

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.

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|--|---------------------------------------|
| A. Please provide your name: | Greg Shatan |
| B. Please provide your affiliation: | Intellectual Property
Constituency |
| C. Are you providing input on behalf of another entity (e.g. organization, company, government)? | Yes |
| D. If you answered ‘yes’ to the previous question, please list the entity on whose behalf you are submitting these comments. | Intellectual Property
Constituency |

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).
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #1 BY SELECTING APPLICABLE OPINION: <i>Pull down to choose a response.</i></p> <p>(Support: It Depends) The IPC supports monitoring and evaluating the effectiveness of current outreach strategies, with the caveat that financial and labor resources dedicated to such monitoring do not detract from the underlying outreach they are meant to study. Notably, in its own outreach activities, the IPC strives to fund attendance for new participants at ICANN meetings, and strongly disfavors inventing new international meetings for long-standing community participants to attend. To this end, relevant metrics should closely examine outreach initiatives in the context of whether they result in new participants at ICANN meetings, as well as new participation in Working Groups. Our support may also depend upon the new meeting structures and whether these will facilitate or impede participation and representation.</p>		
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.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #2 BY SELECTING APPLICABLE OPINION: <i>Pull down to choose a response.</i></p> <p>(Support: It Depends) Additional outreach programs might not be necessary in lieu of improving and expanding upon the existing programs, and new programs certainly should not detract from existing outreach initiatives. Obviously, travel support for Working Group members or Chairpersons represents another way to increase participation, yet entails potential disadvantages as well. Precedent worth examining on travel funding for Working Group members presently exists within the country code Name Supporting Organization. IPC support for this recommendation may also depend upon the new meeting structures and whether these will facilitate or impede participation and representation.</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>Pull down to choose a response.</i></p> <p>(Support: Yes) It may be difficult to draw any bright line distinguishing individuals that “participate in the GNSO as part of their profession” from others. Furthermore, the recommendation is based on a premise or definition that is false to a certain extent – that those who participate “as part of their profession” are not participating as volunteers. The phrasing of the recommendation seems influenced by certain myths about Commercial Stakeholder Group members, and particularly IPC members – that all of us are fully funded by our employers. The more relevant inquiry may be whether individuals are required to participate as part of their job description or are routinely subsidized by their employer to participate. For example, many individual members in the IPC, as well as those representing organizational members,</p>		

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<p>have full-time day jobs outside of the ICANN community, including careers at law firms and educational institutions. Such members participate within the IPC on a purely volunteer basis, and may receive limited or no support from their employers. In contrast, contracted parties or other stakeholders may be required to participate and subsidized by their employers.</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>Pull down to choose a response.</i> (Support: Yes) Please refer to our prior comments regarding an examination of travel support for Working Group members or Chairpersons.</p>		
5	Participation & Representation	Continue initiatives that aim to reduce the barriers to newcomers.
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #5 BY SELECTING APPLICABLE OPINION: <i>Pull down to choose a response.</i> (Support: Not Sure) It is unclear what is meant by this recommendation, apart from monthly open house newcomer webinars, the PDP Membership Onboarding Program, and the addition of a “mailing list observer status.” It may prove more beneficial to identify such incentives with particularity.</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: <i>Pull down to choose a response.</i> (Support: Not Sure) Greater clarity on this recommendation is necessary since a mechanism already exists to obtain the desired statistics. All Working Group participants are required to submit a Statement of Interest (SOI). The SOI template requires participants to identify their respective stakeholder group, and constituency if applicable. It also requires participants to identify their “declared country of primary residence.” Presumably, a field need only be added corresponding to gender, and aggregate statistics regularly published by ICANN, in order to satisfy this recommendation.</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: <i>Pull down to choose a response.</i> (Support: Yes) Translation and publication of Initial and Final Reports, as well as additional Working</p>		

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Group materials in the five other official U.N. languages would be a meaningful starting point.		
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: <i>Pull down to choose a response.</i> (Support: Yes) This recommendation should not be rigidly construed to prevent community input on implementation where, for example, implementation takes place several years following an original policy development process and the identical working group members may have transitioned roles or may no longer be engaged within the community. We note that the Policy and Implementation Working Group has already finished its work, so this part of the recommendation is obsolete.</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: <i>Pull down to choose a response.</i> (Support: Yes) No comment.</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: <i>Pull down to choose a response.</i> (Support: It depends.) We note that the professional mediator retained by ICANN for the Privacy and Proxy Services Accreditation Working Group face-to-face meeting in Los Angeles during ICANN 51 (as noted and relied on in the Report) in fact fell ill and was unable to attend. The role was filled on an ad hoc basis by a regular community participant with experience in mediation. Moreover, that particular Working Group was not then embroiled in the complex and controversial issues it recently sought public comment on in its Initial Report. Accordingly, we have little direct experience on which to base any evaluation of the usefulness of professional facilitators in the WG process.</p>		

