

Independent Review of the Generic Names Supporting Organization - Draft Report

Public Comment Input Template

The Report Summary (Section 1, pages 4-20) offers a brief overview of Westlake’s work and outlines 36 proposed recommendations. Please refer to the specific recommendation and relevant section of the Draft Report for additional details and context about each recommendation.

The purpose of the Public Comment posting is to request community feedback on the Draft Report published by Westlake Governance, the independent examiner appointed by the Structural Improvements Committee of the ICANN Board for the review of the Generic Names Support Organization (GNSO). The Draft Report can be found at www.icann.org/en/system/files/files/gnso-review-draft-29may15-en.pdf.

The following template has been developed to facilitate input to this Public Comment. Use of the template is not required but is strongly encouraged to ensure that comments are appropriately applied. This template provides the opportunity for general input on the proposal as well as specific comments by section. Please note that there is no obligation to complete all of the sections – commenters may respond to as many or as few as they wish.

Following completion of the template, please save the document and submit it as a pdf attachment to the Public Comment proceeding: comments-gnso-review-01jun15@icann.org. In cases where comments are being submitted on behalf of a group, to facilitate development of group comments, a PDF version of the template is provided for sharing with the group; once the group comments are finalized, please enter them into the template rather than sending them as a Word or PDF file.

A. Please provide your name:	ISPCP Constituency
B. Please provide your affiliation:	GNSO
C. Are you providing input on behalf of another entity (e.g. organization, company, government)?	Click here to choose Yes or No.
D. If you answered ‘yes’ to the previous question, please list the entity on whose behalf you are submitting these comments.	Click here to enter text.

All of the Independent Examiner’s recommendations have been classified into four topical themes: Participation and Representation; Continuous Development; Transparency; and Alignment with ICANN’s Future. Please refer to the specific recommendation and relevant section of the Draft Report for additional details and context about each recommendation.

Please add your comments into the designated areas within the following table:

Rec #	Theme Topic	Proposed Recommendation
1	Participation & Representation	Develop and monitor metrics to evaluate the ongoing effectiveness of current outreach strategies and pilot programmes with regard to GNSO Working Groups (WGs) (as noted in the WG participation recommendations under section 5.4.5).

INDICATE YOUR SUPPORT FOR RECOMMENDATION #1 BY SELECTING APPLICABLE OPINION:

Support

Whilst the ISPCP would agree that WGs exist and do indeed create policy they fully support the remark that ‘openness has not resulted in effective involvement of a broad section of the community’. That said it must be recognized that not all WGs require full participation of all GNSO stakeholders. As part of the process the results of the WGs are open to public comment at various phases, that provides a safeguard for those parts of the community who may not be directly impacted by certain policy development activities and elect to focus their resources on target areas that are of particular importance to them. The ISPCP does not support the idea that all Constituencies need to engage in all WG’s, including silent observers, this would simply add to the burn-out that the volunteer community feels. By allowing volunteers and the Constituencies the ability to choose which Working Group affect their mission those Constituencies are empowered to prioritize their own effort and workload. It’s important that the development of metrics takes account of such issues and doesn’t simply add the numbers and make sweeping assumptions. Any metrics developed to evaluate outreach should be developed hand-in-glove with the objectives for that outreach, so that the community is measuring the correct metrics. As pointed out within the ATRT2 GNSO PDP Evaluation Study Final Report (2013), some GNSO PDPs focus on niche topics, often of a technical nature. The ISPCP also disagrees with Westlake that the BCG1 Recommendation has been met (Working Groups should become the foundation for consensus policy work within the GNSO). Whilst it can be argued that WG’s have provided that foundation, the ISPCP believe the spirit of that original proposal went further, implying that Council should simply ‘manage the policy process’. That is still not the case. The GNSO Council often appears to be the arbiter of the output from WGs and is far to ‘hands on’ in some cases, which undermines the work and status of WGs.

