

A draft for ALAC comment on ICANN Strategic Plan

Feb 28

Members of ALAC¹

1. On process and style of the consultation

First of all, we appreciate the ICANN staff in taking the lead to review important aspects of ICANN's functions at this stage with all members of ICANN community.

However, we were a little surprised to see the Strategic Plan, when published in November, describe the process as if some consultation with ICANN community was already made and the draft version was already finalized as of Dec 31, 2003. In fact, none of the ALAC members have been consulted before the release of the Plan for public comment, not to mention ALAC itself.

We do not want to just complain, but we would like to join the comments made at the Amsterdam Consultation meeting hosted by the GNSO, and suggest paying far more attention to the process for coming consultation. Unlike many ICANN constituencies whose business is selling domain names or selling or operating related services as their day-to-day business, individual users, or AtLarge in ICANN, cannot justify dense work and attention for the kind of work required to review the Strategic Plan in such a short timeframe. We do not want to mention this as an excuse, but we like to remind these points for further consideration.

Moreover, like many of ICANN's key documents, the Strategic Plan is published only in English and no effort is seen to translate into other major languages, making it difficult for non-English speaking members of the community to promptly assess, coordinate comments among them, and respond to the process in a given timeframe. We also like to point out that for some lengthy documents like this paper, it would have been much helpful if it included a comprehensive summary or overview at the beginning for easier understanding.

¹ For various reasons, ALAC could not review the Strategic Plan collectively yet. This paper has therefore not been undergoing a full internal review by the ALAC, and hence does not represent the entire committee.

2. On substantive points of Strategic Plan²

First, we felt, the overall description is somewhat confusing. It mixes both theoretical framework (normative description) of how ICANN should operate and realistic analysis (or descriptive description) of how ICANN is being operated. We understand that one of the objectives of this Strategic Plan is to demonstrate how current ICANN framework is working well to the people outside ICANN community, but that should not hinder the other objectives to present honest and sincere analysis of our mutual challenges and areas to be further improved.

For example, we must say that the analysis on current Policy Development Process is shallow and far from factual. We do not have time to discuss specifics in detail, but here are some examples of the problems we see which are not quite mentioned in the Strategic Plan, but worth to take into consideration.

** Current PDP is lacking error handling*

There is no well-defined escalation path when a Task Force gets off the rail and off the process.

** Staff involvement*

The involvement of ICANN staff is not stable and often offers with less preparation or follow-up work. (preparation of agenda/minutes, feed-back etc.)

** The PDP is lacking a meaningful public comment process*

There is no obligation for discussion or feedback to comments received, and there is not sufficient way in place for an outside commenter to escalate an issue that they believe that hasn't been resolved. Individual users can throw in "comments", "questions" or "complaints", but there is no mechanism which mandates reasonable responses from responsible parts of ICANN, which is mostly from the staff person or SOs. In other words, there is no real habit established within ICANN to respond to each and every point made – which is seen in some other technical and policy forum such as W3C.

** Lack of transparency*

There is lack of transparency in many areas of PDP process and at ICANN.

First, ongoing PDP processes are hard to grasp; under what timelines they are operating, who are doing what, etc. Unless one will follow the website and mailing list very closely everyday, or one has some direct access to the members involved, it is very hard for others, not to mention the individual users at large, to know the ongoing process and its changes. Therefore, it is very difficult to predict any event to happen for outsiders. Perhaps, well prepared announcement list, use of RSS feeds, mandatory

² With limited time, we picked up only the areas we could read and digest. We may make additional comments on other points, or may modify our comments in due course.

use of public mailing lists or other means may help. This point is worth of careful consideration.

Second, there is an overall lack of transparency regarding minutes of ICANN meetings, both Board minutes, and that of SOs and ACs. Instead of waiting for complete version for a long time, “rough and fast” approach should be implemented. For example, Board minutes published a year after the meeting in question are useless for the community. And Task Force minutes that are only available after two more meetings are rather useless for catching up. To achieve this, staff support should be enhanced.

Security and Stability

In general we agree that ensuring the secure and stable operation of the global Internet is very important for ICANN. We are concerned, however, that ICANN should concentrate on the security issues which is directly concerned with the core operation of DNS and not expand outside ICANN’s mandate.

Root servers.

