutions. Based on the interests uncovered or shared, the facilitator or participants should declare a period of “inventing without committing” during which the parties advance ideas by asking “what if...?” (e.g., **“What if we tried it this way? How would that work for you?”**). By floating different options and “packages” — bundles of options across issues — parties can discover additional interests, create options that had not previously been imagined, and generate opportunities for joint gain by trading off across issues they value differently.

The role of the facilitator in this process is to help create a meeting space where the parties can think creatively, and have assurances that they will not be held to commit to the ideas they suggest. In other words, the facilitator needs to create a space where participants can discuss frameworks around what *might* work without committing to what will *actually* work.

Similarly, in multi-issue negotiations, a party’s willingness to agree to an offer related to one issue will depend on the outcome of negotiations on other issues. It is therefore helpful to agree up front that *nothing* in the consensus building process will be finally decided until *everything* is decided. This approach allows for ongoing trading across issues. Of course, there is nothing wrong with making an interim, provisional agreement on one issue to help the group move on and discuss additional issues. The key is that these provisional agreements should not be considered firm commitments until the very end.

STEP 3

Distribute value

At some point in a consensus building process, the parties have to decide on a final agreement. The more value they have created, the easier this will be, but research suggests that parties default very easily into positional bargaining when they try to finalize details of agreements. Instead of haggling, skilled participants will instead seek to divide value by finding criteria that are broadly persuasive to all the parties, demonstrating that the agreement is fair to all the interests at the table.

PLAY 11: HELP THE PARTIES DELIBERATE FOR MUTUAL GAINS

In light of ICANN’s mission, the overriding criterion for evaluating a proposal within any ICANN process will always be its impact on “the stable and secure operation of Internet’s unique identifier system.” In practice, however, parties will frequently disagree on what this entails. Part of the facilitator’s job is helping the parties identify more granular criteria on which they all might agree. Such criteria can consist of anything from industry standards or norms to laws, regulations, case law, market valuations, history, or expert opinion — i.e. anything, really, that helps determine a distribution of value and that the parties perceive as relevant and fair. Criteria can also be based around more specific elements of a “stable and secure” Internet, which the parties agree are important, i.e. issues like market impact, practical implementation, user experience, or costs. Facilitators can help parties apply criteria to different options using a “criteria matrix,” which might look like the following (with participants deciding on a “score” for each option within the blank cells):

<i>Sample Criteria</i>	Market Impact	Implementable	User Experience	Cost
Option 1				
Option 2				

The use of objective criteria is also important for “selling” a consensus agreement to outside constituencies. By identifying criteria or principles that support or guide difficult allocation decisions, parties at the negotiating table can help the groups or organizations they represent to understand why the final package is not only supportable, but fundamentally “fair.” The best criteria are genuinely persuasive to multiple parties, such that they can each go back to their constituents and explain to them: “We didn’t get everything we wanted but it’s a fair outcome, and here’s why.” This improves the stability of agreements, increases the chances of effective implementation, and protects relationships.

“
We didn’t get everything we wanted but it’s a fair outcome, and here’s why.
”

STEP
4

Follow through

Parties near the end of difficult negotiations — or those who will “hand off” the agreement to others for implementation — often forget to strengthen the agreement by imagining the kinds of things that could derail it or produce future conflicts or uncertainty. While it is difficult to focus on potential future challenges, a host of “predictable surprises” should be considered before finalizing an agreement. Specific provisions in the final document should focus on monitoring the status of commitments, communicating regularly, resolving conflicts or confusions that arise, aligning incentives and resources with the commitments required, and helping other parties who may become a *de facto* part of implementing the agreement. Including these provisions makes the agreement more robust and greatly assists the parties who will have to live with it and by it.

The following is an overview of the Mutual Gains Approach, and how a facilitator might use it to structure the overall sequence of a group’s deliberations.

Mutual Gains Approach Overview

1

Review and clarify the group’s scope and charge

2

Agree on process issues up front (e.g. discuss a charter that includes group procedural “working agreements”)

3

Clarify the parties’ interests (e.g. by reviewing and commenting on the issue assessment as a group; by asking parties why issues matter to them)

4

Clarify key facts and issues needed for decision-making

5

Invent options without committing (i.e. discuss ideas and packages that could meet the parties’ interests; identify mutually beneficial trades)

6

Identify shared criteria for decision-making (i.e. focus on criteria the parties can agree are fair)

7

Apply criteria to the ideas on the table using decision-support tools

8

Seek workable agreements that everyone can “live with” (e.g. through continuing to invent options and identify beneficial trade-offs, and continuing to identify and apply shared criteria)

9

If consensus is reached, ensure effective follow through (e.g. clarify commitments, check for implementation capacity, identify any “predictable surprises” that could derail the agreement, set up monitoring and evaluation)



12

Engage in Robust Communication with Constituents

CANN group consensus building processes often involve at least some participants who are at the table in a representative capacity. Whether the relationship is formal or informal, these participants are expected to “speak for” a certain constituency group. This dynamic adds a complicating factor to discussions taking place within the group because participants must continually monitor not just their own thinking on a particular idea or option, but also how their constituents are likely to see it.





Ensure participants have a robust understanding of their constituents' interests

At the outset of a process (and as discussed in the section above on ensuring effective representation within [Play 4](#)), it is critical to identify participants who have a clear understanding of their constituents' needs and concerns and whose constituents view them as credible representatives. The facilitator can help by encouraging or enabling early conversations within constituency

groups to clarify their interests and communicate these interests to their representatives. Typically, it is important for each constituency group to come to a shared understanding of their interests and priorities — and work out internal disagreements — *before* sending a representative to the consensus building process. This will help the representative engage effectively with the other parties, and more ably represent their constituents' interests during deliberations.

Identify constituent interests

Furthermore, it is best if these internal constituent conversations focus on articulating a shared understanding of the group's *interests* (not just their position) and a potential *range of options*. Often, constituent groups will simply instruct their representative on a preferred agreement, ambition, or demand on the one hand, and a minimally acceptable agreement or “red line” on the other. While this style of conversation is better than nothing, it is insufficient. Instead, constituency groups should give their representatives flexibility to be creative based on a thorough understanding of their side's interests, not just their demands, and various options for meeting these interests. Of course, each constituency group will have its red lines and these need to be communicated clearly to representatives, but this should just be the beginning, not the end of the internal constituency conversation.

