

Public Comment Period #2

Section xxx: **Diversity** (Pages xx-xx)

- 23 comments received (including 4 Governments)
- 19 comments generally supportive on the need for more effective mechanisms for promoting diversity
- 10 with issues

Areas of Consensus

Diversity principle (core values) should include not only geographic and development dimensions, but also gender, cultural and linguistic diversity

Maintain rotation of meetings in all ICANN regions

Areas Needing Refinement

- Clear message of strong commitment to diversity is key to gain “political legitimacy”, on top of its well established confidence by the technical community (issues 17 & 20)
- Need for consistent diversity at the Board, NomCom AND at the SO/AC level
- Diversity should not prevail over skills and experience requirements
- concerns that appointment of AoC review teams representatives at the stakeholder group level (as opposed to the constituency level) may undermine the full diversity of community participation in these critical review processes, and marginalise these stakeholders, particularly from non-contracted parties (issue 23)

Areas of Divergence

- Diversity should NOT be a direct requirement in order to implement the IANA transition
- In the context of diversity, a contributor voiced disagreement with “establish threshold regarding composition of each body (will depend of the body and of the overall composition) to avoid possible blocking on certain votes “as it is recommending establishing diversity compositions and thresholds that are prescriptive and not aspirational as part of Work Stream 1.
- Specific comments were offered on the recommendation to include diversity in the ATRT mandate (2 in favor - 2 against). Disagreement lies within the concern that the ATRT would be overburdened and/or not the best group to perform such reviews
- A comment was also made that the diversity principle would **not** need the establishment of any specific body for it to be enforced across the existing or newly formed bodies.
- Review and improve processes for selecting members of the ICANN Board of Directors, which will lead to independent, activist, vigilant ICANN directors, reflective of the diversity of the global multi-stakeholder community, who will question, investigate, and push back (when necessary or appropriate) against policies advanced by selfinterested ICANN stakeholders which are to the detriment of the global public interest or the global multi-stakeholder community. (issue 14)

Options for CCWG Consideration

- Diversity of Registries and Registrars: Of the 1010 Iann accredited registrars 624 are form the US and 7 form Africa
- Add NetMundial reference
- More diversity runs the rusk of more conflicts of interest?????
 - The implementation of the principle of non-cumulative holding of offices, successively or simultaneously, is an absolute necessity to mitigate the risk of capture of the new institutional framework of ICANN by individuals.

- Establishment of an independent commission in charge of controlling the conflict of interest statements issued by the Board members.

SUMMARY

Contributors are generally supportive of diversity as an area for further work (more effective mechanisms needed). The following suggestions were made: 1) Improve existing mechanisms related to Board/NomCom/SO/AC diversity; 2) Add Netmundial references; 3) Implement the strictest conflict of interest policy at Board, IRP and "SO/AC Membership Model" levels; 4) Implement the principle of non-cumulative holding of offices, successively or simultaneously, is an absolute necessity to mitigate the risk of capture of the new institutional framework of ICANN by individual; 5) Encourage the establishment of an independent commission in charge of controlling the conflict of interest statements issued by the Board members. Clarification is being sought on Election office and a contributor called for explicit commitments regarding diversity in the proposed new accountability bodies. A confirmation was requested on whether rotation of ICANN meetings is already in place. Concerns voiced in the comment period include: 1) Creation of the SMCM must not be implemented in a way that weakens the fundamental multistakeholder nature of ICANN; 2) Any apportionment model that attempts to mimic Board proportions for (s)elected Board Members excludes part of our diverse community and their diverse perspectives; 3) To what extent the wider global community will recognise the outcomes of this exercise as reflecting their participation and interests; 4) Any lack of ambition on a series of commitments and concrete steps towards enhancing diversity at ICANN after the IANA transition, would easily be interpreted as a way for insiders to protect their historical positions within the organisation; 5) The NTIA's decision has presented us an opportunity to correct this. However, ICANN can't hope to do so without going beyond the current ICANN community, which while nominally being 'multistakeholder' and open to all, grossly under-represents those parts of the world that aren't North America and Western Europe; 6) Diversity should not be a direct requirement in order to implement the IANA transition; 7) . Specific comments were offered on the recommendation to include diversity in the ATRT mandate (2 in favor - 2 against). Disagreement lies within the concern that the ATRT would be overburdened. In the context of diversity, a contributor voiced disagreement with "establish threshold regarding composition of each body (will depend of the body and of the overall composition) to avoid possible blocking on certain votes "as it is recommending establishing diversity compositions and thresholds that are prescriptive and not aspirational as part of Work Stream 1. A comment was also made that the diversity principle would not need the establishment of any specific body for it to be enforced across the existing or newly formed bodies.

