

ICANN



EN

AL.ALAC/OVR.0908/1

ORIGINAL: English

DATE: 12th, September 2008

STATUS: Final

Internet Corporation for Assigned Names and Numbers

At-Large Advisory Committee

ALAC OVERVIEW REPORT
TO THE ICANN BOARD GOVERNANCE COMMITTEE'S
ALAC REVIEW WORKING GROUP
ON THE
FINAL REPORT BY INDEPENDENT EVALUATOR
& ON THE ALAC INDEPENDANT REVIEW.

Note on Translations

The original version of this document is the English text. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

Preamble

The At-Large Advisory Committee (ALAC) wishes to convey to the Board Governance Committee's ALAC Review Working Group (ARWG), as its formal response to the call for public comments on the Independent Evaluators (ALAC Review) document presented during the Paris ICANN meeting by Westlake Consulting.

The ALAC wishes to thank the members of the ALAC Review Working Group (ARWG) Harald Alvestrand, Karl Auerbach, Vittorio Bertola, Tricia Drakes (Chair), Thomas Narten, Nii Quaynor and Jean-Jacques Subrenat, for their work so far and particularly in their outreach efforts during the Paris meeting. Of particular note in our appreciation is the continuing efforts made by the Chair Tricia Drakes and Patrick Sharry (staff) to engage with and actively solicit input from, the representatives of the At-Large community including, but not limited to, the recent attendances at several September RALO and ALAC Meetings where the topic of the ALAC Review has been discussed. We also particularly appreciate the considerable effort made by the ARWG in the provision of translations of the original English language documentation and the associated extensions to the public commentary period.

Due to the wide regional diversity of reactions and responses to the 24 recommendations made by Westlake in this report (and in more generally the logistics and outcomes of its preparation) the following is not a ratified 'Statement' of the ALAC per se, but rather an annotated overview of the accumulated views we are aware of regarding this report, which can, we trust, be analysed in a manner which will provide the (ARWG) with meaningful and useful information to be considered in its 'next steps' in the ALAC Review process.

Background

Purpose of the Independent Review of ICANN's Structures.

As stated at <http://www.icann.org/en/reviews/> it is part of "ICANN's commitment to its ongoing improvement", that the review of ICANN's structures is undertaken and that [these] "are intended to ensure an independent examination of the role and operation of key elements of ICANN". And that "As specified in Article IV, Section 4 of ICANN's [Bylaws](#), the "goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness." The results of these reviews shall be posted for public review and comment, and shall be considered by the Board not later than its second scheduled meeting after being posted for 30 days. Consideration by the Board includes the ability to revise the structure or operation of the Nominating Committee by a two-thirds vote of all members."

The ALAC Review.

As stated at <http://www.icann.org/en/public-comment/public-comment-200809.html#alac-rev-jul08> on the ICANN Web site:-

"Westlake Consulting was selected by ICANN's Board to conduct the independent review of the At-Large Advisory Committee (ALAC) and related structures. Key objectives of the review include:

[To determine] whether the ALAC has a continuing purpose in the ICANN structure; and, If so, whether any change in structure or operations is desirable to improve its effectiveness.

This review is part of ICANN's ongoing commitment to its evolution and improvement. ICANN's bylaws require periodic, independent examinations of the role and operation of key elements of ICANN."

The ALAC recognizes that this public commentary opportunity, and the related telephonic interviews and meeting being held in conjunction with this phase, is one part of a number of steps in a ICANN;s structures review process. Specifically we are at the transition point between steps 8 & 9 defined below which is referenced from <http://www.icann.org/en/reviews/> page, as bullet points but has been renumbered with its insertion in this report:-

Review processes generally include the following:

1. Staff consults with the entity that is the subject of the review, and others as appropriate, and develops draft Terms of Reference (TOR);
2. [The Board Governance Committee \(BGC\)](#) constitutes a Working Group of current and former Board members to oversee the review;
3. The Working Group considers and recommends the draft TOR for Board action, and the Board considers and directs staff to post draft TOR for public comment;
4. The BGC considers final TOR (taking into account public comments), recommends final TOR for Board action, and the Board approves final TOR;
5. The BGC considers a process for selecting an independent reviewer (which could include considering and referring for Board action a Request for Proposals, and the Board considering and directing staff to post an RFP);
6. The BGC implements the process for selecting the independent reviewer, with appropriate Board coordination and approval;
7. The independent reviewer conducts the review;
8. The independent reviewer submits the review to the Board and the Board directs the review to be posted for public comment;
9. The Board (with BGC and Working Group leadership) considers the review and resulting public comment; and
10. The BGC WG considers the need for potential improvements and prepares recommendations for BGC consideration, public comment, and Board approval.

