SECTION 9: CHANGING ENVIRONMENT

9.1 Purpose of this Section

He aha te mea nui o te ao? He tangata! He tangata! He tangata!

(What is the most important thing in the world? It is people! It is people! It is people! – New Zealand Māori proverb)

Much of this report has focussed on the GNSO's response to previous reviews and the BGC WG's recommendations from those reviews. The GNSO also needs to focus on the future, in a significantly changed and changing operating environment. This section considers some of those changes and assesses the extent to which the GNSO is ready to meet the challenges they pose.

9.2 Introduction

Until relatively recently, the GNSO had operated in a rapidly-growing but comparatively stable environment. Some of the biggest changes in the use of the domain name system are likely to arise from the shift in the "centre of gravity" of the user base of the Internet, from developed, mostly Anglophone, economies, when ICANN was established, to an Internet that is now numerically dominated by people from Asian and other largely non-Anglophone regions. In addition to other languages, different scripts and cultures become increasingly material.

Both the introduction of Internationalised Domain Names (IDNs) and the massive expansion in the number of gTLDs available are significant changes to the way in which the DNS is used. They create a range of issues that are likely to need addressing through the development of new policy.

Another major environmental change for ICANN is its evolution from being seen as US-centric, to accountability to the global Internet community, as evidenced by the introduction of the Affirmation of Commitments and the IANA Stewardship Transition. As well as influencing the demand for policies, these moves underline the importance of ensuring that a truly representative group is involved in making policy.

9.3 Demographic structure of the Internet

The following table is taken from www.internetworldstats.com.

World Regions	Population 2014 (m)	Internet Users End 2000 (m)	Internet Users Mid 2014 (m)	Growth 2000-2014	Penetration Mid 2014
North America	354	108	310	187 %	87.7 %
Oceania / Australia	37	8	27	252 %	72.9 %
Europe	826	105	582	454 %	70.5 %
Latin America / Caribbean	612	18	320	1 673 %	52.3 %
Middle East	232	3	112	3 304 %	48.3 %
Asia	3 996	114	1 386	1 113 %	34.7 %
Africa	1 126	5	298	6 499 %	26.5 %
TOTAL	**7 182**	**361**	**3 036**	**741 %**	**42.3 %**

At ICANN's inception Internet users were split roughly evenly between North America, Europe and Asia. Now, almost half the world's Internet users are in Asia. More significantly, the two regions that still show the lowest levels of penetration, Asia and Africa, are also the two with the largest total populations (and also some of the world's fastest growing populations), with a total of 71% of the world's total population at 2014. Internet penetration in these regions is still only about one-quarter (Africa) or one-third (Asia), compared with about three-quarters in the richer economies: the steep growth in Asia and Africa is likely to continue for some time, exacerbating further the current gap between the demographics of the "average" Internet user of 2015 (and later) and the background of those responsible for developing policy.

These changes may lead beyond the requirement to develop or amend GNSO policy. They may stimulate the initiation of new, and/or the amalgamation of existing, GNSO constituencies.

Several respondents to the 360° and some interviewees commented on some or all of these demographic issues, but with the general point – that the GNSO remains dominated by participants from largely Anglophone, developed nations. As a result the issues they considered tended to be those of interest to developed wealthy economies. The Westlake Review Team considered that several related issues also posed potential barriers:

- English-speaking people are already a minority on the Internet and will almost inevitably become a smaller minority.

- Richer economies are better able to support a volunteer structure: experienced participants are overwhelmingly North American, Western European or Australian/New Zealanders.
- Complexity deters newcomers.
- Because of the imbalance in the GNSO's composition, it was seen by some to be poorly equipped to identify and develop policies or consider issues relating to gTLDs that are of significance to less developed economies.

Among suggestions of means to encourage more diverse participation were the concept of enforced term limits for incumbents, formal induction and training for newcomers (including new chairs of WGs), and staff providing support and ready advice on process.

9.4 Diversity

In its Core Value 4, ICANN is committed to cultural diversity, although it does not define this term. In the UNESCO Declaration on Cultural Diversity, culture is defined as:

> *The set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.*

To meet its core value, we consider that ICANN should therefore be taking steps to maximise the variety of cultures represented in the ICANN community, and the GNSO should seek to maximise the diversity of cultures whose members contribute to the policy-making process.