In working groups where a representative model is used, chairs can and should make clear that they expect representatives to come to meetings prepared to share their groups' views, instead

of their individual perspectives. And participants should embrace the responsibility of being strong constituent representatives by engaging in early, broad, and consistent outreach to their constituents.

Create milestones for constituent briefings to strengthen agreements

Working group leaders can build in time in the project schedule at key milestones during the consensus building process for discussions and briefings with constituents to take place. The working group should develop common language, representing proposals taking shape, to share with constituents. That way, the whole ICANN community is receiving the same information. The representative's job is to share information and solicit feedback on the proposals, explaining how and why proposals have taken shape based on other stakeholder group's interests and the charge of the group. Representatives then share the feedback received within the consensus building group and use this vetting process as an opportunity to refine or strengthen proposed agreements.

Communicate and vet proposals broadly to prevent last-minute surprises

Once the group begins its deliberations, representatives continue engaging in ongoing, consistent communications with their constituents to make sure they are representing their interests effectively as new information comes to light or as an agreement nears completion. Nothing is more demoralizing than completing a long, hard-fought negotiation only to have one representative's constituency reject the agreement because it was not kept adequately abreast of the deliberations.

Again, working group leaders should structure their processes so as to periodically build in time for representatives to vet proposals broadly with their constituents, and articulate clear expectations that representatives return with comments and suggestions for the group to work through. The goal is to ensure strong, ongoing communication and coordination with constituency groups, providing them with ample opportunities to reconsider their goals and priorities as new information comes to light and as all parties come to a better understanding of the potential deal space.



13

Understand Consensus and How to Get There

Within ICANN, groups are striving to reach consensus on recommendations, agreements, or outcomes. The definition of consensus, and what will happen to determine whether it exists, can be a source of confusion and anxiety, and hamper a group’s progress if left unaddressed. This challenge is compounded by the fact that the **definition of consensus varies across organizations within ICANN** and, even among groups operating within the same organization, different chairs may have different approaches for determining whether consensus exists. For these reasons, groups must be clear from the outset on what consensus means within their organization — i.e. what is the “decision rule” the group is bound by — and what is the chair’s plan for making a consensus call when the time is ripe.



Understand consensus

In general, a consensus agreement is one that everyone in the group can at least “live with.” Among group members, their opinion on the agreement can span the range from strong support (“I love this”) to mild support (“it will suffice”), to neutrality (“it’s so-so”), to mild dislike (“I’m willing to tolerate it”) to abstention (“I’m not going to say anything, but I won’t block it”) to strong dislike (“I don’t like it at all, but I will let it go forward”). All of these stances still constitute consensus within a group.

For purposes of helping the group achieve consensus, facilitators must accurately communicate the requirements for consensus and allow this to guide their questions to the group to assess whether consensus exists. Accordingly, when it comes time for the group to make a decision, the operable question the facilitator should be asking is, **“Is there anyone who cannot live with this proposal?”** The question is not, “Who loves this proposal?” or “Who is on board with this idea?” or even “Is everyone ok with this?”

In practice, the precise definition of consensus should not impact the process the facilitator uses in trying to help the group achieve it; it should come into play only at the very end when attaching a name or label to the outcome of the process.

Clarify the definition of consensus before you begin

Different organizations within ICANN deal differently with the question of what to do if it proves impossible to identify a solution that everyone can at least “live with,” but only a small minority of participants fall into the “cannot live with it” category. In some organizations, like the GNSO, such an outcome can still be deemed “consensus”; in others it cannot. The key is for the chair to make sure everybody understands this decision rule at the outset. In practice, the precise definition of consensus should not impact the process the facilitator uses in trying to help the group achieve it; it should come into play only at the very end when attaching a name or label to the outcome of the process.

Strive for full consensus

A recommended best practice is that consensus building groups seek — but do not require — unanimous agreement of all participants within the time frame set at the outset of the process to complete the group’s work. If unanimity cannot be achieved, it is very important that the group as a whole be clear about what happens if it cannot reach full consensus and that the group not be “held hostage” to one or a small number of participants who might use a unanimity requirement to block agreement and implementation. Ensuring that representatives have checked with their constituencies before indicating whether they can support the final package is also a critical step.

Define process for lack of consensus

In some cases, despite the group’s best efforts, reaching a full consensus is not possible, that is, an agreement that all participants can at least “live with.” The group’s charter should provide options for how to manage the situation when a group is unable to reach for consensus. If achieving full consensus is not possible, then several options for reaching decisions, if permitted by the rules of the relevant ICANN organization, are possible:

- If the group is providing recommendations rather than making decisions, the group can submit a report that explicitly distinguishes recommendations on which there is full consensus, recommendations on which a majority or supermajority of all stakeholder groups agree, and recommendations on which there is no (super)majority agreement and why. This can help inform the ultimate decision-making body.
- Referring the issues in dispute to an independent individual or small group that all group participants recognize as competent and legitimate and seeking a non-binding recommendation or a binding decision on how to resolve the issue.



Use decision-support tools

In helping groups reach consensus, facilitators should make liberal use of decision-support tools. These are tools to gauge group support for different ideas and help determine where the group should focus its efforts. Different tools have different strengths and weaknesses, and they vary in their degree of quickness and formality, but each of them can help narrow down options and zero in on proposals likely to garner the most support. Importantly, none of these tools should be used to make a final decision, but they can be invaluable in terms of advancing conversations and informing interim group decision-making.

DECISION-SUPPORT TOOLS¹

TOOLS	WHEN TO USE	DESCRIPTION
Straw poll	To quickly gauge the degree of support for a proposal	Ask for quick, non-binding show of hands
Prioritize	Weigh options/decide how to go forward	Rating in relationship to other options
Grouping	Too many “choices” or to eliminate repetition	Link like items
Mapping	Visual representation of brainstorm	Visual link of like items
Force-field analysis	Need to deconstruct forces affecting issue	Systematically evaluate forces for change and forces against change for a given issue/proposal
Levels of consensus	Take a pulse on where individuals/group stands	Levels 1-5 where “1” is “like proposal” and “5” is “have to block”
Multi-voting	Need quick pulse of group’s priorities	Divide number of items by 4 equals number of votes per person
Nominal group technique	No obvious/easy choice	Ranking system using math computations
Compare options based on criteria	When group has multiple articulated needs/elements against which to evaluate	Develop criteria of needs/requirements to evaluate choices
Paired comparisons	To compare unrelated or “politically difficult” decisions	Compare A to B, outcome to C, outcome to D, etc.
Visioning	To create goals and positive momentum	Imagining ideal future

¹More detailed descriptions for a number of these decision-making tools, and others, can be found at www.mindtools.com.

