# Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

**Purpose:**

The purpose of this document is to provide the Organizational Effectiveness Committee with a complete overview of all pertinent information in connection with the GNSO Review Recommendations.

The GNSO Council adopted the GNSO Review Working Party Feasibility and Prioritization Assessment, with a modification to recommendation #21.

The following data was subsequently included by Staff:

- Council Comments reflect actions articulated in the letter from James Bladel to Rinalia Abdul Rahim, dated 27 April 2016.
- Work already underway and owner/lead of this work - in response to request from OEC.
- Rationale for recommendations categorized as "do not implement" by the Working Party – in response to request from OEC.
- Comments provided by members of the GNSO and the GNSO Council during a community webinar held on 12 April 2016 (transcript and recording) as well as the GNSO Council call held on 14 April 2016 (transcript (p.21 onwards) and recording (0:47:19 onwards).

These above-listed items were neither adopted nor requested to be submitted to the OEC by the GNSO Council.

Finally, Recommendation 21 is marked 'red' because the Working Party recommended not to implement it in its Assessment. The GNSO Council in its motion adopting the Assessment voted to change the status from 'do not implement' to 'implement with low priority'. The Working Party did not object to this and two of its members in their capacity of Councilors voted in favor of the motion (which passed unanimously).

**Relevant documents:**

- Final Report of Independent Examiner, Westlake Governance, on GNSO Review (September 2015)
- The GNSO Review Working Party Feasibility Assessment and Prioritization of Recommendations by Independent Examiner (25 February 2016)
- Letter from James Bladel, GNSO Council chair, regarding the feasibility and prioritization analysis of the GNSO Review Recommendations (27 April 2016)

**Color coding of Recommendations by Working Party:**

**Green**: Working Party agreed with the recommendation.
**Orange**: Work is already underway regarding this recommendation.
**Yellow**: Working Party agreed with some part or the intent of the recommendation, but have proposed a modified version of the recommendation.
**Red**: Working Party did not agree and recommended it not be implemented.

**Summary of Recommendations Issued by Independent Examiner;**
**GNSO Review Working Party Feasibility and Prioritization Assessment;**
**Feedback from GNSO Council and Community**

## Recommendations Sorted by Priority Assigned by Working Party

| **Recommendation 6** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO record and regularly publish statistics on WG participation (including diversity statistics). |
| Prioritization | High |
| Working Party Comments | Adopt |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 26** | |
|---|---|
| Independent Examiner's Final Recommendation | That GNSO Council members, Executive Committee members of SGs and Cs and members of WGs complete and maintain a current, comprehensive SOI on the GNSO website. Where individuals represent bodies or clients, this information is to be posted. If not posted because of client confidentiality, the participant's interest or position must be disclosed. Failing either of these, the individual not be permitted to participate. |
| Prioritization | High |
| Working Party Comments | Adopt |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 27** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO establish and maintain a centralized publicly available list of members and individual participants of every Constituency and Stakeholder Group (with a link to the individual's SOI where one is required and posted). |
| Prioritization | High |
| Working Party Comments | Adopt |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 8** | |
|---|---|
| Independent Examiner's Final Recommendation | That WGs should have an explicit role in responding to implementation issues related to policy they have developed. |
| Prioritization | High |
| Working Party Comments | Agree but work is already done elsewhere.<br>Chuck: The already approved Policy & Implementation WG recommendations cover this. Ongoing GNSO action item: ensure it happens in all future policy implementation efforts. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | GNSO Council is overseeing implementation of final recommendation of the Policy & Implementation Working Group.<br>Final Report: http://gnso.icann.org/en/issues/policy-implementation/pi-wg-final-recommendations-01jun15-en.pdf |

| | |
|---|---|
| | Workspace: http://gnso.icann.org/en/group-activities/inactive/2015/policy-implementation<br>Staff support: Marika Konings |

| **Recommendation 15** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO continues current PDP Improvements Project initiatives to address timeliness of the PDP. |
| Prioritization | High |
| Working Party Comments | Already being done.<br>Chuck: GNSO action items: ensure that efforts to improve the timeliness of PDPs continue. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | The GNSO Council, as the manager of policy development processes, oversees this ongoing effort.<br>There is also now the possibility to create a 'expedited PDP' in place: https://gnso.icann.org/en/council/annex-4-epdp-manual-16feb16-en.pdf<br>Staff support: Marika Konings |