The definition of cultural diversity given above is not easily measurable. However, a partial proxy would be birth language. Other easily measurable aspects would be gender and year/decade of birth. If the GNSO (and ICANN more widely) were to collect this information from participants and report on it, the level of diversity would become more obvious.

Achieving real diversity means involving the widest practicable community of stakeholders – specifically:

- *Geographic diversity* refers to seeking stakeholder input from around the globe. ICANN has a definition of regions that is partly helpful in assessing diversity.
- *Functional diversity* includes representation from people and organisations with a range of relationships with gTLDs. Achieving functional diversity requires that stakeholders with differing interests and skills can participate in the GNSO, i.e. they can find and be admitted to an appropriate existing constituency, or as the BGC WG recommended, that it should not

be impossible to form a new Constituency (or, in the case of Registry SG members, a new Interest Group).

- *Cultural diversity* is not (as mentioned above) defined in the Bylaws or in other ICANN material that we have reviewed. However, it is something that can be obvious by its absence and includes factors such as ethnicity, age, language, and socio-economic factors. In a broader context, gender diversity is a visible measure of demographic diversity. Gender diversity relating to participants in GNSO PDP Working Groups has been measured and commented on in previous reviews[85]. We have also discussed aspects of gender diversity above, in our discussion of PDP Working Group processes.

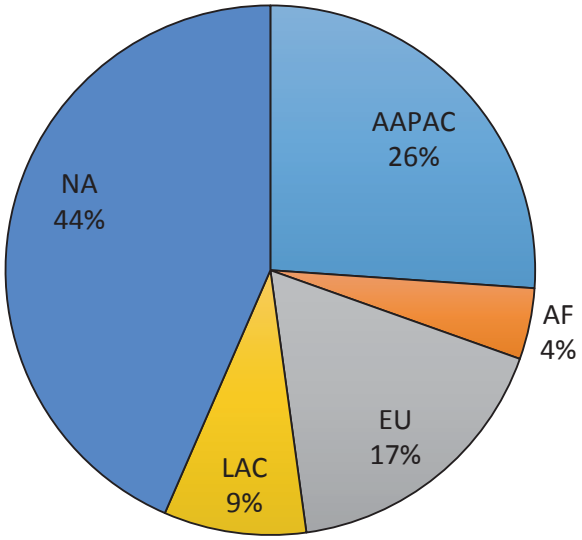
9.4.1 Geographic Diversity

It is not possible to be definitive about the geographic diversity of the membership of the GNSO, firstly because ICANN does not collect comprehensive statistics on geographic (or gender and cultural) diversity of its community. It does collect geographic diversity information, but we consider the criterion to be flawed, since people can state their place of residence regardless of their ethnicity or actual affinity (for example, an Australian national living in Nigeria could choose to be recorded as a member from Africa). Secondly, Constituency and SG membership consists in many cases of organisations and/or individuals. Organisations may themselves be based in one region but consist of individuals from many. We believe, as explained further below, that ICANN's geographic regions are a poor measure of cultural or ethnic diversity.

Details of geographic diversity on the GNSO Council itself are easier to obtain because its membership is a matter of public record.

[85] https://www.icann.org/en/system/files/files/gnso-evaluation-21nov13-en.pdf

The chart below shows that North America is the most represented region at 44%, Asia Pacific is second at 26% with Europe third at 17%. The Latin America and Caribbean, and African, regions make up less than 15%. It was also noted that these figures can be distorted through individuals holding multiple citizenships.



To address geographic diversity, attempts are made to balance leadership structures by appointing candidates from different geographic regions. It is not clear that any consideration of cultural diversity is made in addition to geographic diversity.

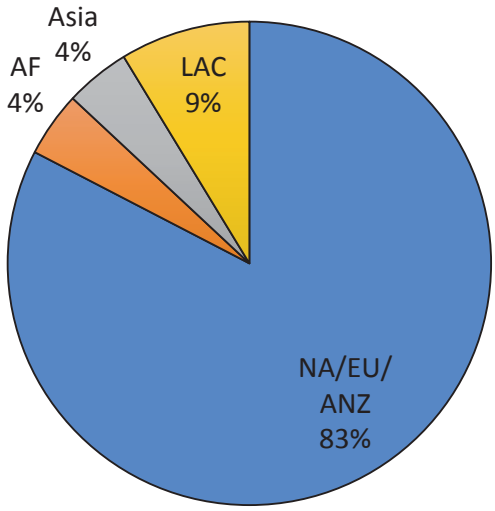
Our observation of ICANN meetings (ICANN51 and earlier) suggests that North Americans and Europeans comprised the vast majority of those present and active. At ICANN50 (London) and 51 (Los Angeles), this may have been due partly to the location of the meetings. However, this predominance has been evident at other recent ICANN meetings Westlake representatives have attended in Singapore, Beijing and elsewhere. Leadership positions in GNSO structures also show a heavy weighting of EU and NA nationals and/or residents.