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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: <i>Pull down to choose a response.</i> (Support: Yes) This recommendation should not supersede initiatives to eliminate conflicting sessions from annual ICANN meetings, which regularly and drastically reduce attendance and participation in face-to-face Working Group meetings.</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: <i>Pull down to choose a response.</i> (Support: Yes) The IPC notes that this would also facilitate the participation of hearing-impaired individuals, which would improve diversity within WGs.</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: <i>Pull down to choose a response.</i> (Support: It Depends) It is important that any alternative “decision support systems” be highly intuitive and devoid of any learning curve, which would likely only detract from community participation if made mandatory in practice.</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: <i>Pull down to choose a response.</i> (Support: Yes) Although not all Policy Development Processes are ideal for a “chunking” methodology, an examination on each set of issues at a minimum seems appropriate.</p>		
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: <i>Pull down to choose a response.</i> (Support: Yes) While certain expediency measures employed on a trial basis, such as inclusion of a draft Charter into an Issues Report, have caused initial confusion within the community, they have also made a</p>		

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notable impact on improving timeliness of policy development.		
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: <i>Pull down to choose a response.</i> (Support: it depends) The IPC requests more detail as to which stage it is recommended that a policy impact assessment take place.</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: <i>Pull down to choose a response.</i> (Support: It Depends) Any self-evaluation should accommodate Working Group performance reviews from ICANN policy personnel. Few individuals involved in any Working Group are similarly or equally well-positioned to provide candid and objective feedback to community participants. Such reviews should not represent either self-congratulatory verbiage, or sour grapes, as between community personalities.</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: <i>Pull down to choose a response.</i> (Support: Yes) No comment.</p>		
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: <i>It Depends</i> We believe the GNSO structure should be reconstituted to avoid capture by the Contracted Parties. A more representative Council should focus as a strategic manager but should independently ensure that WG recommendations are fair and implementable, and deriving from truly representative community input.</p>		

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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: <i>It Depends</i> ICANN's Strategic Objectives are not all within the purview of GNSO policy making, and may not appropriately reflect the community's policy development needs. We consider it more important that ICANN, in formulating its Strategic Objectives, aligns them with the GNSO's (and other SOs') policy development priorities.</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: <i>Support</i> This is critical, but it is generally not the Council that is able to undertake or commission such analysis. This will require extensive ICANN Staff assistance and budget to have any properly balanced analysis. It is critical that any such analysis take into the views and needs of all stakeholders, and not merely the "Domain Name Industry."</p>		
22	Continuous Development	That the GNSO should review and implement a revised training and development programme encompassing: <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: <i>It Depends</i> We support the first three bullets, but wonder whether 'formal assessment' and 'continual review' is appropriate for volunteer Council members who at most can serve four years. It seems this could be a hindrance to finding good candidates for the very heavy duty required of Council members.</p>		

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23	Participation & Representation	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>INDICATE YOUR SUPPORT FOR RECOMMENDATION #23 BY SELECTING APPLICABLE OPINION: Support The fact that only one new constituency, the NPOC, has been approved suggests that the procedures are not currently working. The promotion of new constituencies was a fundamental recommendation of the last GNSO review, as a result of which a new process for constituency applications was developed and approved. Whilst the Draft Report does not disagree with the decision overall to reject the first application under this new procedure, it concludes that one of the grounds for recommending refusal was not a valid objection and should not have been upheld. The Draft Report also highlights substantial feedback that the procedure is not consistently applied and that there is a perception of direct lobbying from current incumbents against new applicants. This cannot be allowed to continue. For the multistakeholder model to be effective it must be open to all potential stakeholders. If a group of potential stakeholders have reasonable grounds to consider that their needs are not fully met by the existing SGs and Cs then they must be afforded every encouragement and support to address this. In the same vein, some review mechanism should be established to ensure that new constituencies, once recognized, are afforded full opportunities for participation and a sufficient role in decision-making within the stakeholder group to which they are assigned.</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 All ICANN decision-making must be subject to the fullest transparency and accountability. In the case of new constituency decisions, this is essential to avoid any actual or perceived unfairness or favouring of the incumbent parties over the new.</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 Feedback to the Review team appears to indicate that a number of respondents have found the constituency application process less than clear. In the interests of encouraging wider participation and representation, therefore, the IPC supports the development of guidelines.</p>		

