

WS2 – SUBGROUP DIVERSITY

DISCUSSION DOCUMENT v1

1.0 Strengthening ICANN legitimacy through diversity

1.02.0 What do we mean by Diversity?

Of the input received on diversity so far there is only one attempt to define diversity by Dalila Rahmouni where she proposes a multidimensional approach which refers to the elements of geographic origin, language, gender, stakeholder and openness.

In an effort to have that common understanding of diversity we can therefore summarize as follows:

Diversity within ICANN refers to the ability of ICANN to facilitate variations in different aspects of stakeholder representation at various levels within the organization.

The earlier proposed multidimensional approach by Dalila Rahmouni takes into account the following set of criteria:

- 1) **Geographical origin.** While already applied to the selection of ICANN board members, this criterion should be extended to all leadership positions in ICANN and based on both a regional analysis and country-by-country analysis.
- 2) **Main language.** All languages should be represented in ICANN leadership, and a better balance between the seven official languages at ICANN – English, Arabic, Chinese, Spanish, Portuguese, French and Russian – should be sought for leadership positions (currently, almost 2/3 of ICANN community leaders are native English speakers).
- 3) **Gender.** Gender equality should be sought for ICANN leadership positions. Currently, women represent only 26% of ICANN community leaders.
- 4) **Stakeholders.** A better balance between stakeholders' groups should be sought in ICANN leadership positions. Currently, the technical community and the private sector represent 80% of ICANN community leaders, while civil society and government representatives only account for 10% each.
- 5) **Openness.** A better balance between "insiders" and "outsiders" should be sought in ICANN leadership positions, in order to favor newcomers, youth and community representatives who are not necessarily familiar with ICANN.

2.03.0 Elements of Diversity

A, non-exhaustive, unordered list of elements, that has been proposed so far by member of the subgroup and includes but is not limited to:

- Skill set
- Region
- Origin

Commented [RD1]: Suggest to include a preliminary title to explain why diversity is a necessity and that it reports directly to the ICANN legitimacy and the effectiveness of its action. It is therefore necessary to underline the justifications.

On this point, it is important to underline that diversity is not opposed to the skills as we often hear. This opposition implies that encouraging diversity may result from diminishing skills. However, it is not. In the contrary, as shown by the AFNIC survey, more diversity implies :

- 1- more experiences and perspectives = richer discussion and debate
- 2 - more involvement by all affected = more informed and effective policy
- 3- more equivalent opportunities for participation = fairer distributions of benefits
- 4- more voice and influence to all affected = greater democracy
- 5 - more accountability to all affected = greater institutional legitimacy and vitality"

Commented [2]: I find this tautological and confusing: the ability of ICANN understood as ICANN staff? The overall institutional environment including SO/ACs? Other?

Commented [3]: diversity is enabled by the ability to facilitate, diversity is not the ability itself.

Commented [4]: representation is not enough, engagement is at least equally important.

Commented [5]: I'd say 'all' instead of 'various'

Commented [6]: While the bullet point list sets out "elements of diversity", consistent with the title, section 1)-4) sets out normative expectations. Suggest move this to a normative section, or includes a section break after the list, with a new title

Commented [7]: An definition of gender might be relevant here as well.

Commented [8]: maybe something like: 'people with different length of exposure and experience with the ICANN environment'

Commented [RD9]: If it is important to have a broad definition to the beginning of our work to not exclude any aspect, it would be now useful to detail what is meant for each criterion. If for the genre, it's simple (man / woman), for other criteria (geographic, language, disability), it is necessary to detail what we hear behind each term. Perhaps could we inspire other structures practices?

Commented [10]: I'm not sure I fully grasp what we mean by Origin

- Culture
- Language
- Gender
- Age
- Physical Ability
- Stakeholder group

Below is some feedback based on Afnic's experience at mapping diversity within ICANN (<https://www.afnic.fr/en/about-afnic/news/general-news/9961/show/afnic-reveals-figures-on-diversity-within-icann-1.html>) :

While each of these criteria is relevant, it is worth noting that the collection of relevant data on each of them may raise practical difficulties. For example, it must be determined whether Region is based on country of birth, country of residence, or citizenship. Native language might not be an information easily available unless filled in by the individual. Even stakeholder group can be tricky because some individuals may have several roles.

