

Reforming the General Assembly

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Some bullet points on reforming the General Assembly:

- **Open access for all interested parties.** Trying to enforce a "constituency members only" rule (as suggested by the Names Council's statement on ICANN reform) would mean a significant amount of work and effort. Constituency membership as a criterion for participation in the GA would certainly exclude some of those who don't respect the list rules or even deliberately try to disturb the discussions. As a negative side-effect, many participants who have been making valuable contributions over a significant amount of time would also be excluded. This side-effect would e.g. exclude all chairmen and alternate chairmen the DNSO's GA has had so far. It would (if taken verbatim) also exclude participation from the ccTLD community, from other SOs, ICANN Board and staff. This would not help the GNSO to get the kind of input into its processes which is deliberately needed.

- **Open, but monitored, discussion.** The Evolution and Reform Committee's blueprint suggests that the General Assembly should be "*moderated*". It is not clear what this means.

One possible interpretation may be the technical notion of a "moderated mailing list", where every posting is presented to a human moderator for approval before it's distributed to the list. This mechanism would once again help to remove messages from the assembly's mailing list which are perceived as "noise" or "disturbance". The cost, however, would be a significant amount of time and effort on the moderator's side, and a significant slow-down of the distribution of messages through the mailing list. It could be expected that the list would become entirely useless around ICANN meetings.

Instead of this approach, "moderation" might be best achieved by a modified version of the current "monitoring" approach: When participants make inappropriate postings, they are warned, and – after repeated violation of the rules – subject to moderation. The new approach would be different from the current one in two aspects: (1) Subjecting individuals to moderation would not mean a complete ban from posting to the list: Instead, it would be the moderator's/monitor's discretion to stop postings which are violating the GA List Rules. (2) The enforcement of the GA List Rules would be extended. Currently, only the five-postings-per-day limit and the ban against personal offenses are enforced. Off-topic postings are tolerated, even though prohibited by the GA List Rules.¹ This could be changed.

(It should be noted that the GA is currently reasonably civilized. Removing the right to vote on actual issues should, at the same time, have taken care of the most important incentive for determined groups to capture the GA.)

- **Availability of all postings to the public.** The current list monitoring approach is complemented by the existence of a ga-full mailing list which is completely uncontrolled: Every posting sent to the address <ga@dnso.org> is forwarded to the ga-full list, and archived. In that way, the effects of the list monitor's decisions become transparent to the public and to the participants. This kind of transparency becomes even more important when the list monitor is

¹ See <<http://www.dnso.org/dnsso/notes/2000.GA-ga-rules.html>>.

expected to react to postings which are tolerated in the GA of today.

- **Access to Task Forces.** The current General Assembly is routinely sending "representatives" to the Names Council's Task Forces. On several Task Forces, there have been significant contributions from the GA's representatives – see, for instance, the WHOIS task force's preliminary and final report. The members of a reformed General Assembly should, as a rule, continue to have access to Task Forces. These members should *not* be seen as *representatives* of a single collective will of the GA – it's more than questionable that such a will exists. Instead, they should be delegates that bring to the task force perspectives which are missing in the current structure. In addition, they would be expected to bring relevant discussions and arguments from the General Assembly to the Task Forces' attention. It is an open question how to select those members of the GA who are supposed to participate in Task Forces. In practice, there have either been elections or appointments by the GA's chair. Both mechanisms have been reasonably successful in selecting members of the GA who contribute constructively instead of disturbing Task Forces. However, both mechanisms also bear the risk of blocking legitimate requests for access to Task Forces when these requests don't match the chairman's or the majority's view.

For this reason, we suggest a rather simplistic approach: Generally the GA's chairman should appoint members of task forces who want to get there "on the GA ticket". If he rejects such a request, the Task Force's and the Names Council's chairman should be empowered to override that decision. (Additionally, one may add the possibility for any constituency, forum, names council member, or any other reasonably trusted individual or group to sponsor any individual's request to be added to a Task Force.)

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- **Access to the Names Council.** Currently, the GA's chairman and alternate chairman routinely participate in Names Council sessions. We believe that this is a good tradition which should be preserved in the future. (Note that this would not even be a question with the Evolution and Reform Committee's proposal to use a Names Council member as the GA's chairman. But see the next bullet points.)
- **Role of the GA's chairman.** The GA's chairman has a twofold role: Manage (or supervise the management of) the mailing list, and make sure that the GA's discussions are heard. The first role is compatible with the Evolution and Reform Committee's proposal: It seems realistic that a Names Council member could delegate these functions to secretariat and volunteers. However, it seems unlikely that a Council member elected by a constituency could sufficiently fulfill the second role: Constituency representatives (or delegates) will most of the time be busy making their constituency's view known. They have little incentive to also present views from the GA when these views may not be in their constituency's interest.

There are two possible remedies for this problem: Either, the GA's chairman could come from outside the Names Council, and participate in the Council's sessions *ex officio*. Alternatively, the GA's chairman could be one of the Names Council members selected by the Nominating Committee (or an at-large membership).

To make a long story short: The greatest improvement to the GA cannot be achieved by heavily restricting access to the GA. Instead, the GA needs *more* participation from the constituencies' members.