At-Large Advisory Committee (ALAC)

ALAC ExCom
December 13, 2008

ALAC Response to the BGC WG mid-point consultation report on ALAC Review

This text for ALAC Response to BGC WG Report on ALAC Review has completed an At-Large Community comments period and is under ratification vote by the ALAC for the next 8 Days.

First and foremost, we appreciate and commend the thoughtful, high-quality and insightful work of the BGC Working Group on ALAC Review. Whilst as a diverse community, we are not all in full agreement with all the specifics of the report, we are pleased to see that the Report showed that the WG has listened carefully to the comments it has received to date, has a deep understanding of the issues, and has made sensible suggestions including practical proposals that are very valid for us to seriously respond and act on.

General

1. The ALAC has a continuing purpose in the ICANN structure. This continuing purpose has three key elements:

- providing advice on policy;
- providing input into ICANN operations and structure;
- part of ICANN's accountability mechanisms

We have no additional comment on these, but most heartily agree.

Organization

2. At Large should in principle be given two voting seats on the ICANN Board.

The ALAC welcomes the recommendation of the BGC that the At-Large be allocated two (2) seats on the ICANN Board. This development is very useful in projecting to the At-Large community and users in general the value that ICANN places on our engagement in the process and provides a real opportunity to see the views of the community reflected in policy and administration.

ALAC

When the time comes for this recommendation to be implemented, we would wish that the At-Large community is reserved the right to determine a selection process for these seats with a right of recall embedded. From a purely current ALAC perspective it would also be important if in transition or in the longer term a clear connection with an appointee to the Board was directly made from its Membership to maintain a clear nexus between the Advisory Committee and the Board. Please note mechanisms of this process would need careful consideration and further discussed, but could take the form of either one of the two Board Seats being initially made by the ALAC per se or perhaps more preferably an ALAC to Board Liaison role being maintained where the Liaison is the ALAC Chair or nominee of the ALAC Executive.

3. The ALAC-RALO-ALS structure should remain in place for now.

We again most heartily agree, but wish to stress that a focus of our non policy activities in the next two years will be the ingoing commitment we have already made to increase and facilitate the policy development work of the At-Large being focused within the RALO's as the primary aggregation point of At-Large (ALS and wider community users) input. We have been working very hard to organize the Summit – a global meeting of all ALSs to come to one place together, a primary objective of the At-Large Summit is to ensure that our ALS's can make a significant contribution both via the ALS⇔RALO⇔ALAC pathway and directly to ICANN, but we believe additional facilitation particularly to address matters of language and cultural differences needs to be focused on the RALO's with the ALAC acting as a facilitator in this process. To this end it is far too early a point in our development to consider a significant structural change.

Effectiveness and participation

4. Educating and engaging the ALSs should be an immediate priority; compliance should be a longer term goal.

We agree that there is a room to improve the participation of ALSs in our RALO and At-Large activities. Therefore, we request that ALAC should be included and considered in all ICANN outreach and education activities, including, inter alia, regional meetings, mutual collaboration with regional liaisons and fellowship programme.

ALAC also believes that engagement and recruitment of ALSs needs to go hand in hand with compliance. It does not serve our purpose to recruit and develop At-Large Structures (ALSs) that may or may not be legitimate only then later to rule them out. What is required are a number of coordinated actions, activities and events that attract ALSs (and users, for that

matter) into ALAC. Paramount among these is to demonstrate that there is an actual purpose to being in ALAC.

We also note that it is very important for us to continue our outreach work to recruit more ALSs, and also explore ways to setup a mechanism where individuals who have keen interest in ICANN policy areas while she or he may not have strong interest in joining any of the existing ALSs with good reasons, and we also hope that ICANN continue to provide sufficient resources for our outreach activities.

5. ALAC should develop strategic and operational plans (including performance criteria and cost information) as part of ICANN's planning process

We agree that it is a high priority to develop Strategic and Operational Plans as suggested in WG Report in a proactive manner. So we commit to working on the specific details in the coming months. However, we note that a major part of ALAC work will always be demand and event driven. We also note and support that in the Independent Review Report, there were two recommendations; it needs to be conducted in the loop of policy formation and discussion at the initial phase, not forced to run hither and yon trying to comment on 15 different consultations at once. Most critical to strategic planning is making priorities, and these priorities need to be in concert with the priorities of users. ALAC and the At-Large Community will also need to maintain their participation and interaction with the iterative development of the wider ICANN Strategic Planning documentation as part of its integral function in the multi-stakeholder model.