Ask about interests

If, after a call for consensus, one or more members of a group cannot live with a proposal, this is not the end of the discussion. The next question for the facilitator to ask is “Why?” Consensus building is a deliberative process that asks participants to justify their positions and explain the reasons behind them so these positions can be evaluated on their merits. The facilitator should ask the participants to explain their objections not just in logical terms, but also in terms of *interests*: **“What interests of yours does the proposal fail to meet?”** and **“Why are these interests so important to you such that you can’t at least ‘live with’ this agreement?”**

Ask about solutions

The facilitator should then ask for possible solutions: **“What would need to change for you to be able to at least ‘live with’ this agreement, which would still be acceptable to others?”** Asking participants to suggest new ideas and possible trade-offs that they believe will work for them and others is important to avoid wasting time on suggestions that everyone knows by this point will be unworkable. The facilitator might need to remind participants about interests and red lines that have already been well articulated to ensure the conversation explores new options rather than rehashing well-worn disputes.

Iterate

Eventually (often through the continued use of decision-support tools), the group will coalesce around a revised proposal and the above process will start again: the facilitator will again ask, **“Can anyone not at least live with this proposal?”** and either there will be consensus, or the facilitator will once again lead the group through a conversation around interests (**“What interests does this proposal fail to meet?”**) and options (**“What changes might make it acceptable to you while allowing it to remain acceptable to others?”**). This iterative process can continue either until the group arrives at a consensus agreement or it becomes clear that full consensus is not possible.



Don't rush it, but consider strategic use of deadlines

If this process feels time consuming, that's because it often is. The expression “consensus building is a marathon, not a sprint,” is popular within ICANN for good reason. Consensus building takes time, and stakeholders and facilitators need to commit the necessary time and effort to determine if a consensus is possible. Efforts to short-circuit the process by pushing through an outcome that the group is not yet ready to accept will typically backfire and may result in even more delay.

At the same time, sometimes the facilitator will have a sense that the group is ready to move forward with a consensus agreement, but some participants are stalling to try to extract more for themselves or may simply need a little extra encouragement to conclude the process. In such cases, the chair may want to set a deadline for achieving reaching consensus. The well thought-out, strategic use of deadlines can add some helpful urgency to discussions, and encourage creative thinking and movement.

Be willing to accept non-consensus outcomes

Despite their best efforts, many groups will simply not be able to arrive at agreements everyone can at least “live with.” As noted above, there are various options for the group to pursue in such circumstances. While this may be a disappointing outcome to some, groups can still add significant value to an issue or problem even without a consensus agreement. Such groups should simply do their best to get as close to consensus as they can, and then issue a report that documents both the areas of consensus and those where participants cannot agree and why. If the relevant process is advisory in nature, this kind of report will still be of significant value to decision-makers, who can do their evaluation of the merits of the minority and majority opinions.



Document and move on

In cases where the consensus determination is linked to the enforceability of a group's decision-making (e.g. with contracted parties in the GNSO), it may be more difficult — but is still important — to walk away and accept a non-consensus outcome when the time is right.

By continuing to spend time and energy on an unsolvable problem, groups risk damaging relationships and decreasing the likelihood of future agreements. Again, the key is to document thoroughly and carefully the progress the group made, the areas they were able to reach agreement, and the areas where agreement was not possible and why. At the very least, such a report will narrow the scope of the issues in dispute, and potentially allow for progress in the areas where agreement has been reached. And in the future if there is another effort to build consensus around the issues that remain in dispute, the report's explanations and reasoning will serve as an important resource for decision-makers.

Focus less on outcomes than on process

In following the above steps to try to reach consensus, the concern of the facilitator should be less about the final outcome than the integrity of the process. The suggestion is to treat consensus as a journey not a destination. In other words, **the facilitator should focus their efforts on using sound decision-support tools, asking the right questions, making sure everyone's voices are heard, seeking ideas and wise trade-offs that will bring every participant on board, testing for consensus, and iterating as needed. If this process results in a consensus agreement, that is all for the better.** If it does not, the facilitator has still performed his or her function admirably, and helped the parties by clarifying those areas where they can agree and those where consensus agreement is not possible. It is up to the participants, not the facilitator, to decide whether a final agreement meets their interests sufficiently such that they can “live with” it.





14

**Act Like a Mediator
to Prevent and
Overcome Deadlocks**

CANN consensus building processes often involve highly contentious issues, where the participants' interests are in conflict. For some participants, the outcome of these processes will have significant impacts on their constituents' bottom lines. For others, the issues under consideration relate to their deeply held values and core beliefs. There may even be some participants at the table who would prefer the status quo to almost any agreement the group possibly could reach, even if the status quo is sub-optimal for a large majority of stakeholders and a consensus agreement would dramatically improve the state of the Domain Name System overall. These participants will have an active interest in disrupting or stalling the proceedings and blocking potential deals. Even if there is no overt "spoiler" at the table and if there are possible agreements that could make everyone better off than their "no deal" alternatives, the risks of impasse are significant. It is important for both facilitators and participants to understand and utilize approaches for preventing and overcoming deadlocks.



Begin with good process and the mutual gains approach

The most straightforward tools for preventing deadlock have already been discussed. The best practices around good process and building good group culture, along with the core tenets of the mutual gains approach, are designed to maximize the chances of generating value creating agreements. If everyone has confidence in the process and they are using the mutual gains approach to expand the size of the negotiation pie, then the level of trust in the group will naturally increase, as will the overall interest in reaching agreement.



Use single text drafting

When a group is trying to reach agreement on a complex set of issues that will require organizational commitments and potentially legal, regulatory, and/or policy changes, using a single text approach can be very useful. The single text approach involves creating one unified framework document, reflecting the group's shared understandings and agreements, off of which everyone in the group works. The document can cover a wide range of issues, and much of the work on these issues can be done in subcommittees, small group workshops, etc. On each issue, the single text can include multiple options that the group has under discussion at any given time. By showing multiple options side-by-side, the single text approach can encourage creative “mixing and matching” of options within and across issues.