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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:</p> <p>Support</p> <p>It is essential that there be complete transparency of the interests of those who participate in the development and implementation of ICANN policy. The IPC considers that, in order to address the identified concern over a lack of transparency of the interests of those participating within the GNSO, this Recommendation 26 should not be limited to GNSO Council, Executive Committee members of SGs and Cs and WG members. A significant amount of work relating to the development and implementation of policy is done at the SG and C level, for example in the preparation of public comments. The IPC considers therefore that anyone who is actively participating on an issue should be required to identify their “interest” in order that others are properly informed when taking their comments into account.</p> <p>Whilst we agree that ideally the bodies or clients represented would be identified, as a matter of ethics attorneys may not always be able to identify their clients. In those circumstances the approach proposed in the Recommendation, that the interest or position be disclosed, seems a sensible and adequate compromise. In any event, merely identifying the “bodies or clients” represented may not be sufficient for transparency, unless that body or client’s “interest” is also identified, since it may not always be possible for third parties to know this without a great deal of research, or even at all. The IPC also considers that the current SOI form should be redrafted, and that guidance on how to complete the form would be beneficial. Many existing participants do submit SOIs but the manner in which they are completed means that they may not always be meaningful or effective in identifying the “interest” in question. It is possible to complete the current SOI form in such a way as to answer the questions but without complying with the spirit of the disclosure obligation, either deliberately or due to a genuine misunderstanding.</p> <p>The expansion resulting from the New gTLD Program also now means that an individual or their employer company may participate in more than one SG or C. For example a representative of a Brand TLD may participate in both the BC and/or IPC and the RySG. It would be helpful for the SOI form and/or procedures to be revised to better accommodate this, and the fact that someone may participate on different issues in different capacities.</p>		

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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: <i>It Depends</i> The IPC agrees that the publication of full lists of members is fundamental to principles of transparency and openness. Whilst we do not object to there being a centralized database of this information, provided that this information is readily available and can be easily located on the websites of the individual SGs and Cs we do not consider a central database to be essential. Indeed we believe there will be some risk of the centralized records being less up to date than the records of the individual SG and Cs, unless adequate resource is allocated. Any additional recordkeeping or transmittal burden on the SGs and Cs must be met by ICANN Secretariat staff and not SG/C volunteers.</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: <i>Do Not Support</i> IPC does not support making everything in the GNSO Operating Procedures mandatory for all groups subject to it. While the IPC itself seeks to comply fully with these procedures, many of them are inappropriate for other groups, notably the Commercial Stakeholder Group. When this structure was imposed on IPC and the other two constituencies, it was with the clear understanding that CSG would remain a very lightweight structure, unburdened by procedural requirements that are inappropriate for it. For example, making provision for membership by “legal and natural persons” is irrelevant to CSG, whose only members are the three constituencies involved. The draft review reflects at most a superficial understanding of why the terms of the operating procedures were deliberately phrased as they were, and consequently reaches the wrong conclusions. This recommendation requires further study and a more nuanced analysis.</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: <i>Support</i> It may be necessary to conduct such a survey on more than one occasion, or to consider carefully the most appropriate time to carry it out. In the case of a WG, a survey of the perceptions of a new member</p>		

