ATRT2 gNSO PDP Review

An Update

Mark McFadden/Emily Taylor

The Objectives

- A full review and documentation of the existing PDP process as currently implemented by the GNSO

- A quantitative analysis of GNSO PDPs with a view to identifying and reporting on a variety of metrics associated with the PDP and the underlying process dynamics

- An evaluation of the extent to which the GNSO PDP satisfies the mission of ICANN in regard to policy development

- An analysis of what changes, if any, are needed to ensure that the PDP supports ICANN in developing sound policy in support of the public interest – as well as meeting the needs of all stakeholders

The Process

- Thorough review of the full record of each PDP initiated since the most recent revision of the PDP
  - Essentially Fast Flux to Today
- Data collection from participants and stakeholders on a wide range of topics related to the PDP
- Investigation of other policy processes with similar characteristics or stakeholder communities
- Examination of Bylaws, gNSO Operating Procedures, ICANN mission and related foundational documents

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Available Data and Resources

- ICANN Archive
  - Amazing, but occasionally hard to navigate
- Interviews with stakeholders, participants and others
  - Some difficulties arose here
  - But it appears that significant data may still come from this part of the process
- Analysis of other information sources
  - Policy development done by other global organizations
  - Participation records for the gNSO

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Key Trends

- GAC relationship to the PDP

- Global non-participation

- Resource availability and exhaustion

- External and internal structural mismatches

- And . . .
  - How each of these affects the legitimacy of the policy being developed

Key Structural Issue

- Almost a unanimous concern
- What are the implications of the timing of GAC input on public policy issues?
  - Almost all input is that this is a structural area that needs immediate attention
  - GAC input is valued in diverse ways, but . . .
  - It's timing and impacts are very much disliked
- Two issues keep coming up in interviews
  - Should the bylaws be adjusted so that the GAC would feel like they could contribute at earlier stages in the process?
  - If they were changed, would it matter?
    - GAC resources?
    - GAC willingness (the need to speak with a single voice)?

Another Structural Issue

- Working Groups are key to the effective operation of a PDP

- Yet, individual participants in WGs not as well supported as other layers in the gNSO (e.g. Council)

- Interesting reading: vibrant discussions leading up to the most recent reorganization of the gNSO

- Commitment to a WG requires much time, energy and focus
  - By far, the number of Working Groups an individual participates in is: one (one and done)
  - Has an effect on the number of WGs the gNSO can commission
  - Has an effect on the available pool of talent for WGs

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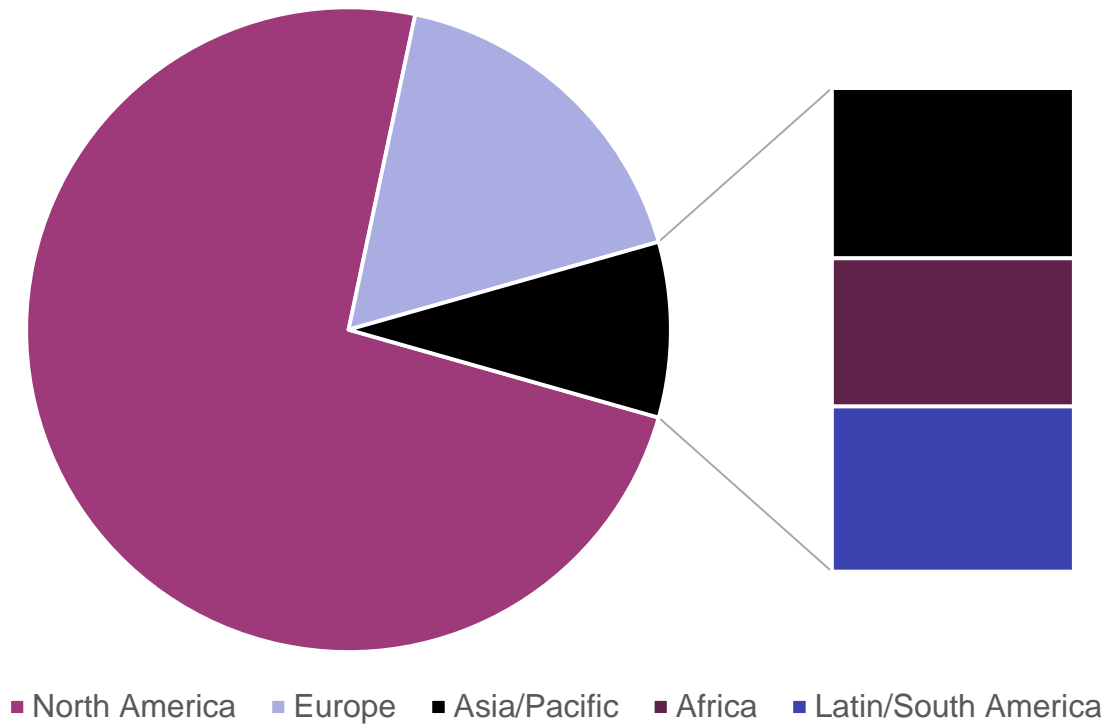
Global Participation

- A key area that needs attention
- Stakeholders in the Asia/Pacific, African and Latin and South American regions are simply not part of the process in any statistically meaningful way
  - In neither the Working Groups or in the Public Comment Process
  - Yet, they are stakeholders as much as North Americans and Europeans
- This is a structural concern that affects global legitimacy
- Some quotes from interviewees are painful

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Quotes from Interviewees

- *"No, language is not a barrier for participating in the PDPs as long as you are completely fluent in English."*

- *"It's as if you've studied Spanish long ago in high school and you come to a meeting and I'm speaking very fast with my friends."*

Preliminary Data – WG Participation

Working Group Participants

■ North America ■ Europe ■ Asia/Pacific ■ Africa ■ Latin/South America

Participation Mismatch

- There appears to be a growing concern that the constituency/stakeholder group model does not reflect the cross-disciplinary way that some regions gather input on policy issues
- This mismatch affects regional participation as well as regional comment in the PDPs
  - A symptom that is well reflected in the statistics
- This is also reflected in some internal structural mismatches
  - SO/AC input into PDPs (count: near zero)
  - SO/AC work on items that have clear policy implications (e.g. name collision)

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Advocates versus Participants

- A very important trend
  - Comments are delivered by representatives of groups rather than individual participants
  - Trend perhaps allows for aggregation of common viewpoints
    - Industry trade associations
    - Advocacy organizations
    - NGOs
    - Constituencies/Stakeholder groups
    - ALAC
  - But does it also mean a loss of richness and nuance in the discussion?
  - Are minority viewpoints lost in the aggregated discussion?

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Some Things are Obviously Right

- Almost unanimous praise for ICANN Policy Staff
  - In a private, anonymous setting where people could have been free to be critical
  - Only significant criticism has been in the summaries of comments
- Almost no criticism of the *transparency* of the policy making process itself
  - Mailing lists, transcripts, MP3s, public comments appear to be very successful for both participants and stakeholders

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What Happens Next?

- We're still gathering data, adding it to the accumulated record
- We completing the detailed analysis of the individual PDPs
- We are starting to work on a formal report to you which will be completed in very early October
  - The report includes both quantitative and qualitative data
- We are examining ways to transmit the data to you so that it can be part of the public record and be used for a future ATRT to build upon