By compiling points of agreement as well as unresolved issues in a single text, the group can continuously monitor its progress in a concrete way, and also explore trade-offs across issues. The single-text approach also helps groups to hold off on making final decisions on individual issues until the full range of issues is explored and resolved. It is important that whoever is in charge of drafting and editing the single text be considered impartial — i.e. typically staff, the chair, or a facilitator.



Change up the process

In the event your group finds itself at an impasse, despite your good process and use of the mutual gains approach, there are various tools available to help break the deadlock, many of which originate from the field of mediation. Often, the best

thing to do is simply change the issue under discussion. Find yourself unable to move forward on issue A? Then why not try working on issue B for a while? If the group makes enough progress on issue B, the problems with issue A might seem less significant once you return to them.

Another option is to try changing the format of the discussion. Been engaged in the large group for some time and find yourself at loggerheads? Try breaking into smaller groups, asking each group to address a different element of the problem, and then returning to the large group to see what kind of progress has been made. You can break into these kinds of small group discussions for just a short “lightening round” in the middle of a longer meeting, or you could assign a longer-term working group the task of workshopping ideas around a particular issue for a period of weeks, and then coming back with proposals for full group consideration.



Use good questions and framing

Other mediator tools relate to good framing of issues and asking good questions during and between meetings. In general, as the facilitator, you want the group to be engaged in discussions focused on the core elements of the mutual gains approach: interests, options and criteria. If participants are engaged in positional bargaining, you should try to redirect the conversation towards one of these three elements.

Sometimes, you can do this through asking good questions. For example: **“Why are you taking that position? What’s the core interest?”** or **“What are some other options for meeting that interest that might work for you and for others as well?”** or **“What criteria could we identify to determine what’s a fair outcome here?”**

Other times you can try yourself to reframe a participant’s words as an interest, option or criterion. For example, in response to a positional statement you might say something like: “It sounds like you care a lot about x...” or “That sounds like one more option for us to consider. Thanks.” Or “It sounds like you’re suggesting a new factor or criterion for us to consider as we evaluate these options.” In reframing, it is important not to twist a participant’s words beyond recognition. This will likely only engender an even more negative reaction. The goal is to pull out and restate the nugget actually within their statement that might be productive, if it exists, not to invent such a nugget out of whole cloth.

Still other times the facilitator can help by summarizing the key interests of all the parties as elements needing to be met if there is going to be an agreement (e.g. **“We’ve heard core interests expressed around w, x, y, and z. We’re going to need to satisfy each of these if we’re going to reach a deal. What are some ideas?”**). By empathizing with party perspectives, helping parties look to the future rather than the past, and identifying the key interests an agreement needs to satisfy, the facilitator helps reframe the conflict from “A vs. B” to “A + B jointly working on problem C.”



Use private caucuses

Within ICANN, there may be different norms around chairs having private, offline conversations with individual participants, due to various levels of concern around transparency. Generally speaking, it is a mistake to prevent facilitators from engaging in these kinds of offline conversations. For groups to function effectively, there needs to be a space where members can express sensitive concerns in confidence with a trusted intermediary. If such spaces don’t exist, these concerns will often remain unexpressed and leak out into the group dialogue in unhelpful ways.

In addition, stakeholders might be willing to express more flexibility around particular issues with the facilitator in private than they would in front of the group, opening up new space for conversation. For example, two parties that appear inflexible in the group dialogue may in fact both be willing to move from their position, if only the other party would do the same. Without the opportunity for private conversations, they will remain forever in conflict. But if the facilitator speaks to both sides privately and learns this valuable information, they can encourage the two sides to disclose it and help move the conversation forward. The private conversation or “caucus” thus allows the facilitator to uncover sensitive issues or problem-solving ideas, and consider whether and how to incorporate them into the larger group conversation. They are a valuable tool for managing conflict and overcoming deadlocks.



Prepare early for the possibility of private caucuses

There are a number of best practices that may alleviate concerns around the transparency of private, offline conversations. Specifically:

- It should be made clear up front — as part of the group’s “working agreements” — that the facilitator might have private “caucuses” with individual participants or stakeholder groups. This will prevent such meetings from coming as a surprise later on.

If participants have specific concerns about these conversations, those can and should be discussed up front during the initial conversations on process and norms, and the guidelines around caucusing can be adjusted accordingly (see [Play 5](#)).

If a group has serious concerns about a chair or vice-chair engaging in these kinds of conversations, it might be necessary to bring in a third-party facilitator, mediator, or ombuds to serve in this role if the group finds itself in conflict.

The facilitator should be transparent with stakeholders about whether/when they are having these conversations (e.g. **“I’d like to have some offline conversations on this issue to understand where folks are coming from. Sara and Atif, since you two raised the concern, I’d like to check in with you before the end of this week if possible. I’m also happy to speak with anyone else who is interested.”**)

The facilitator should remain impartial and respect confidentiality during caucuses and private conversations. The goal should be to listen attentively to the participant’s concerns in order to understand them, without either agreeing or disagreeing with them, and consider ways to problem-solve with the larger group. It is not the facilitator’s job to evaluate the legitimacy of the participant’s concerns one way or the other, but it is their job to listen and facilitate problem-solving.

It is not the facilitator’s job to evaluate the legitimacy of the participant’s concerns one way or the other, but it is their job to listen and facilitate problem-solving.

At the end of the private caucus, the facilitator should check in about what needs to remain confidential, and what might be shared with the larger group. Often, having gotten an issue off their chest, participants are willing to share more than might have been expected.

In some cases, participants will become concerned if they see the facilitator caucusing with one participant and not others. In such cases, the facilitator may need to engage in additional private conversations with participants or stakeholders on the other side of an issue to maintain the appearance of impartiality.



Conduct a mid-point assessment

Another process that mediators use during deadlocks is to do a round of conversations with all the parties via a mid-point issue assessment. This “process check-in” allows each of the participants to step back and talk about their perspectives, perceptions, potential solutions, and process suggestions. This mid-point assessments can give the mediator the insight necessary to structure a subsequent problem-solving session in a way that creates breakthroughs.



