

1. Summary

The APAC Space is a community-based informal discussion group formed after ICANN 48 held in November 2013 in Buenos Aires. Participants of the group discuss issues of common interest or concern through face-to-face meetings during ICANN international meetings and via a mailing list.

These comments are submitted on behalf of the APAC Space in response to the request for community feedback on the GNSO Review Draft Report published by the Independent Examiner, Westlake Governance at <https://www.icann.org/public-comments/gnso-review-draft-2015-06-01-en> (“Draft Report”).

Our comments are limited to the recommendations relating to Theme 1: Participation and Representation. We believe these 16 recommendations, if adopted and implemented properly, along with ICANN’s globalization efforts should go some way towards enhancing ICANN’s diversity core value and towards bridging the gaps in participation and representation in ICANN’s policy making bodies and processes.

2. The Internet has evolved but ICANN and the GNSO are slow catching up

In theory, ICANN’s policy making is based on a "multistakeholder model" and open to all.¹ But the Draft Report shows the reality is vastly different from the ideal.

While the Internet has evolved significantly over the past decade, ICANN (the corporation) and the GNSO, its policy making body and related processes have not kept pace with the changes. Almost half of total Internet users are from Asia (not including Australia or New Zealand)², yet the ICANN-designated Asia/Australia/Pacific region remains one of the most under-served and under-represented geographic regions.

Participants of the APAC Space have a keen interest in ICANN’s globalization efforts, not only at ICANN corporate level but throughout its supporting organizations (SOs) and Advisory Committees (ACs) as well as Stakeholder Groups (SGs) and Constituencies (Cs).

We strongly support ICANN’s globalization efforts, started by former ICANN CEO, Dr. Paul Twomey and accelerated under the current CEO, Mr. Fadi Chehade. We have been a strong advocate for localization of ICANN core services and functions (such as registrar services, registry services and contractual compliance). We are pleased to see ICANN has made some good progress in those areas but, regrettably, little has been done to address the unbalanced participation and representation in the ICANN policy making bodies and processes. The Draft Report’s findings should not come as a surprise to anyone.

¹ See <https://www.icann.org/get-started>

² Page 112, Draft Report

3. We support all 16 recommendations relating to Theme 1: Participation and Representation

We support all 16 recommendations made by the Independent Examiner.

While we acknowledge it is difficult to define and measure cultural diversity in an ever more globalized and mobilized world we live in, we strongly agree with the Draft Report that geographic diversity it is not a proxy for cultural diversity.³

There appears to be an inconsistency within the ICANN Bylaws. On the one hand, the Bylaws specifically refer to functional, geographic and cultural diversity as a core value⁴; yet the definition of “Diversity Calculation” only refers to the ICANN Geographic Region.⁵

The Draft Report indeed points out, geographic diversity (either based on citizenship or the concept of "domicile") is a flawed criterion. A good example was given in the Draft Report, “people can state their place of residence regardless of their ethnicity or actual affinity (for example, an Australian national living in Nigeria could choose to be recorded as a member from Africa).”⁶ Conversely, people can state their place of birth (citizenship) regardless of where they have lived most of the lives. We also note ICANN’s current geographical regions are inconsistent with the international norms.⁷

Nevertheless, the current practice within ICANN and the GNSO seems to treat geographic diversity as a proxy for cultural diversity (possibly because of the inconsistency in the ICANN Bylaws highlighted above). Such practice seems to have an unintended consequence of perpetuating the status quo. According to the Draft Report, as at July 2013, people from Asia made up 48% of total Internet users but only 4% of GNSO Council positions came from Asia.⁸

Regrettably, the ICANN Geographic Regions Review Working Group has not proposed any change to regional designation nor engaged in real discussion of the global strategic challenges facing ICANN in a world where Internet activity is shifting dramatically away from the hubs of the late 1990s when ICANN was created,⁹ as clearly illustrated in the following graph:

