



GNSO Review

Teleconference briefing by the LSE Public
Policy Group to GNSO Council members

Tuesday 3rd October 2006
12 noon GMT

Overview of this teleconference meeting

1. Brief comments about Terms of reference, our ‘triangulation’ approach, and the degree of independence of this Review
2. What the GNSO has achieved so far
3. Outlining four principles for moving forward
4. Discussion of our 24 recommendations in light of these principles. We suggest that recommendations can be treated independently with possible graduated introduction and/or a ‘take some, leave some’ approach
5. Q&A session

Terms of Reference, triangulation, and independence of the Review

Terms of reference covered four main themes - representativeness, openness and transparency, and effectiveness, and regularity and compliance

We used online survey and consultation tools, stakeholder interviews, and in-depth and unobtrusive analysis of GNSO and ICANN data to *'triangulate'* our findings – filter out white noise and distorted perceptions

This Review is an *independent and objective* piece of research. We have attempted to cover as wide a range of views and inputs as possible, and provide as much opportunity as possible for stakeholders to submit their views

The GNSO has dealt with range of complicated policy issues during its three and a half years

The GNSO has conducted policy work in a range of areas:

- Technical policies relating to procedures for handling domain name registrations (e.g. transfer and expiry)
- Policies relating to services provided by GTLD Registries
- Policies relating to the WHOIS database
- Procedures for the introduction of new GTLDs
- IDNs on the horizon

Huge commitment of time and resources from GNSO participants
WHOIS-related work alone since early 2002 has involved roughly around 35,000 hours at a notional cost of over USD6m
ICANN expenditure on the GNSO has increased from around 2 per cent of total ICANN expenditure in 2002/03 to around 6 per cent of total expenditure in 2005/06.

Four principles for moving forward

1. Changes need to enhance the *representativeness* of the GNSO Council and its Constituencies;

2. The GNSO operations need to become more *visible and transparent* to a wider range of stakeholders;

3. The GNSO structures need to be more *flexible and adaptable*, able to respond more directly to the needs of needs and old stakeholders in a rapidly changing Internet environment

4. Changes in the GNSO Council's operations are needed to enhance its ability to *reach genuinely consensus positions*.

Principle 1

Changes need to enhance the *representativeness* of the GNSO Council and its Constituencies

It is a basic requirement for bottom-up policy development that existing and potential participants are able to find out easily which organizations are involved in the GNSO.

Rec 1. A centralized register of all GNSO stakeholders should be established, which is up-to-date and publicly accessible (2.5)

Rec 2. GNSO Constituencies should be required to show how many members have participated in developing the policy positions they adopt (2.14)

Principle 1

Changes need to enhance the *representativeness* of the GNSO Council and its Constituencies

There is wide variation in operating procedures and resources across the GNSO Constituencies. This raises transaction costs for potential participants, increases duplication and reduces benefits of economy of scale.

Rec 3. There needs to be greater coherence and standardization across Constituency operations. For this to work, more ICANN staff support is required (2.22).

Rec 4. A GNSO Constituency support officer should be appointed to help Constituencies develop their operations, websites and outreach (2.23)

Principle 1

Changes need to enhance the *representativeness* of the GNSO Council and its Constituencies

Designing incentives for participation in the commercial and non-commercial sectors is not easy. Constituencies currently seem remote from the heart of the ICANN process, and subject to activity by a ‘small core’.

Rec 5. Constituencies should focus on growing balanced representation and active participation broadly proportional to wider global distributions for relevant indicators (2.39)

Rec 6. The basis for participation should be revised from Constituency membership to ICANN stakeholder participation (2.44)

Principle 2

The GNSO operations need to become more *visible and transparent* to a wider range of stakeholders

The GNSO website is a vital interface for managing and growing bottom-up policy development. Although it is currently intensively used as a working tool for GNSO participants, its design and layout make it difficult for the non-initiated to track policy issues and find documentation.

Rec 7. Improve the design of the GNSO website, develop a website strategy including collection and regular review of usage statistics (3.10)

Rec 8. Document management within the GNSO needs to be improved and the presentation of the GNSO policy development work made much accessible (3.14)

Principle 2

The GNSO operations need to become more *visible and transparent* to a wider range of stakeholders

The GNSO does not produce a forward-looking statement of upcoming work that can be understood by outsiders. There is no branded GNSO documentation for wider consumption, despite a wealth of expertise on GTLD policy issues.

