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AT-LARGE ADVISORY COMMITTEE

Statement of the ALAC on the RAA Negotiations

Introduction

By the Staff of ICANN

Olivier Crépin-Leblond, Chair of the At-Large Advisory Committee (ALAC), originally composed this statement after being alerted by concerned members of the At-Large community.

A [wiki workspace](#) dedicated to the ALAC Statement on the RAA Negotiations was posted on 21 April 2011. On 22 April 2011, a call for comments was sent to the ALAC-Announce and regional At-Large mailing lists.

After incorporating comments received and discussing the issue during the April ALAC monthly call, a second version (the present document) was created by Alan Greenberg, ALAC Liaison to the Generic Names Supporting Organization (GNSO), and Evan Leibovitch, ALAC Vice-Chair, on 2 May 2011. This version was announced on the ALAC working list for further comments to be collected.

On 9 May 2011, Olivier Crépin-Leblond, Chair of the ALAC, requested that the At-Large Staff begin a five-day ALAC vote on this statement, starting 10 May 2011.

On 9 May 2011, the statement was transmitted to the Chairman of the ICANN Board, Peter Dengate Thrush, and a copy sent to the ICANN Board Secretary, with a note saying that the document was currently undergoing ALAC ratification.

[End of Introduction]

The original version of this document is the English text available at www.atlarge.icann.org/correspondence. 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.

**Statement of the ALAC on the
RAA Negotiations
(Open Letter to the ICANN Board)**

When the new Registrar Accreditation Agreement (RAA) was approved in 2009, the GNSO Council committed to a process which would lead to further RAA amendments, looking at both the subjects to be included and the process by which it could happen. The ALAC and At-Large were pleased to participate in this process.

It now appears that the GNSO Council is deadlocked on how to handle the renegotiation of the RAA. Moreover the Council has considered two motions addressing future RAA work. The first would have allowed non-contracted parties to act as observers in the RAA amendment discussions (as suggested by the non-contracted party participants in the RAA Working Group). It was rejected. The second would have accepted no observers but required regular reports of the negotiations and required a strict but liberal time schedule. That motion too was rejected.

This has the potential to both delay the RAA amendment process and to keep the RAA negotiation process as opaque as it ever was. To date, ICANN staff has been silent as to how it believes that RAA revision process should be handled.

The ALAC wishes to make its concern formally known that not only is the ICANN community being prevented from proper participatory process in creating Registrar policy, but that the Transparency and Accountability required by ICANN By-laws and the AoC is effectively being abrogated.

Indeed, the ALAC reminds the Board that while the RAA has the form of a contract between the registrars and ICANN, this should not mean that only the directly contracted parties should be part of the discussion: ICANN uses contracts merely as a tool to formalize what should be the result of a larger participatory process; the contract is the tool, not the framework.

This issue is fundamental to ICANN's function, perception and credibility as a multi-stakeholder, bottom-up institution.

We maintain that "ICANN" has a multi-stakeholder model, as described in its organizational diagram and at no moment is "ICANN" restricted to ICANN Staff.

We therefore request that the Board examine this procedural issue and, in regards to it, act as the steward of the process and the trustee of the multi-stakeholder principle upon which ICANN is based.