

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.

A. Please provide your name:	Olivier Crepin-Leblond
B. Please provide your affiliation:	ALAC
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.	ALAC

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: Support The ALAC supports this recommendation. Many outreach programs exist at ICANN but are not necessarily aimed at enhancing participation in policy development. At present it is not known to what extent current outreach programs succeed at bringing more volunteers to policy development.</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: Support Current programs do not necessarily benefit policy development because they are mostly based on bringing volunteers to an ICANN meeting, avoiding training needed to participate effectively in working groups, both from a process and a policy point of view.</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: Support The ALAC has long supported this cause, as we also note the strain on all aspects of a volunteer’s life when participating fully in the bottom-up multistakeholder process, especially when the work requires significant time commitments. We note that this recommendation echoes ATRT2 Recommendation 10.5</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: Support The ALAC strongly supports this and suggests that this should be done ICANN-wide, relying partly on the ICANN Academy which needs to be further developed.</p>		

Rec #	Theme Topic	Proposed Recommendation
5	Participation & Representation	Continue initiatives that aim to reduce the barriers to newcomers.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #5 BY SELECTING APPLICABLE OPINION: Support Full support as this is directly in line with the ALAC's At-Large Summit Recommendation #19.		
6	Participation & Representation	That the GNSO record and regularly publish statistics on WG participation (including diversity statistics).
INDICATE YOUR SUPPORT FOR RECOMMENDATION #6 BY SELECTING APPLICABLE OPINION: Support The ALAC believes that this is a key part to ICANN community accountability. We suggest that the statistics could include both gender and geographic statistics, but also GNSO Constituency (and other ICANN SO/AC) involvement.		
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.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #7 BY SELECTING APPLICABLE OPINION: Support The ALAC supports this – with the proviso that although it is understood that ICANN's primary working language is English, a large amount of this engagement might ultimately need interpretation of GNSO meetings and calls. The strain on SGs and Cs of not having interpretation made available has been experienced in the past by the ALAC's Regional At-Large Organisations (RALOs). Interpretation is mandatory in some regions.		
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.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #8 BY SELECTING APPLICABLE OPINION: Support History has shown that this recommendation absolutely makes sense.		
<<< ANYTING ELSE TO ADD ON POLICY & IMPLEMENTATION? OCL >>>>		

Rec #	Theme Topic	Proposed Recommendation
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: Support The Community-Initiated ICANN Academy’s Leadership Training Program should be expanded to train Working Group Leaders. This recommendation comes at the Core of enhancing GNSO effectiveness and also touches on added value to volunteers for learning valuable skills.</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: Support Although there are some very knowledgeable Community Volunteer able to Chair practically any Working Group as fairly as possible, this recommendation is important, if only due to the Optics of having a potentially conflicted party or at least, a party that is directly or indirectly affected by the outcome of the Working Group’s work. The use of a professional facilitator/moderator should be welcome only if the latter has the skills and experience needed to run a GNSO working group and would not be seen as a hindrance to consensus-reaching by working group members.</p>		
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: Support Of particular interest could be the comparison of progress when meeting face to face and when conducting conference calls. With precedents having been made in Cross Community Working Groups on IANA Stewardship Transitions and ICANN Accountability, this pilot is of great interest.</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: Support The concern of fast moving policy development work in working groups not having immediate access to a transcript of the discussion is shared by the ALAC. Our experience is that reviewing a recording spanning sometimes several hours is inefficient use of scarce volunteer time and transcripts greatly help</p>		

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with volunteers having not been able to attend the call or whose first language is not English.		
13	Continuous Development	That ICANN evaluate one or more alternative decision support systems and experiment with these for supporting WGs.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #13 BY SELECTING APPLICABLE OPINION: Support The ALAC supports any search for novel working methods that will help the continuous development of GNSO working groups.		
14	Continuous Development	That the GNSO further explores PDP ‘chunking’ and examines each potential PDP as to its feasibility for breaking into discrete stages.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #14 BY SELECTING APPLICABLE OPINION: Support The ALAC notes that some testing of “bite-sized chunking” in the Cross Community Working Groups on IANA Stewardship and ICANN Accountability appears to have been quite conclusive and looks forward to learning from the GNSO’s further exploration of these working methods.		
15	Continuous Development	That the GNSO continues current PDP Improvements Project initiatives to address timeliness of the PDP.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #15 BY SELECTING APPLICABLE OPINION: Support Full support.		
16	Continuous Development	That a policy impact assessment (PIA) be included as a standard part of any policy process.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #16 BY SELECTING APPLICABLE OPINION: Support The ALAC supports this recommendation especially in the context of impact to Internet End Users. The ALAC recommends that such an impact assessment be undertaken both at the beginning of the policy process, included in the Issues Report, and be updated as and when needed when the policy is developed.		
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.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #17 BY SELECTING APPLICABLE OPINION: Support The ALAC recommends that the process of Working Group self-evaluation be not only “standard” but		

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"mandatory".		
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.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #18 BY SELECTING APPLICABLE OPINION: Support Click here to enter comments.		
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.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #19 BY SELECTING APPLICABLE OPINION: Support Click here to enter comments.		
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.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #20 BY SELECTING APPLICABLE OPINION: Support The ALAC supports this recommendation with a concern that the choice of policy development prioritization be made bearing in mind the Public Interest – i.e. avoiding vested interests of some stakeholders. Strict adherence to following ICANN's Strategic Objectives is needed.		
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.
INDICATE YOUR SUPPORT FOR RECOMMENDATION #21 BY SELECTING APPLICABLE OPINION: Support The ALAC supports this recommendation although the term "those affected are well-represented" needs clarification: are "those affected" the directly affected parties, likely to be Contracted Parties, or the wider affected community including end users, often referred to in the Affirmation of Commitments as "Consumers"?		