2	Participation & Representation	Develop and fund more targeted programmes to recruit volunteers and broaden participation in PDP WGs, given the vital role volunteers play in Working Groups and policy development.
---	--------------------------------	--

INDICATE YOUR SUPPORT FOR RECOMMENDATION #2 BY SELECTING APPLICABLE OPINION:

Support

Growth in participation should nominally result from targeted outreach programs that grow the Support Organization and its Constituencies, rather than a targeted approach to simply get more individuals within WGs unless there are areas of specific expertise that don’t exist within those groups. Outreach directed at Constituencies is likely to be more sustainable than outreach for people to work in Working Groups. We want to point out that, currently, there is no funding to support recruitment of volunteers to Working Groups, it’s possible that there shouldn’t be. Instead, Working Groups need to be made

Rec #	Theme Topic	Proposed Recommendation
<p>more inviting to dedicate time to. It was pointed out within the ATRT2 GNSO PDP Evaluation Study Final Report (2013) that the demands on regular participation are far too high and that; i) the ICANN community needs to examine the potential for alternative models in the PDP and ii) the current PDP also needs to be examined to find ways to break up the enormous commitment associated with WGs into component parts. Neither of those Recommendations has been followed up. That needs to happen and should be reflected within this report. Note: The ISPCP also has members who came through the Fellowship program. This is not reflected within the appropriate section (4.4.3) of the report.</p>		
3	Participation & Representation	Review the level, scope and targeting of financial assistance to ensure volunteers are able to participate on a footing comparable with those who participate in GNSO as part of their profession.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #3 BY SELECTING APPLICABLE OPINION: <i>It Depends</i> Whilst a review of the current scope and level of financial assistance would be welcomed and would also increase the level of transparency, this also brings to the fore one of the major tensions that exists within the structure of the GNSO. For the some parties the majority of policy development work within the GNSO impacts their core business. For other parties that isn't the case and justifying participation within WGs and the huge time commitment that entails within their home organizations is often viewed as a difficult step and a barrier to participation. In such a case the GNSO lacks legitimacy and is open to capture. Targeted financial assistance to ensure balanced representation across the GNSO community should be investigated, particularly where such an approach could also increase geographical, ethnicity and gender diversity. Another ATRT2 GNSO PDP Evaluation Study Final Report (2013) Recommendation that has never been followed up was that ICANN should consider nurturing and supporting WG participants from Africa, Asia/Pac, Latin America/Caribbean and South America. If financial assistance is being considered this should form part of that consideration. It would be useful to have some results of the fellowship program with metrics associated with bringing in a fellow and the likelihood that the person would join a constituency as a result. Some measure of how successful the financial assistance program is against some set of agreed measures (continued participation, rate of joining constituencies) might be useful.</p>		
4	Participation & Representation	Explore a tailored incentive system to increase the motivation of volunteers. (For example, this may include training & development opportunities or greater recognition of individuals).
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #4 BY SELECTING APPLICABLE OPINION: <i>It Depends</i> In principle the ISPCP supports this Recommendation but within the report there is little detail on how opportunities would be developed or who they would be targeted towards. Similarly the intent to facilitate greater recognition of individuals also raises many questions that are not addressed within the report (who, what, how?). Without more information on the proposed approach it is difficult to offer firm support, even for an exploratory approach considering the current heavy workload facing ICANN participants and staff. Any incentive system effectiveness must be measured against some agreed metrics.</p>		

