

APAC Space Comments on Independent Review of the Generic Names Support Organization Draft Report

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.

Naturally, 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

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

² Page 112, Draft Report

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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.

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

We also agree that 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)."⁴ Conversely, people can state their place of birth (citizenship) regardless of where they have lived most of the lives. We also note the Geographic Regions Review Working Group indeed questioned whether ICANN's current geographical regions are "consistent with the international norms of today".⁵

Nevertheless, the current practice within ICANN and the GNSO seems to treat geographic diversity as a proxy for cultural diversity. Such practice seems to have persisted, at the expense of cultural diversity goal."⁶ 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.⁷

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.⁸ 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 seems no longer appropriate.

4. Cultural diversity goal should begin with awareness of diversity

³ Page 10, Draft Report

⁴ Page 110, Draft Report

⁵ Page 11, Final Report by the Geographic Regions Review Working Group

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

⁶ Pages 111 -112, Draft Report

⁷ See pie chart (not including Australia or New Zealand) at Page 112, Draft Report

⁸ Page 42, Draft Report; or Page 97, Appendix A – InterConnect Communications Report, Accountability and Transparency Review Team 2 Report and Recommendations

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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.

The composition of the GNSO Review Working Party⁹ serves as a reminder of the status quo. According to members' statements of interests (SOIs), 90% are from North America or Europe but no representation from the Asia/Australia/Pacific region or any Asian cultures:¹⁰

North America	12
Europe	8
Africa	1
Latin America	1

The make-up of the Registrar Stakeholder Group¹¹ and the Registries Stakeholder Group¹² leadership also represents the status quo. 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, which should be recognized on its own right as one of the three diversity goals enshrined in 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 decisionmaking.”¹³*

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, especially among those who occupy leadership positions, 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 implementable in the short term due to

⁹ See <https://community.icann.org/display/GR2/Working+Party+Members>

¹⁰ See <https://community.icann.org/display/gnsosoi/New+SOIs>

¹¹ <http://gns0.icann.org/en/about/stakeholders-constituencies/rrsg>

¹² <http://gns0.icann.org/en/about/stakeholders-constituencies/rysg>

¹³ ICANN Bylaws - Article 1, Section 2, paragraph 4

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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.

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 hope the prioritization of these three recommendations will go some way to correct the imbalance in participation and representation in the GNSO that has persisted and left unaddressed for far too long.

We also hope and 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)¹⁴ who contributed to these comments:

- Edmon Chung (Cantonese)
- JC Zhang (Chinese)
- Alan Tan (Chinese)
- YJ Park (Korean)

¹⁴ Page 109, Draft Report:

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

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- Pam Little (Taiwanese)]