| **Recommendation 16** | |
|---|---|
| Independent Examiner's Final Recommendation | That a policy impact assessment (PIA) be included as a standard part of any policy process. |
| Prioritization | High |
| Working Party Comments | Already in the PDP manual. Have no analytical framework to do this. What is being measured?<br>Chuck: GNSO action items: i) Develop an analytical framework for assessing policy impacts; ii) determine what should be measured and corresponding metrics. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | The GNSO Council, as the manager of policy development processes, oversees this ongoing effort; also featured in the Final Report of the Data and Metrics for Policy-Making (DMPM) Working Group<br>DMPM Final Report: http://gnso.icann.org/en/issues/dmpm-final-09oct15-en.pdf<br>PDP Manual: http://gnso.icann.org/en/council/annex-2-pdp-manual-16feb16-en.pdf<br>Staff lead: Marika Konings, Steve Chan |

| **Recommendation 18** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council evaluate post implementation policy effectiveness on an ongoing basis (rather than periodically as stated in the current GNSO Operating Procedures); and that these evaluations are analyzed by the GNSO Council to monitor and improve the drafting and scope of future PDP Charters and facilitate the effectiveness of GNSO policy outcomes over time. |
| Prioritization | High |

| | |
|---|---|
| Working Party Comments | Define at the start of implementation, the assessment period is established. How should GNSO council evaluate implemented policies? Align with the Data and Metrics for Policy-Making Working Group output.<br>Chuck: The Working Party supports this recommendation. GNSO action items: i) Change the PDP Guidelines to make post-implementation policy effectiveness evaluation an ongoing rather than a periodic process and to include an assessment period at the start of the implementation process; ii) develop guidelines for how implementation of policies should be evaluated. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | PDP Manual prescribes in Article 17: "Periodic assessment of PDP recommendations and policies is an important tool to guard against unexpected results or inefficient processes arising from GNSO policies. PDP Teams are encouraged to include proposed timing, assessment tools, and metrics for review as part of their Final Report. In addition, the GNSO Council may at any time initiate reviews of past policy recommendations."<br>PDP Manual: http://gnso.icann.org/en/council/annex-2-pdp-manual-16feb16-en.pdf<br>Staff support: Marika Konings, Mary Wong |

| **Recommendation 5** | |
|---|---|
| Independent Examiner's Final Recommendation | That, during each WG self-assessment, new members be asked how their input has been solicited and considered. |
| Prioritization | Medium |
| Working Party Comments | Adopt |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 17** | |
|---|---|
| Independent Examiner's Final Recommendation | That the practice of Working Group self-evaluation be incorporated into the policy development process; and that these evaluations should be published and used as a basis for continual process improvement in the PDP. |
| Prioritization | Medium |
| Working Party Comments | Adopt |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 29** | |
|---|---|
| Independent Examiner's Final Recommendation | That SOIs of GNSO Council Members and Executive Committee members of all SGs and Cs include the total number of years that person has held leadership positions in ICANN. |
| Prioritization | Medium |
| Working Party Comments | Adopt |
| Council Comments | Adopted by Council as recommended by WP. |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 10** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council develop criteria for WGs to engage a professional facilitator/moderator in certain situations. |
| Prioritization | Medium |
| Working Party Comments | What does it mean to "engage"?; could be costly; develop criteria such as using an internal facilitator; should review existing pilot program already underway and that additional criteria be developed. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | A pilot program with full-day face-to-face PDP WG meetings (usually the Friday before an ICANN meeting), led by a facilitator, is already in place. The GNSO Council determines which Group is selected for each meeting. Staff lead: Marika Konings |

| **Recommendation 12** | |
|---|---|
| Independent Examiner's Final Recommendation | That ICANN assess the feasibility of providing a real-time transcription service in audio conferences for WG meetings. |
| Prioritization | Medium |
| Working Party Comments | Adopt – connect with work already done with ALAC. |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 33** | |
|---|---|
| Independent Examiner's Final Recommendation | 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. |
| Prioritization | Medium |
| Working Party Comments | WP believes work is already being done but improvements/metrics need to be made in this area |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | Each Stakeholder Group and Constituency holds the lead for itself. Assistance is provided to them by the GNSO Secretariat and the GNSO policy support staff.<br>Staff lead: Marika Konings, Glen de Saint Géry |

