

# ICANN



# EN

**ORIGINAL:** English

**DATE:** Sept 2006

**STATUS:** FINAL

**Internet Corporation for Assigned Names and Numbers**

## **A REVIEW OF THE GENERIC NAMES SUPPORTING ORGANISATION (GNSO)**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

*Prepared by the LSE Public Policy Group and Enterprise LSE*

*Introductory Note on this document by the ICANN Staff*

As noted above, the original version of this document is the English text, which is available at <http://www.icann.org/announcements/gns0-review-report-sep06.pdf>. Where a difference of interpretation exists or is perceived to exist between this document and the original text, the original shall prevail.

Note that this translation is of the Executive Summary and Recommendations sections of the original text only.



LSE Public Policy Group and Enterprise LSE

# A Review of the Generic Names Supporting Organization (GNSO)

for the Internet Corporation for Assigned Names and Numbers (ICANN)

Main Report  
September 2006

Published: LSE Public Policy Group

Contact: LSE Public Policy Group, London School of Economics, Houghton Street,  
LONDON WC2A 2AE, England.



The LSE Public Policy Group (PPG) was founded in 1998. Since then, the work of the group has grown considerably and PPG now includes members from many departments in the School and from other major universities. The Group conducts a mix of commercial and pro bono activities, including consulting, research, occasional conferences, and publications. It works closely with Enterprise LSE, the consultancy arm of the London School of Economics.

Contact: [j.tinkler@lse.ac.uk](mailto:j.tinkler@lse.ac.uk)

Web site: <http://www.lse.ac.uk/collections/LSEPublicPolicy/>

The GNSO Review was written by:

Simon Bastow, Senior Research Fellow, LSE Public Policy Group  
Patrick Dunleavy, Professor of Political Science and Public Policy and Chair, LSE Public Policy Group, London School of Economics and Political Science (LSE)  
Oliver Pearce, Researcher, LSE Public Policy Group  
Jane Tinkler, Researcher, LSE Public Policy Group

The following post-graduate students from LSE provided research assistance for the

Review:

Andre Alves, Efe Cummings, Francois Gemenne, Xu Ke, Silke Lechner, Julia Love, Christian Morfin, Vasyl Myroshnychenko, Maha Yuones.

## Executive Summary

1 Scope of the Review. The Internet Corporation for Assigned Names and Numbers (ICANN) seeks to put in place a unique model of governance for the Internet's domain name system, one that rests on "bottom-up stakeholder involvement". ICANN has several Supporting Organizations that form a key part of this model, along with a statement of values underpinning how this system should operate (see Annex Figure A3). The Supporting Organizations make possible the policy development processes which provide the foundations for ICANN's legitimacy as an open and global policy-making body for the Internet.

2 One of these bodies, the Generic Names Supporting Organization (GNSO) plays a key role in relation to policy development about generic domain names (such as .com, .net, .info, .biz etc). The GNSO is a relatively new body, but in the space of a few years it has responded to rapid changes in the operations and stakeholders of the Internet. It has successfully generated a set of institutions and procedures for policy development on generic names issues, and has generated policy on a wide range of issues involving complicated and often technical issues, such as access to personal data, integrity of domain names, and procedures for growing the gTLD space. This study reviews the operations of the GNSO in terms of their representativeness, transparency, effectiveness and compliance with ICANN's Bylaws.

3 Representativeness. There are six GNSO Constituencies that firms, other organizations or individuals in the area of generic names may join as members. The Constituencies and their councilors on the GNSO Council undertake a large amount of work to do with policy development on generic domain names. The Constituencies are necessarily diverse in their nature and activity, and generally take the view that a reasonable amount of autonomy from ICANN staff structures are an important component of their bottom-up consultation work. The Constituencies show a mixed pattern of participation, with relatively high levels of involvement in two Constituencies covering Registries and Registrars, but relatively narrow participation in four others, covering business users, intellectual property, internet service providers and non-commercial users.

4 The current pattern of Constituencies is relatively complex and no longer seems well-adapted to the needs of all stakeholders in the rapidly changing Internet community. Although the Constituency structure does provide a potential home for almost all types of interest, there are signs that the current structures tend to reflect a snapshot of interests that were present at the beginning of this decade and lack internal flexibility to incorporate new types of stakeholders from commercial and civil society. There is consequently much scope to grow and diversify membership of the GNSO, and to adapt structures in a such a way that they are flexible and agile enough to respond to new policy development issues. There are some worrying signs of dominance of some constituencies by a small core people and of low participation rates in policy development work by Constituency members.