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22	Continuous Development	<p>That the GNSO should review and implement a revised training and development programme encompassing:</p> <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: Support The ALAC fully supports this recommendation and believes that the task of training could be undertaken by a segment of the overall "ICANN Academy". This ICANN-wide initiative could also benefit members of other communities to better understand and take part in GNSO policy development.</p>		
23	Participation & Representation	<p>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>
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #23 BY SELECTING APPLICABLE OPINION: It Depends Whilst the ALAC fully supports adhering to the published process for applications for new constituencies, the ALAC has concerns about the potential for competing Constituencies to be created, further dividing the non-Contrated parties house. The ALAC therefore recommends caution regarding a default outcome, as "conditions" might evolve as circumstances and ICANN evolve.</p>		
24	Transparency	<p>That all applications for new constituencies, including historic applications, be published on the ICANN website with full transparency of decision-making.</p>
<p>INDICATE YOUR SUPPORT FOR RECOMMENDATION #24 BY SELECTING APPLICABLE OPINION: It Depends The ALAC has always supported full transparency and would support transparency in decision making if this did not endanger frank, open discussions regarding the application amongst decision makers. The ALAC has decided to protect applicants whether for positions where a committee selection is needed, or for potential At-Large Structure Application (ALS), on a private list. The potential for criticism or confidential information to be shared and picked up by a search engine, thus potentially harming the applicant in other fora was seen as significant enough to conduct such discussions on a private list. Indeed, some applicants have requested full confidentiality in the treatment of their application. ALS applications are published and so are voting results of the ALAC. The ALAC would be happy to share best practices with the GNSO in protecting applicant confidentiality and privacy.</p>		

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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 Click here to enter comments.</p>		
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: Support The ALAC fully supports this and has also implemented such guidelines for all ALAC members. It has also opened up voluntary Sols for working group members. Making Sols mandatory is a good step forward.</p>		
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: Support The ALAC fully supports this. For example, key information about every single At-Large Structure is made available online for all to access. We believe that community accountability starts at identification of member organisations and participants.</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: Support Click here to enter comments.</p>		

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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: Support This would be a very significant step forward. At the moment, anecdotal evidence points to newcomers finding various levels of acceptance and it would indeed be good to formalize the feedback loop.</p>		
30	Continuous Development	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>INDICATE YOUR SUPPORT FOR RECOMMENDATION #30 BY SELECTING APPLICABLE OPINION: Support The ALAC fully supports this recommendation as it has first hand experience that good provision of administrative support enhances volunteer motivation.</p>		
31	Continuous Development	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>INDICATE YOUR SUPPORT FOR RECOMMENDATION #31 BY SELECTING APPLICABLE OPINION: Support Whilst the ALAC absolutely agrees with this, many of our At-Large Structures who are in touch with their government representatives point at the fact that this might put an additional work pressure on government representatives. The ALAC believes that the worth of having GAC early engagement in GNSO PDP working groups is worth the additional work pressure and hopes that governments would consider tasking their representatives to be able to carry out such engagement.</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 Click here to enter comments.</p>		

Rec #	Theme Topic	Proposed Recommendation
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: Support The Nominating Committee is specifically tasked with enhancing geographic, gender and cultural diversity. The ALAC believes that whilst this should be an aim for all matters of selection of candidates for appointment to the GNSO Council, enhancing geographical, gender and cultural diversity should be part of a much wider program to widen the pool of potential candidates. Too often the starting pool is unfortunately too restricted for diversity to be sustained.</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: Support The ALAC fully supports this recommendation although practice has shown that WG rotation might negatively affect participation from the "traditional" regions of North America and Europe. Upon such occurrence, the WG Chair might be tempted to revert to lack of rotation – this should be resisted as in our view, fair representation and geographical balance can only be achieved with rotation.</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 The ALAC would support the creation of such a working group and hopes that the rules for membership of that working group would allow for At-Large members to share their knowledge and experience. The ALAC would also recommend that this working group might be worth using interpretation in at least Spanish and French, but possibly in the ICANN regularly interpreted languages. Ultimately, INCLUSION should be incorporated into the GNSO Rules of Procedure. It should be a right for all GNSO members to be able to participate in all WGs regardless of language and other diversity criteria.</p>		

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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:</p> <p>Support</p> <p>Whilst the ALAC fully supports this recommendation we have concerns that the process might end up a “ticking the box exercise”. Geographic, cultural and gender diversity should not only be a balance of names on a mailing list – the assessment needs to be coordinated with the assessment made in recommendation 29 and to what extent steps were undertaken from recommendation 35 in the running of the working group itself.</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:

<<< THIS PART IS YET TO BE ADDED – PLEASE MAKE SUGGESTIONS – OCL >>>

Save your document and then send as a pdf attachment to:
comments-gns0-review-01jun15@icann.org