Call for public comment- Draft recommendations to improve ICANN's Diversity October 2017 (CCWG Accountability WS 2)

Public comments have been invited against the report containing **Draft Recommendations in order to improve ICANN's Diversity**-**October 2017**. The public comment period against the said call for public comments closes on 14th January, 2017. The Government of India welcomes these draft Recommendations to improve ICANN's Diversity and perceives these recommendations as a reaffirmation within ICANN of their commitment to consider improvements to ICANN's standards for diversity at all levels.

Earlier Government of India had submitted the following comments on CCWG Accountability

1. [1]There must be robust oversight mechanisms, under which ICANN should be accountable to the global multi-stakeholder community, with adequate representation of geographical and linguistic diversity. In order for ICANN to accurately reflect the views of the multistakeholder community, there must be s sustained focus on barriers to entry which means that formal inclusion does not always translate to substantive inclusion of stakeholders(whether through existing SO/AC's or new ones), while keeping in view diversity of languages and regions.

2. ICANN's accountability to various stakeholders may be calibrated in the context of the different roles played by stakeholders on various issues. In particular, a higher level of accountability towards Governments is required in areas where Governments have primary responsibility, such as *national* security and similar public policy concerns.

3. In addition, ICANN must make efforts to broaden participation in the Government Advisory Committee (GAC), to take into account the views and concerns of Governments.

Brief background and relevant Excerpts from CCWG Accountability Work Stream 1 report:
In the Recommendation #12 of the CCWG Accountability Work Stream 1 report, the group assessed Diversity requirements based on ICANN's governance documents(Bylaws, AOC, ATRT2, documents from each of ICANN's SO's & AC's) and the following is excerpted directly from the above said report:

"Comments received on the Second draft proposal revealed that incorporating the diversity component into Accountability and Transparency Reviews may overburden the Review Teams. Therefore, the CCWG-Accountability recommends the following actions with the view to further enhancing ICANN's effectiveness in promoting diversity:

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[1]Reference:https://forum.icann.org/lists/comments-ccwg-accountability-draft-proposal-04may15/pdfKhnS2h5nEa.pdf

- Including diversity as an important element for the creation of any new structure, such as• the Independent Review Process (IRP) – for diversity requirements for the panel – and the ICANN Community Forum.
- Adding Accountability, Transparency, and Diversity reviews of SOs and ACs to structural• reviews as part of Work Stream 2.
- Performing, as part of Work Stream 2, a more detailed review to establish a full inventory• of the existing mechanisms related to diversity for each and every ICANN group (including Stakeholder Groups, Constituencies, Regional At-Large Organizations, the Fellowship program, and other ICANN outreach programs). After an initial review of the current documents, it became clear that they do not address the full concerns raised by the wider community on the issue of diversity.
- Identifying the possible structures that could follow, promote and support the• strengthening of diversity within ICANN.
- Carrying out a detailed working plan on enhancing ICANN diversity as part of Work• Stream 2.
- Strengthening commitments to outreach and engagement in order to create a more• diverse pool of ICANN participants, so that diversity is better reflected in the overall community."

Thus, the scope of the Diversity sub-Group Task has been to focus on actions 3 to 5 identified in the CCWG-Accountability Work Stream 1 above, namely:

(a) Defining Diversity
(b) Measuring and Promoting Diversity and
(c) Supporting Diversity

The Government of India would like to offer the following additional comments in continuation of our previous submissions on this topic by way of improvements to the draft recommendations referred to above:

Recommendation #1 & #2: Although it has been stated that SO/AC/groups agree that the 7 key elements of Diversity can be used as a common starting point for all Diversity considerations within ICANN, the following aspects/dimensions may also additionally be taken into account:

Race
Ethnicity

It is imperative to ensure diversity in SO/AC/Groups. While speaking of diversity, the importance of *'Geographic Diversity'* cannot be overstated. Therefore, it is strongly recommended that geographies (countries) where the largest number of internet users come from should be provided with <u>voting rights and membership proportionate to the legions of internet users they seek to represent.</u> Furthermore, each SO/AC must ensure

equitable representation from each geography in proportion to the number of internet users that they represent.

