

**RECOMMENDATIONS 6, 33, 35, AND 36: DIVERSITY OF GNSO COUNCIL AND PDP WORKING GROUP MEMBERSHIP**

**STRATEGIC ALIGNMENT**

**Part One – Which ICANN Objective does this meet**

Further globalize and regionalize ICANN functions: See Strategic Plan main web page at: <https://www.icann.org/resources/pages/strategic-engagement-2013-10-10-en>. Core Value 2 of the ICANN Bylaws: “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.” See: <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>

**Alignment with Strategic Objectives**

**Goal**

- Globalize ICANN’s operational functions to support ICANN in being more relevant, inclusive, connected and collaborative worldwide.
- ICANN’s communications allow for connection and engagement by the community in major languages/scripts.
- Recognized hubs and engagement mechanisms supporting the regional engagement strategies and local community participation in ICANN.
- Diversification of ICANN functions across hub and engagement mechanisms.

**Project/Recommendation**

Recommendation 6: That the GNSO record and regularly publish statistics on Working Group participation (including diversity statistics).

Recommendation 33: That Stakeholder Groups, Constituencies, 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 [now Core Value 2].

Recommendation 35: That the GNSO Council establish a Working Group, whose membership specifically reflects the demographic, cultural, gender and age diversity of the Internet as a whole, to recommend to Council ways to reduce barriers to participation in the GNSO by non- English speakers and those with limited command of English.

Recommendation 36: That, when approving the formation of a PDP Working Group, the GNSO Council requires 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 Working Group.

## SCOPE DESCRIPTION

### Scope Statement

1. The GNSO Review Working Group will review the GNSO Review recommendations against the recommendations from the Cross-Community Working Group (CCWG) Accountability Work Stream 2 Sub Team on Diversity Recommendations – Excerpted from <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-annex-1-diversity-final-recs-27mar18-en.pdf> to determine whether the CCWG recommendations may address the GNSO Review recommendations.
2. The GNSO Review Working Group will review current provisions relating to diversity in the ICANN Bylaws, in Stakeholder Group and Constituency Charters, and in GNSO procedures.
2. The GNSO Review Working Group will determine whether the GNSO Review recommendations are addressed by the CCWG recommendations and implemented under current GNSO procedures and processes.

### Out of Scope

The above scope is sufficiently clear.

### Assumptions

None.

### Deliverables

None.

## OPTION ANALYSIS

None were considered or were necessary to be considered.

## SOLUTION

### **GNSO Review Recommendations as Compared to the CCWG Accountability Work Stream 2 Recommendations, GNSO Current Provisions, and Suggested Implementation**

Staff conducted a comparison of the GNSO Review recommendations to the CCWG recommendations, of current GNSO provisions relating to diversity, and suggested possible implementation approaches. Staff notes that the ICANN Board of Directors will consider the CCWG's recommendations and must approve them before they take effect. As it is not clear when this approval might occur and whether the CCWG's recommendations are approved in their current state, the GNSO Review Working Group may consider how the GNSO Review recommendations might be implemented in a way that would be consistent with the CCWG recommendations if they are approved by the Board.

***GNSO Review Recommendation 6: That the GNSO record and regularly publish statistics on Working Group participation (including diversity statistics).***

***CCWG Recommendation 8: ICANN staff should support the capture, analysis and communication of diversity information, seeking external expertise if needed, in the following ways:***

- *Create a Diversity section on the ICANN website.*
- *Gather and maintain all relevant diversity information in one place.*
- *Produce an Annual Diversity Report for ICANN based on all the annual information and provide a global analysis of trends and summarize SO/AC/groups recommendations for improvement, where appropriate. This should also include some form of reporting on diversity complaints.*
- *Include diversity information derived from the Annual Diversity Report in ICANN's Annual Report.*

**Discussion:**

Staff suggests that Recommendation 6 could be addressed by CCWG Recommendation 8. The diversity statistics from Working Group participation could be linked to a Diversity section on the ICANN website. A form could be developed with diversity identifiers that could be completed based on the Working Group composition.