9.4.2 Cultural Diversity

The chart of Council's geographic diversity presented under *Geographic Diversity* above shows that nearly half of all Council positions are held by people from North America, and a quarter by people from Asia Pacific. Under ICANN's current definition, Asia Pacific includes Australia and New Zealand

which are in general culturally more similar to North America and parts of Europe than to most Asian cultures.

If the chart is re-cast to show Australia and New Zealand as part of a group including North America and Europe, it shows that only 17% of Council membership falls outside this group.



As at July 2013, people from Asia (not including Australia or New Zealand) made up 48% of total Internet users.[86] The chart above shows that people from Anglophone and European cultures are heavily over-represented on Council, and in our observation, in the GNSO as a whole.

Several survey respondents and interviewees noted a number of factors as presenting barriers to culturally broader participation in the GNSO:

1. GNSO's working language is English. Despite extensive translation services provided by ICANN there is limited opportunity to participate effectively without a reasonable level of English language fluency.

2. In North America and to a lesser degree much of Europe, a robust confrontational style of debate is often regarded as acceptable in a business context. Such a style is less acceptable and often seen as distasteful in some other cultures. Several respondents referred negatively to the tone of some debates within the GNSO. In contrast, other respondents

[86] Internet Live Statistics, http://internetlivestats.com, viewed 15 December 2014

commented that under the current leadership of the GNSO Council it had become more inclusive and less confrontational than previously.

3. Some interviewees said that voting on every item before a committee is very much a US-style approach and difficult for people from other cultures to deal with; they would attempt to reach a consensus and only surface open disagreement if absolutely necessary.

We note that the ICANN Board's Nominating Committee (NomCom) appoints three members to the GNSO Council. ICANN's Bylaws refer specifically to the NomCom's responsibility *to ensure that the persons selected to fill vacancies … shall, to the extent feasible and consistent with the other criteria required to be applied … make selections guided by Core Value 4.*

The make-up of the current GNSO Council does not demonstrate a focus by SGs or Cs on achieving geographic, gender or cultural diversity. In addition, all three NomCom appointees to the Council are male, two are from North and Latin America and the other is from Europe.

An observation made to us more than once during the course of our interviews was that the GNSO and/or ICANN often refers to the principles of diversity as set out in Core Value 4, but there is little evidence of substantial change to the demographic and gender mix of participants and office holders over the last few years.

Several respondents also commented on the issue of 'leadership recycling'. While there are term limits in some parts of ICANN including the GNSO, we received many comments to the effect that the same people remain in leadership positions by trading places. One specific feature identified was that some people had served in various roles on the ALAC and had subsequently moved into leadership roles in the GNSO. This accords with our own observations, during our involvement with ICANN over many years. We were also given several anecdotal but credible instances of active resistance to new members becoming involved in leadership.

As we have noted above in Section 3 – Review Methodology, the 360° survey and the Working Group surveys for this review were initially published in English, and ICANN translated both surveys into the five other United Nations languages, posting invitations in all of these languages on the GNSO website. Despite these efforts and significant promotion of both surveys, we did not receive a single request to send a copy of the survey in any language other than English. We did receive two sets of responses in French, but these were posted to the English language version of the 360° survey. We might conclude from this that even those respondents had at least a working knowledge of English, in order to understand the statements they were responding to.

We conclude that, by any measure, there is a significant absence of geographic diversity in the make-up of most GNSO structures, and of the Council. Part of this may be explained by the longevity of many of the participants and office holders: when they first became involved with the GNSO (or ICANN), often ten or more years ago, developed western economies dominated the use of the Internet. This has changed significantly in the last decade: for example, China and India together now have more than three times the number of Internet users as does the United States, and this ratio will only increase as penetration continues to grow in China and India. The make-up of the GNSO Council and office holders has not kept pace with these changes.