Diversity	Support areas	Neutra l areas	Issue areas
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Diversity	Support areas	Neutral areas	Issue areas
ALAC (At-Large Advisory Committee)	General support for most of the proposal. Paragraph 465, Subsection 4: The ALAC supports this recommendation and notes that it could be a subtask of the Review team formed as part of Recommendation 2. Paragraph 465, Subsection 2: The ALAC strongly agrees that diversity reviews should be included in the overall ICANN review program, and perhaps should even be a formal component of the AoC Reviews.	N/A	Although the ATRT is a possible place to perform diversity reviews, some past ATRT members believe that this would place an unreasonable burden on the ATRT, removing focus from its original purpose and that the ATRT members might not be the best group to perform such reviews.
Avri Doria (endorsed by Joy Liddicoat & Timothy McGinnis)	Support proposal to expand scope of ATRT to include a review of diversity at ICANN. Diversity is a critical component of Accountability and should be in scope for an Accountability review. Increasing diversity is necessary for making skilled decisions from the global perspective of the broader community ICANN seeks to serve. Arguments being given that this may be too much work for the ATRT, do not bear on the responsibilities of the ATRT, but rather on its efficiency. Additionally, the ease with which the task can be completed depends greatly on the work done by ICANN and all of its organizations to ensure diversity.	N/A	Any apportionment model that attempts to mimic Board proportions for (s)electd Board Members excludes part of our diverse community and their diverse perspectives. When we start to judge that one stakeholder type, SO or AC, as less important and relevant to the stakeholder diversity and balance at ICANN, we attack a central tenet of our multistakeholder model and thus weaken the model. Creation of the SMCM must not be implemented in a way that weakens the fundamental multistakeholder nature of ICANN.
CAICT (China Academy of Information and Communication Technology)	N/A	N/A	Users' representation and the interests of developing countries should be properly considered.

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ccTLD France (Afnic)	IRP must comply with a minimum set of cultural, geographical and gender diversity. The current composition of the ICANN board itself shows that it's perfectly possible to achieve a gender and cultural diversity approach	Cultural diversity is a key enabler of a good international governance	N/A
ccTLD New Zealand (Internet NZ)	General support for most of the proposal. InternetNZ believes that a lack of participatory diversity is a critical failure in the ICANN system generally, and that resolving it is not a matter for Work Stream 1 – it does not meet the requirement established for inclusion as a WS1 matter. Indeed it is not a problem limited to accountability – it is relevant across all parts of ICANN.	N/A	InternetNZ accepts the concrete WS1 matters in para 442 of the proposal as being achievable, except for the first bullet point – we cannot comment on that due to its lack of specificity.
ccTLD Norway (Norid)	Any new accountability body must indeed take into due account the diversity principle to ensure the broadest possible representation against the elements listed in paragraph 441. However, we believe that the diversity principle would not need the establishment of any specific body for it to be enforced across the existing or newly formed bodies. Furthermore, regarding the recommendation to improve ICANN's effectiveness in promoting diversity, we fully support the advice to "establish a full inventory of the existing mechanisms related to diversity for each and every ICANN group (including Stakeholder Groups, Constituencies, Regional At-Large Organizations, the Fellowship program and other ICANN outreach programs)" and recommend their careful review, especially of the Fellowship and other ICANN outreach programmes so that they are meant to support		We are also surprised to read in paragraph 443 the need to discuss "Rotation of the ICANN meetings in all the ICANN regions" in Work Stream 2 as we are under the impression that this is the philosophy adopted by ICANN so far.