Our understanding of the intentions of the ARWG as listed on the <http://www.icann.org/en/reviews/alac/> page is that “Over the coming weeks, the ALAC Review Working Group will analyze the recommendations in the report, consider the comments made in the public comment forum and during the Paris meeting and actively seek comments from parties inside ICANN and in the broader Internet community.

At the Cairo meeting, the Working Group will present their initial thinking about what changes (if any) might need to be made. Two public sessions will be organized at the Cairo meeting to allow discussion of that initial thinking. Comments will also be welcome through an online comment forum that will be set up for that purpose.” Further that “the WG is also looking forward to further comments once the final report has been released and to working with the ICANN community to develop final recommendations for the Board.” The ALAC and RALO representatives able to attend this meeting (subject to the limitations of available travel support) intend to be actively involved in these proceedings and look forward to the possible opportunity of engaging in a survey of the ALS’s on this topic in preparation for this next stage. This proposal we note was made by Tricia Drakes during the AFRALO teleconference on September 3rd where it was suggested “that a global survey of the ALS’s opinion on the ALAC review could be prepared to ensure that they all can voice their opinions on this issue. This would probably not be possible before the Cairo meeting but it could be arranged between Cairo and New Mexico.” And this is an initiative that the ALAC fully supports and is ready to assist with in any way it can.

RALO Specific Views

The following are extracts from either summary minutes of meetings held on the matter of the ALAC Review or from submissions specifically made since our Paris ICANN Meeting. whilst it is recognized that these points were made in Paris in various fora, and the ALAC understands that EURALO will be forwarding their own position paper to the ARWG, as agreed in June at their Regional meeting, there is in our opinion merit in including them verbatim in this report to assist in an analysis of the similarity that several of these matters raised have with comments from other Regions and individuals within At-Large.

AFRALO

- **AFRALO Teleconference 3 September**

https://st.icann.org/afralo/index.cgi?meeting_summary_03_september_2008

T Drakes from the ALAC Review working group was welcomed to the discussion.

With regards to the discussions on the ALAC Review at the Paris meeting, it was noted that the African view on the number of NomCom candidates was different from other RALOs in that it welcomed the suggestion of the reviewers to increase the number of NomCom members appointed by the ALAC. She wondered what should be the rationale for a region to have more NomCom representatives. Is it the size of the region, the number of regional Internet users or the number of ALS's?

T Drakes suggested that a global survey of the ALS's opinion on the ALAC review could be prepared to ensure that they all can voice their opinions on this issue. This would probably not be possible before the Cairo meeting but it could be arranged between Cairo and New Mexico.

F Seye Sylla said that she shared the opinion held by the other regions that the ALAC Board Liaison should have voting rights in the Board.

APRALO

APRALO is primarily a regional interface between the AP users and ICANN. We believe that whilst, as recognised in the Westlake Report, there is a great many more ALS's required to be facilitated and encouraged to join in with our work on ICANN Policy and Processes, within our Region (or possible sub-regions pending on future review of ICANN geographical structuring) and that balance does indeed need to be better addressed, our regional outreach plans (though currently limited to little activity due to available funding and resources) still have the core objective of getting wide ALS participation from across the existing AP region so that we have an ideal goal of a minimum of 1 ALS per country aim (with a realistic target of a 60 – 80% performance metric for this aim in the next 5 years).

This can and will be modified if the future Geographic region review results in any sub-grouping of the AP Region into smaller nodes or sub-regions, but only in so far as that such nodes may have differing time courses applied and resources required to reach this ALS participation aim, as this would be effected by the number of countries in a node that were emerging or more developed in their ICT infrastructure and Internet usage. A secondary aim but one which we intend to run in parallel is to also have an ALS per country formula (aim) which better reflects each country's population and internet usage levels. To this end we would like the committee to note that though the number of ALS's in APRALO has been stable for a couple of years with some countries like Australia being represented by an ALS that is a recognised national peak body and voice of the Internet Users within country, and others with larger populations being represented by smaller

sectoral interest groups, we have recently approved and welcomed a second ALS from China, and have a new application in from India.