Reality-testing

In the heat of a tough negotiation, parties often find it difficult to think coherently about what will happen if they do not reach an agreement. Often, due to a cognitive bias known as overconfidence bias, they over-estimate the likelihood that things will work out for them if they walk away from the table, especially in negotiation or dispute situations where partisan perceptions are in play. (For example, parties in litigation consistently over-estimate the likelihood that a court will rule in their favor.)

One function of the facilitator is thus to help the parties imagine a world in which they do not reach an agreement, and things do not work out as they hoped. Facilitators can accomplish this through probing questions, typically during one-on-one conversations between meetings, such as, **“What do you think will happen if you walk away now?”** or **“How likely do you think that outcome really would be if you walk away?”** or **“What would you do if it doesn’t work out that way?”**



Contingent agreements

Many disputes reflect, at bottom, different predictions or concerns about what might happen in the future. For example, one party might support a particular formulation of a new rule and insist that it will have a positive impact on the other stakeholders' bottom lines. The other stakeholders believe the rule will be thoroughly damaging to their business model. They go back and forth on this issue, and the negotiation quickly devolves into dueling arguments about an unknown future.

In such circumstances, the parties should stop arguing about the future, and instead bet on it. In other words, they should build contingent agreements into their deal — with appropriate methods of monitoring and evaluation — and agree on what will happen depending on whose version of the future comes to pass. Contingent agreements take the form of “if...then” statements to account for multiple potential outcomes. In the example above, perhaps the party supporting the new rule would agree to implement it in phases, with market studies during each phase and an agreement revert to the existing rule if the studies show negative market impacts. Perhaps these assurances would help the other parties feel secure enough to sign on.



The “salami” method

When parties are at opposite ends of a single negotiating issue (often financial), one approach is to help each begin to chop off a little from each end. The essential first step is that each party indicates some willingness to move at all. Ask them, **“What do you think might be possible on this issue?”** Should the parties begin moving, then the facilitator's goal is to help them think clearly about their choices and try to help keep the momentum moving. It may help to point out (if it is plausible) how reasonable all parties are being; the progress that has been made already (parties tend to forget this) and what the alternatives to this process are.

When a large part of the initial gap has been closed (maybe 75% or so), it may be appropriate to look for a prominent point within the daylight that remains. A prominent point is any figure that has some logic to suggest it as a suitable place for agreement. If the conflict were over a piece of land, a prominent point might

be a river or a mountaintop. In many cases where finances are involved, this simply means some version of splitting the difference. This will be a reasonable option only when the parties feel that the amount to be split is not large in relationship to everything at stake.



Managing holdouts

In some cases, despite all the group's best efforts to come up with deals that create value for everyone, one or two parties insist on holding up a deal. Over time and through careful observation, you begin to doubt the good faith of these participants. It seems like their real interest is just in preventing *any* deal, even one that contains significant concessions to their needs. With chagrin, you acknowledge the unfortunate reality: there are holdouts in your midst. What do you do?

Your first step is to remember your decision rule. Do you in fact need the holdouts to sign on to the deal for it to move forward? What are the implications if they do not? Your answers to these questions will depend, of course, on the rules within your particular organization and the expectations you set with the group around consensus at the outset. It bears noting that the potential for holdouts — and the desire to avoid empowering them — underscores the value of a decision rule that allows groups to move forward with something short of unanimity or “full” consensus.



Have perspective

Once you have diagnosed the costs and benefits of moving forward without the holdouts, hopefully you have come to the conclusion that there are, in fact, viable paths forward that do not require their buy in. At this point, you will want to do some perspective taking and put yourself in shoes of the holdouts. Are they actually being intentionally difficult? Or are their interests simply not the same as what is best for the group? Remember that it may be their job — their professional duty — to try to prevent an agreement that damages their constituents' bottom line, even if from a neutral perspective this stance destroys value for the group. Hopefully, this kind of perspective-taking will help ground your decision-making about how to engage with them.



Consider a “departing train” strategy

Even if the facilitator may come to understand or even sympathize with the holdouts’ position, the facilitator has a responsibility to the group not to let them block an agreement that has broad support, that has been well-vetted and justified based on prevailing criteria and norms, and that would bring significant benefits to the vast majority of stakeholders. As such, the facilitator needs to do what they can to change holdouts’ calculus around whether to support the deal. This means a) making every effort to demonstrate that the holdouts are fully included in the conversation, their interests are being taken into consideration, and their ideas are welcomed and evaluated according to the same shared criteria as everyone else’s; and b) making clear that having done all this, the group will move forward towards consensus with or without them. Efforts at disruption, stalling, rehashing old arguments, etc. are not to be entertained and will be blocked by the facilitator politely but forcefully. In short, the facilitator wants to communicate to the holdouts that the “agreement train” is leaving the station. Either they can get on board now and be part of the agreement with the other stakeholders, or they’ll be left standing by themselves at the station.

The threat of being “left out” is often enough to incentivize troublesome participants to engage more productively and/or join the consensus. For others, the option of a minority report should be utilized positively and without judgment, as a way to allow for group progress despite good faith dissent.

Remember that this assertive use of facilitator power is benevolent — for the benefit of the group. It may feel uncomfortable, but it’s the facilitator’s job. At the same time, it is important not to overuse this approach. Move too quickly or do this too often, and other stakeholders will rush to defend the holdout. And remember the more stakeholders included in your final agreement, the more credible and durable it will be.



15

Implement, Adapt, and Learn

At the end of a consensus building process, stakeholders are asked to endorse the final recommendations. Devising a means of holding the parties to their commitments is extremely important. Some agreements can be nearly self-enforcing, because they are closely aligned with the interests of all stakeholders and no additional resources are needed to implement them. Others may require legal or regulatory changes, additional resources, and/or organizational capacity building to be fully implemented. The group must specify the steps that will be taken and who must take them to ensure that the agreement will be formalized and implemented.

Often, the results of a consensus building process are advisory and must be reviewed and adopted (partially or in full) by a set of elected or appointed representatives. If there has been clarity from the beginning of the process about the relationship between the group consensus building process and final decision-making, there should be no surprises at this stage. However, in some cases political and institutional forces beyond the control of the group, and beyond the control of the decision-makers themselves, may cause serious problems.

When the results of the process cannot fully bind community leaders, the group can develop common goals and messaging and a strategy for influencing decision-makers. That strategy might include face-to-face meetings between a number of group participants and senior representatives and/or formal submission of group recommendations to the appropriate body, if these are permissible within the relevant procedures.

