

## **Comments on the Mid-point Consultation Report of the BGC ALAC Review WG**

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The following comments are presented on my own behalf, and are not to be construed as being endorsed by the ALAC, the North American RALO or At-Large. Due to the lateness of these comments, they have not been submitted to At-Large or ALAC for possible incorporation in the ALAC response. However, I do not think that there are major disagreements between the two statements, although I have looked at some issues in far more detail.

Overall, I was quite please with the Mid-point Consultation Report, and I compliment the WG for its outreach efforts and for the clarity of the document.

I will follow the groupings of the report in my comments.

#### **4. General Remarks**

I very strongly support the three-pronged view of ALAC's role.

##### **5.1 Rec 1, 3: ALAC composition and the current At-Large hierarchy**

I generally support the WG comments. I feel that it is important, however, to distinguish between the involvement of "individual users" and the involvement of people who can speak "ICANN-talk" and can represent the needs of individual users. The latter may be hard to identify and certify, but that is really what we ultimately need.

##### **5.2 Rec 2: Position descriptions**

Support

##### **5.3 Rec 4: Activity-based costing**

Support

##### **5.4 Rec 5: Additional staff resources**

Support

##### **5.5 Rec 6: Annual staff support agreement**

Support

## **5.6 Rec 7: Board representation**

I support the concept of full-fledged Board members. However, I am quite concerned with the issue of selection of these Board members. If, as suggested, these Board members are selected by the ALS's or RALOs, there is a potential for there to be a complete disconnect between the Board members and the ALAC. This would be the worst of all possible worlds.

Other Board members are elected/selected by the related ICANN body. Although these people fill the role of Director as free-agents, the presumption is that they were picked because of their like-mindedness with their "sponsoring" organization. If an At-Large Board member is selected directly by the grass-roots, there is no guarantee at all that this person shares any values with the ALAC or even RALOs. It becomes a popularity contest.

Admittedly, it goes part way to bringing back the At-Large directors lost several years ago, and to some this is a very attractive concept. But then there was no ALAC. To have Board members speaking on behalf of users and not at all linked (mind-wise) with the ALAC is to completely disenfranchise the ALAC, and yet still hold it responsible for meeting ICANN's user-related needs. In such a case, we would be better served with a liaison.

The ALAC has 10 members selected by their respective RALOs. These people can reasonably be expected to take direction from their RALOs on the selection of a Board member. Each RALO can decide how it involves its ALSs. But it should be the ALAC proper that elects the Board member.

The report makes no mention of the term of the appointments. Presumably they would be for three-year terms as are all other Director seats, and limited to three consecutive terms.

## **5.7 Rec 8: Liaison term length**

I support the extension to 2 years, but I explicitly do not believe that someone must have a guaranteed two years remaining in their term to be eligible. To do that narrows the field of possible nominees and will often remove the most eligible candidates. Since all ALAC appointments are for 2-year terms, at any given time, only half of the ALAC would have two years coming, and several of those are likely to be brand new to the ALAC.

I note that the current Chair of the Board was appointed near the end of his Board term, with no guarantee of being reappointed by the ccNSO.

## **5.8 Rec 9: Multi-lingual guides**

Support

### **5.9 Rec 10: Planning**

I generally support this. But I caution that one must keep the process sufficiently lean so that the ALAC does not put a significant part of its resources into planning and not doing.

The process must also factor in that a large part of ALAC's role will be demand and event driven. Taking the GNSO as an example, it will at times put much effort into addressing issues raised by ICANN's planning process (I believe that new gTLDs was one of these), but much of its work is in reaction to the specific needs of the time). The ALAC is in a similar position.

This level of flexibility is strongly in line with the three-pronged view of the ALAC's role suggested by the WG.

### **5.10 Rec 11: ALAC Chair term**

I support this with the same caveat as the one for Liaison terms.

### **5.11 Rec 12: ALS or NCUC**

Although the exact relevance or meaning of this will not be clear until we see how the new Non-Commercial Stakeholders Group fleshes out, I believe the salient issue is not one of who you are, but rather what you are interested in. Those who participate in the GNSO are expected to invest much time and energy into all aspects of gTLD policy. That is a heavy commitment. As the WG has pointed out, the ALAC has a broader scope (back to the three-pronged view) where even the policy aspect is not restricted to gTLDs. By implication, the ALAC and At-large must pick and choose what it addresses, based on the perceived priorities of user needs.

Those who want a broader scope, but without the in-depth covering of every gTLD issue will fit in At-Large. Those with more of an interest in all things-gTLD, should work with the GNSO.

There may be a few organizations with sufficient resources and interests to want to participate in both areas. Although "capture" is a worry within ICANN, it is hard to imagine that one organization that is an ALS and also participates in a constituency within a stakeholder group of the GNSO can really dominate some aspect of ICANN.

### **5.12 Rec 13: Publish ALS stats**

I support this, although it would be nice if the volume of applications was sufficiently high to make such numbers really meaningful.

### **5.13 Rec 14, 15: ALS Compliance**

I support this. I do note that it is not only Board member elections that this has relevance to (although as previously noted, I don't support this). In addition to compliance, activity

levels are also important, or we are in danger of responding to squeaking wheels that are not representative of wide communities.

#### **5.14 Rec 16: Ombudsman**

I support this, and note that it would be useful if Ombudsman were to make it explicitly clear who they are aimed at to reduce such situations.

#### **5.15 Rec 17: Process for engaging At-large**

I support the statement, but with regard to the involvement of ALAC members in ICANN policy processes and operational matters, see my comment on 5.19.

#### **5.16 Rec 18, 21, 23, 24: Tools**

Support

#### **5.17 Rec 19: Comment period length**

Support

#### **5.18 Rec 20: Travel policy**

I support the position. I want to strongly support the notion that in terms of the level of support, all similar groups be treated identically. To sink down to specifics, per diems for ACs and SOs should be the same, as should be the rules governing how many days of hotel and expenses are covered.

The current plan is to reduce ALAC travel support to the level of the SO (50%) in mid-2009. As noted, the ALAC will be given the opportunity to input into any final decision, but the onus will be on us to change the current plan. If we are not successful, there is no doubt in my mind that ALAC participation at ICANN meetings will drop precipitately. Unlike most GNSO and ccNSO participants, few ALAC members have employment even remotely related to their ALAC duties.

#### **5.19 Rec 22: Language policy**

I strongly support this position. But no matter what the level of translation available, it will never have 100% coverage. Moreover, our experience with live translation for teleconferences and mailing lists has been less than stellar.

The ALAC is a part of ICANN and to be effective, ALAC members must be able to participate in various ICANN groups other than the ALAC. These groups do not currently have any translation capabilities for their meetings, teleconferences, mailing lists, wikis, etc. Until this changes in a radical way, ALAC members who are not comfortable in spoken and written English are not able to effectively participate. This not only implies a smaller pool of people who can interact with other parts of ICANN, but reduces the effectiveness of those who need ongoing translation.