We agree with the opinion outlined in the Westlake Report that states that the ALAC serves two purposes:

- To provide an opportunity for individual Internet users to participate in ICANN's activities; and
- To be a vehicle for ICANN's accountability to the Internet community in accordance with its core values and its bottom-up, consensus-based method of operation.¹

And we support the concept of 3-tier at-large structure designed by ICANN in as much as it is a model though complex that most of the ALS's and countries yet to join feel comfortable with operating in.

To quote Madam Hong Xue, the ALS representative and Member of our 2 Chinese ALS's in a recent request to ICANN for support towards them upcoming IGF meeting (where APRALO has had its proposed workshop accepted and indeed was suggested as a merger opportunity for a larger session with the proposals from ICANN and the ITU) "Given that ALAC is now under review, a successful APRALO workshop would add a new chapter to the great at-large experiment of users' participation in an important international policy-discussion forum."

Report recommendations regarding 'structural arrangements' within the ALAC and RALO's. (#'s 1-3, 7-9, 11,12 &14)

Do we believe that the best way to rectify the validly pointed out regional imbalances is to follow Recommendation 1 of the report and have two additional NomCom appointees to the ALAC? We do see that this might add independent voices from 2 countries in AP to the mix but doubt (where there is considerable criticism in some other RALO's of the function and use of NomCom appointees in the ALAC any way, if this is the best way forward. Rather we believe a proper and strategically planned outreach programme to encourage and facilitate ALS's to apply for ratification from throughout the region (in other words to have support to implement our existing APRALO objectives) is the best and proper way forward. This means that (providing APRALO is involved with and engaged in these activities as opposed to it being done 'for us' by ICANN) that regardless of the outcomes of the planned ICANN Geographic Region review, we will have built better foundations for participation of the internet users from our region. Further we see the cultural diversity within our region as an advantage not a disadvantage as it has demanded that we develop 'rules of engagement' for our internal functioning that are built on mutual respect and courtesy and not limited to our monthly meetings and wiki activities but includes extensive offline (or private email work and IRC communications). Further our internal procedural rules require that as much regional diversity as possible be considered in how we populate our executive roles and functioning sub committees and working groups.

Regarding recommendations 2 and 3 of the Westlake Report, APRALO agrees that Job or Position Descriptions are important, and indeed we have established them along with KPI's and performance Review processes for our ALAC representatives, with the first performance review of our two current representative being held in our General Assembly meeting in New Delhi, and our next planned for the next AP regionally based ICANN meeting to be held. And that structural changes to what has been called ALAC 1.0 should be held over for any consideration to be made after the next ALAC review point.

Regarding recommendation 7. Individuals and ALS's within our region have various reactions to this recommendation ranging from ambivalent attitudes through to support of the recommendation based on local experience of local Corporations law. The APRALO recognises that the place of

¹ P 6 Westlake Consulting Limited; 'Independent Review of the At-Large Advisory Committee Report to The Internet Corporation for Assigned Names and Numbers'. 25th July 2008

and importance held by democratic functions as exercised in 'Vote' varies widely in our region where the norm may not at all include experience of nor commitment to democratic processes such as this as the only way to ensure outcomes. Further the widely held beliefs and practices of many of our member countries is based on relationship development, trust and the ability to influence others, rather than from any contractual base, and this is at variance with the systems used in the countries of several of the other RALO's.