Rec #	Theme Topic	Proposed Recommendation
5	Participation & Representation	Continue initiatives that aim to reduce the barriers to newcomers.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #5 BY SELECTING APPLICABLE OPINION: Support Full support but metrics should be established to monitor the success of each approach and steer future activities. There need to be agreed objectives for the initiatives in order to have the metrics.</p>		
6	Participation & Representation	That the GNSO record and regularly publish statistics on WG participation (including diversity statistics).
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #6 BY SELECTING APPLICABLE OPINION: Support The ISPCP supports the strategy of recording statistics about Working Group participation and notes that some of this data is already collected. However, the ISPCP believes that there needs to be agreement on what statistics are to be collected and regular reviews should be instituted to ensure that those chosen metrics continue to be proper and appropriate. Raw number counts of participation are a start, but do not reflect the diverse character of Working Groups. Agreeing on a common set of metrics on which to report seems to be something that the GNSO could usefully and quickly accomplish.</p>		
7	Participation & Representation	That Stakeholder Groups (SGs) and Constituencies (Cs) explore and implement ways to engage more deeply with community members whose first language is other than English, as a means to overcoming language barriers.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #7 BY SELECTING APPLICABLE OPINION: Support It would enhance the chance of success if ICANN helped to facilitate interaction with relevant organisations (such as African ISP Associations). Currently the CROPP program is often seen as a barrier to such interaction due to the restriction on regional wide activity only. Key Working Group outputs are already in multiple language, but there needs to be a way for interim work products to be in multiple languages too. Also, there needs to be a way for Working Group chairs to be trained in sensitivity to the language needs of people who do not have English as a first language.</p>		
8	Continuous Development	That WGs should have an explicit role in responding to implementation issues related to policy they have developed, and that the current Policy and Implementation Working Group specifically address the role of WGs in responding to policy implementation issues.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #8 BY SELECTING APPLICABLE OPINION: Support There is clearly a need for a WG to be able to respond to specific implementation issues that may arise as a direct result of agreed policy. The ISPCP supports the notion that after completion of their work a</p>		

Rec #	Theme Topic	Proposed Recommendation
<p>WG should remain ready to engage further if required. Any advice offered on implementation should also be subject to public comment, particularly in the case where not all GNSO players are represented within a WG. The WG should have a role in implementation issues, certainly more than the Council is supposed to.</p>		
9	Continuous Development	That a formal Working Group leadership assessment programme be developed as part of the overall training and development programme.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #9 BY SELECTING APPLICABLE OPINION: Support The ISPCP supports this Recommendation providing the emphasis is placed on training new or non-experienced WG leaders or potential leaders. This approach should also be applied to potential GNSO Chairs and new chairs. Once appointment has been made it should be followed by a focused induction training session that has a standardized approach, establish to meet the demands of that position. The leadership problem in the GNSO is not limited to the Working Groups and, as a result, this recommendation should go beyond Working Groups and address leadership capacity and development throughout the GNSO.</p>		
10	Continuous Development	That a professional facilitator/moderator is used in certain situations (for example, when policy issues are complex, where members of the WG are generally inexperienced and/or where WG members have interests that conflict), and that the GNSO develop guidelines for the circumstances in which professional facilitators/moderators are used for Working Groups.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #10 BY SELECTING APPLICABLE OPINION: Not Sure Defining and agreeing the criteria to be applied would be essential here. The ISPCP have concerns that enlisting a professional facilitator whenever policy issues are complex opens the door far too wide, as the majority of policy work within the GNSO has a fairly high degree of complexity. The recent activities regarding the IANA transition exemplifies the need for experienced people to lead in complex areas. We think that the emphasis should be in developing facilitation/moderation/leadership skills and not shopping int the “professional” marketplace as an alternative.</p>		
11	Continuous Development	That the face-to-face PDP WG pilot project be assessed when completed. If the results are beneficial, guidelines should be developed and support funding made available.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #11 BY SELECTING APPLICABLE OPINION: Support The face- to-face pilot project certainly needs to be assesses and if beneficial supporting actions should follow. However there are also other options that require consideration that are not part of the current pilot. To assist in realizing diversity and growth with WG’s, holding meetings F2F at ICANN hubs,</p>		