While welcoming the recognition accorded to language as one of the key dimensions of Diversity, it is also added that this dimension of Diversity must also be factored in while deciding substantive issues pertaining to representation on key positions, as also language facilitation access and participation in ICANN activities as well as language services during ICANN Meetings and other ICANN Communications. In this it maybe pertinent to mention that over reliance on the UN's Official Languages would do disservice to ICANN which seeks to be seen as truly multistakeholder in ethos as well as in action. Thus, an alternative view needs to be taken on facilitating substantive inclusion amongst members from countries which not only represent the largest number of internet users but also of members from linguistic backgrounds which represent languages having the largest number of speakers globally (viz. Chinese/Mandarin, Hindi, Spanish et. al. refer Afnic Report pg.9/20). Here it may also be worthwhile to once again underscore the importance of making available Universally Acceptable domain names (UA and IDN's) and usable email id's(EAI) along with measures required to be taken to create an enabling ecosystem for providing a boost to websites and content hosted in regional and local languages, for it to achieve a critical mass and to serve larger sections of the hitherto unconnected population.

Also while acknowledging the importance of Diversity of Skills; it is also important to allay the interpretation that diversity/ inclusion requirements should not prevail over skill and experience. Those who have the greatest skill and experience will *ipso facto* be those who have been engaging with ICANN on a regular basis therefore possessing better skills to work the ICANN ecosystem on account of their greater familiarity with the way it works). However, that may attribute a higher weightage to skill and experience over considerations like diversity and inclusion. As such this appears to be contrary to ICANN's intended purpose and hence should be allayed at the very onset through proper communication and adequate provisions to this effect. Further, due regard must also be given to a country's development status and necessary steps may be undertaken to ensure representation from least development countries (LDCs). A call for diversity doesn't just stem from a need for political correctness but in fact is essential

for legitimacy of ICANN in the eyes of the community that it purports to serve and for it to be seen as a truly globally-representative body and not just one where participants with greater access to insider knowledge and information make policies for the whole globe.

We welcome the suggestion & Recommendation that each SO/AC/group should identify the elements of diversity which are mandated in their charters and/ or ICANN Bylaws and publish these findings on their websites

Measuring and Promoting Diversity:

Recommendation #3, #4 & #5: While appreciating the recommendation for each SO/AC/group, supported by ICANN staff for undertaking annual update f their diversity assessment against their Diversity Criteria and objectives at all levels including leadership, publishing these on their official websites and using this information to review and update their objectives, strategies and timelines, more information in the draft recommendations should have been provided regarding the criteria, structures and the processes for undertaking such updation of objectives, strategies and timelines.

Supporting Diversity

Recommendation #6, #7 & #8:

We welcome the recommendations #6,#7 & #8 regarding Supporting Diversity which include providing support and tools for SO/AC/groups in assessing their diversity, develop and publish a process for dealing with Diversity related complaints and support to the capture, analysis and communication of diversity information by way of dedicating a Diversity section on the ICANN website which gathers and maintains all the diversity related information at one place etc. However, ICANN must also develop processes which capture and analyze information on the impact of cultural sensitivity and unconscious bias on ICANN processes and document the same and develop processes which limit the extent of/ try and overcome/ minimize the impacts of the above factors on ICANN processes, through appropriate training /support tools as well as measures aimed at substantive inclusion of users with differing sensitivities according to their respective cultures.

It is felt that language is a determining factor in supporting Diversity and hence it is felt that adequate measures need to be taken in the ICANN ecosystem to make available websites(information available on), resources(both for learning and participation), communication (like letters, newsletters, announcements, notifications etc.) and exchanges(mails in mailing lists) in languages which are best understood by the respective users and as such over reliance on the justification regarding the languages officially recognized by UN system does not seem to be in order. With the kind of resources that ICANN has at its disposal and the vision of ICANN to be seen as a truly globally-representative body, it is important that ICANN make available all the resources required for substantive participation at the disposal of all its stakeholders in order to support diversity and representation of the viewpoints of stakeholders from all linguistic and cultural backgrounds.

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