In addition, defining categories within each of these categories is key, and has a strong influence on the ability to draw conclusions while looking at a particular group of individuals. The amount of effort to define these categories (such as the boundaries for Regions, or Age categories) should not be underestimated.

The question of scope is another important discussion. Afnic's study was based on "ICANN leaders", basically most of the individuals that are being elected / appointed within ICANN's structure. Additional layers would be helpful, such as :

- PDP chairs and / or rapporteurs as suggested by Jorge
- meeting participants (ICANN provided some statistics on the Helsinki Policy Forum participants recently)
- ICANN staff and, within this, the executives, such as VP and above. ICANN HR also maintains statistics on that aspect, as far as I'm aware.

Any data driven analysis of diversity within ICANN will need to rely on a reliable and stable data collection framework. It should be determined whether this collection is based on :

- self-declaration
- research
- a combination of both

This also requires maintenance to perform relevant updates in positions, individuals changing roles or companies, etc.

Finally, such a data framework raises the question of access to the data. Based on the precedent of ICANN's travel supports to the community, which are shared on a regular basis, one could consider whether to publish these datasets in CSV, in line with the "Open Data" approach.

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Commented [RD11]: Concerning the data, it is indeed important to have reliable figures. This work is very complex and it would help us if we ask ICANN to implement a general audit.

3.04.0 Definition of diversity in relation to ICANN

Overall, the concern expressed in the public comments of WS1 by some was related to the ability of the ICANN Community (through the Board/NomCom/SO/ACs, the review teams or other groups) to represent the diversity of views, origins and interests of the global Internet community

On the other hand some commenters, while acknowledging the importance of diversity in the accountability mechanisms, expressed their view that diversity requirement should not prevail over skills or experience requirements.

A previous work party on diversity in WS1 had reviewed the status of diversity within ICANN groups and directly quoted from their report is the following:

An initial review of existing ICANN documentation shows that there are provisions regarding regional diversity for some ICANN groups.

Affirmation of commitments

The AoC didn't include any reference regarding diversity.

ATRT

Different reference to diversity but (from my quick reading) no specific recommendation with regards to Board/SO/AC diversity has been made by the ATRT.

Bylaws

ICANN bylaws state

Board

« One intent of these diversity provisions is to ensure that at all times each Geographic Region shall have at least one Director, and at all times no region shall have more than five Directors on the Board (not including the President). As used in these Bylaws, each of the following is considered to be a "Geographic Region": Europe; Asia/Australia/Pacific; Latin America/Caribbean islands; Africa; and North America. »

new bylaws provision:

"(ii) Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making to ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent;"

NomCom

“Section 5. DIVERSITY

In carrying out its responsibilities to select members of the ICANN Board (and selections to any other ICANN bodies as the Nominating Committee is responsible for under these Bylaws), the Nominating Committee shall take into account the continuing membership of the ICANN Board (and such other bodies), and seek to ensure that the persons selected to fill vacancies on the ICANN Board (and each such other body) shall, to the extent feasible and consistent with the other criteria required to be applied by [Section 4 of this Article](#), make selections guided by Core Value 4 in [Article I, Section 2](#).”

ccNSO Council

“The ccNSO Council shall consist of (a) three ccNSO Council members selected by the ccNSO members within each of [ICANN's Geographic Regions](#) in the manner described in [Section 4\(7\) through \(9\) of this Article](#).”

ASO

“Under the terms of the MoU signed between ICANN and the RIRs in October 2004, the NRO Number Council now performs the role of the Address Supporting Organization Address Council (ASO AC).

The regional policy forum of each RIR selects two members. The Executive Board of each RIR also appoints one person from its respective region¹.”

“The ASO Address Council shall consist of the members of the NRO Number Council².”

gNSO Council

Regarding the GNSO the “only” diversity dimension is at the level of the Stakeholder Group that selects the council members.