Ensure appropriate monitoring and review

Even where adequate resources (institutional, political and organizational) are available to support implementation, periodic monitoring and review are essential to assess whether implementation is achieving the group's goals, and to respond to new information and circumstances. Ideally, monitoring systems should be joint (i.e. involving representatives of all key stakeholder groups), and should periodically assess whether the agreed actions are achieving their underlying goals. If the agreement included contingent commitments, then monitoring of those contingencies is essential, since they may trigger further action.¹

Specify mechanisms to address changed circumstances

Finally, whether there are contingent agreements or not, it is a good idea for any agreement reached by a consensus building group to include a mechanism by which participants can be re-assembled if there is a change in circumstances, a failure on the part of some participants to live up to their commitments, and/or a new opportunity to achieve joint goals through a different strategy. Periodic meetings of the stakeholders can promote stronger long-term relationships and reduce the risk that some representatives perceive others to be unresponsive if difficulties do arise.

¹ Some groups within ICANN have frameworks in place for periodic review and emphasize including metrics in their recommendations to assess progress. Working groups should take advantage of these existing frameworks to design joint monitoring systems tailored to their individual circumstances.



Final Thoughts

Achieving consensus is hard, but effective consensus building is a skill that can be taught and practiced like any other. Like any skill, some people will be more naturally gifted at consensus building than others, but the important thing to remember is *you can get better*. By learning about best practices, observing others, practicing, engaging in self-reflection, and seeking feedback and coaching, you will improve. And your improvements will help deliver wiser, fairer, and more durable outcomes to the groups with which you work. Learning to feel comfortable as a group leader, facilitator, or problem-solving participant takes time and practice, but it is well worth the effort.



Appendices

Consensus Building Checklist



ASSESS THE SITUATION

- Identify stakeholders and issues
- Hold direct, confidential conversations with key stakeholders
- Right-size the problem
- Clarify decision making authority

Preliminary Issue Report



Public Comment



Final Issue Report



USE A SKILLED AND CREDIBLE FACILITATOR

- Process-focused
- Impartial
- Respectful
- Clear and transparent
- Accountable to the group
- Adaptable



PDP INITIATED, CHARTER CREATED AND CALL TO MEMBERSHIP

- Convene a credible and effective problem-solving group
- Get agreement up front on process and norms
 - Identify the final decision-maker
 - Clarify the meaning of consensus
 - Clarify the chair/facilitator's process for calling consensus
- Establish working process agreements
- Foster a culture of collaboration and problem-solving environment



HAVE A CLEAR PURPOSE AND WELL-THOUGHT-OUT AGENDA FOR EACH MEETING

Focus meetings on the 4-P's: Purpose; Product; People; Process

Use productive tools for dialogue`

- Individual reflection
- Go-round
- Popcorn
- Talk in pairs
- Strategic use of online chat
- Online meeting tools
- Small group caucuses

PLAY
8**STAY TRUE TO MEETING BEST PRACTICES**

Send agenda, with the meeting purpose and materials, in advance

Document key insights, actions item and next steps

PLAY
9PLAY
10**FACILITATE THE PROCESS AND RECOGNIZE NEEDS**

Be assertive on the process and impartial on the substance

Actively engage in the process on behalf of all participants

- Put the group first, the individual second
- Intervene to keep the group on course
- Use neutral language

Be attentive to emotions: Remember people want to be heard, respected, included and valued

PLAY
11PLAY
12**HELP PARTICIPANTS DELIBERATE FOR MUTUAL GAINS AND ENSURE ROBUST COMMUNICATION**

Use the mutual gains approach

- Help the parties prepare effectively
- Probe to identify interests behind positions and clarify facts
- Create space for the group to invent creative solutions without committing — “idea creation”
- Identify areas of agreement and of wise trade-offs
- For areas of disagreement, identify shared criteria for decision making that all agree are fair
- Apply criteria and use decision-making tools to create, narrow, and package agreements
- Make the consensus call and ensure effective follow through to not derail the agreement

Ensure participants engage in robust communication with constituents

Develop summary proposals to vet with constituents at key milestones



SEEK WORKABLE AGREEMENTS THAT EVERYONE CAN LIVE WITH

Understand a wide range of stances can constitute consensus within a group:

- Strong support: “I love this”
- Mild support: “It will suffice”
- Neutrality: “It’s so-so”
- Mild dislike: “I’m willing to tolerate it”, “I can live with it”
- Strong dislike: “I don’t like it at all, but I will let it go forward”
- Abstention: “I’m not going to say anything, but I won’t block it”

If consensus is not found

- **ASK WHY** – probe both opinions and interests
- Ask for proposed solutions
- Reality test proposed solutions

Then circle back to the “who cannot live with the outcome” question

Document whether or not consensus is reached – make the call

USE DECISION-SUPPORT TOOLS TO REACH CONSENSUS

TOOLS	WHEN TO USE	DESCRIPTION
Straw poll	To quickly gauge the degree of support for a proposal	Ask for quick, non-binding show of hands
Prioritize	Weigh options/decide how to go forward	Rating in relationship to other options
Grouping	Too many “choices” or to eliminate repetition	Link like items
Mapping	Visual representation of brainstorm	Visual link of like items
Force-field analysis	Need to deconstruct forces affecting issue	Systematically evaluate forces for change and forces against change for a given issue/proposal
Levels of consensus	Take a pulse on where individuals/group stands	Levels 1-5 where “1” is “like proposal” and “5” is “have to block”
Multi-voting	Need quick pulse of group’s priorities	Divide number of items by 4 equals number of votes per person
Nominal group technique	No obvious/easy choice	Ranking system using math computations
Compare options based on criteria	When group has multiple articulated needs/elements against which to evaluate	Develop criteria of needs/requirements to evaluate choices
Paired comparisons	To compare unrelated or “politically difficult” decisions	Compare A to B, outcome to C, outcome to D, etc.
Visioning	To create goals and positive momentum	Imagining ideal future

PLAY
14**PREVENT AND OVERCOME DEADLOCKS**

- Identify areas of agreement and build upon them
- Use single text drafting
- Change the process
- Ask questions that clarify issues/positions to drive talks forward
- Summarize positions and reframe issues
- Use caucus/offline conversation to get to the heart of concerns
- Reality test proposed solutions
- Build in contingencies
- Use the salami method
- Use the departing train strategy