On Recommendations 8 and 11, APRALO agrees that a term of two years for such pivotal roles as Chair and Board Liaison would be of great advantage *providing that* the skill set and capabilities of those elected to the role is not just demonstrated during the election process but also is maintained throughout the term of office. APRALO is concerned that the ongoing supply of suitably equipped candidates to offer themselves for these leadership roles is not by any means assured, and we recommend that clear succession planning and a process of in service training or skills development / maintenance is made available and supported by ICANN to ensure quality candidates can be both developed and that best practice skill levels can be maintained. With regard to the synchronisation of this with the alternate 2 year appointments from the RALO's to the ALAC now in place, APRALO notes that the current Chair of the ALAC and APRALO representative with a 2 year term ending in 2009, has stated her intention to run as a nominee for the election as the Chair for a second term. Regardless of the success or otherwise of this, APRALO proposes that the 2 year term for these liaison roles does not begin until the end of the 2009 terms of office held by current RALO representatives. This means that any ALAC Chair elected for a 2 year term in 2009 would need to be able to serve out the full appointment time i.e. they would have to have been elected (or appointed in the case of the NomCom ALAC Members) for a 2 year term ending in 2011. We recognise that this will perhaps disadvantage potential candidates elected or appointed this year and whose terms end in 2010, and also any new ALA Member joining for the first time in 2009 as they may not be well known to the voting members, but we believe that this is the best plan.

APRALO agrees with Recommendation 9, and has included it in this section of our response because we interpret this recommendation as an enabler for outreach to existing and potential ALS's so will go towards better encouragement of ALS's within a region to become more greatly involved if they are currently inactive as we gather is the case in some regions, and to use as an invitation and background piece when approaching prospective ALS's.

Recommendation 12. APRALO is unsure why this is an issue, and indeed see no reason why an organisation that is a 'Not For Profit' which it must be to join NCUC at this point in time, and which can demonstrate that it represents the interest of individual Internet Users (and therefore could become a certified ALS) could not be a member of both constituencies as each have different purpose within ICANN.

ALS's feed into the ALAC and its capacity to both act as advisor to the ICANN Board on any matter dynamic as well as to exercise its ability to call for an Advisory Committee Initiation of the GNSO PDP Process when it is aware of a matter of serious concern to its constituency (as was done in the matter of Domain Tasting). Whereas the NCUC represents Non Commercial Users interests as a constituency (currently the only one but with the new proposals for GNSO Council Structure this should change) as a voting part of the GNSO Council and is limited to its activities of gTLD Policy development. Indeed as there is no rule that limits an individual or entity to only membership of one GNSO constituency an ALS may indeed be a member of several GNSO constituency groups including NCUC.

Compliance by ALS's is raised in the proposal for a review in Recommendation 14. APRALO agrees in principal with this recommendation, but as a future plan, enacted after it is ensured that all existing ALS's are contacted, brought up to date with the current expectations upon them and given assistance to make remediation if required. The proposed Summit for the ICANN meeting in Mexico is seen by APRALO as an early step in this process.

Report recommendations regarding 'process' within the ALAC and RALO's. (#'s 2 {covered in structural section}, 10, 13, 15-18, 19 & 21-24)

Recommendation 10. APRALO firmly believes in the development of Strategic Plans and allied Statement(s) of Intent which defines measurable outcomes for identified activities and objectives and associated Operational Plans. We further agree that ALAC planning should be aligned, where appropriate, to ICANN wide planning, and synchronised with it. But as the role of the ALAC is to act as the aggregation point for the views of At-Large and the Internet User to be integrated into ICANN activities and Policy Development processes the ALAC must we believe remain able to be both reactive and proactive in a way that may not always mesh with current strategic planning in ICANN. Though it is of course essential that as a constituency within ICANN the ALAC and At-Large are also involved in the development of the corporate plans.

Recommendation 13. This is supported and should be easily achieved as part of the new ALAC Web page and members services work being currently undertaken. It should be noted however that the matter of processing status (including the metric of time taken so far and deadline dates to meet the agreed criteria for application processing) is discussed as a standing agenda item in each Monthly meeting of the ALAC, and as a Google document this dynamic spreadsheet can be accessed by any one from a link in any of these wiki pages at any time now.

Recommendation 15. APRALO supports the concept of sanctions for non-compliance including loss of travel support and voting rights, or suspension whilst remedial action is being undertaken, but we also believe that the best way to manage volunteers is to work with them and assist them to both become compliant if they are not and maintain compliance with periodic internal reviews both formal and informal.