Rec #	Theme Topic	Proposed Recommendation
<p>particularly within developing countries/regions should be explored as part of any outreach program. Whilst it is always useful to try and advance WG discussions during public ICANN meetings, the ISPCP would caution against extending the duration of those meetings on a regular basis as many participants cannot afford to be away from their day jobs/other commitments for lengthy spells. In 2016 the structure of the meetings will begin to change and the opportunities for expanding the face-to-face WG activities may change with it. There should be an emphasis on better remote meeting tools.</p>		
12	Participation & Representation	That ICANN assess the feasibility of providing a real-time transcribing service in audio conferences for prioritised PDP WGs.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #12 BY SELECTING APPLICABLE OPINION: Support The ISPCP supports the concept of providing transcripts for participation in audio conferences. Providing them in real-time may be a start toward enhancing the tools available to Working Groups. However, the mechanics of prioritization of Working Groups would be essential to work out. We also think that not every meeting would have to have real-time transcription since not all meetings have the same impact on the work of the WGs. If WGs could be selective about their use of real-time transcription, the facility could be extended to a larger number of Working Groups – thus making the prioritization less of an issue.</p>		
13	Continuous Development	That ICANN evaluate one or more alternative decision support systems and experiment with these for supporting WGs.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #13 BY SELECTING APPLICABLE OPINION: Support Only experience of these systems will prove their worth. The real-time meeting tools available to Working Groups need to be significantly enhanced. Decision support systems is only one part of that effort and should not be singled out in this way. Instead, a overall approach to enhance support for real-time work in the Working Groups needs to be combined with better asynchronous tools for people unable to join calls or participate in meetings.</p>		
14	Continuous Development	That the GNSO further explores PDP ‘chunking’ and examines each potential PDP as to its feasibility for breaking into discrete stages.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #14 BY SELECTING APPLICABLE OPINION: Support Such an approach can assist in spreading the load across different people with SGs/Constituencies. It should not be assumed that this approach then facilitates dual running of groups engaged in separate parts of the activity. The intention should be to reduce the time constraints placed on participants. Otherwise this approach could effectively dilute the volunteer base available even more and raise more questions over the legitimacy of the process.</p>		

Rec #	Theme Topic	Proposed Recommendation
15	Continuous Development	That the GNSO continues current PDP Improvements Project initiatives to address timeliness of the PDP.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #15 BY SELECTING APPLICABLE OPINION: Support Concerns over the timeliness of the PDP were raised within the ATRT2 GNSO PDP Evaluation study in 2013 with recognition of the need to balance thoroughness and speed. It is disappointing that such little headway has been made on such an important issue. The ISPCP fully supports the need to address this with some urgency.</p>		
16	Continuous Development	That a policy impact assessment (PIA) be included as a standard part of any policy process.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #16 BY SELECTING APPLICABLE OPINION: Support The ISPCP shares the concerns that have been voiced over this issue and the need for policy implications to be analyzed.</p>		
17	Continuous Development	That the practice of Working Group self-evaluation becomes standard at the completion of the WG's work; and that these evaluations should be published and used as a basis for continual process improvement in the PDP.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #17 BY SELECTING APPLICABLE OPINION: Support Click here to enter comments.</p>		
18	Continuous Development	That the GNSO Council evaluate post implementation policy effectiveness on an ongoing basis (rather than periodically as stated in the current GNSO Operating Procedures); and that these evaluations are analysed by the GNSO Council to monitor and improve the drafting and scope of future PDP Charters and facilitate the effectiveness of GNSO policy outcomes over time.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #18 BY SELECTING APPLICABLE OPINION: Support This Recommendation is supported by the ISPCP who view this as a prime issue for Council. This is the key role for Council, managing and improving the process. Whilst there is a degree of concern over the time required to address this in the correct manner and the follow through required, an effective Council would see this issue as a priority and devote far more time to it, as opposed to the amount of time rediscussing PDP outcomes successfully developed within WGs.</p>		