PLAY
15**IMPLEMENT, ADAPT, AND LEARN**

- Process-focused
- Impartial
- Respectful
- Clear and transparent
- Accountable to the group
- Adaptable

Facilitation Questions & Interventions

TO OPEN UP DISCUSSION

- What other ideas do people have on this topic?
-

TO HELP THE GROUP MOVE ON

- Who has a new idea to add? Something we haven't heard yet? New ideas only please.
 - Let's hear 1-2 more comments then we need to move on for time.
 - Sorry, only for time, we need to move on. Let's take additional comments on this in the chat and we can review them after the meeting.
-

TO GET THE DISCUSSION BACK ON TRACK

- Let's park that comment for a minute. We can return to it later on. Can we please hear comments on this issue only?
-

TO GET AT INTERESTS

- Why is that so important to you?
 - What's *most* important to you on this issue?
-

TO GET AT MULTIPLE OPTIONS

- What are some different ideas on this issue that you imagine might work for everyone? No commitments just ideas. Let's brainstorm.
 - What if...?
-

TO GET AT CRITERIA

- What makes that fair? What's it based on?
 - How would we justify to others that this is fair?
 - What are the key attributes that a solution here needs to have?
-

TO ENGAGE QUIETER PARTICIPANTS

- Who else has something to add? Someone who hasn't spoken yet please.
 - Let's hear from someone new on this.
 - We haven't heard from X stakeholder group yet. Not to put you on the spot, but what's your thinking?
-

TO MAKE A PARTY FEEL HEARD OR CHECK YOUR UNDERSTANDING

- Paraphrase: I heard you say... Is that right?
 - Acknowledge emotion: E.g., It sounds like you're pretty frustrated at how this process is going right now.
-

TO MOVE PARTIES OFF POSITIONS TO SOMETHING MORE PRODUCTIVE

- Reframe from positions to interests: I'm hearing that one important goal for you is X...
 - Reframe from positions to options: Thanks. That's one option for us moving forward. What are some others?
 - Reframe from positions to criteria: What's that idea based on? What makes it fair and justifiable from the others' perspective?
-

TO HELP A PARTY ENGAGE IN A REALITY CHECK (IN A PRIVATE CAUCUS)

- What do you think will happen if you oppose this agreement and we can't reach consensus?
 - What will you do if this doesn't work out as you hoped?
-

TO ADDRESS AN UNPRODUCTIVE GROUP DYNAMIC

- I'm noticing [name the group dynamic]. I would like us to [name a solution].

Examples:

- I'm noticing that we're talking over each other. I'd like us to make sure we're observing the hand-raising rule moving forward.
- I'm noticing that we've been repeating ourselves on this issue, and I wonder if it's because some folks feel like they're not being heard. I'd like us to take a stab at clearly naming and noting down the core concerns we've heard from each party.
- I see that we're not so engaged around this issue, and I wonder if it's because it just doesn't seem so important to folks, or if folks just need more time to prepare. Do folks have thoughts on this? [Hear responses] Ok then, I'd like us to park this issue for now and return to it next week when everyone has had a chance to read the background document.
- I'm noticing that there are strong opinions on this issue and things are getting pretty heated. It's important for us to get our differences out on the table clearly, but I'd like people to recall our working agreement around treating each other with respect, and ask that we please observe that moving forward.

ICANN Definitions of Consensus

Caveat: *The definitions of consensus found in this appendix are not intended to be a definitive list or a complete recitation of consensus throughout the ICANN community. Rather, they are intended as a quick-reference guide to inform and provide an overview of different flavors of the consensus building process across ICANN. Some of these definitions are extracted from community group’s operating procedures and guidelines, as well as the ICANN Bylaws and ICANN websites. Some of the definitions are summarized language based on community groups’ consensus designation practice but not coded in community group’s official documentations. Some ICANN groups do not have definitions of consensus¹. Please see details in the footnote.*

ICANN GLOSSARY² — Consensus is a form of decision-making employed by various supporting organizations within ICANN. The method to establish whether one has reached consensus differs per supporting organization.

POLICY FUNDAMENTALS ON CONSENSUS — ICANN LEARN COURSE³ — Consensus is generally defined as broad-based agreement.

COUNTRY CODE NAMES SUPPORTING ORGANIZATION (ccNSO) WORKING GROUPS⁴ — Each working group will establish how they wish to reach consensus as part of their Rules of Engagement. The general principle is as follows:

- **Full Consensus** – a position where no minority disagrees; identified by an absence of objection
- **Consensus** – a position where a small minority disagrees, but most agree

GENERIC NAMES SUPPORTING ORGANIZATION (GNSO) WORKING GROUPS⁵ — The Chair will be responsible for designating each position as having one of the following designations:

- **Full Consensus** – when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as Unanimous Consensus.
- **Consensus** – a position where only a small minority disagrees, but most agree.
- **Strong support but significant opposition** – a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.

¹ For example, the Address Supporting Organization (ASO) does not have a definition of consensus because it does not develop policies within ICANN.

² See the full list of ICANN glossary: <https://www.icann.org/resources/en/glossary>

³ Enroll in the course here: <https://learn.icann.org/#/dashboard>

⁴ For example, see section 3.2 of ccPDP3 WG Charter: <https://ccnso.icann.org/sites/default/files/file/field-file-attach/2017-05/charter-wg-retirement-cctlds-10apr17-en.pdf>

⁵ See section 3.6 in the GNSO Working Group Guidelines: <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-1-gns0-wg-guidelines-24oct19-en.pdf>

- **Divergence (also referred to as No Consensus)** – a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** – refers to a proposal where a small number of people support the recommendation. This can happen in response to a Consensus, Strong support but significant opposition, and No Consensus; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

GNSO COUNCIL⁶ – Approve a (E)PDP Recommendation Imposing New Obligations on Certain Contracting Parties: where an ICANN contract provision specifies that 'a two-thirds vote of the council' demonstrates the presence of a consensus, the GNSO Supermajority vote threshold will have to be met or exceeded.