**Suggested implementation:** GNSO Support staff already gather and publish on the Working Group wikis the membership data. These data could be expanded to include statistics on diversity for each Working Group. If the CCWG recommendations are approved, these data could be linked to a Diversity section of the ICANN Website.

***GNSO Review Recommendation 33: That Stakeholder Groups, Constituencies, 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 [now Core Value 2].***

-and-

***GNSO Review Recommendation 36: That, when approving the formation of a PDP Working Group, the GNSO Council requires 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 Working Group.***

**CCWG Recommendations 2-5:**

***Recommendation 2:*** Each SO/AC/group should identify which elements of diversity are mandated in their Charters or ICANN Bylaws and any other elements that are relevant and applicable to each of its levels including leadership (Diversity Criteria) and publish the results of the exercise on their official web sites.

***Recommendation 3:*** Each SO/AC/group, supported by ICANN staff, should undertake an initial assessment of their diversity for all of their structures including leadership based on their Diversity Criteria and publish the results on their official website.

***Recommendation 4:*** Each SO/AC/group should use the information from their initial assessment to define and publish on their official website their Diversity Criteria objectives and strategies for achieving these, as well as a timeline for doing so.

***Recommendation 5:*** Each SO/AC/group, supported by ICANN staff, should undertake a regular update of their diversity assessment against their Diversity Criteria and objectives at all levels including leadership. Ideally this update should be carried out annually but not less than every 3 years. They should publish the results on their official website and use this information to review and update their objectives, strategies and timelines.

**Current Processes and Procedures Relating to Diversity:**

Staff notes that with respect to GNSO Council membership, the Bylaws state, "Stakeholder Groups should, in their charters, ensure their representation on the GNSO Council is as diverse as possible and practicable, including considerations of geography, GNSO Constituency, sector, ability and gender."

**Applicable provisions in the Stakeholder Group charters:**

**Commercial Stakeholder Group:** "Ensure that the Recognized Constituencies adopt internal procedures in selecting six (6) GNSO Council representatives such that no more than 3 of the 6 may be domiciled in the same "Geographic Region" (as defined in the ICANN bylaws)." See:

[https://gns0.icann.org/sites/default/files/filefield\\_25799/csg-charter-01nov10-en.pdf](https://gns0.icann.org/sites/default/files/filefield_25799/csg-charter-01nov10-en.pdf)

**Non-Commercial Stakeholder Group:** [https://gns0.icann.org/sites/default/files/filefield\\_25801/ncsg-charter-05may11-en.pdf](https://gns0.icann.org/sites/default/files/filefield_25801/ncsg-charter-05may11-en.pdf)

“To the maximum extent possible, no more than two (2) NCSG GNSO Council Representatives can be declared resident of the same geographic region as defined by ICANN. Reasonable efforts should be taken to recruit nominees so that all geographical regions may be represented by the NCSG GNSO Council Representatives. Reasonable efforts should also be taken to ensure gender balance and in no circumstance should there be fewer than 2 members of any gender.”

**Registrars Stakeholder Group:** [https://gns0.icann.org/sites/default/files/filefield\\_47279/rrsg-approved-charter-16oct14-en.pdf](https://gns0.icann.org/sites/default/files/filefield_47279/rrsg-approved-charter-16oct14-en.pdf)

#### 4.8 Geographic Diversity

4.8.1. At the start of the election cycle, the Secretary shall declare the geographic region of the offices that are not up for election.

4.8.2. There will first be a call of nominations for candidates from ICANN geographic regions not represented in the last two election cycles.

4.8.3. After the first round of nominations, a second nomination round will be conducted, this time open to any candidates from any geographic region.”

**Registries Stakeholder Group:** <https://gns0.icann.org/sites/default/files/file/field-file-attach/rysg-charter-15may16-en.pdf>

“Officers Elections shall be conducted in accordance with the voting procedures described in Article X below and in compliance with applicable provisions of the ICANN Bylaws then in effect, if any, including those relating to geographic diversity and eligibility.”

