**COMMENT ON AT LARGE R3 WHITE PAPER**

The At Large R3 White Paper points out several concerns with ICANN’s current processes and structure that are shared by many NCSG members, for instance: (1) the ambiguity surrounding the concept of the global public interest; (2) the weakness of its internal processes which undermine the multi-stakeholder model; (3) the resulting question as to ICANN’s legitimacy in the face of increasing governmental involvement in Internet governance; and (4) circumvention of the consensus decision-making process, linked directly in large part to some of the previously-mentioned problems.

As concerned members of NCSG, we are committed to maintaining ICANN’s continued existence and wish to see it recognized as a leading and successful example of true multi-stakeholderism. In order to achieve this, however, several pressing issues as to ICANN’s structure and governance processes need to be addressed. The R3 White Paper includes some suggestions that may be relevant to those discussions.

We wish to emphasize the fact that in order for ICANN to continue to function as a legitimate model of true participatory Internet governance, any discussions as to its evolution and possible structural changes need to be conducted with the entire ICANN community. One possible avenue for such discussions may be to establish a cross-community working group, to be charged by the ICANN Board with developing recommendations based on (but not necessarily restricted only to) the suggestions outlined in the R3 White Paper. Such a group can also provide a preliminary framework for the GNSO’s forthcoming structural review (without, obviously, limiting or conditioning the GNSO’s own chartering of a group to take forward, expand, reject or develop the group’s initial work.)

We believe that it is essential for ICANN to recognize that with the influx of new participants and interest groups into the ICANN community, the age of the silo (where participants are shoehorned into separate and distinct groups within a framework that encourages strife and gaming rather than collaboration and cooperation) is over. The challenge is to develop a framework where participants can still band together over common interests but without viewing other interest groups as combatants or competitors for the same resources and rewards.

Similarly, ICANN needs to ensure that as far as possible, all meetings – be they of the Board, ad hoc groups, formal working groups or stakeholder groups – are as open and transparent as possible. In this regard, ICANN has to presumptively disfavor closed-door meetings between and with its community of stakeholders (except where clearly warranted and even then its taking place should be noted publicly); it needs to take immediate and positive steps to eliminate back-door politicking and circumvention of its own processes; and it must find concrete ways to demonstrate its commitment to equality across all its stakeholder groups.

This will not be an easy task, particularly given the need to discuss and agree on the appropriate role of the two Advisory Committees. On this topic, we welcome the participation of the ALAC and the GAC in policy matters, but believe that no special status should be accorded these ACs or their recommendations versus recommendations from the SOs (although we acknowledge the difference between the remit of the GNSO, which is limited to generic names, and that of the ACs, which is broader in topical scope.) In this regard, we recognize that the current Bylaws include a specific procedure and treatment for GAC Advice that does not extend to the ALAC. Although a thorny issue, perhaps it is necessary at this point for ICANN to discuss with the entire community how both ACs ought to function within the multi-stakeholder model, particularly given recent developments on the inter-governmental front, including at the recent WCIT meeting.

In conclusion, we believe that the R3 White Paper is a useful starting point for a much-needed “stock taking” at and by ICANN, and we suggest that the most inclusive way to engage in such “stock taking” would be the establishment of a cross-community working group (to include representatives from all SOs and ACs) to further discuss the ideas raised in the White Paper.

Respectfully submitted,

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