GAC

No reference

SSAC

No reference

RSSAC

No reference

ALAC

¹ <https://www.nro.net/about-the-nro/the-nro-number-council>

² <http://archive.icann.org/en/aso/aso-mou-29oct04.htm>

“The ALAC shall consist of (i) two members selected by each of the Regional At-Large Organizations ("RALOs") established according to paragraph [4\(g\) of this Section](#), and (ii) five members selected by the Nominating Committee. The five members selected by the Nominating Committee shall include one citizen of a country within each of the five Geographic Regions established according to [Section 5 of Article VI](#).”

ICANN Staff

Having reviewed and inventoried the existing mechanisms related to Board/NomCom/SO/AC diversity, while some diversity arrangements exist within ICANN documents, diversity does not appear as one of the areas where ICANN continuously strives to improve.

[4.05.0](#) Scope of diversity within ICANN

The following is excerpted directly from the CCWG-Accountability Work Stream 1 report that appropriately captures the scope of expectations of diversity within ICANN:

Comments received on the Second Draft Proposal revealed that incorporating the diversity component into Accountability and Transparency Reviews may overburden Review Teams. Therefore, the CCWG-Accountability recommends the following actions with the view to further enhancing ICANN's effectiveness in promoting diversity:

- *Including diversity as an important element for the creation of any new structure, such as the Independent Review Process (IRP) – for diversity requirements for the panel – and the ICANN Community Forum.*
- *Adding Accountability, Transparency, and Diversity reviews of SOs and ACs to structural reviews as part of Work Stream 2.*
- *Performing, as part of Work Stream 2, a more detailed review 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). After an initial review of the current documents, it became clear that they do not address the full concerns raised by the wider community on the issue of diversity.*
- *Identifying the possible structures that could follow, promote and support the strengthening of diversity within ICANN.*
- *Carrying out a detailed working plan on enhancing ICANN diversity as part of Work Stream 2.*
- *Strengthening commitments to outreach and engagement in order to create a more diverse pool of ICANN participants, so that diversity is better reflected in the overall community and thus more naturally reflected in ICANN structures and leadership positions.*

In the new ICANN Bylaws:

“(ii) Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making to ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent;”

Questions for discussion:

1. What are your views on the definition of diversity? Agree? Disagree? Explain.

2. What elements of diversity are important to ICANN?
3. How can ICANN measure the important elements of diversity?

- formal positions (such as subgroup rapporteurs in CCWGs and in PDP WGs) under our scrutiny.
- leadership position in SO/AC
- participation in PDP
- Working group compositions
-

- Data/Stats Collection: what type of data to be collected
- Classify diversity characteristics into issues that are measured / tracked, issues that have improvement targets, and issues that deserve to see concrete actions
- what are the other experiences, ICANN learn from, please list:
 - Shared some observations above based upon Afnic's experience :
<https://www.afnic.fr/en/about-afnic/news/general-news/9961/show/afnic-reveals-figures-on-diversity-within-icann-1.html>

⇨ 4. What role can play the Office of Diversity?

Commented [12]: I agree with a previous comment that the definition of diversity proposed is somewhat normative. In addition, the definition of diversity should be aligned with ICANN's mission and core values, it shouldn't consist on a set of normative principles that have little relationship with the scope and remit of the organization. Introducing quotas on any given dimension should carefully consider its implications against the mission and scope of ICANN. For example: why would more ciivil society participants should have leadership positions in an organization that is primarily focused at providing trustworthy, secure and stable Internet services? (I'm not saying I'm against this, I'm just saying that these assertions need to be assessed against the wider picture of the organization, rather than against a set of pre-established principles about diversity that could be incorporated into ICANN or any other international organization.

In line with proposing diversity mechanisms related with ICANN's mission and core values, I would intensify a view of diversity of the current service and market structures surrounding DNS provision. Without a diversified marketplace for DNS services that engages local communities (users, governments, local SMEs, etc) I don't think this group will be addressing the real challenge that is underlying the current situation and most crucially, the diversity we have to encourage for the future of the DNS-related community.

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Commented [RD13]:
The creation of this office would have many advantages :
- set a diversity policy in a long-term perspective
- create a dedicated body to support the work of our group
- develop instruments to produce reliable figures, comparative studies with other organizations that have already implemented measures to promote diversity.