AT-LARGE COMMUNITY/AT-LARGE ADVISORY COMMITTEE (ALAC)⁷ – A Consensus decision is one supported by an overwhelming percentage of the ALAC and ALS representatives within a RALO but need not be unanimous. The ALAC Chair and RALO leadership shall rule as to whether or not a Consensus has been reached. Any ALAC Member or ALS representative who does not support a Consensus position may request that his/her disagreement be noted in the records of the meeting.

GOVERNMENTAL ADVISORY COMMITTEE (GAC)⁸ – Any Governmental Advisory Committee advice approved by a full GAC consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection

GAC Operating Principles, Principle 479: The GAC works on the basis of seeking consensus among its membership. Consistent with United Nations practice, consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection. Where consensus is not possible, the chair shall convey the full range of views expressed by members to the ICANN Board.

- In United Nations practice, the concept of “consensus” is understood to mean the practice of adoption of resolutions or decisions by general agreement without resort to voting in the absence of any formal objection that would stand in the way of a decision being declared adopted in that manner. Thus, in the event that consensus or general agreement is achieved, the resolutions and decisions of the United Nations meetings and conferences have been

6 See section 11.3(i)(x) and section 11.3(i)(xv) of the ICANN Bylaws: <https://www.icann.org/resources/pages/governance/bylaws-en/#article11>

7 See “At-Large Work Methods & Collaboration Tools” webpage: <https://atlarge.icann.org/get-involved/vote-and-consensus>

8 See section 12.2(a)(x) of the ICANN Bylaws: <https://www.icann.org/resources/pages/governance/bylaws-en/#article12>

9 See details of the GAC Operating Principles, Principle 47: <https://gac.icann.org/operating-principles/operating-principles-june-2017>

adopted without a vote. In this connection, it should be noted that the expressions “without a vote”, “by consensus” and “by general agreement” are, in the practice of the United Nations, synonymous and therefore interchangeable.

ROOT SERVER SYSTEM ADVISORY COMMITTEE (RSSAC)¹⁰ — Consensus is based on a general agreement after an issue has been openly discussed and all objections have been reviewed, even if not all are fully resolved in the final outcome.

SECURITY AND STABILITY ADVISORY COMMITTEE (SSAC)¹¹ — SSAC consensus occurs when the listed authors of an SSAC publication agree on the content and recommendations of the publication with no final objections from the remainder of the SSAC, with the exception of any dissenting opinions or alternate views which are included at the end of each publication.

IMPLEMENTATION REVIEW TEAMS¹² — Follow GNSO’s Operating Rules and Procedures.

ICANN SPECIFIC REVIEWS¹³ — Follow the Operating Standards, 3.11 Decision-Making Procedure.

IANA NAMING FUNCTION REVIEW TEAM (IFRT)¹⁴ — All actions of the IFRT shall be taken by consensus of the IFRT, which is where a small minority may disagree, but most agree. If consensus cannot be reached with respect to a particular issue, actions by the majority of all of the members of the IFRT shall be the action of the IFRT.

SEPARATION CROSS-COMMUNITY WORKING GROUP (SCWG)¹⁵ — The SCWG shall act by consensus, which is where a small minority may disagree, but most agree.

10 See Section 1.3 of the RSSAC000v4 (RSSAC Operational Procedures) on page 14: <https://www.icann.org/en/system/files/files/rssac-000-op-procedures-13mar19-en.pdf>

11 This language is developed by the Chair and Vice Chair of the SSAC Admin Committee for the express purpose of the Consensus Playbook.

12 See Section V.E. of the Implementation Review Team (IRT) Principles & Guidelines on pages 3-4: <https://www.icann.org/en/system/files/files/irt-principles-guidelines-23aug16-en.pdf>

13 See Section 3.11 of the Operating Standards for Specific Reviews on pages 22-24: <https://www.icann.org/en/system/files/files/operating-standards-specific-reviews-23jun19-en.pdf>

14 See Section 18.9(a) of the ICANN Bylaws: <https://www.icann.org/resources/pages/governance/bylaws-en/#article18>

15 See Section 19.7 of the ICANN Bylaws here: <https://www.icann.org/resources/pages/governance/bylaws-en/#article19>

Origins and Context of the Consensus Playbook

The Consensus Playbook was identified as one element of the GNSO Council's Policy Development Process (PDP) 3.0 initiative¹. The overall purpose of PDP 3.0 was to introduce improvements to enhance the efficiency and effectiveness of GNSO PDPs, both from the standpoint of how they function and operate, but also in the ability of the GNSO Council to manage the PDPs within its remit. One of the specific and key improvements was to help both Working Group leaders and members alike to better understand the process needed to build consensus and some tips and tricks to use when consensus may seem like an elusive outcome².

The GNSO Council submitted an Additional Budget Request (ABR)³ to ICANN org in January of 2019 for a consensus building training manual/guidebook, developed by an expert in the field of consensus building. The ABR was approved, however, contingent upon the playbook being developed in a manner such that it could be applicable to the wider ICANN community; it was recognized in the approval process that better understanding consensus building is beneficial to all of those involved. The Consensus Building Institute (CBI) was selected as the expert firm to develop this Consensus Playbook.

CBI, in seeking to ensure wider ICANN community applicability, considered the definitions of consensus for the various groups within ICANN and interviewed experienced members from all of the ICANN community groups, to have them share their extensive consensus building experience in leading and participating in working groups and community groups. To be clear, the Consensus Playbook does not change the definitions of consensus or the methods of decision making as prescribed in each community group's rules and procedures; it does not create any new requirements either. What this Consensus Playbook is intended to do is to provide ICANN community volunteers with practical tools and best practices for building consensus, bridging differences, and breaking deadlocks within ICANN processes.

The Consensus Playbook provides guidance from the beginning to the end of the consensus building process. It stresses that consensus building should be treated as a journey and that it does not just take place at the end of deliberations (e.g., consensus call). While it is informative to read the Consensus Playbook from cover to cover, it is perhaps more useful to think of it as a reference document to return to repeatedly and draw upon its guidance during the various phases of the ICANN community's work.

1 See the PDP 3.0 work products under the header GNSO Policy Development Process (PDP) 3.0 Implementation Work Products: <https://gnso.icann.org/en/council/procedures>

2 See improvement #4: Capture vs. Consensus Playbook on page 10 here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/pdp-increase-effectiveness-efficiency-23oct18-en.pdf>

3 See ABR request here: <https://go.icann.org/3bkd5Oz>