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<p>may be better conducted at the end of the working group’s task rather than early on. Similarly, surveying a newcomer after only one meeting may not elicit the most complete feedback since a newcomer may be justifiably reluctant to express their views within the SG or C at their first meeting, whilst they are still finding their feet. Thus, surveying them after they have attended a few meetings over the space of 3-6 months is likely to be more informative.</p>		
30	Continuous Development	<p>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>
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #30 BY SELECTING APPLICABLE OPINION: Support Until very recently the IPC had no administrative support from ICANN, and after two brief periods with staff members serving in secretariat roles, is once again without any such support. The support provided was a significant benefit and support to the IPC leadership and membership. We look forward to receiving it again. Based on our experience, a more stable and redundant system of Secretariat support must be implemented. The discouraging track record of ICANN’s failure to deliver on its commitments to provide reliable support strongly suggests that ICANN reconsider its consistent refusal to allocate funding to constituencies to procure their own administrative support services, subject to appropriate accounting and auditing safeguards.</p>		
31	Continuous Development	<p>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>
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #31 BY SELECTING APPLICABLE OPINION: Support There has been a long-identified concern about the perceived late engagement of the GAC in the policy development process, with the perception of some parts of the community being that the GAC waits until the work of the PDP has been done before potentially expressing views which undermine that community-developed compromise. This is exacerbated by the GAC’s failure, generally, to give adequate reasoning for its advice, and the perception that the GAC deliberately gives vague advice which is open to differing interpretation (this is supported by the testimony of Ms. Heather Dryden, former Chair of the GAC, in the dotConnect Africa IRP hearing, https://www.icann.org/en/system/files/files/final-declaration-09jul15-en.pdf) thereby allowing the GAC to reopen matters at a later stage, as seen recently with the issue of 22-letter SLDs. The IPC understands the difficulties that GAC representatives have, in that one representative from one country cannot bind GAC colleagues from other countries, and also that GAC representatives have “day jobs.” Nevertheless, many within the GNSO’s SGs and Cs also have “day jobs” and have to make the time to</p>		

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<p>participate within the ICANN community. Further, if governments wish to have the benefit of their privileged status of giving advice to the ICANN Board they must allocate adequate resources.</p> <p>Finally, the GAC-GNSO Consultation Group on Early Engagement is a relatively new development and must be allowed adequate time to determine whether it can help to address these longstanding concerns.</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 IPC notes that privacy impacts on ICANN volunteers must also be taken into account.</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 Striving towards the widest possible diversity of representation, in terms of geography, gender and culture, is an aim which all SGs and Cs should embrace when selecting their candidates for appointment to the GNSO Council. However, this should never be at the expense of appointing the best-qualified candidate for the role. It should also be borne in mind that Councilors should always take instruction from and represent the interests of their SG or C membership as a whole to the Council, and thus the diversity status of the individual Councilor is not as important as seeking to increase the diversity of active membership within the SGs and Cs. Finally, it is important to recognize that increasing the pool of diverse participants and retaining these participants is the surest way to meet diversity goals.</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: It Depends Rotation of the start times for meetings for PDP WGs is an important objective, however this must be balanced against the location of the actual active participants. If there are no volunteers to a WG from a particular region or, over time, those members from a region have proved themselves not to be actively</p>		

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<p>participating then it is unfair on the active participants to make them all join a call in the middle of the night for the benefit of someone who is not present. If there is even one active member from a region, however, they should be afforded the benefit of having meetings occasionally fixed at a time which is during their normal working day. A good WG chair, supported by their ICANN staff member, should be trusted to make sensible and fair decisions about the timing of meetings.</p> <p>This should apply not just to PDP WG's but also to SG and C regular meetings.</p>		
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: Support Click here to enter comments.</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: It Depends</p> <p>Striving towards the widest possible diversity of representation, in terms of geography, gender and culture, is something which PDP WGs should certainly aim for. It goes too far to make this a requirement. As with GNSO Councilors, however, this should never be at the expense of appointing the best-qualified candidate for the role.</p> <p>This recommendation also fails to recognize that many WGs are open to all, without any selection process. Therefore, there is no way to control for diversity in such groups. The IPC would not support any effort that had the intent or effect of discouraging participation by willing volunteers, simply because they were not sufficiently “diverse.”</p> <p>In many current working groups with limited representative members, it has been possible to join as an observer/participant even when not selected as the representative for a particular SG or C. In practice there has been little or no distinction between representatives and observer/participants, and so even if the best qualified candidate for a role is not the most “diverse” one they should be encouraged to still participate fully and even, where possible, to act as back up for the selected representative.</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:

Yes.

Leadership Recycling:

The IPC notes that at page 98 of the Initial Report Westlake highlights a concern with “leadership recycling” but, rather than making recommendations on this issue, states that culture change must be driven by “tone at the top”. We believe that, if leadership recycling has indeed been identified by a number of respondents as a real concern and a disincentive to new participation, then expecting this to be resolved by a top-down attitude shift is unrealistic. The IPC would favour a prohibition on occupying any leadership position for more than 4 years in a row.

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