Recommendation 16. APRALO is unaware of any issues still outstanding relating to the identified reports that the ALAC has not now addressed, within its new criteria for ALS's and the current procedures and practices for processing ALS applications. We are aware that the current Chair of the ALAC requested that a briefing be held regarding this matter before the Paris ICANN so that she was in a position to make any final formal responses in writing to the Ombudsman to ensure that all files showed replies and final outcomes from the ALAC on these reports, but that this was not able to be completed before that meeting and still as far as we know remains on the staff 'to do list'. This is however a matter under current activity and near completion.

Regarding Recommendation 17. APRALO believes this matter is already being addressed and that the ARWG should be made aware of the recent activities on this topic of 'best practice models for ALS ⇔ RALO ⇔ ALAC Communications and Policy Development and that more are planned for the next meeting in Cairo and of course it is the primary reason for the Summit to be held at the Mexico meeting.

Recommendation 18. As a region with arguably the greatest language diversity and covering more than half the worlds' population, we support the principal of multi-lingual applications and tools where ever and whenever they can *effectively* be applied. However we also realise that for our region it is unlikely in the short term that all or even a majority of our local languages will be able to be used but inclusion of Chinese, Hindi and other key languages of the region should be focused on where we have an active ALS or At-Large community of native speakers in that language. We also wish to make the point that as the region with the greatest resistance to the use of public email list for Policy development, we recognise that wiki's multilingual (and we understand that the new web pages and wiki's will have major language choices) as well as telephonic meetings and the use of other collaborative tools, blogs as well as Global, Regional and local briefings and meetings all play a part in the development of effective participation in policy development, all of which need to be 'braided together' under effective leadership and champions, working within all the various working groups at the Regional, ALAC and local ALS levels.

APRALO has already made public its support of an extension from 30 to 45 days for ICANN public comment periods as proposed in Recommendation 19.

Recommendation 21 has already been implemented by the ALAC.

Recommendation 22 is supported by APRALO

Recommendation 23 is supported by APRALO

Recommendation 24 is enthusiastically supported by APRALO with reference to our points mentioned under recommendation 18 that Wiki use is part of a tool box of ways we can improve communication and policy development processes, but all have to be measured for their short and long term effectiveness and cost benefits both real and social on the volunteers as well as the corporation.

Report recommendations regarding 'resources' for the ALAC and RALO's. (#'s 10 {covered in process section}, 4-6 & 20)

APRALO supports the management of finances and resources in a clearly documented, open and transparent fashion therefore we support Recommendation 4.

Recommendation 5, proposes additional staff resources for the support of ALAC up to the extent of one additional staff member per region. APRALO does not support this recommendation at this time though it could and should be reviewed at the next ALAC review point and depending on then expansion and growth of AALS's and the outcomes of the Geographic Regions used in ICANN be revisited before that point. Our rationale for this rejection is twofold. Firstly we believe that a coherent and uniform approach to ALS outreach and activities in the RALO's is preferential at this stage of development and this is best managed by a single point of planning and responsibility in the current At-Large staff, with additional resources (including casual employment or outsourcing) being used as required. Secondly we find that APRALO plans for regional development and outreach activities including the attendance of regional (ICANN or of allied interest such as the IGF to be held in India later this year) meetings in the current financial year has not been able to be provided for and we seriously doubt that if the salary resources were provided to allow this proposal to go ahead that any further regional or ALAC support would ever be forthcoming.

With regard to Recommendation 6 the negotiation by the ALAC Chair for an annual support agreement (and here we assume a firm budget provision for approved and planned activities to be managed {in terms of the planning and expenditure allocation processes} by the ALAC / RALO's in conjunction with specific ICANN staff who would maintain and exercise ultimate fiduciary control of funds OR a grant style scheme with associated reporting requirements) and where clear expectations and performance criteria are agreed to and measured has the support of APRALO.