Rec #	Theme Topic	Proposed Recommendation
19	Participation & Representation	As strategic manager rather than a policy body the GNSO Council should continue to focus on ensuring that a WG has been properly constituted, has thoroughly fulfilled the terms of its charter and has followed due process.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #19 BY SELECTING APPLICABLE OPINION: Support The ISPCP offers full support. As stated previously, this is exactly what Council was set up to do under the last review, yet Council continues to devote far too much time to the policy itself, rather than managing the process.</p>		
20	Alignment with ICANN's Future	That the GNSO Council should review annually ICANN's Strategic Objectives with a view to planning future policy development that strikes a balance between ICANN's Strategic Objectives and the GNSO resources available for policy development.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #20 BY SELECTING APPLICABLE OPINION: Support Prioritisation of work remains an issue for the GNSO and requires careful consideration by Council. It is essential selected priorities align with ICANN's strategic objectives. This has not always been the case and requires more attention by Council at the appropriate stage of the Strategic Planning cycle. However it is also accepted that sometimes work within the GNSO will be event driven in order to meet the communities requirements.</p>		
21	Alignment with ICANN's Future	The GNSO Council should regularly undertake or commission analysis of trends in gTLDs in order to forecast their likely requirements for policy and to ensure those affected are well-represented in the policy-making process.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #21 BY SELECTING APPLICABLE OPINION: It Depends Whilst the ISPCP recognizes the need to understand future trends at an early stage it does not believe Council itself should undertake this role. Working closely with third party would facilitate an independent view that Council can then consider from a policy development perspective.</p>		

Rec #	Theme Topic	Proposed Recommendation
22	Continuous Development	<p>That the GNSO should review and implement a revised training and development programme encompassing:</p> <ul style="list-style-type: none"> - Skills and competencies for each Council member - Training and development needs identified - Training and development relevant to each Council member - Formal assessment system with objective measures - Continual assessment and review.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #22 BY SELECTING APPLICABLE OPINION: Do Not Support Along with other Constituencies the ISPCP selects its Councilors carefully, well aware of the demands that will be placed upon them. Likewise those who stand for election to Council are also cognizant of the requirements that role demands. Considering each appointment is for an initial 2 year period and that the time demands placed on Councilors are already very significant, particularly as unpaid volunteers, subjecting each individual to specific training requirements would impose an additional burden and in some cases would be a disincentive to take on that role. The one day initiation session now planned following the Annula General Meeting should suffice. Whilst new Councilors invariably take time to settle in to the role, history would suggest that most manage to adapt without requiring specific individual training.</p>		
23	Participation & Representation	<p>That the GNSO Council and SGs and Cs adhere to the published process for applications for new constituencies. That the ICANN Board in assessing an application satisfy itself that all parties have followed due process. Subject to the application meeting the conditions, the default outcome should be that a new Constituency is admitted.</p>
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #23 BY SELECTING APPLICABLE OPINION: It Depends The ISPCP fully supports the need to grow Constituencies in order to ensure the PDP is fully inclusive of all impacted parties. The successful integration of new Constituencies is totally dependent upon the structure they join. The statement within the report that the GNSO's structure is designed to be adaptable and 'future-proofed' by allowing for the creation of new constituencies as needs arise, within the four stakeholder groups' is totally refuted. The existing bi-cameral structure is a barrier to equal participation by all parties. Weighted voting has long been a contentious issue and cannot be resolved within the current structure. In fact it has become even more complicated and is almost unintelligible by those outside of the GNSO. In the current arrangement far too much emphasis is on voting rather than a desire to achieve consensus. In a situation where weighted voting clearly favours one side, there will never be a willingness to change that by all parties. Representation on the GNSO Council, where voting occurs, is also problematical if new Constituencies are allowed to join the GNSO without prior consideration of the need to provide a flexible GNSO Council that facilitates growth, fairness, and equal representation. That situation has been apparent since the acceptance of the NPOC as a new Constituency within the NCPH. If ICANN is to maintain organizational integrity it is of prime importance that the structural issues are addressed and new Constituencies are not simply levered in to the existing dysfunctional structure. Only then can the questions raised by this recommendation be addressed. The</p>		