Recent studies of obstacles to achieving diversity in companies, particularly gender diversity, have highlighted what are referred to as "unconscious biases"[87] that inhibit changes – behaviours and attitudes that tend to perpetuate existing structures (for example after-hours social sessions that are traditionally male-orientated and often not convenient for female managers) – without people being generally aware that they are having this impact.

One example of such unconscious bias mentioned in our interviews was the timing of PDP WG telephone meetings: in the view of our interviewee, the timing of these calls almost invariably favoured North American/Western European WG members, and therefore disadvantaged members on the other side of the world, who often had to call in the middle of their night. In our view it is unlikely that this timing is deliberately biased, and is more likely to be set to suit the majority of (current) WG members, but it makes it harder for people in Asia, especially, to participate and therefore tends to perpetuate the dominance of existing WG membership.

(We have been advised in a previous review that the ICANN board addressed this matter by scheduling each monthly meeting to start eight hours earlier than the previous month's meeting. In this way, inconvenience was shared around the globe, and on average each board member would attend one board meeting in every three at a time when they would normally be asleep, but no geographic region was favoured or disadvantaged over another.)

The ICANN Geographic Regions Working Group[88] recommended, amongst other things, that "the general principle of geographic diversity is valuable and should be preserved," and "application of the geographic diversity principles must be more rigorous, clear and consistent."

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[87] http://www.genderworx.com.au/our-book/
[88] https://www.icann.org/en/system/files/files/geo-regions-final-report-22jun13-en.pdf

To reinforce our recommendations, we cite Vint Cerf, former Chairman of the ICANN Board of Directors:

> *The Internet is for everyone.*[89]

9.5 Internationalised domain names

ICANN has long acknowledged that IDNs represent a difficult challenge both technically and for policy making. Nevertheless, real progress has been made and IDNs have been launched within existing TLDs and as TLDs in their own right.

In order to support many non-English languages, including the UN languages Arabic, Chinese and Russian, IDNs are required. Policy about IDNs needs to be informed by people with cultural and linguistic understanding that is relevant to the languages that each script is designed to support.

9.6 New gTLDs

gTLD expansion has caused a range of policy demands. It has also changed the landscape of industry players through the creation of dotBrands. A brand that has its own TLD would be a registry, it might also be a registrar, and it may have intellectual property interests and business or not-for-profit interests in the use of the TLD. These roles cut across the GNSO's existing Constituency and Stakeholder Group model.

Some respondents expressed the view that the introduction of a large number of new gTLDs will upset the existing balance in the GNSO, in particular the CPH. As a side observation, the Westlake Review Team was surprised that few people even raised the topic of new gTLDs, or the potential impact on the GNSO of introducing hundreds of new TLDs, after several years of relative stability when the number of gTLDs remained in the low 20s. However, a small number of survey respondents and interviewees did comment on these issues, some at considerable length. It was difficult to assess whether this was because they considered that no particular issues arose as a result of new gTLDs, or whether this was a further example of the perils of incumbency and holding to traditional assumptions.

One interviewee expressed the view the CPH has been quite successful in accommodating the large number of new gTLDs within existing structures – especially noting the substantial growth in Registry Stakeholder Group membership – from the low 20s to more than 100. We have commented

[89] https://www.ietf.org/rfc/rfc3271.txt

elsewhere on the constitutions of CPH SGs, which do not provide for the establishment of separate Constituencies, but the charter of the RySG does allow for the formation of Interest Groups. In our view, this structure could allow groups of users to coalesce in ways that they may not now be doing, within the broader RySG.

9.7 GNSO Structure

We received more than 120 unsolicited comments on the GNSO's structure in the 360° Survey and in our interviews.

Of those respondents who commented on structure, the majority expressed the view that it was overly complex, and the most common solution offered was to abolish the two-House structure. Against this, several respondents considered either that the GNSO's two-House structure was largely immaterial to its effectiveness, and a smaller number noted that the GNSO structure had been designed and built carefully over several years and that it was now able to focus more effectively than before on its core purpose – to develop and recommend to the Board substantive policies relating to gTLDs.[90]

The GNSO's structure is complex – two Houses, four Stakeholder Groups and numerous Constituencies and we have observed that GNSO meetings can be lengthy and by many measures are inefficient. It is notable however that much of the complexity relates to achieving a balance in voting between different groups: Contracted/Non-Contracted Parties, Registries/Registrars and Commercial/Non-Commercial Stakeholders. In practice some of the constructs, notably the two Houses, appear to be little more than vehicles for voting and generally do not have a separate 'life' of their own.