| **Recommendation 1** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO develop and monitor metrics to evaluate the ongoing effectiveness of current outreach strategies and pilot programs with regard to GNSO Working Groups (WGs). |
| Prioritization | Medium |
| Working Party Comments | Adopt – Need strategic goals, objectives, and KPIs - themes around problems that we want to solve. Should measure the shared effectiveness between ICANN and community. |
| Council Comments | Adopted by Council as recommended by WP. |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 11** | |
|---|---|
| Independent Examiner's Final Recommendation | That the face-to-face PDP WG pilot project be assessed when completed. If the results are beneficial, guidelines should be developed and support funding made available. |
| Prioritization | Medium |
| Working Party Comments | Has been done for two years. Need to evaluate.<br>Chuck: GNSO action items: i) Develop guidelines; ii) encourage support funding in the ICANN budget. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | GNSO Council oversees this assessment.<br>Staff support: Marika Konings |

| **Recommendation 14** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO further explores PDP 'chunking' and examines each potential PDP as to its feasibility for breaking into discrete stages. |
| Prioritization | Medium |
| Working Party Comments | Allow GNSO flexibility to determine when chunking (or phases) is appropriate; needs refinement. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | The GNSO Council, as the manager of policy development processes, oversees this ongoing effort. Ongoing broad-subject PDPs are often chunked and divided into phases and/or subgroups. In case of the PDP on Review of all RPMs in all gTLDs the phasing has even been added to the PDP Charter.<br>RPM Charter: http://gnso.icann.org/en/drafts/rpm-charter-15mar16-en.pdf<br>Staff lead: Marika Konings, Mary Wong |

**Summary of Recommendations Issued by Independent Examiner;
GNSO Review Working Party Feasibility and Prioritization Assessment;
Feedback from GNSO Council and Community**

| **Recommendation 24** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council and SGs and Cs adhere to the published process for applications for new Constituencies. That the ICANN Board in assessing an application satisfy itself that all parties have followed the published process, subject to which the default outcome is that a new Constituency is admitted. That all applications for new Constituencies, including historic applications, be published on the ICANN website with full transparency of decision-making. |
| Prioritization | Medium |
| Working Party Comments | Partly done. May need to be easier to find. Stephanie thinks that this is not being done and this should be done at the start.<br>Chuck: Some in the Working Party believe this is already being done; some disagree. If it is being done, it should be done at the beginning of the process. Regardless, the Working Party believes that this recommendation will require some due diligence on the part of the GNSO. GNSO action items: i) Determine whether new Constituency application processes are clearly posted and easily accessible, ii) determine what steps are taken to ensure compliance with those processes and whether those steps are adequate; iii) determine if all Constituency applications, including historic ones, are publicly posted along with full transparency of the decision-making process; iv) determine whether or not there is a presumption that a new Constituency should be admitted if all requirements are met and if such a presumption is appropriate; v) determine what process the Board uses to evaluate new Constituency applications and whether they are ensuring process compliance; vi) make recommendations for any modifications to the process, if any. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | No specific owner for this project.<br>New Constituency/SG application process can be found here: http://gnso.icann.org/en/about/form-new-constituency.htm |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 31** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GAC-GNSO Consultation Group on GAC Early Engagement in the GNSO Policy Development Process continue its two work streams as priority projects. As a part of its work it should consider how the GAC could appoint a non-binding, non-voting liaison to the WG of each relevant GNSO PDP as a means of providing timely input. |
| Prioritization | Medium |
| Working Party Comments | Ongoing work.<br>Chuck: The Working Party encourages the ongoing work of the Consultation Group and suggests that it consider whether 'the GAC could appoint a non-binding, non-voting liaison to the WG of each relevant GNSO PDP as a means of providing timely input.' GNSO action item: Send a letter to the GAC expressing appreciation for the work of the Consultation Group, encourage continuation of the group and ask whether it might be worthwhile for the GAC to consider appointing 'a non-binding, non-voting liaison to the WG of each relevant GNSO PDP as a means of providing timely input.' (An alternative approach here may be to first test this with the GNSO GAC liaison.) |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | GNSO Council holds the lead to send letter and coordinate with GAC.<br>GAC-GNSO Consultation Group wiki:<br>https://community.icann.org/x/phPRAg<br>Staff support: Marika Konings |

| **Recommendation 35*** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council establish a WG, 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. |
| Prioritization | Medium |
| Working Party Comments | Agree with the intent, but not the WG approach. The metrics used to measure diversity should be specified with more consideration to what can actually be defined and measured.<br>Chuck: What is wrong with the WG approach? What would be an alternative way of fulfilling the intent of this recommendation? |
| Working Party Proposed Modified Recommendation | That the GNSO Council establish a WG to recommend ways to reduce barriers to participation by non-English speakers and those with limited command of English. To the extent practicable, the members of the WG should be diverse and reflect demographic, cultural, gender and age diversity. |
| Council Comments | Adopted by Council as recommended by WP. |

