

French Government

Comments of the French Government on the recommendations of Workstream 2 – First public consultation

1. Diversity is crucial to ICANN’s legitimacy and accountability as a world forum

France welcomes the fact that, consistent with its own proposals during Workstream 1 (hereinafter “Workstream 1” or “WS1”), the objective of improving diversity is being placed at the core of the multistakeholder group’s work and that the question of the representativeness of ICANN is now a priority issue. Since WS1, France has actively advocated, along with several other stakeholders, for prioritizing the issue of diversity in the implementation of ICANN’s accountability mechanisms.

The French Government wishes first to emphasize that improving ICANN’s diversity is an integral part of the organization’s legitimacy and its accountability to the Internet community. Indeed, ICANN will only succeed in becoming a true global organization representing every Internet user in the world if it alters its composition to embrace greater diversity.

However, the various available statistics have shown that a number of imbalances burden ICANN. Today, more than two thirds of Internet users live in developing countries. However, ICANN’s current operation still lacks diversity, notably at the leadership level. Last year, a study by AFNIC¹ showed that ICANN leaders are predominantly North Americans (40%), Anglophones (66%), male (76%), and members of the business community (80%). Anglophones, women, people from other regions (Europe, Africa, South America, Asia...) and representatives of civil society and governments are therefore under-represented. More recently, a new study conducted by ICANN on gender diversity and participation in the community² has shown that 66% of women believe that ICANN’s community culture is male-dominated, and 69% of respondents agree that the community should do more to increase diversity.

Since the inception of WS2 at the ICANN56 in Helsinki, the French Government—as well as many other stakeholders in the community—has recommended putting diversity at the core of the priorities of this second stage of the reform by identifying explicit and practical commitments, in particular through a long-term strategy to be implemented by a specific authority³.

2. The proposals of the diversity subgroup contain several breakthroughs

The French Government would like firstly to acknowledge the efforts made by the subgroup in charge of diversity since the launch of Workstream 2 activities in June 2016. The subgroup’s recommendations report provides several breakthroughs.

First, a multidimensional definition of diversity has been established that takes into account several criteria: geographic and regional representation, language, gender, age, but also elements related to

¹<https://www.afnic.fr/en/about-afnic/news/general-news/9961/show/afnic-reveals-figures-on-diversity-within-icann-1.html>

² <https://www.icann.org/fr/system/files/files/gender-survey-complete-11oct17-fr.pdf>

³ <https://community.icann.org/display/WEIA/Diversity>

physical condition and components of the community (recommendations 1 and 4). This broad definition of diversity will help grasp the complexity of this phenomenon and include all situations.

Secondly, the recommendation to assess diversity through the updated, complete, and published figures also represents a positive step (recommendation 2). In particular, recommendations 3 and 4, which propose that each SO/AC performs its own assessment against the diversity criteria and publishes an annual report, will help better identify priority actions within the components of ICANN's community. This approach encourages each AC/SO to take measures and devise strategies to become more diverse (recommendation 5), and will allow ICANN, as a whole, to develop a consistent diversity policy.

Thirdly, the implementation of a specific process for community members' queries that enables members to address any questions they may have regarding measures taken by ICANN concerning diversity constitutes progress.

These breakthroughs must, however, be supplemented in order to establish a visionary structural diversity policy.

3. Except that a dedicated authority is essential to the development of a visionary structural diversity policy

The French government *fears that the lack of an overall supervision impedes the development of a consistent long-term diversity policy*. Indeed, insofar as the report recommends that each SO/AC identifies its own objectives and defines its own diversity strategy, the risk of fragmentation and contradictory measures between the different SO/AC may harm the steering of the diversity policy in general if no supervisory authority exists at the level of the wider ICANN community.

Therefore, the French Government, as well as many members of the community, remains convinced of the need to put in place *a dedicated and independent authority for the supervision of the global diversity policy* as mentioned in recommendation 8 of the report. Some of the subgroup members have indeed recommended the establishment of an ICANN diversity office to the image of many public and private organizations in the world who have gone this route. Some others are opposed to the creation of a diversity office maintaining, on the one hand, that such an office would result in financial costs and, on the other hand, that this task falls within the purview of ICANN's staff.

Yet the French Government believes that only a distinct and dedicated entity, whatever its designation (office, advisory group, etc.), is able to drive with efficiency and independence an ambitious diversity policy, because this entity's members will be transparent and not related to a specific group or to ICANN's staff. It is essential for the structure in charge of the diversity policy to be independent, to avoid any conflict of interest.

While the preferred approach for the French Government and many members of the community remains an ICANN dedicated office, it is essential to move ahead constructively with other possibilities as to the form, but not as to the principle, of such a structure, including the creation of an advisory group on diversity within ICANN's Ombudsman office which already is an independent and neutral entity.