“RySG Representatives to the GNSO Council: The RySG shall elect such number of representatives (the “RySG Representatives”) to the GNSO Council as is set forth in the Bylaws of ICANN. Elections shall be conducted in accordance with the voting procedures described in Article X below and in compliance with all applicable provisions of the ICANN Bylaws then in effect, including those relating to geographic diversity and eligibility. In order to promote broad representational diversity in accordance with principles contained in the ICANN Bylaws, no more than one (1) of the elected RySG Representatives may come from the same geographic region as defined in the ICANN Bylaws.”

#### **Applicable provisions in the Constituency Charters:**

**Commercial Business Users Constituency:** See:  
<http://www.bizconst.org/assets/docs/Charter/BC%20Charter.pdf>

“The Business Constituency shall seek to recruit and elect CRs [Council Representatives] from a variety of global regions as defined by ICANN. Determination of which regions are represented by CRs is made by the Credentials Committee subject to the CSG Charter provision (§4.2.1) that no more than three of the six Council Representatives may be domiciled in the same Geographic Region as defined by ICANN.”

“Outreach Policies. 9.1.1 Commitment. The Business Constituency is committed to being inclusive and representative of commercial Internet users globally and will conduct outreach to qualifying for-profit entities eligible for membership as outlined in §5.1.

9.1.2 Objective. Recruiting will be focused on assuring representation from each ICANN geographic region with emphasis in areas historically under-represented in ICANN structures.”

**Intellectual Property Constituency:** <http://www.ipconstituency.org/bylaws>

“In determining eligibility for membership in the above-referenced categories of membership, the following additional factors shall be considered as applicable: (2) the international/geographic diversity of membership”

“(C) Geographic Diversity The GNSO Council representatives must be citizens of countries that are in different geographic regions as defined by Article VI (5) of the ICANN bylaws.”

**Internet Service Providers Constituency:**

<https://community.icann.org/pages/viewpage.action?pageId=27854098>

“2.1 Composition The ISPCP is represented primarily by, Corporations, Associations and stakeholders from all regions of the world thereby ensuring that the constituency represents a broad range of relevant ISP and Connectivity interests.”

**Non-Commercial Users Constituency:** <https://www.ncuc.org/wp-content/uploads/2018/05/Bylaws-of-the-Noncommercial-Users-Constituency-20171.pdf>

“The EC [Executive Committee] shall consist of the Chair, a Vice Chair, a Treasurer, and Regional Representatives (one for each of the geographic regions recognized by ICANN).” And “5.4.3.4 The NPOC shall consider hosting informational events and meetings in the five ICANN regions with particular emphasis on outreach in developing countries and populations under-represented in the ICANN community;”

“7.2 Regional Representation The NPOC shall seek to recruit and elect CRs [Council Representatives] from a variety of global Regions. Determination of which Region(s) are represented by CRs is made by the Membership Committee Chair according to the criteria set forth in Section 2.2 and any geographic diversity needs or requirements communicated by the NCSG.”

**Not-for-Profit Operational Concerns Constituency:** <https://community.icann.org/display/NPOCC/Charter>

“5.4.2 The NPOC shall conduct its outreach activities and membership development related programming designed to attract not for-profit and non-governmental organizations in each of ICANN’s five regions.”

**Discussion:**

Staff suggests that GNSO Review Recommendations 33 and 36 could be broadly addressed by CCWG Recommendations 2-5, in particular via the application of the Diversity Criteria.

Furthermore, staff notes that Recommendation 33 of the GNSO Review recommendations allows for some flexibility in implementation as it states that Stakeholder Groups, Constituencies, and the Nominating Committee “should *aim to* [emphasis added] increase the geographic, gender and cultural diversity of its participants, as defined in ICANN Core Value 4 [now Core Value 2]. As noted above, once the GNSO developed

its “Diversity Criteria objectives” as in CCWG Recommendation 4, it could apply those objectives in the selection of candidates for appointment to the GNSO Council. However, the GNSO Review recommendation does not mandate that the candidates should fulfill those objectives, but should “aim to” do so. Until the CCWG recommendations are approved by the ICANN Board, staff notes that the ICANN Bylaws already require that Stakeholder Groups, via their charters ensure their representation on the GNSO Council is as diverse as possible and practicable, including considerations of geography, GNSO Constituency, sector, ability and gender. As noted above Stakeholder Group and Constituency charters have some provisions with respect to diversity. These provisions could be expanded if the ICANN Board approves the CCWG recommendations, but until then they could be considered to apply as the groups “aim to” increase diversity.