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	and involve new participants, instead of the “usual suspects”.		
ccTLD United Kingdom (Nominet)	General support for most of the proposal. Nominet agrees that this is an important and urgent objective. There are significant barriers associated with the way that ICANN communicates – its documents are long, complex and stuffed with jargon and abbreviations that make them difficult for newcomers to understand; and open forum discussions can also favour native English speakers. Serious thought is needed to reduce “barriers to entry” and outreach is needed to encourage people to step up: it will not help diversity if we have too small a pool to draw on.	N/A	N/A

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CENTR (European Association of National Internet Domain Registries)	Any new accountability body must indeed take into due account the diversity principle to ensure the broadest possible representation against the elements listed in paragraph 441. However, we believe that the diversity principle would not need the establishment of any specific body for it to be enforced across the existing or newly formed bodies. Furthermore, regarding the recommendation to improve ICANN's effectiveness in promoting diversity, we fully support the advice to "establish a full inventory of the existing mechanisms related to diversity for each and every ICANN group (including Stakeholder Groups, Constituencies, Regional At-Large Organizations, the Fellowship program and other ICANN outreach programs)" and recommend their careful review, especially of the Fellowship and other ICANN outreach programmes so that they are meant to support and involve new participants, instead of the "usual suspects".		We are also surprised to read in paragraph 443 the need to discuss "Rotation of the ICANN meetings in all the ICANN regions" in Work Stream 2 as we are under the impression that this is the philosophy adopted by ICANN so far.
Christopher Wilkinson	N/A	N/A	The dimension of global diversity has been weak if not lacking. I am not sure to what extent the wider global community will recognise the outcomes of this exercise as reflecting their participation and interests. In Chapter 5B delete references to diversity relating to the Interim Board. The appointing authorities will have to follow their own obligations to ensure diversity.
China Organization al Name Administration Center (CONAC)	N/A	N/A	The participation and power from the Chinese community are limited and weak due to not only existing problems in the Chinese community, but also the current ICANN's model that is inclined to the western world. ICANN and the Chinese community should cooperate and collaborate. Hopefully in the future accountability mechanisms, more effective methods will be applied to enable better

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			engagement from the Chinese community.
CyberInvasion Ltd	<p>General support for most of the proposal. We agree that diversity is an important issue within the ICANN ecosystem. However with regards to Work Stream 1 additions we suggest that diversity is not a direct requirement in order to implement the IANA transition. We strongly support the examination of diversity as a part of Work Stream 2. We support the addition of Diversity and Transparency to the Structural Reviews and would support the addition of such wording to the bylaw definition of such reviews. We would support the establishment of a Diversity Office under the auspices of the Ombudsman. We would need further details on the role of an Election Office before we could render a comprehensive opinion on its formation and location within the ICANN corporate structure. We support the rotation of ICANN meetings through various regions of the globe.</p>	N/A	<p>We would not support the expansion of the ATRT reviews to include diversity. The ATRT is an established review team with a huge existing workload, we feel that adding this additional review topic may overburden the ATRT and may lessen its ability to provide the high impact recommendations that we have come to rely upon the ATRT for. With regards to; “Establish threshold regarding composition of each body (will depend of the body and of the overall composition) to avoid possible blocking on certain votes “, we don't agree to this recommendation if our reading of it is correct insofar as it is recommending establishing diversity compositions and thresholds that are prescriptive and not aspirational as part of Work Stream 1.</p>
Erman Öncel - Partnership Istanbul	<p>ICANN should reach all stakeholders from all parts of the world. Especially, more introductory and promotional activities should be carried out in the developing countries. We believe that the first and most important step of implementing the multi-stakeholder governance model must be developing tools to increase the recognition of this model and extend the scope of the community.</p>	N/A	N/A

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Government of Argentina	<p>In relation with this document and with ICANN activities in general, Argentina supports references about diversity agreed in the "Net Mundial Multistakeholder Statement": Internet governance must respect, protect and promote cultural and linguistic diversity in all its forms. Participation should reflect geographic diversity and include stakeholders from developing, least developed countries and small island developing states. Gender balance should also be respected in any new ICANN structure, including the ICANN leadership roles.</p>	N/A	N/A
Government of Brazil	<p>Similarly to the IRP, geographic, cultural and gender balance should constitute key principles in the formation of the "Community Mechanism". Gender balance is another important element that should guide the selection of stakeholder representatives. We support comments made by Argentina in that regard.</p>	N/A	N/A
Government of France	<p>The French Government appreciates the inclusion of diversity as a core issue into Work Stream 2. Nonetheless, we took note of the tension between stakeholders who "requested more details about the concrete steps, or asked to more explicit support enhancements of diversity within ICANN" and those who "while acknowledging the importance of diversity in the accountability mechanisms, have expressed their view that diversity requirement should not prevail over skills or experience requirements" (part 8.1, p.64). The French Government calls for the strictest conflict of interest policy to be implemented at Board, IRP and "SO/AC Membership Model" levels. We also naturally believe that the implementation of the principle of non-cumulative holding of offices, successively or simultaneously, is an absolute necessity to mitigate the risk of capture of the new institutional framework of ICANN by individuals. We finally encourage the establishment of an independent commission in charge of controlling the conflict of interest statements issued by the Board members.</p>	N/A	<p>The French Government remains concerned that any lack of ambition on a series of commitments and concrete steps towards enhancing diversity at ICANN after the IANA transition, would easily be interpreted as a way for insiders to protect their historical positions within the organisation. If ICANN is to be accountable before the global internet community, it has to gain legitimacy from the global internet community by being representative of the global internet community.</p>