Views on the structure of the GNSO that we received through the 360° Survey and our interviews, ranged across a full spectrum:

- *[The GNSO is] a dysfunctional structure created by the last review, which creates procedural, numeric and behavioral barriers to cooperation.*
- *…unwieldy, unbalanced and doesn't work.*
- *While it may be slower-moving than top-down decisions, it takes into account the entire community and allows them to discuss matters of import to the Internet.*

[90] https://www.icann.org/resources/pages/bylaws-2012-02-25-en - X

- *It is a carefully crafted construct, which permits a sensible balance of power between those with a (contractual) interest in the outcomes and those who seek to influence outcomes for other reasons.*
- *Make absolutely NO changes to the structure of the GNSO right now. GNSO is completely overloaded with other issues that are of far greater importance.*

Some considered that the Contracted Parties had conceded too much voting power in the transition to the two House structure to parties who were not contractually bound by policy. As far as we were able to identify, people holding this view were, not surprisingly, affiliated largely to the CPH.

In contrast, other respondents argued that the Contracted Parties retained too much power (some identified the CPH's 'double vote' that in aggregate gives it a voice equal to that of the NCPH), while some argued further that members of the CPH had a conflict of interests in their dual roles of participating in the development of policy and being contractually bound by such policies. A few of these respondents considered that the Contracted Parties should not participate directly in the decisions of PDP Working Groups, but should have only an advisory, non-voting role.

A small number of respondents argued that membership of the GNSO should be restricted to Contracted Parties only. Other stakeholders should be able to express their views through another arm of ICANN; one suggestion, from a few people, was to merge the whole NCPH into the ALAC.

While survey participants were not asked directly about structural improvements, we received a range of suggested "solutions" to perceived structural weaknesses:

- Do nothing.
- Abolish the two-House structure.
- Extend the structure to three Houses (under this option, a formal voice for Registrants and Users would be created).
- Remove all or part of the Non-Commercial Stakeholders Group from the GNSO and merge the NCSG into the ALAC.
- Abolish the GNSO completely and restructure the whole of ICANN (we considered that this went beyond our current Terms of Reference).

However, noting that respondents were not asked for 'solutions,' none of them offered detailed alternatives or addressed the consequences of suggested changes, or indeed the potential risks and costs/opportunity cost.

9.7.1 Structural Complexity

One of the bigger concerns, expressed by a number of survey respondents and interviewees, related to the perceived complexity of the GNSO's structure and processes. This was considered to be one of several significant barriers for a newcomer wishing to be involved and participate effectively. As a result, some roles in the GNSO were perceived by many to be protected as "an insider's game," with high barriers to entry.

9.7.2 Respondent comments on the current structure

Views varied about the effectiveness of the current structure of the GNSO. These included the following as some of the key themes:

- Two Houses are needed in order to give a voice to Contracted Parties.
- A general view that the CPH is reasonably effective: participants in the CPH are often professionals whose participation in GNSO business is a part of their job.
- There is a perception that the IPC is better resourced than other NCPH constituencies, although this is not necessarily accurate. There is also a perception that IPC is not transparent about its membership, possibly because, while IPC membership is indeed published[91] it is not on the GNSO / ICANN website.
- Concerns were raised over the lack of transparency in some Constituencies: membership, email lists, for whom/in whose interests some members were acting, and who was paying.
- It was widely commented by survey respondents and interviewees that the NCSG has issues that inhibit its effectiveness. In the view of some, the NCUC, dominated by small or single person groups, is always likely to have greater numbers to out-vote the NPOC, which represents often larger but fewer NPOs. Most of those who commented on the difficulties perceived to exist in the NCSG hoped that it would solve these itself, rather than having a "solution" imposed.

9.7.3 Silo-focused structure

One unique aspect of the GNSO, compared with all other ICANN SOs and ACs is that the GNSO is in practice largely an abstract construct. At an ICANN meeting it is possible to attend a meeting of the

[91] http://www.ipconstituency.org/current-membership/

ALAC or the ccNSO, while the GAC and the RSSAC also meet in various forms. The GNSO as a single SO does not usually meet in the way that other SOs and ACs do. At other times, the GNSO Council meets; Constituencies and some SGs meet; and Working Groups convene. As a result, the proceedings of the various parts of the GNSO naturally take place in disparate 'silos'.