* See GNSO implementation comments included in Annex A below.

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 2** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO develop and fund more targeted programs to recruit volunteers and broaden participation in PDP WGs, given the vital role volunteers play in Working Groups and policy development. |
| Prioritization | Medium |
| Working Party Comments | Adopt; create in-depth program should be developed; stronger volunteer drive that includes metrics to capture volunteers based on outreach efforts |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 9** | |
|---|---|
| Independent Examiner's Final Recommendation | That a formal Working Group leadership assessment program be developed as part of the overall training and development program. |
| Prioritization | Medium |
| Working Party Comments | Adopt; refine recommendation to note that it should develop a needs assessment for WG leaders. |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 3** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council reduce or remove cost barriers to volunteer participation in WGs. |
| Prioritization | Medium |
| Working Party Comments | Overlap with other rec; GNSO Council should not determine how finances are allocated to WG members; what are cost barriers (time and costs?)?; training (wiki for example); identify cost barriers. |
| Working Party Proposed Modified Recommendation | That the GNSO Council reduce time barriers to volunteer participation and consider ways enhance participation remotely without the need for travel expenditures. |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 7*** | |
|---|---|
| Independent Examiner's Final Recommendation | That Stakeholder Groups (SGs) and Constituencies (Cs) engage more deeply with community members whose first language is other than English, as a means to overcoming language barriers. |
| Prioritization | Medium |
| Working Party Comments | Include summaries in multiple languages; combine with other similar recs; further discussions with reps from SGs and Cs together and see what needs are before the WP makes a recommendation. |
| Working Party Proposed Modified Recommendation | That Stakeholder Groups (SGs) and Constituencies (Cs) strive to overcome language barriers by participating in the WG established under Recommendation 35. |
| Council Comments | Adopted by Council as recommended by WP. |

* See GNSO implementation comments included in Annex A below.

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 13** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council evaluate and, if appropriate, pilot a technology solution (such as Loomio or similar) to facilitate wider participation in WG consensus-based decision making. |
| Prioritization | Medium |
| Working Party Comments | WP believes in continuous improvement; no specific tool is being recommended; tool must meet need that is currently not being met. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | This is part of the wider remit of the Standing Committee on GNSO Improvements Implementation (SCI), which is managed by the GNSO Council<br>SCI wiki: https://community.icann.org/x/5ILT<br>Staff lead: Marika Konings, Julie Hedlund |
| | |

| **Recommendation 19** | |
|---|---|
| Independent Examiner's Final Recommendation | As strategic manager rather than a policy body the GNSO Council should continue to focus on ensuring that a WG has been properly constituted, has thoroughly fulfilled the terms of its charter and has followed due process. |
| Prioritization | Low |
| Working Party Comments | Work is already being done. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | The GNSO Council, as the manager of policy development processes, oversees this ongoing effort. Updates of each PDP are given to the GNSO Council during each ICANN meeting. A post-PDP WG self assessment is undertaken and the results are forwarded to the Council.<br>Staff lead: Marika Konings |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 25** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council commission the development of, and implement, guidelines to provide assistance for groups wishing to establish a new Constituency |
| Prioritization | Low |
| Working Party Comments | Guidance already exist; assistance is already made available.<br>Chuck: The Working Party believes that guidance already exists and that assistance is already made available but suggests that the effectiveness and ease of finding the guidance and obtaining assistance be evaluated to see if improvements may be in order. GNSO action items: i) Evaluate the effectiveness and accessibility of guidance for new Constituency applications; ii) recommend improvements to the guidance and the available assistance as appropriate. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | GNSO Council holds the lead for this improvement. New Constituency/SG application process can be found here: http://gnso.icann.org/en/about/form-new-constituency.htm<br>Staff support: Marika Konings, Glen de Saint Géry |