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Government of India	Active steps must be taken to ensure substantive inclusion of stakeholders (whether through existing SO/ACs or new ones), while keeping in view diversity of languages and regions.	N/A	N/A
ICANN Board	ICANN has existing requirements for diversity as reflected in its Bylaws, the Affirmation of Commitments and ATRT1 recommendations, ATRT2 recommendations, and the SO and AC documents. The Board agrees that ICANN will need a path for continual evolution and improvement, including the areas laid out above. The Board supports the utilization of existing mechanisms, such as future ATRT reviews, as the “home” for topics where appropriate, or identify other mechanisms for continuous improvement. Agrees with IRP diversity recommendation.	N/A	N/A
IPC (Intellectual Property Constituency)	N/A	N/A	The IPC is concerned that appointment of AoC review team representatives at the stakeholder group level (as opposed to the constituency level) may undermine the full diversity of community participation in these critical review processes, and marginalize these stakeholders, particularly from non-contracted parties.

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<p>Jan Scholte (CCWG Advisor)</p>	<p>General support for most of the proposal. Great to see language about diversity and stakeholder accountability being included among the 'core values'.</p>	<p>This formulation suggests that 'greater diversity' in ICANN is primarily if not solely pursued in relation to regions. CCWG's Working Group 3 has discussed many more dimensions of diversity.</p>	<p>N/A</p>

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John Poole	N/A	N/A	Disagrees with proposal. Review and improve processes for selecting members of the ICANN Board of Directors, which will lead to independent, activist, vigilant ICANN directors, reflective of the diversity of the global multi-stakeholder community, who will question, investigate, and push back (when necessary or appropriate) against policies advanced by selfinterested ICANN stakeholders which are to the detriment of the global public interest or the global multi-stakeholder community.
KIGA (Korea Internet Governance Alliance)	General support for most of the proposal. We need to continue to encourage and support the participation of developing countries and relatively marginalized stakeholders in the global internet policy making.	N/A	N/A
Nell Minow (CCWG Advisor)	General support for most of the proposal. Great to see language about diversity and stakeholder accountability being included among the 'core values'. It is important to have far wider participation and regularly scheduled reviews to make sure that ICANN keeps up with changing needs and technologies.	N/A	N/A

Diversity	Support areas	Neutral areas	Issue areas
Pranesh Prakash	We are glad that diversity is being recognized as an important principle.	N/A	<p>We are extremely concerned about the accountability of ICANN to the global community. Due to various decisions made by the US government relating to ICANN's birth, ICANN has had a troubled history with legitimacy. While it has managed to gain and retain the confidence of the technical community, it still lacks political legitimacy due to its history. The NTIA's decision has presented us an opportunity to correct this. However, ICANN can't hope to do so without going beyond the current ICANN community, which while nominally being 'multistakeholder' and open to all, grossly under-represents those parts of the world that aren't North America and Western Europe. Of the 1010 ICANN-accredited registrars, 624 are from the United States, and 7 from the 54 countries of Africa. In a session yesterday, a large number of the policies that favour entrenched incumbents from richer countries were discussed. But without adequate representation from poorer countries, and adequate representation from the rest of the world's Internet population, there is no hope of changing these policies. This is true not just of the business sector, but of all the 'stakeholders' that are part of global Internet policymaking, whether they follow the ICANN multistakeholder model or another. A look at the board members of the Internet Architecture Board, for instance, would reveal how skewed the technical community can be, whether in terms of geographic or gender diversity. Without greater diversity within the global Internet policymaking communities, there is no hope of equity, respect for human rights — civil, political, cultural, social and economic — and democratic functioning, no matter how 'open' the processes seem to be, and no hope of ICANN accountability either. Meanwhile, there are those who are concerned that diversity should not prevail over</p>