5 Transparency. ICANN itself is a highly visible international body and its decisions and activities are much discussed in the Internet community. However, the external visibility of the GNSO Council is poor, largely because of past inadequacies in the ICANN website. Potential members of ICANN with interests in generic domain names currently have to join sub-organizations (GNSO constituencies) rather than being able to join ICANN itself. Yet GNSO Constituencies are even less visible internationally than GNSO itself. So joining a Constituency has unacceptably high information costs for anyone who is not already a deep insider in ICANN. This presents considerable barriers to a functioning and diversified bottom-up policy

development process. The processes and policy development exchanges of the GNSO Council are highly transparent, more so than most similar organizations. There are however some signs that Constituencies are hard to penetrate for newcomers and that baseline standards such as disclosure of interests are not adequately enforced.

6 Effectiveness. The work of the GNSO Council focuses on formally designated "policy development processes" (PDPs) whose supposedly rapid timings are laid down in ICANN's Bylaws, timings which it has not proved practicable to adhere to. Many PDPs take quite a long time to complete and their impacts are not easy to assess. Council members devote huge amounts of unpaid time to its deliberations with face-to-face meetings, many conference calls and much email business. The GNSO Council has a "legislative" pattern of operating with frequent votes, while task forces have become essentially only sub-committees of Council members. The process of reaching "consensus" on major policy issues is often arduous because of conflicting interests and weak structural incentive for Constituencies to identify core issues early and work deliberatively to agree widely acceptable positions. The current arrangements for voting introduce further complexities by assigning double-weight votes to two Constituencies (Registries and Registrars).

7 Compliance. Apart from the unrealistic timings for policy development process, the GNSO's operations comply with the ICANN Bylaws. There is however relatively little sign that policies developed by the GNSO since its establishment have been subject to comprehensive impact assessment.

8 Principles for making changes. Any changes made to the GNSO's operations need to follow through on four key principles:

- The GNSO's operations need to become more visible and transparent to a wider range of stakeholders than at present.
- Any reforms made need to enhance the representativeness of the GNSO Council and its Constituencies.
- The GNSO's structures need to be more flexible and adaptable, able to respond more effectively to the needs of new and old stakeholders in a rapidly changing Internet environment.
- Changes in the GNSO Council's operations are needed to enhance its ability to reach genuinely consensus positions, enjoying wide support in the Internet community.

9 Specific suggestions for reform. We formulate a set of 24 evidence-based and practicable recommendations to help GNSO to improve where there are currently problems. These suggestions can be accepted or not individually, but they hang together as a coherent body of reforms. Some main points include:

- cutting down the number of Constituencies from six to three, covering registration interests, business users and civil society;
- creating a direct (primary) membership in ICANN for firms, other organizations and individuals. Newly joined members interested in generic names issues would then be directed to also join one of the new, simpler and easier to understand Constituencies that we outline below. The Constituencies would receive more

ICANN support to sustain their activities and outreach work, while being run by and accountable to their members as now;

- creating radically improved ICANN and GNSO websites that can effectively represent the GNSO to the Internet community as a whole;
- abolishing the current weighted voting for registration interests but giving both them and business users (broadly construed) an effective veto over non-consensus change;
- raising the threshold for consensus policy from 66 to 75 per cent agreement;
- radically reducing the use of telephone conferencing and shifting to more face to face GNSO Council meetings, for which all participants would receive reasonable travel and accommodation expenses;
- making more use of intensive task forces to bring in external expertise, to broaden the involvement of interests from the Internet community and to speed up policy development;
- using staff expertise more fully and constructively to speed up policy development and to help focus GNSO Council's attention on making key issues and decisions;
- creating term limits for GNSO councilors (of either three or four years) and putting in place stronger protections against the non-disclosure of interests.