Similarly, if the CCWG recommendations are approved, the GNSO Council could apply its “Diversity Criteria objectives” to the selection of the membership of PDP Working Groups. However, Recommendation 36 allows some flexibility as the recommendation notes that Working Group members should “*represent as far as reasonably practicable the geographic, cultural and gender diversity of the Internet as a whole.*” Until the CCWG recommendations are approved, the GNSO Council could seek diversity in Working Group membership as “reasonably practicable”.

In addition, staff notes that the GNSO Working Group Guidelines have provisions for ensuring broad membership in PDP Working Groups. Section 2.1.1 Announcement of a Working Group, states, “After a decision has been taken to form a Working Group, it is important to circulate a ‘Call For Volunteers’ as widely as possible in order to ensure broad representation and participation in the Working Group.” Although diversity is not specifically mandated, until the CCWG recommendations are approved, Working Groups could follow the current guidelines, while emphasizing that the membership should represent the geographic, cultural and gender diversity of the Internet as a whole “as far as reasonably practicable.”

***Suggested implementation:*** Staff suggests that both Recommendations 33 and 36 could be considered to be implemented as both allow flexibility for implementation. Stakeholder Groups, Constituencies, and the Nominating Committee, in selecting their candidates for appointment to the GNSO Council, could aim to increase the geographic, gender and cultural diversity of its participants, as defined in ICANN Core Value 4 [now Core Value 2]. In the formation of new PDP Working Groups, the GNSO Council can already require that its membership represent as far as reasonably practicable the geographic, cultural and gender diversity of the Internet as a whole.

However, staff notes that the following statement in Recommendation 36 may be out of scope in the GNSO Review: “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 Working Group.” It is unclear that the GNSO can mandate what steps the ICANN Board should take. Instead, perhaps it is sufficient for the GNSO Council to assert that it has undertaken these actions when forming a PDP Working Group.

***GNSO Review Recommendation 35: That the GNSO Council establish a Working Group, whose membership specifically reflects the demographic, cultural, gender and age diversity of the Internet as a whole, to recommend to Council ways to reduce barriers to participation in the GNSO by non-English speakers and those with limited command of English.***

The CCWG Accountability Work Stream 2 established a Sub Group on Diversity, the membership of which itself broad and diverse with 54 active participants and 45 observers. See: <https://community.icann.org/display/WEIA/Diversity>. In its [report](#), the Sub Group stated, “This report presents a discussion of diversity at ICANN and identifies a number of diversity elements by which diversity may be

characterized, measured and reported. It provides a summary of diversity provisions in the new ICANN Bylaws, and is informed by feedback from ICANN SO/AC/groups through a Diversity Questionnaire. Finally, it proposes a number of recommendations by which ICANN may define, measure, report, support and promote diversity.” Staff suggests that the thorough and diligent work of this Sub Group could fulfill the requirement for the establishment of a “Working Group” in Recommendation 35.

**Working Group Determination:**

***GNSO Review Recommendation 6: That the GNSO record and regularly publish statistics on Working Group participation (including diversity statistics).***

The GNSO Review Working group notes that Recommendation 8 of the Cross Community Working Group Accountability Work Stream 2 Sub Group on Diversity broadly addresses GNSO Review Recommendation 6:

***CCWG Recommendation 8: ICANN staff should support the capture, analysis and communication of diversity information, seeking external expertise if needed, in the following ways:***

- *Create a Diversity section on the ICANN website.*
- *Gather and maintain all relevant diversity information in one place.*
- *Produce an Annual Diversity Report for ICANN based on all the annual information and provide a global analysis of trends and summarize SO/AC/groups recommendations for improvement, where appropriate. This should also include some form of reporting on diversity complaints.*
- *Include diversity information derived from the Annual Diversity Report in ICANN's Annual Report.*

Accordingly, the GNSO Review Working Group agrees that if CCWG Recommendation 8 is approved by the ICANN Board of Directors, the diversity statistics from Working Group participation could be linked to a Diversity section on the ICANN website. However, the Working Group also notes that until Recommendation 8 is approved, GNSO Support staff already gather and publish on the Working Group wikis the membership data. These data could be expanded to include statistics on diversity for each Working Group. If the CCWG recommendations are approved, these data could be linked to a Diversity section of the ICANN Website.