³ Page 10, Draft Report

⁴ ICANN Bylaws, Article I, Section 2, Paragraph 4

⁵ ICANN Bylaws, Article VI, Section 2

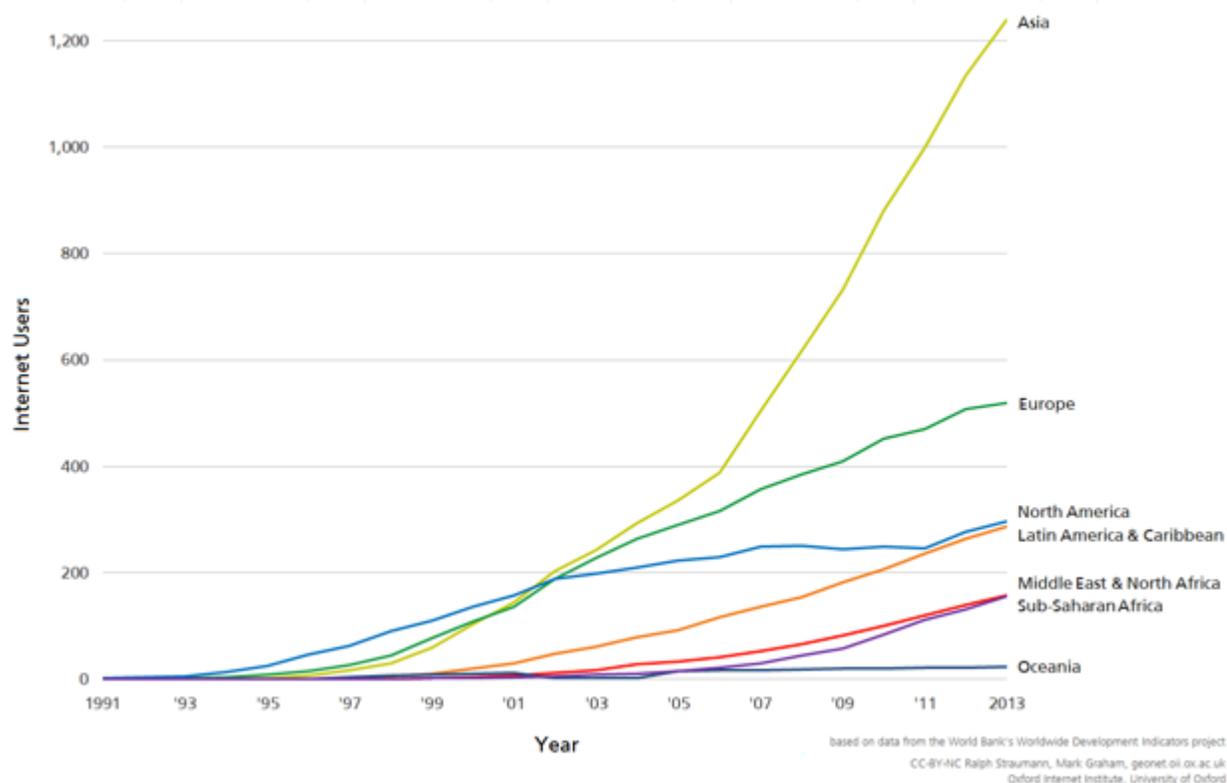
⁶ Page 110, Draft Report

⁷ Page 11, Final Report by the Geographic Regions Review Working Group

<http://www.icann.org/en/news/announcements/announcement-22jun13-en.htm>

⁸ See pie chart (not including Australia or New Zealand) at Page 112, Draft Report

⁹ See comments by Dr. Paul Twomey at <http://mm.icann.org/pipermail/wp3/2015-July/000015.html>



The Draft Report specifically refers to the warning by the ICC report commissioned by the ATRT 2 that the GNSO risks global legitimacy when it does not include viewpoints from Africa, Asia/Pacific and the Latin American/Caribbean/South American regions.¹⁰ We wholeheartedly agree with the ICC's warning and submit that as a community, we need to tackle the issue head on, as the status quo is no longer appropriate.

4. Cultural diversity goal should begin with awareness of diversity

Lack of diversity in participation and presentation has been recognized by multiple ICANN working groups, reviews and reports over the years, but no real progress has been made to date. Rather than strengthening outreach and engagement, limited volunteer pool or lack of experience or expertise is often cited to justify or defend the status quo.

¹⁰ Page 42, Draft Report; or Page 97, Appendix A – InterConnect Communications Report, Accountability and Transparency Review Team 2 Report and Recommendations

The composition of the GNSO Review Working Party¹¹ suggests the total absence of Asia has little to do with competence but more to do with a lack of awareness of or commitment to diversity:¹²

North America	12
Europe	8
Africa	1
Latin America	1

The make-up of the Registrar Stakeholder Group¹³ and the Registries Stakeholder Group¹⁴ leadership also paints a similar picture. While their two GNSO Council representatives are from the ICANN-designated Asia/Australia/ Pacific region, none could claim to have an Asian cultural background. These examples are not intended to target any particular group or person, but rather as statistical evidence to demonstrate that geographic diversity is not a proxy for cultural diversity.

We believe cultural diversity goal needs to begin with awareness of and sensitivity to diversity. A cultural diversity awareness education campaign across ICANN, including the GNSO, PDP WGs, SGs and Cs might be a good start.

5. Prioritization of three key recommendations: #32, #35 and #33

We acknowledge cultural diversity as a core value goal needs to be balanced against practicality. We are also mindful that some recommendations may not be implemented in the short term due to financial or other cost/benefit considerations. As such, we suggest the following three key recommendations be treated as priorities (in the order below) and incorporated into ICANN's Five-Year Strategic Plan, implemented and measured under one of the strategic objectives (1. Evolve and further globalize ICANN):

Recommendation 32: That ICANN define “cultural diversity” and that relevant metrics (encompassing geographic, gender, age group and cultural, possibly by using birth language) be monitored and published.

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

¹¹ See <https://community.icann.org/display/GR2/Working+Party+Members>

¹² See GNSO Review Working Party members' statements of interest (SOIs) at <https://community.icann.org/display/gnsosoi/New+SOIs>

¹³ <http://gnso.icann.org/en/about/stakeholders-constituencies/rrsg>

¹⁴ <http://gnso.icann.org/en/about/stakeholders-constituencies/rysg>

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Recommendation 33: That SGs, Cs 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.

We understand geographic region seems to have become a proxy for cultural diversity but the community is unlikely to reach consensus on how to measure cultural diversity. We therefore encourage the Independent Examiner to provide concrete suggestions towards implementing cultural diversity in its final report.

We look forward to participating in a GNSO WG “whose membership specifically reflects the demographic, cultural and gender diversity of the Internet as a whole,” if and when such a group is established under Recommendation 35.

6. Acknowledgements

The APAC Space thanks the Independent Examiner, Westlake Governance, the GNSO Review Working Party and the supporting ICANN staff for their time and effort in conducting this review and producing the Draft Report.

We also wish to thank the following APAC Space members (with their birth language indicated)¹⁵ who contributed to these comments:

- Edmon Chung (Cantonese), DotAsia
- Jian-Chuan Zhang (Mandarin Chinese), KNET Co.
- Alan Tan (Mandarin Chinese), .信息 (.xn--vuq861b) Registry
- YJ Park (Korean), ISOC Republic of Korea
- Pam Little (Taiwanese), Zodiac Registry Limited

¹⁵ Page 109, Draft Report:

“The definition of cultural diversity ...is not easily measurable. However, a partial proxy would be birth language”.