## List of recommendations

*(In this list the paragraph number given in black refer to the specific point in the main text where the full recommendation is spelt out and explained. There is generally some analysis of the need for change given in the main text paragraphs immediately before each recommendation).*

Recommendation 1 A centralized register of all GNSO stakeholders should be established, which is up-to-date and publicly accessible. It should include the members of Constituencies and others involved in the GNSO task forces. (Paragraph 2.5)

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

Recommendation 3 There needs to be greater coherence and standardization across Constituency operations. For this to work effectively, more ICANN staff support would be needed for constituencies. (Paragraph 2.22)

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

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

Recommendation 6 The basis for participation in GNSO activities needs to be revised, from Constituency-based membership to one deriving from direct ICANN stakeholder participation.  
(Paragraph 2.44)

Recommendation 7 The GNSO should improve the design and organization of the current website, develop a website strategy for continual improvement and growth over the next three years, and review usage statistics on a regular basis to check that traffic to the website is growing over time and understand more fully what external audiences are interested in.  
(Paragraph 3.10)

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

Recommendation 9 The GNSO should develop and publish annually a Policy Development Plan for the next two years, to act both as a strategy document for current and upcoming policy work, and as a communications and marketing tool for general consumption outside of the ICANN community. It should dovetail with

ICANN's budget and strategy documents.  
(Paragraph 3.16)

Recommendation 10 The GNSO and ICANN should work proactively to provide information-based incentives for stakeholder organizations to monitor and participate in GNSO issues.  
(Paragraph 3.19)

Recommendation 11 The position of the GNSO Council Chair needs to become much more visible within ICANN and to carry more institutional weight. (Paragraph 3.26)

Recommendation 12 The policies on GNSO Councilors declaring interests should be strengthened. Provision for a vote of "no confidence" leading to resignation should be introduced for noncompliance.  
(Paragraph 3.28)

Recommendation 13 Fixed term limits should be introduced for GNSO Councilors either of two two-year terms (as applied in some Constituencies already) or perhaps of a single three-year term. (Paragraph 3.30)

Recommendation 14 The GNSO Council and related policy staff should work more closely together to grow the use of project-management methodologies in policy development work, particularly focusing on how targeted issue analysis can drive data collection from stakeholders (rather than vice versa). (Paragraph 4.14)

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

Recommendation 16 The GNSO Councilors should have access to a fund for reasonable travel and accommodation expenses to attend designated Council meetings, instead of having to meet such costs from their own resources as at present. (Paragraph 4.21)

Recommendation 17 The GNSO Council should make more use of Task Forces. Task Force participants should be more diverse and should be drawn from a wider range of people in the Internet community, and national and international policy-making communities. (Paragraph 4.26)

Recommendation 18 An ICANN Associate stakeholder category of participation should be created, so as to create a pool of readily available external expertise, which can be drawn upon to populate Task Forces where relevant. (Paragraph 4.27)

Recommendation 19  
The current GNSO Constituency structure should be radically simplified so as to be more capable of responding to rapid changes in the Internet. The Constituency structure should be clear, comprehensive (covering all potential stakeholders) and flexible, allowing the GNSO to respond easily to the rapid changes in the make-up of Internet stakeholders. We suggest a set of three larger Constituencies to represent respectively Registration interests, Businesses and Civil Society. (Paragraph 4.35)



#### Recommendation 20

A reorganization of GNSO Constituencies would also allow the Council to be made somewhat smaller (we suggest 16 members) and hence easier to manage. (Paragraph 4.36)

#### Recommendation 21

The definition of achieving a consensus should be raised to 75 per cent. Weighted voting should be abolished. Both measures could help to create more incentives for different Constituencies to engage constructively with each other, rather than simply reiterating a 'bloc' position in hopes of picking up enough uncommitted votes so as to win. (Paragraph 4.38)

#### Recommendation 22

The way in which the GNSO Council votes to elect two Directors to the ICANN Board should be changed to use the Supplementary Vote system. (Paragraph 4.40)

#### Recommendation 23

The amount of detailed prescriptive provision in the ICANN Bylaws relating to the operations of the GNSO should be reduced. ICANN Bylaws should outline broad principles and objectives for the GNSO but the detailed operational provision (including the section on the PDP) should be transferred to the GNSO Rules of Procedure. This would allow the GNSO to agree amendments and to introduce new innovations in its working methods and timelines in a more realistic and flexible way, while operating within ICANN's guiding principles. (Paragraph 5.7)

#### Recommendation 24

Both ICANN and the GNSO Council should periodically (say once every five years) compile or commission a formal (quantitative and qualitative) assessment of the influence of the GNSO's work on developing policy for generic names. This should include an analysis of how the GNSO's influence with national governments, international bodies and the commercial sector might be extended. (Paragraph 5.12)