Recommendation 20. APRALO is aware of and supported the extensive statement made by the ALAC on Travel Policy and trusts that the ARWG will also look at this and other statements recently produced by the ALAC as part of their information gathering and assessment of the effectiveness of the role ALAC plays, and supports completely this recommendation. Further APRALO continues to be most concerned that ALL volunteers including those in the ALAC and RALO's are to be treated equitable, well and with a respectful manner that indicates some level of appreciation for the work done by them for ICANN. This is in no way evident in the case of ALAC or RALO representatives who have previously received travel support to attend ICANN meetings when actual expenses such as Visa costs and transportation (other than airfares) or breakfasts and other non provided for meals where they as perhaps part of a function or meeting are not covered by ICANN either directly or in a per diem; Where there is a continuing battle to have internet access provided at no cost in accommodation AND where despite our constant requests to be housed as a group at or near meeting venues and to have early arrangements made for travel and accommodation at the time of writing this response September 11-12th we have still no

advise or approach from the ICANN travel staff regarding any of our possible travel and accommodation for the Cairo meeting. As previously outlines APRALO supports an ICANN wide transparent travel support system for all its volunteers where performance criteria is matched to compliance and where non-compliance means NO travel support until the situation is rectified, but it is in our opinion essential to treat and manage volunteers well and with regards to the ICANN previous and currently being discussed Travel Policy this is far from the case.

EURALO

The Chair of EURALO Wolf Ludwig provided the ALAC with the following EURALO comments and responses to the Westlake Independent consultants' ALAC Review, for inclusion/ discussion in our recent teleconference meeting on this topic on September 9th. It should also be noted that this statement has been specifically supported on mailing lists by other members of the ALAC from EURALO.

Extract from email message sent 09-09-08 to Chair of the ALAC and submitted to the ALAC Wiki at https://st.icann.org/alac/index.cgi?euralo_position_on_the_alac_review

"... I want to forward *5 essential points* – from a EURALO point of view – we discussed in Paris regarding the ALAC review:

1. We consider the review by Westlake as rather UN-historical.
2. There is a lack of proper analyzing and distinction between *causes* versus *consequences*.
3. Several *crucial points* communicated by EURALO reps. during the interviews with Westlake were not mentioned or even considered in the Review -- such as, for example, the enabling or preventing role of certain Staff members or specific handicaps of a working environment based on volunteers etc.
4. Rather important enabling factors for RALOs like programme planning, agenda setting, outreach activities decided by their own (bottom-up) and financial support by ICANN. A working budget should be allocated to each RALO according to the working programmes decided by the regional GAs.
5. Lack of consistence and balance in the conclusions which seems to be biased in the sense that they reflect more the desires of certain ICANN Staff members than the requirements of the At-Large community."

NARALO

- **NARALO Teleconference 8 September:**

https://st.icann.org/naralo/index.cgi?summary_minutes_08_september_2008

(T Drakes attended this meeting)

Dharma: Her understanding that ALAC acts as a type of guardianship position for internet users and ICANN. One cannot effectively be an advocate of the internet users as well as doing policy work with ICANN as it can lead to a conflict of interests. The two are sometimes at odds with each other. This also brings up the question of who an individual internet user is.

Alan: Recommendation 12 – the question is ill-advised as any organization can join both or either NCUC and/or ALAC. Who is a user: almost anybody who puts their hands on a keyboard and interfaces with the internet would be a user.

Beau: He feels that most of what he and others told them did not get reflected in the overall document. ALAC needs a stronger voice in advocating for the internet community. It needs to be greater than a simple advisory role.

Gareth: He would like to support both Beau and Alan's statements. ALAC needs a much stronger voice.

Seth: ALAC's role is to fill in the gaps that the other constituencies don't fill, in particular, the people that do not appreciate the complexities of the internet.

Danny: There is no continuing purpose for the ALAC and it should be buried immediately and replaced.

Robert: ALAC basis its premise on how internet users were structured when ICANN was founded (like through user groups). This has changed a lot in the last ten years. At-Large may be stuck in a premise that no longer exists and that is why there may be a bit of a 'disconnect'. Internet users don't know what they don't know. If seed money had been made available at the beginning to get people to know about ICANN and the issues and to do more outreach, it may have been much better. As it is, ALAC is based on an old model.

Dharma: Funding also has to be made available on a more than one fiscal year cycle for volunteer projects such as this for better planning and preparation.

Evan: What is a user – there are contracted parties, information providers and then consumers (but are removed from the top level of contracted parties). Most of the GNSO is people at the middle level. At any given time, the people at the top of the food chain can run into phishing issues and then makes them a user again. As Alan said, there are plenty of instances that people can belong to NCUC or ALAC. Evan also agrees with Beau. Also, ALAC is seen as a bit of a charity case to ICANN – ALAC has no say over the budget that is allocated to it (like the travel allocation debate). There is a total lack of transparency.

