**Comments of Some NCSG members on the 2015 GNSO Review**

We are pleased to provide comments on the final report of Westlake Consultants for the 2015 GNSO review.  Certain members of NCUC and NCSG have been extremely busy with the IANA activities and have not had time to review this document, so we have opened it to signatures rather than sending as a consensus document. The NCUC ahd Stephanie Perrin also commented on previous versions, and we are pleased to see that some of our remarks have been taken into account in the final report.  We do not propose to belabour the same comments on the methodology, except to say that it was deeply flawed, and skews the results to the point where we do not think the final report can really stand on its own merits.  However, we have attempted to harvest some of the worthwhile recommendations, even if the methods of arriving at them are, in our view, problematic.

**General Comments on the regular review process**

The community was exceptionally busy at the time that this review was launched.  We are of the view that if you can’t do it right, defer until you can.  We regard the GNSO as one of the fundamental structures of ICANN, it deserves to be reviewed properly.

**Methodology of this review**

As discussed above, we have already provided extensive comments about the weakness of the methodology.  As no substantive changes have been made to the methodology, kindly refer to our comments on the first draft.

**GNSO Structure**

The decision was made by the contractors to not look at the GNSO structure at this time.  While we agree that the timing is bad, as the IANA transfer is occupying so many of the active volunteers at ICANN, we still need to have a serious discussion about whether this structure works. Several recommendations, notably 23-25 seem to take the structure as a given.  It needs revisiting, in the form of a full and open discussion of how the system is working, and how it can work better.

.

**Stakeholder Involvement and Outreach**

There is a lot of material in the report about the need for outreach.  This is rather a parenthood type of statement.  We are all doing outreach, at least in the NCSG, the problem is the structural impediments to meaningful participation.  They include:

* limited training and support for newcomers
* a basic inability to attract qualified individuals who have a lot to contribute, to come and work for free at ICANN.  Although this is definitely an acute problem for the non-commercial stakeholders group, who represent those who are not making money off the internet, we understand that it is also a problem for some of the contracted parties to find the funding for policy specialists to attend ICANN.  This needs to be examined.
* While there is always a problem with volunteer burnout in volunteer organizations, it should be noted that some people are being paid for their time spent at ICANN, others are not.  NCSG volunteers are largely in the latter category.
* the increasing complexity of the work
* limited funding

We recognize that there were numerous recommendations attempting to address these problems (1-19), but we don’t think these many suggestions are going to solve the problem. This is a critical problem for an organization that purports to represent Internet end users, and be a true multi-stakeholder organization.

**Administrative Exuberance**

We note that there are a lot of recommendations in the report that relate to more administrative work….metrics, monitoring, assessment, diversity assessment, etc., (see e.g. 1, 2,6, 9, 11, 17, 18-21) We appreciate the need for a mature organization to measure its outputs, and support a certain amount of this activity, as ICANN gradually becomes a more mature, accountable organization.  However, this can become busy work or bureaucracy that interferes with the actual work of the organization.  In this case, the building is burning….the GNSO has a full slate of PDPs coming at it, and we do not have enough skilled and experienced knowledgeable volunteers to staff the PDPs.  We have statistics that show that a handful of volunteers are always on the working groups.  We need to address this issue and the problem of burnout, obviously related, before taking on more assessment and review.   We know we have that problem, let’s fix it.

**Policy Impact Assessment Tool**

We are very enthusiastic about the proposal (#16) for a policy impact assessment tool.  We have argued for this, particularly for the impact of policy on human rights.  Many western democracies use a regulatory impact assessment or RIA approach to analysing how a policy proposal will impact all stakeholders, and given the increasing global reach and diversity of ICANN stakeholders, we strongly endorse this approach.  Even if we had an unlimited supply of volunteers, in a balanced matrix of stakeholder groups, representing optimal linguistic, cultural, gender and geographic diversity, it is still hard to predict regulatory impact.  We do need this tool to be developed.

**Policy/Implementation WG**

One very successful WG that recently wrapped up was the policy/implementation working group.  Not only was this a very well run activity that is demonstrating the effectiveness of some of the PDP tools which the report has highlighted (e.g. review of effectiveness, ongoing monitoring of implementation) but it addresses the recurrent problem of the fuzzy line between policy and implementation.  This development demonstrates an encouraging step forward in GNSO effectiveness.

**Who represents the end user?**

Newcomers to ICANN have expressed confusion as to which group they should join.  Who represents the end user, is it ALAC, NCUC, NPOC, NCSG, who?  Squabbling about this rather basic question appears to have surfaced in the interviews.  This is unseemly, to say the least.  We need to have a basic brochure that explains the role of each constituency, and staff need to support each group in presenting their message in a fair and balanced way, to potential new ICANN volunteers.  A useful recommendation would be to sit down with the outreach team and figure out how to do this fairly, quickly and with regular feedback as to whether it is working.

In conclusion, we would like to say that while we appreciate all the hard work that the Westlake team and the GNSO Review Working Group have put into this mandatory review, it has been more of a lightning rod than a lighthouse.  We hope that we can work constructively to salvage some useful improvements we can work on from the recommendations.

The following NCUC/NCSG members support this document, others may follow:

Stephanie Perrin

Avri Doria

Ed Morris

James Gannon