Rec #	Theme Topic	Proposed Recommendation
<p>ISPCP also oppose the overriding acknowledgement that once an application meets the conditions set, the default is always that a new Constituency is admitted. Such an assumption may easily result in a conveyor belt of similar, unmanageably large constituencies that would undermine the constituency system. It is essential that broader consideration of the impact each new Constituency has on the existing balance is also a requisite that has to be met.</p>		
24	Transparency	That all applications for new constituencies, including historic applications, be published on the ICANN website with full transparency of decision-making.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #24 BY SELECTING APPLICABLE OPINION: Support A standard template should be developed to ensure a coherent approach.</p>		
25	Participation & Representation	That the GNSO Council commission the development of, and implement, guidelines to provide assistance for groups wishing to establish a new Constituency.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #25 BY SELECTING APPLICABLE OPINION: Support This action should be undertaken following structural reform that addresses the concerns express in the comments to Recommendation #23. The conclusion reached within the report that ‘the current structure of two Houses, four Stakeholder Groups, and multiple Constituencies, is very complex but allows for functional diversity while maintaining the balance of voting power between the Contracted and Non-Contracted Parties’ Houses’ totally misses the point. Whilst maintaining the voting balance is an important factor it is NOT an overriding reason to maintain a structure that is broken and substantially disadvantages a large part of the GNSO Community.</p>		
26	Transparency	That GNSO Council members, Executive Committee members of SGs and Cs and members of WGs complete and maintain a current, comprehensive Sol. Where individuals represent bodies or clients, this information is to be posted. If not posted because of client confidentiality, the participant’s interest or position must be disclosed. Failing either of these, the individual not be permitted to participate.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #26 BY SELECTING APPLICABLE OPINION: Support Click here to enter comments.</p>		

Rec #	Theme Topic	Proposed Recommendation
27	Transparency	That the GNSO establish and maintain a centralised publicly available list of members and individual participants of every Constituency and Stakeholder Group (with a link to the individual's SOI where one is required and posted).
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #27 BY SELECTING APPLICABLE OPINION: Not Sure Accepting the need to establish and maintain such a list, it is the view of the ISPCP that this should be accommodated at the SG/C level rather than as a centralized GNSO list. Such an approach makes it easier to maintain and update.</p>		
28	Transparency	That section 6.1.2 of the GNSO Operating Procedures be revised, as shown in Appendix 6, to clarify that key clauses are mandatory rather than advisory, and to institute meaningful sanctions for non-compliance where appropriate.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #28 BY SELECTING APPLICABLE OPINION: Support Click here to enter comments.</p>		
29	Continuous Development	That new members of WGs and newcomers at ICANN meetings be surveyed to determine how well their input is solicited and accepted by the community, and that the results be published and considered by the GNSO Council at its next meeting.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #29 BY SELECTING APPLICABLE OPINION: It Depends Support is offered for this approach within WGs but is considered impractical to undertake such a task at all ICANN meetings. Participation within a WG facilitates engagement, simply attending an ICANN meeting may not always result in the same level of opportunity. Soliciting and accepting input places responsibilities on both parties. Without prior knowledge of newcomers or adequate opportunity to engage with them during what are always very busy ICANN meetings, the results gathered could be at best meaningless, at worse damaging to the reputation of the organization. This is simply the wrong metric.</p>		
30	Continuous Development	That the GNSO develop and implement a policy for the provision of administrative support for SGs and Cs; and that SGs and Cs annually review and evaluate the effectiveness of administrative support they receive.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #30 BY SELECTING APPLICABLE OPINION: Support The ISPCP viewed this requirement as urgent.</p>		

Rec #	Theme Topic	Proposed Recommendation
31	Continuous Development	That the GAC-GNSO Consultation Group on GAC Early Engagement in the GNSO Policy Development Process continue its two work streams as priority projects. As a part of its work it should consider how the GAC could appoint a non-binding, non-voting liaison to the WG of each relevant GNSO PDP as a means of providing timely input.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #31 BY SELECTING APPLICABLE OPINION: Support The ISPCP fully recognize the sensitivities facing GAC members whenever the need for representation from a large group of Governments arises. It is hoped that the neutrality engendered through a non-binding, non-voting position can assist in overcoming barriers to their participation, thereby assisting the policy development process.</p>		
32	Participation & Representation	That ICANN define “cultural diversity” and that relevant metrics (encompassing geographic, gender, age group and cultural, possibly by using birth language) be monitored and published.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #32 BY SELECTING APPLICABLE OPINION: Support Whilst the ISPCP appreciate the intent, this recommendation does raise a number of concerns. Whilst efforts to achieve greater diversity are applauded, turning this into a bureaucratic approach that measures the value of input by checking diversity check boxes misses the most important issue which is the need to ensure a balanced input of views is obtained. Focusing purely on geographic representation gender and culture may not always achieve that. The ISPCP also question why age group is required as part of the metric. Ageism within ICANN has never been an issue, with broad participation from all age groups</p>		
33	Participation & Representation	That SGs, Cs and the Nominating Committee, in selecting their candidates for appointment to the GNSO Council, should aim to increase the geographic, gender and cultural diversity of its participants, as defined in ICANN Core Value 4.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #33 BY SELECTING APPLICABLE OPINION: It Depends The important thing is to increase the pool of candidates.</p>		
34	Participation & Representation	That PDP WGs rotate the start time of their meetings in order not to disadvantage people who wish to participate from anywhere in the world. This should be the norm for PDP WG meetings even if at first all the WG’s members come from the “traditional” regions of North America and Europe.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #34 BY SELECTING APPLICABLE OPINION: Support</p>		