For the sake of completeness the a draft NARALO statement on the draft ALAC Review which was prepared so that it could be read into the record of the public meeting on the ALAC Review in Paris in June has also been included here.

http://atlarge-lists.icann.org/pipermail/na-discuss_atlarge-lists.icann.org/2008-June/002314.html

NARALO, by consensus agreement, urges ALAC to take every measure possible to encourage rejection of the report of the 2008 ALAC review by the ICANN board and other members of the ICANN community.

We believe that the ALAC Review process has been flawed from the very start of its process, and has produced recommendations which serve neither the multi-stakeholder goals of ICANN nor the needs of its at-large community. While the report indicates we were heard, we were clearly not listened to.

The logic behind the recommendation to deny At-Large voting membership on the ICANN Board is puzzling; even in its best possible interpretation the rationale emphasizes rigidity over good and responsible governance

Not only do the ALAC review recommendations fail to progress the needs of ICANN's At-Large community, they take a significant step backwards by requesting that an even larger proportion of ALAC than currently exists be composed of unaccountable, non-representative appointees of the Nominating Committee. The result is a real and visible reduction of the voice of the community for whom ALAC is supposed to speak, opposing the recommendations of the Nominating Committee's own review.

In rejecting the consultants' report, ALAC must offer creative and viable alternative recommendations which would increase accountability, while enhancing the bi-directional communications required between ICANN and its global grassroots community.

What is at issue is not only what the community must offer to ICANN, but also what ICANN owes to the community of Internet users who have neither financial nor academic interest in Internet operation.

For these reasons, we call upon ALAC and other members of the ICANN community to challenge the recommendations of the current ALAC review, as well as the very frames of reference upon which they were constructed. We believe that such actions are required for the betterment of ICANN's public constituency.

This statement was reached by consensus of NARALO members on June 20, 2008 after efforts to solicit opinion from its organizational and individual members.

The ALS's have via their RALO's been encouraged to forward their own responses to the ALAC review and ALAC is aware of at least one is repeated here as a copy of the draft document text that has been discussed within APRALO from the Australian ALS, ISOC-AU.

The Internet Society of Australia (ISOC-AU) welcomes this opportunity to provide comments on the ICANN's Independent Review of the At-Large Advisory Committee (ALAC).

The framework for the Review was to consider two main issues: whether there was a continuing purpose for ALAC and whether there should be a change to ALAC's structure or operations to improve its effectiveness.

ISOC-AU strongly supports the need for a continuing and effective Internet user voice in ICANN. The structure of that user voice must support effective communications both within ICANN and between ICANN and the wider Internet community.

The Review considered several possible changes to the way that the user voice is included in ICANN's structure. ISOC-AU agrees with the reasons given by the Review for not proceeding with any of the proposed structural changes and supports the continuation of ALAC's existing role in ICANN.

The Review also considers a number of ways in which the operations of the ALAC might be changed to improve its effectiveness. It should be noted at this stage that ALAC, in its current structure, has existed for only a year and it is to be expected that its processes could be improved. ISOC-AU's response to the Review's specific recommendations for changes in ALAC processes are as follows:

That the number of NomCom appointees to the ALAC should be increased from five to seven, and that this structure should specifically be revisited at the next triennial review taking account of the then existing Geographic Regional Structure of ICANN

ISOC-AU notes that while the Asia-Pacific RALO is only one of the five Regional At-Large Organisations, it represents 60% of the world's population. While the Review's recommendation may not be the only (or best) way to address this regional imbalance. ICANN should take steps to ensure that representation of the RALOs more nearly represents the population of Internet users.

Some recommendations were for changes to the existing structure of ALAC and the Regional At-Large Organisations (RALOs). These include:

- *That the ALAC continue to appoint a Liaison to the Board, and that this person should not be a member of the Board with voting rights (i.e. no change from the current position)*
- *That the role and continuation of the RALOs should be reconsidered at the next review of the ALAC, with a view to simplifying the complex structure by which individual Internet users can participate.*
- *That the ALAC should explore ways to differentiate between organizations that genuinely represent individual Internet users, and are therefore ALS candidates, as opposed to those which may be a better fit with the NCUC.*

The existing structure of the RALOs and ALAC provides for communication within each RALO, and communication between the RALOs and ALAC, However, the structure of ICANN and user involvement in ICANN is both confusing and complex, and ISOC-AU would strongly support any review that clarifies and simplifies the way that the Internet user can participate in ICANN processes.