***GNSO Review Recommendation 33: That Stakeholder Groups, Constituencies, 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 [now Core Value 2].***

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***GNSO Review Recommendation 36: That, when approving the formation of a PDP Working Group, the GNSO Council requires 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 Working Group.***

The GNSO Review Working group notes that Recommendations 2-5 of the Cross Community Working Group Accountability Work Stream 2 Sub Group on Diversity broadly address GNSO Review Recommendations 33 and 36:

**CCWG Recommendations 2-5:**

**Recommendation 2:** Each SO/AC/group should identify which elements of diversity are mandated in their Charters or ICANN Bylaws and any other elements that are relevant and applicable to each of its levels including leadership (Diversity Criteria) and publish the results of the exercise on their official web sites.

**Recommendation 3:** Each SO/AC/group, supported by ICANN staff, should undertake an initial assessment of their diversity for all of their structures including leadership based on their Diversity Criteria and publish the results on their official website.

**Recommendation 4:** Each SO/AC/group should use the information from their initial assessment to define and publish on their official website their Diversity Criteria objectives and strategies for achieving these, as well as a timeline for doing so.

**Recommendation 5:** Each SO/AC/group, supported by ICANN staff, should undertake a regular update of their diversity assessment against their Diversity Criteria and objectives at all levels including leadership. Ideally this update should be carried out annually but not less than every 3 years. They should publish the results on their official website and use this information to review and update their objectives, strategies and timelines.

The Working Group agrees that both Recommendations 33 and 36 are considered to be implemented for the following reasons: First, there are already procedures that address diversity. With respect to GNSO Council membership, the Bylaws state, "Stakeholder Groups should, in their charters, ensure their representation on the GNSO Council is as diverse as possible and practicable, including considerations of geography, GNSO Constituency, sector, ability and gender." Accordingly, that charter of the Stakeholder Groups and Constituencies contain requirements relating at least some aspects of diversity. In addition, the GNSO Working Group Guidelines require that the Call for Volunteers for a PDP Working Group should elicit a broad response. Second, both Recommendations 33 and 36 allow flexibility for implementation. Recommendation 33 states that Stakeholder Groups, Constituencies, and the Nominating Committee "should *aim to* [emphasis added] increase the geographic, gender and cultural diversity of its participants, as defined in ICANN Core Value 4 [now Core Value 2]. Recommendation 36 states that "The GNSO Council requires that its membership represent as far as reasonably practicable the geographic, cultural and gender diversity of the Internet as a whole." The phrases "aim to" and "as far as reasonably practicable" allow the GNSO Council the flexibility to determine the feasibility of requiring diversity. With this flexibility the Working Group agrees that the current processes and procedures fulfill the recommendations, but also do not create conflicts if the CCWG Recommendations are implemented.

However, the Working Group agrees that the following statement in Recommendation 36 is out of scope in the GNSO Review: "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 Working Group." The Working Group agrees that the GNSO cannot mandate what steps the ICANN Board should take. Instead, the Working Group agrees that it is sufficient for the GNSO Council to assert that it has undertaken these actions when forming a PDP Working Group.

Conclusion: Based on its evaluation concerning the four GNSO Review recommendations, the GNSO Review Working Group determines that the recommendations have been implemented based on current processes and programs, and that no further action is required.

**KEY DEPENDENCIES**

None.



**RISK IDENTIFICATION**

None.

**KEY PERFORMANCE INDICATORS**

It is not clear to staff whether a KPI applies in the implementation of these recommendations.

**NECESSARY TO PROCEED****Next Phase Activities/Resources**

Staff resources.

**APPROVERS**

Name	Title	Approval Status	Date
GNSO Review Working Group			

**REVISION HISTORY**

Date	Version	Description	Author
23 May 2018	V1	Original Draft.	Julie Hedlund, Policy Director

**Attachments, as applicable:** None