| **Recommendation 4** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO develop and fund more targeted programs to recruit volunteers and broaden participation in PDP WGs, given the vital role volunteers play in Working Groups and policy development. |
| Prioritization | Low |
| Working Party Comments | Adopt; no financial rewards - such as travel funding. |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 28** | |
|---|---|
| Independent Examiner's Final Recommendation | That section 6.1.2 of the GNSO Operating Procedures be revised, as shown in Appendix 6, to clarify that key clauses are mandatory rather than advisory, and to institute meaningful sanctions for non-compliance where appropriate. |
| Prioritization | Low |
| Working Party Comments | Adopt |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 34** | |
|---|---|
| Independent Examiner's Final Recommendation | That PDP WGs rotate the start time of their meetings in order not to disadvantage people who wish to participate from anywhere in the world. |
| Prioritization | Low |
| Working Party Comments | Adopt; some groups already do this, but it's not a standard. Add some language to flag that this should be tested for effectiveness. |
| Council Comments | Adopted by Council as recommended by WP. |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 30** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO develop and implement a policy for the provision of administrative support for SGs and Cs; and that SGs and Cs annually review and evaluate the effectiveness of administrative support they receive. |
| Prioritization | Low |
| Working Party Comments | First part is done, but not the second.<br>Chuck: The Working Party believes that there is already a procedure for providing some forms of administrative support to SGs and Cs but that there is not a procedure for SGs and Cs to evaluate the effectiveness of the support provided. GNSO action items: i) Identify and review the existing procedures for SGs and Cs to obtain administrative support; ii) evaluate the adequacy & effectiveness of the existing procedures including whether additional forms of support might be beneficial; iii) develop recommendations for improvements to the procedures and new types of support, if any. |
| Council Comments | Adopted by Council as recommended by WP. |
| Work already underway and owner/lead | In 2010, a formal "GNSO Toolkit" was developed by ICANN staff that clearly and specifically identified the admin support that ICANN would provide to GNSO SG and C communities. Over the next few years, in collaboration with the community, staff developed a specific set of items that would be provided under a "pilot program" by ICANN to provide additional level of admin support service to the community under staff management. In 2014, we introduced a "pilot" contract secretariat program to determine if those services could be effectively and efficiently offered to ICANN community under ICANN management. The pilot effort focused on the non-contracted community, is ongoing, and will continue 2014 can be found here.<br>Staff lead: Rob Hoggarth |

| **Recommendation 20** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council should review annually ICANN's Strategic Objectives with a view to planning future policy development that strikes a balance between ICANN's Strategic Objectives and the GNSO resources available for policy development. |
| Prioritization | Low |
| Working Party Comments | Modify rec - input from GNSO should go into the Strategic Planning process. |
| Working Party Proposed Modified Recommendation | That the GNSO Council should participate in developing ICANN's Strategic Objectives and plan future policy development that aligns the Strategic Objectives with GNSO resources. |
| Council Comments | Adopted by Council as recommended by WP. |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 36*** | |
|---|---|
| Independent Examiner's Final Recommendation | That, when approving the formation of a PDP WG, the GNSO Council require 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 WG. |
| Prioritization | Low |
| Working Party Comments | Reword recommendation so that it corresponds to the process that Council goes through in terms of approving a PDP, forming a working group, etc. and that Council review accomplishment toward achieving diversity and proper representation of all stakeholders; begin data collection as soon as possible. The metrics used to measure diversity should be specified with more consideration to what can actually be defined and measured. |
| Working Party Proposed Modified Recommendation | That, when approving the formation of a PDP WG, the GNSO Council strive for its membership to be diverse and reflect demographic, cultural, gender and age diversity. When approving GNSO Policy, the Board should take into consideration if reasonable measures were taken to achieve such diversity. |
| Council Comments | Adopted by Council as recommended by WP. |

| **Recommendation 22** | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council develop a competency-based framework, which its members should utilise to identify development needs and opportunities. |
| Prioritization | Low |
| Working Party Comments | Reword recommendation: develop a framework to identify training needs on policy development process so that members have appropriate skills and background to participate effectively in the policy development process. This training is not intended to address technical issues. |
| Working Party Proposed Modified Recommendation | That the GNSO Council develop a technical competency-based expectation of its members and provide training on the policy development process. |
| Council Comments | Adopted by Council as recommended by WP. |

* See GNSO implementation comments included in Annex A below.

**Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community**

| Recommendation 21* | |
|---|---|
| Independent Examiner's Final Recommendation | That the GNSO Council should regularly undertake or commission analysis of trends in gTLDs in order to forecast likely requirements for policy and to ensure those affected are well-represented in the policy-making process. |
| Prioritization | N/A - Low |
| Working Party Comments and Rationale | This recommendation is not well phrased and does not conform to what is in the Final Report; additionally, the GNSO Review Working Party does not feel that it is appropriate to implement the recommendation at this time and would be difficult to implement. We did not believe it was in scope for the GNSO to collect and analyze trend data and would be more appropriately completed elsewhere within ICANN such as in other Reviews. |
| Working Party Recommendation | Initially, the Working Party recommended to 'not implement' this recommendation. However, the GNSO Council changed this to 'implement with low priority', to which the Working Party agreed. |
| Council Recommendation | Adopted by Council as 'implement (low priority) in contradiction to WP recommendation; WP supported Council action.<br>Additional feedback: The Council recommends staff working with the GNSO to institute methods of information sharing of highly relevant research related to gTLDs to help the GNSO community members increase their knowledge base and ability to analyze potential impact (low priority)". The GNSO Working Party agrees that this modification addresses its concerns with the original recommendation and supports the modification because if benefits the community for the GNSO to be better informed about the trends and developments in the gTLD space. |

* See GNSO implementation comments included in Annex A below.

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| **Recommendation 32*** | |
|---|---|
| Independent Examiner's Final Recommendation | That ICANN define "cultural diversity" (possibly by using birth language); and regularly publish this along with geographic, gender and age group metrics, at least for the GNSO Council, SGs, Cs and WGs. |
| Prioritization | N/A – Low |
| Working Party Comments and Rationale | Recommendation language is too broad. The Working Party agrees in principle with the concept of cultural diversity in ICANN, but was concerned about the way this recommendation was made, specifically:<br>• Cultural diversity should be defined for ICANN as a whole, not by GNSO alone<br>• Not clear that it is feasible to reach a consensus on such a definition.<br>May be more feasible to look for practical applications to ensure diversity and that such work may already be underway. |
| Working Party Recommendation | Do not implement |
| Council Recommendation | Adopted by Council as recommended by WP. |

| **Recommendation 23†** | |
|---|---|
| Independent Examiner's Final Recommendation | In order to support ICANN's multi-stakeholder model, all Cs should have seats on the GNSO Council, allocated equally (as far as numerically practicable) by their SGs. |
| Prioritization | N/A – Low |
| Working Party Comments and Rationale | Concerns include:<br>1. Would not work if any SG ever has more than six constituencies.<br>2. Assumes all constituencies are equal with respect to mission clarify, member engagement and contributions to GNSO work.<br>3. Could incent groups to form constituencies simply in order to get seats on the Council.<br>4. Questionable rationale throughout conclusion in Final Report and this addition was made at the very end of the process without input or feedback from the Working Party. |
| Working Party Recommendation | Do not implement |
| Council Recommendation | Adopted by Council as recommended by WP. |

* See GNSO implementation comments included in Annex A below.

**Summary of Recommendations Issued by Independent Examiner;**
**GNSO Review Working Party Feasibility and Prioritization Assessment;**
**Feedback from GNSO Council and Community**

# Annex A

Comments received from GNSO Council and other community members to be considered during implementation phase