One of the suggestions made to this Review was for ALAC to merge with the Non Commercial Users Constituency (NCUC) – one of the member groups within the Generic Names Supporting Organisation (GNSO). Because the GNSO has voting rights on the ICANN Board (along with the other Supporting Organisations), this would give users a vote on the Board.

This proposal highlights one difficulty with the existing structure: the difference between Non-Commercial Users and At-Large Structures and the role each plays is not clear. ISOC-AU would support any moves to reconsider the definition and roles of both the NCUC and ALAC in representing Internet users.

Another difficulty with the suggestion is that, if ALAC merged with the NCUC, the user voice would only be represented within the GNSO, and not within either the Address Supporting Organisation (that represents the RIRs) or the Country Code Names Supporting Organisations. Further, under general governance principles, Board members must represent the interests of the organisation as a whole rather than any particular viewpoint. If ALAC becomes a member of the Board through its merger with NCUC, it would be under such a duty and not able to represent the wider interests of the user community. Therefore, ISOC-AU agrees with the Review's recommendation that ALAC continue to appoint a liaison person to the Board rather than become a Board member.

A number of recommendations were made to enhance/support greater communication within the ALAC community and between ALAC and the wider community of Internet users including:

- *ALAC use of tools for collaboration including lists, wikis and other web based tools*
- *Development of a multi-lingual guide to ICANN and ALAC, and further development of language and translation policies*
- *Development of processes for engagement of the Internet community in policy debates*

ISOC-AU supports any and all reforms that enhance communications within the ALAC community, and better engage the wider Internet community in policy discussions, particularly participation of non-English speaking communities.

Other recommendations propose administrative reforms that include clearer planning processes, clearer administrative processes for decision making, further administrative processes for issues such as staffing, travel, etc.

To the extent that the proposed reforms enhance ALAC's performance of its core objectives, particularly the participation of Internet users, ISOC-AU supports the recommendations, within the normal constraints of the efficient use of ICANN resources.

Analysis

Generally, from an ALAC perspective, we recognise that the Westlake report has indeed been quite complementary about the work and continuing purpose within ICANN of the current ALAC, and that only relatively minor recommendations for change in structure or operations have been suggested and further more in the case of several of these the ALAC has already undertaken or is currently addressing the identified issues independently.

On analysis of the aforementioned RALO comments, it is however clear that the report is subject to specific criticism not so much for what it does say (with the notable exception of recommendation 7) but rather for what it does not. This is best considered to be a fault in the

clear communication of outcomes and expectations between the independent consultants and some of their key interviewees early on in the data collection process.

Clearly many in the At-Large community and in the RALO's expected a report that specifically reflected their comments and opinion to a greater degree than this one has. As well as, and not unrelated to, the matter of Recommendation 7 and the widely held desire for 'a vote on the Board', by a majority of regions; The inclusion of, and greater importance being given to, a reporting of the historical context for this wish should have, it was believed by many respondents, been made.

ALAC also notes that a current opportunity for discussion on the matter of voting representation on the Board of ICANN by any and all of its constituencies and structures is offered (perhaps more appropriately than within the ALAC Review) with the current Board Review process, and we trust that that reviewer and Review WG will approach the subject with fresh eyes and no predetermination based on this ALAC review process.

In Summation, the ALAC in this report has attempted to highlight the commonalities and divergence of views held by its constituent parts. Work will continue between now and both the Cairo and Mexico meetings to ensure that greater ALS input is gained and that we remain actively involved and engaged at the RALO and ALAC levels in the continuing work of the ARWG. It may be for example be beneficial to have a session dedicated to this topic as a open discussion forum as part of the At-Large Summit to be held at the ICANN meeting in Mexico, and the ALAC executive will be happy to further and facilitate this or any other assistance that the ARWG desires.

Cheryl Langdon-Orr

ALAC Chair 2008-09

On behalf of the ALAC, September 12th 2008