Rec #	Theme Topic	Proposed Recommendation
Without such an approach, barriers to participation in some areas of the world will always exist.		
35	Participation & Representation	That the GNSO Council establish a WG, whose membership specifically reflects the demographic, cultural and gender diversity of the Internet as a whole, to identify and develop ways to reduce barriers to participation in the GNSO by non-English speakers and those with limited command of English.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #35 BY SELECTING APPLICABLE OPINION: <i>It Depends</i> Adequate participation coupled with the need to ensure the requisite level of expertise and knowledge is brought to the table remains the prime requirement. If that can be met whilst taking full account of the other stated requirements it would be ideal, if not unnecessary risks may be incurred.</p>		
36	Participation & Representation	That, when approving the formation of a PDP WG, the GNSO Council require that its membership represent as far as reasonably practicable the geographic, cultural and gender diversity of the Internet as a whole. Additionally, that when approving GNSO Policy, the ICANN Board explicitly satisfy itself that the GNSO Council undertook these actions when approving the formation of a PDP WG.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #36 BY SELECTING APPLICABLE OPINION: <i>It Depends</i> Excellent intent but the ISPCP cannot support this Recommendation. The number of volunteers for most working groups is not always high and it remains a key requirement to have the relevant level of expertise, wherever that may reside. As an example, if that requirement resulted in a high level of participants from one geographical area, it is more than justified. A situation where participation from any one geographical group has to be reduced in order achieve balance with others requires careful consideration, particularly if the level of expertise was diluted through that action. The interpretation of 'reasonably practicable' is also critical here. This recommendation is well meant but with the current level of engagement, in practice would achieve little and implemented rigorously could certainly be damaging. Possibly this maybe one for the future, hopefully when many of the other recommendations have already resulted in increased levels of participation across the globe and the ICANN community is more diverse and balanced.</p>		

Other Comments:

Are there any other comments or issues you would like to raise pertaining to the Independent Review of the GNSO Draft Report? If yes, please enter your comments here:

Overall it was disappointing that so much of the report (as stated within the report itself) focused on the recommendations made by the Board Governance Committee, the content of the ATRT2 GNSO PDP Evaluation Study and earlier reviews. The merits of an independent

organisation basing their study around previous reports and recommendations and specifically those made by an internal ICANN group, are questionable and added little value in most cases. As the report covered so much of the same ground there was little new analysis and a number of the recommendations simply mirrored or endorsed previous conclusions made by other groups, when what was required was an analysis of the key issues that impact the GNSO which had not been addressed.

If that approach had been adopted it would have become clear that structural reform was a major consideration, underlined by the fact that as one (complete) half of the current bicameral structure currently feels totally disenfranchised and holds the strong opinion that the current structural model is broken.

Westlake state within the report that 'We heard many suggestions for structural change, largely involving abolition of the Two-House structure, or reversion to the voting system that prevailed before the 2011 changes. They have also publicly stated they had received over 100 unsolicited comments on that issue.

Yet amazingly they then state; 'We were not convinced that these proposals offered sufficient benefit (if any) to warrant another round of material changes to the structure of the GNSO at this stage – and consequently to the carefully-constructed balance of voting powers.'