Rec 9. The GNSO should publish annually a Policy Development Plan to act both as a strategy document and as a communications and marketing tool for general consumption outside of the ICANN community (3.16)

Rec 10. The GNSO and ICANN should provide information-based incentives for organizations to monitor and participate in GNSO issues

Principle 2

The GNSO operations need to become more *visible and transparent* to a wider range of stakeholders

The role of the GNSO Council Chair is extremely important however it has relatively informal institutional presence. Also basic gaps in the GNSO operating procedures need tightening up to reduce uncertainty and negative perception.

Rec 11. The role of the GNSO Council Chair needs to be more visible and carry more institutional weight

Rec 12. The policy on GNSO Councillors declaration of interests needs to be strengthened with a vote of no confidence (3.28)

Rec 13. Fixed terms limits should be agreed for GNSO Councillors (3.30)

Principle 3

The GNSO structures need to be more *flexible and adaptable*

Major policy development discussions may often be hindered by tackling key policy issues early enough in the policy development process. Issue analysis appears to be weak and there is little framework or incentive for Constituencies to be flexible with their stated positions.

Rec 14. The GNSO Council and related policy staff should work together to grow the use of project management methodologies. Issue analysis should drive policy development and data collection from Constituencies should encourage prioritization and discussion of key issues rather than general statements of position (4.14)

Principle 3

The GNSO structures need to be more *flexible and adaptable*

The GNSO Council relies heavily on monthly whole-Council teleconference calls and use of mailing lists. Although teleconferencing helps to bridge communications across time zones, it is demanding and not well geared towards consensus-based discussion across Constituencies.

Rec 15. The GNSO Council should rely more on face-to-face meetings supplemented by online collaborative ways of working. The Chair should seek to reduce the use of whole-Council teleconferencing (4.19)

Rec 16. The GNSO Councillors should have access to a fund for reasonable travel and accommodation to designated Council meetings (4.21)

Principle 3

The GNSO structures need to be more *flexible and adaptable*

Task Forces can be a useful way to pry open policy issues and identify key strata for discussion. Analysis of the GNSO Task Forces shows that the range of participation is narrow and prone to inward-looking policy and intractability.

Rec 17. The GNSO Council should make more use of Task Forces, drawing on a wider range of people from the Internet community, national and international policy making bodies (4.21)

Rec 18. An ICANN Associate stakeholder category of participation should be created to create a pool of expertise, and encourage their ongoing participation (4.27)

Principle 3

The GNSO structures need to be more *flexible and adaptable*

Detailed operating procedures of the GNSO policy development process form part of the ICANN Bylaws, and hence it is difficult for the GNSO Council to be innovative with different working methods. There is also very little sign of work to follow up on implementation of GNSO policies.

Rec 23. The amount of detailed prescriptive provision in the ICANN Bylaws relating to the operations of the GNSO should be reduced, and transferred to the GNSO Rules of Procedure (5.7).

Rec 24. ICANN and the GNSO should compile or commission a formal assessment every five years or so of the GNSO policies relating to GTLDs (5.12)

Principle 4

Changes in the GNSO Council's operations are needed to enhance its ability to *reach genuinely consensus positions*.

The Constituencies show signs of inflexibility and lack of responsiveness to new types of Internet-specific stakeholders.

Rec 19. The GNSO Constituency structure should be radically simplified to cover three main areas Registration, Business, and Civil Society (4.35)

Rec 20. Reorganization of the GNSO Constituencies would allow the Council to be made somewhat smaller and hence easier to manage and fund (4.36)

Principle 4

Changes in the GNSO Council's operations are needed to enhance its ability to *reach genuinely consensus positions*.

The current voting system provides weak incentive for consensus building across Constituencies. Also the current system for electing Seats 13 and 14 to the Board (and the GNSO Council Chair) involve two rounds of voting and low incentive for candidates to appeal to other Constituencies.

Rec 21. Definition of consensus should be raised to at least 75 per cent and weighted voting should be abolished (4.38)

Rec 22. The way in which the GNSO Council votes to elect Directors should be changed to use Instant run-off system (otherwise known as Supplementary Vote) (4.40)