| Rec | GNSO Member | Comment |
|---|---|---|
| 7 | Chuck Gomes | Working Party rewording may need to be adjusted as it refers to the WG mentioned under recommendation 35, which was deemed impractical during webinar feedback. |
| 19 | Paul McGrady | Need to define/clarify the term "due process" in the context of the recommendation. |
| 21 | Wolf-Ulrich Knoben | Feedback from the ISPC is that this recommendation should not be rejected. The demand for such studies exists. The question should be on how to better prepare for and set the scene for these studies to take place. |
| 21 | Denise Michel | Interprets this recommendation as aiming for the GNSO to be better informed on policy discussions. GNSO should consider working with staff to ensure that adequate briefings are provided on work being done, as opposed to the GNSO undertaking or commissioning the work itself. General information about the elements of the gtld space regardless of what PDP happens to be taking place at the time would be valuable general information and knowledge sharing for the GNSO community. |
| 21 | Amr Elsadr | Agree with Denise that there is a lot of information out there which may generate empirical data that will help inform the community. Concern with the recommendation is that it effectively creates a commitment on the part of the GNSO Council, which was not supported by the study conducted by Westlake. Recommendation is not about studies to help inform PDPs, but rather to forecast the need for future PDP work. There have been a number of studies in the past that have informed PDPs. Could be helpful to also consider the recommendations of the GNSO Data and Metrics for Policy Development WG. |
| 21 | Donna Austin (in AC chat) | There is a considerable amount of data being collected to inform the CCT-RT that could serve as a baseline for future collection. I'm not sure this is a GNSO task to collect, but perhaps should have access to such information when considering new policy efforts etc. |
| 21 | Rudi Vansnick | How would this recommendation impact policy work going forward. Would it help inform, or complicate/impact policy work going forward? |
| 23 | Amr Elsadr | A lot of the feedback provided to Westlake, including during ICANN 53 on constituency empowerment seemed to lead in the opposite direction of this recommendation.<br>(in AC Chat) The summary of comment for Westlake at ICANN 53 prepped by staff can be found here: |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| Rec | GNSO Member | Comment |
|---|---|---|
| | | https://forum.icann.org/lists/comments-gnso-review-01jun15/msg00002.html |
| 23 | Rudi Vansnick | Westlake may have been prompted to include this as a result of this topic coming up during their discussion with NPOC. |
| 23 | Wolf-Ulrich Knoben | This question has to be addressed during a structural review, which needs to take place in the near future. |
| 32 | Denise Michel | Do the GNSO SGs/Cs collect information on the age, gender and geographic locations of their members? This information may be helpful in determining the baseline degree of diversity, and provide a better understanding for any requirements in improvements in diversity. |
| 32 | Amr Elsadr (in AC chat) | @Denise: I believe the NCSG actually makes it a point to not ask for the age or gender of its members.<br>Some may not appreciate being asked to identify with pre-set (predetermined set of) options on gender. |
| 32 | Paul McGrady | What is the point of the data being collected? Will the data collected be used to exclude people from participating in Council/GNSO because of diversity issues? This recommendation raises too many questions on how the data would be used. What is the purpose? What kind of privacy policy does ICANN have in place to collect and hold this kind of information? |
| 35 | Denise Michel | We do not know where the GNSO currently stand on diversity. Metrics needed at SG/C, WG, Council levels on what people feel are the key metrics that matter on supporting diversity commitment. This data needs to be collected and published. We don't know where we stand within the GNSO on diversity. What does the current landscape look like? Data needs to be foundation for any other questions, discussions, action. ICANN already has commitment. WG is not a good idea at this point. Every structure within the GNSO can take some responsibility to determine what their own diversity issues are, and increase their own diversity. Too many challenges to create a WG on this now. Very difficult environment to create a WG now with all the ongoing PDPs. First step to ask staff and various groups to provide basic data. The Council directs staff to collect data from the SG/C and report back to Council and the Council will discuss with the community what next steps may be. |
| 35 | Paul McGrady (in AC chat) | How would the data be stored? Under what privacy policy? Why would we put together a WG that reflects the current users of the Internet if the goal is to increase involvement from those not currently using it? What is the actual relationship between GNSO participation and access to use of the Internet? |
| 35 | Susan Payne (in AC chat) | @Amr I think the revised language is preferable to the original recommendation. But agree with Denise about concerns on setting another WG |

## Summary of Recommendations Issued by Independent Examiner; GNSO Review Working Party Feasibility and Prioritization Assessment; Feedback from GNSO Council and Community

| Rec | GNSO Member | Comment |
|---|---|---|
| 36 | Paul McGrady | If the ICANN board will be the ultimate decision-maker on whether or not a PDP WG has satisfied diversity requirements, it would be preferable that the Board indicates its approval at the beginning of the process rather than at the end while considering the GNSO policy recommendations themselves. |
| 36 | Paul McGrady | So long as PDP calls are in English and convenient to specific time zones, there are systems in place that may discourage diverse participation. Actions such as translations of calls need to be put in place to encourage diverse participation. |
| 36 | Phil Corwin (in AC chat) | I share Paul's concern. While we should strive for WGs to be diverse, I wouldn't want to see years of work rejected by Board based on something other than the quality of the report and recommendations. |