The very comments made by them in the previous statements yet again emphasise that need and that the 'carefully-constructed balance of voting powers' are indeed at the heart of the problem.

The report also states; 'The current structure of the GNSO has been in place for only about three years. From the Review Team's professional experience of structural change in many organisations of differing types, this represents only a relatively short time for it to become firmly established and for people to be fully familiar with it.'

Such a statement shows the lack of background and understanding of the previous review. At that time the community were offered an approach that was considered even more unacceptable to the current arrangement. The push back from parts of the community was so great that an offer was made by the ICANN Board that the community had to either come up with an alternative, within a very short defined time, or accept what was on the table. It was that situation which resulted in the current structural approach. Few were particularly happy with it but it was better than the alternative.

It was also stated by ICANN at that time that the community should get behind the proposal but if it didn't work out then after a few years it could be revisited. Against that background being told years later by an independent team of consultants 'this represents only a relatively short time for it to become firmly established and for people to be fully familiar with it' shows a complete lack of appreciation of that situation.

The report also states; 'the GNSO's structure is designed to be adaptable and 'future-proofed' by allowing for the creation of new constituencies as needs arise, within the four stakeholder groups'. This was never that case and certainly wasn't a criteria when the bicameral approach was developed. More importantly that very structure, coupled with the voting arrangements is actually a barrier to new Constituencies as none of the existing Constituencies within those groups wish to lose or share the voting power they may already have with new entrants.

With such a large proportion of the GNSO expressing the view that a review of the GNSO structure is urgently needed, if ICANN endorse the opinions expressed within this report they are totally ignoring their own community. Such an approach seriously conflicts with the spirit of accountability and transparency that the ICANN Board are committed to support.

On structural issues the ISPCP hold the following view which they would like to be noted.

- Maintaining the existing structure is untenable and needs to be reviewed as a matter of urgency and in accord with the undertaking given by the Board when the current arrangement was first put in place.
- The existing bicameral approach is overly complex and places additional and unnecessary requirements on both participants and staff.
- GNSO Council should ONLY be concerned with managing the gTLD policy development process and only be involved in policy development issues on an exceptional basis.
- Policy development should be undertaken at the WG level with the goal being consensus on any issue. Failure to achieve consensus should be notified to GNSO Council for advice before the issue is returned to the WG for further consideration.
- Active involvement of every Constituency in every GNSO WG is not required, but observer status should be recommended (as opposed to mandated), but failure to engage at that level should not be a barrier to the acceptance of consensus.
- Voting in GNSO Council should only occur where consensus cannot be achieved and should be kept to a minimum. (It is the view of the ISPCP that the current focus on voting is largely contributable to GNSO structural challenges).
- GNSO Council should not take a view on broader ICANN issues (e.g. not gTLD policy issues) unless the GNSO are involved from the outset as a chartering organisation in community wide issues. Instead views should be sought from respective stakeholder group and/or Constituencies.
- Involvement in Cross-Community Working Groups from a GNSO perspective also needs to be considered as part of any GNSO structural consideration.

The ISPCP urge the ICANN Board to fully recognise the concerns being voiced by the community over structural reforms that have not been addressed within this review.

Furthermore it is the view of the ISPCP that ICANN should urgently set in place a GNSO working group with the following goals:

- To identify problems with the current GNSO structure which inhibits the ability of any group to fully participate in the policy development process in a manner that is acceptable to that part of the community. It should take the form of a fact finding exercise undertaken separately with each part of the community, without prejudice or comment in the initial phase.

- Production of a matrix to highlight common issues.
- Identification of barriers to resolving issues highlighted.
- Identification of possible structural changes that could assist in removing identified problem areas.
- Identification and evaluation of scenarios that provide an improved and enduring structure for the foreseeable future.
- Production of recommendations for consideration by the Board.

It is proposed that this group should NOT be chaired by any member of the GNSO but by an independent chairman who has not been involved in previous GNSO Reviews at any level.

Save your document and then send as a pdf attachment to:
comments-gns0-review-01jun15@icann.org