We support the current heterogeneous operational framework. But we are somewhat concerned about the lack of transparency of the root server operations/operators. There is very little description about how operators manage the operation, including little reporting about their meetings which is usually taken place outside ICANN meetings. We also support the idea of a lightweight contractual agreement between ICANN and Root Server operators to ensure public accountability.

Independent bottom-up coordination

We feel that the existing framework of ICANN’s core activities has not yet achieved the target of true bottom-up coordination in its real sense. While the Strategic Paper says that “ICANN Staff do not make policy (page 12)”, we have often found that staff members actually exerted a strong influence on the decisions of ICANN bodies and on the resulting policies. Selection of New gTLDs, formation of AtLarge and its global election, and certain parts of 2002/2003 “Reform” are among them.

The current description of PDP treats Supporting Organizations (SO) and Advisory Committees (AC) almost equally (page 12-13), but this does not reflect reality. While it is more common for SOs to come up with new policies, some ACs have not proactively made new policies. They tend to react to the policies presented by SOs. GAC is not given authority to devise new policy, for example, and same goes true for ALAC. There is an inherent contradiction between the role of those ACs which represent stakeholders (GAC, ALAC) and the role of those which provide technical advice (RSSAC, SSAC). Technical validation of policy proposals should not be treated in the same way as the opinions and requests of stakeholders that are going to be ultimately

affected by the policies decided by ICANN.

We feel that the current power structure of PDP, especially within GNSO, is not well-balanced. There is little room for non-commercial and individual users' interest to seriously affect the commercial activities/interests within the current framework; the current PDPs (e.g. Whois) seem to be producing policies that do not take into proper account the global public interest and the ultimate advantage of the Internet at large, but are more focused on meeting the needs of small interest groups that have obtained a privileged role in the current ICANN structure. This may not be an operational or administrative issue per se, but changes in structure and procedures should be considered to compensate these imbalanced elements if the existing framework is to continue. In other words, there should be a better balance between suppliers and users, and between commercial interests and civil society interests.

3. On AtLarge

While ALAC is just starting its own internal review and therefore it is too early to make conclusive statements at this stage, we are concerned about the current state of AtLarge in its Outreach and policy-involvement as described in the Strategic Plan. As mentioned above, individual users are not professionals in ICANN's area of business. No ALAC members, for example, receive any compensation for the time they spend for ICANN activities, unlike employees or management of TLD operators or registrars or ISPs whose ICANN involvement is part and parcel of their business.

Yet, as the *Figure 4 Identified Objectives from ICANN Stakeholders* on page 15 illustrates, only At-Large communities have relevance to all 11 issues in the table; while government, technical community and gTLD have 10, ccTLD have 7 and Address community have 5. This means, while AtLarge is made up by voluntary or pro bono individuals, they have to deal with more issues than any other constituency.

AtLarge is distributed geographically, and the current ALAC has three members from each of the five ICANN regions; with only one staff for all, it is no question that the input or impact of AtLarge is severely limited, resulting in scattered, shallow activities, mostly due to non-systematical activity by individual volunteers. Due to several factors, there is yet little interaction among ALS members, and also between ALS and ALAC members. Of course it is primarily ALAC's own responsibility, and we are struggling to find the right way to exit from this situation; however, in doing so we cannot exclude the possibility of reaching the conclusion that the current ALS/RALO/ALAC framework may not take off, and that the present mechanisms for input and participation by the general public into ICANN policy making processes – the ALAC and the GNSO NCUC – are too burdensome and powerless to actually motivate a reasonable number of institutions and individuals to participate actively

and regularly in the long term.

The assumption at the roots of the current AtLarge framework as designed in the last ICANN reform was to expect individual users to self-organize, bottom-up, to participate in ICANN's activities. Skepticism did exist at that time whether sufficient amount of real interest from individual users would mount to the visible and active level or not. We need to revisit this point seriously, and we may need to ask the following question: Does ICANN need At Large and public participation into its policy development process? And, if so, how?

We believe that ICANN needs a strong and direct participation by a conspicuous number of active Internet users, as well as broader interaction with the global Internet users community. We believe this to be the only viable way to ensure that the resources that ICANN is tasked to manage will not be captured by the specific interests of any country, company or constituency, without involving the traditional governmental frameworks used in the pre-Internet era.

We will continue to be involved with this consultation process and try to be as constructive as possible, despite some negative or critical tones we showed above. We thank you for your attention and patience.