6. More effort needs to be put into developing accurate cost models for At Large activity

Together with the Recommendation 4 of the Independent Review Report "ICANN should implement on activity-based costing system", we support the idea of having a cost model based on At-Large activities. In fact, we strongly advocate more transparency than current budget information on At-Large activities. We also like to see clear distinction be made between specific At-Large related costs and general ICANN out reach activity costs which benefits all ICANN constituencies, not specific to At-Large.

We also agree with the comments of BGC WG Report on the Recommendation 5 of the Independent Review Report - while we need sufficient resource support to ALAC activities, we would recommend that the specific ways on how to allocate the budget for ALAC activities be remanded to negotiations between the ALAC Chair (or ExCom as we now have one that is Regionally balanced) and ICANN staff.

7. ALAC should be encouraged to make its own choice of tools for collaborative work

We agree with this.

8. The public comment period should be kept at 30 days except in special circumstances, in which case ALAC may request an extension to 45 days

With regard to the policy advice work of the ALAC itself, the committee points out that the very nature of the multi-layer, bottom-up process within the At-Large requires more time to elaborate positions. The ALAC's specific recommendation for an 8-week period as a standard practice and 4 to 6 weeks as a fast-track is on record.

The 30 day comment period would be difficult to match as we cannot conduct adequate bottom-up consultations with translation which is critical to reach out our global At-Large Community. Short circuiting a large part of the community is against the very nature of the At-Large ethic and undermines the very bottom-up policy development process to which ICANN is committed.

9. ICANN should strengthen its translation processes.

We cannot agree more. While we appreciate that considerable resources are allocated for the translation of major languages (Spanish, French regularly and Arabic and Chinese occasionally), there are many other people on the globe whose language is not translated and perhaps now call for consideration, at least when local conditions dictate.

Relationship with other ICANN entities

10. The ALAC is the appropriate organisational channel for the voice and concerns of the individual Internet user in ICANN processes

11. Since ALAC is the appropriate channel for the voice and concerns of the individual Internet user, it is inappropriate for other ICANN entities to attempt to claim to represent that individual user voice.

The ALAC agrees that it should be the main channel for individual Internet users - from novices to experts, who may or may not be domain name registrants - to participate in the ICANN processes, noting its bottom-up representation process contributes to its legitimacy.

At the same time, the ALAC thinks there is merit to have Internet users, including individuals, but also academia, domain name registrants and small businesses, acting in their own capacity, to be represented in GNSO and to be active participants in its policy development processes.

12. Processes for providing advice on policy should be strengthened both within ALAC for the development of policy advice and within SOs for requesting input from the ALAC on policy issues

Regarding the strengthening of processes for providing advice on policy the ALAC welcomes the suggestion to improve the interactions between SOs and the ALAC. We appreciate the WG report have proposed the following new practice:

The WG therefore recommends that the policy development processes of the GNSO, the ccNSO and the ASO be changed so that At Large input is required as part of the process. In addition to requiring this input, there should be the requirement that this input is acknowledged and taken into consideration. Similar acknowledgement should come from the Board when ALAC presents advice to the Board. This is not to say that whatever advice At Large provides must be followed, but rather that the advice should be considered. If the advice is not followed in the development of the policy, a response should be sent to At Large with an explanation, or an explanation should be provided in the policy document.

We suggest that ALAC input not be "required" but must be solicited. This is in line with how GNSO constituencies are treated and acknowledges that there will be issues on which the ALAC has no substantive comment to make.

We would also like to ask the Board to implement a similar mechanism used to respond to the GAC advice. Below is the bylaw that refers:

Section 2. SPECIFIC ADVISORY COMMITTEES

j. The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. The Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.

(Signed on behalf of the ALAC)

Cheryl Langdon-Orr,
ALAC Chair 2007-2009