Several people highlighted this 'silo' nature of the GNSO. In addition, and possibly related, several people – mainly from other than North America – commented on the GNSO's apparent 'obsession with voting.' Together these two factors contributed to what several survey respondents and interviewees described as a 'confrontational approach to decision-making', where the key requirement was to assemble sufficient voting support, rather than striving for a genuine consensus of views.

9.7.4 Stakeholder Groups x 4

The current structure provides for a balance of voting between the CPH and the NCPH, while allowing considerable flexibility within each SG, with or without individual Constituencies. It allows new Constituencies to form (at least in policy and theory) without changing the voting balance between the four SGs/two Houses. The intention in setting up the four SGs is that any stakeholder community should fit into one of the four SGs. In addition, some organisations may naturally join more than one SG – for example a complex commercial organization that also operated a gTLD Registry might validly be a member of both the RySG (an SG in the CPH), and the CBUC within the CSG (an SG in the NCPH). However, no party holding concurrent memberships may vote in more than one SG or Constituency.

9.7.5 Linkages with ccNSO

We received a small number of suggestions to align (or re-merge – as in ICANN's pre-2003 structure) the ccNSO and GNSO: although their roles are similar in that both SOs develop policy relating to TLDs, they are fundamentally different in that most ccNSO members are not contractually bound to ICANN. They also generally operate within the framework of their own sovereign state's legal and regulatory environment. With the expansion in the number and scope of gTLDs, we observe that some ccTLD operators have become operators of one or more new gTLDs and others are likely to follow. As an example, Nominet has been the ccTLD manager for .uk for many years. In 2014, it launched two new gTLDs, .wales and .cymru (the Welsh language name for Wales) to operate as quasi country-codes for Wales, which has no two-character country code distinct from .uk. As a result, Nominet may now play a valid role in both the ccNSO and the GNSO.

9.7.6 Implications for Structure

The scope of this review is constrained by ICANN not to recommend structural solutions. Moreover, in conducting our review, we were told many times that the last round of structural changes had been divisive and distracting, and had diverted attention from the process of developing substantive gTLD policy.

Through the course of the review, 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. Notwithstanding the constraint on our scope, 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. We have however identified a deficiency in the carefully-constructed balance of voting powers in the GNSO and we have recommended a remedy.

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. This is especially true in an organisation such as ICANN, where a large proportion of the community is involved only part time. We were advised that the structure had been developed with considerable care to provide a balance of voting across a broad range of interests and to give adequate but not excessive voice to those parties that are legally bound by GNSO policy. While complex and the object of much comment and criticism, we consider that the framework of GNSO Council / two Houses / four Stakeholder Groups and multiple Constituencies should continue.

As we discuss above, the emergence of new constituencies and possible winding up and disappearance of others, as the BGC foresaw[92], has not occurred.

Our view is that structure should not lead but result from strategy ('form follows function'). In addition, we are aware from past experience, and from several comments during this review specifically, of the time and energy consumed and the distraction from core activities that structural changes require.

Changes to structure may be among the most visible of changes to an organization, but amending the structure should not be confused with addressing core issues. Our view has been that the GNSO faces many challenges and we have addressed those we have identified in other sections of our

[92] http://archive.icann.org/en/topics/gnso-improvements/gnso-improvements-report-03feb08.pdf

report – matters relating to Policy Development Processes, and to Accountability, Representation and Transparency. We consider that the higher priority should be to consider and, if thought appropriate, implement our Recommendations in these areas, rather than focusing again on the GNSO's structure.

We do not consider that the GNSO's structure is perfect, or that it cannot be improved, but we do not consider that the structure is either the main cause of or currently offers the solution to its most pressing challenges. We acknowledge above that the complexity of the structure presents a barrier to newcomers and we have recommended elsewhere (Section 7 – Enhance Constituencies) some measures to address this. If our Recommendations are adopted, one or more new Constituencies are likely to emerge in the near term.

We also note that the current structure has only been completed in the relatively recent past and our wider experience indicates that certainty and increasing familiarity with the structure are likely to contribute more to improving the GNSO's effectiveness in the near future than marginal benefits that might be gained from further changes. In most organizations, new structures and processes typically require several years to become fully understood and accepted, and for the real benefits and any major issues to emerge.

We consider that the GNSO Council should address the issues that we have identified and implement our recommendations ahead of any further structural review. When a full review of the GNSO's structure does take place, we consider that it should be broader than a review of a single Supporting Organisation and should be underpinned by a more extensive strategic review of the effectiveness of ICANN as a whole, which the structure should be refined to support.

As a specific example, one valid question such a reviewer might ask would relate to determining who could most appropriately represent the views of the broad global base of those who use the Internet for non-commercial purposes in gTLD policy making. At present, this is the role of the NCSG. However, the current active membership in the NCSG reveals a relatively narrow representation compared with the potential universe of global non-commercial users of the Internet. For example, few substantial international NGOs, such as consumer groups and human rights bodies, appear to be active members. We note that many such organizations are enrolled in the ALAC as ALSs, but that as an Advisory Committee the ALAC is intended to play a lesser role in policy making than the GNSO's own structures.

This current intent should not present a barrier to a future reviewer, with a broad brief, asking whether this is the best role for the ALAC, or whether some more radical option might give the ALAC

a more direct role in the GNSO's processes, and indeed bring greater efficiencies through replacing the substantial duplication of resources created by a separate NCSG.

We note that this matter has been raised previously. In September 2012, the ALAC published its White Paper on Future Challenges – "Making ICANN Relevant, Responsive and Respected".[93] Among its recommendations are that ICANN:

> *Transform the roles of the GAC and the ALAC from purely advisory to involvement in policy. This measure shall not be implemented separately from, nor before, a coordinated reform of structures affecting all Supporting Organisations and Advisory Committees.*

9.8 Conclusion

We have discussed above several known changes to the GNSO's operating environment. In addition to these, changes to the environment that are not yet anticipated are highly likely to arise. We consider that the GNSO would be well served if it took active steps to increase the range and diversity of the membership of its various bodies, so that it reflected more the diversity of the user base of the Internet.

Matters of concern and relevance to users in richer economies may be very different from those of significance in developing countries. We do not consider ourselves qualified to identify the issues that might be of relevance to the GNSO and of concern to Internet users in countries and regions where electricity networks are not universally accessible, where the only access is through mobile devices, and in which multiple (non-English) languages and scripts are dominant. However, we also consider that the current members of the GNSO's various bodies, largely from richer economies, would face similar challenges in identifying the relevant issues.

ICANN is committed to maintaining and improving robust mechanisms for public input, accountability and transparency. This is shown by, inter alia, the Board's adoption of the ICANN Accountability & Transparency Frameworks and Principles[94] in 2008, and the subsequent commissioning of the Accountability and Transparency Review Team (ATRT) reports 1[95] and 2[96] and the Board's commitment to implementing the resulting recommendations.

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[93] http://www.atlarge.icann.org/correspondence/future-challenges-white-paper-17sep12-en.pdf
[94] https://www.icann.org/en/system/files/files/acct-trans-frameworks-principles-10jan08-en.pdf
[95] https://www.icann.org/en/system/files/files/final-recommendations-31dec10-en.pdf
[96] https://www.icann.org/public-comments/atrt2-recommendations-2014-01-09-en

In the context of GNSO activities, ICANN's commitment to accountability, transparency and multi-stakeholderism requires:

- Involvement of the widest practicable community of stakeholders.
- Decision-making and policy development processes that are open and transparent to the community.
- Openness regarding who is contributing to decision-making and gTLD policy development, and who or what interests they represent.
- Participants in GNSO's processes to adhere to ICANN's Expected Standards of Behaviour[97].

The biggest risk for the GNSO, if it fails to adapt to its changing environment, is that newcomers perceive it to be less relevant to their needs and develop new mechanisms, outside the GNSO and potentially outside ICANN, for addressing these.

We began this section with one quote. We conclude with another:

> *If the rate of change on the outside exceeds the rate of change on the inside, the end is near.* (Jack Welch, author and former CEO).

[97] https://www.icann.org/en/system/files/files/acct-trans-frameworks-principles-10jan08-en.pdf

Westlake Review Team Recommendations

- **Recommendation 32:** That ICANN define "cultural diversity" (possibly by using birth language); and regularly publish this along with geographic, gender and age group metrics, at least for the GNSO Council, SGs, Cs and WGs.
- **Recommendation 33:** 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.
- **Recommendation 34:** 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.
- **Recommendation 35**: That the GNSO Council establish a WG, whose membership specifically reflects the demographic, cultural, gender and age diversity of the Internet as a whole, to recommend to Council ways to reduce barriers to participation in the GNSO by non- English speakers and those with limited command of English.
- **Recommendation 36:** 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.