Registries Stakeholder Group Statement

Issue: At-Large Review: Draft Report

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RySG Comment:

We agree with the central findings of ITEMS International ("ITEMS") published recently in its draft report (the "Draft Report") on the Review of the ICANN At-Large Community (the "At-Large Review"). Specifically, we support the conclusion that At-Large's mission is important to ICANN but that the delivery of that mission has been limited by At-Large's current form. At-Large Structures that are intended to support user engagement in ICANN may, in fact, hinder direct user participation and discourage new voices from engaging with ICANN policy development processes.

In reviewing the Draft Report we were struck by just how many of our concerns about the existing model for user engagement in ICANN were shared by participants in the At-Large Structures. Fifty percent of At-Large respondents and seventy-five percent of non-At-Large respondents believed that At Large Structures are not truly representative of global end user opinion. Thirty percent of the At-Large respondents and fifty-eight percent of other respondents (the highest-ranking response for either category of respondents) believe that the At-Large Structures (ALSes) and individual members of the Regional At Large Organizations (RALOs) primarily act in their own interest. These findings point to fundamental problems with At-Large representation in its current form, and justify the broad reforms proposed by ITEMS.

We applaud the work undertaken by ITEMS and feel that the Registries Stakeholder Group's (RySG's) concerns as they relate to the At-Large Review are well accounted for in the review and its findings. We believe that many of the reforms proposed by ALAC will improve user participation in ICANN. These include:
- Further opening up the At-Large to participation by individual users with interests in ICANN;
- Repurposing the RALOs and other At-Large bodies (existing and proposed) to better focus on outreach and engagement initiatives;
- Proposing new guidelines for travel support and rotations on leadership positions to ensure greater turnover and guard against perceived capture, while providing space for newcomers to grow into leadership roles; and
- Encouraging At-Large members to work within and across the community (rather than in intra-At-Large working groups) to improve the quality and nature of At-Large advice.

We also applaud ITEMS for setting reasonable expectations about the kind of changes that these reforms will foster and agree that a moderate increase in the number of At-Large members is a worthwhile goal, even if that change is not by orders of magnitude. This is especially true when paired with changes proposed for *how* those members engage with other parts of the community.

While we generally support the issuance of the Report in its current form and its recommendations, we propose the following as areas for further refinement:

- Introduce a recommendation to carry out user research in areas where user data would be useful to policy development efforts;
- Remove references to applying funds from the New gTLD Auction Proceeds Cross Community Working Group ("Auction CCWG") toward At-Large travel allocations;
- Consider actual working group timelines when setting travel funding limits; and
- Recommend against creation of an additional board seat for At-Large.

Introduce a recommendation to carry out user research in areas where user data would be useful to policy development efforts
While we believe the structural changes proposed by ITEMS will help to improve the quality and representativeness of At-Large advice, we remain skeptical that representation by a few users is the best way to fully capture the user voice. Considering the diversity and breadth of user perspectives and pervasive concerns about the motivations of and potential capture by At-Large leaders, a more informative approach could be to carry out both quantitative and qualitative user studies about the impact of policies and other proposals and developments on Internet users.[1] We note that this suggestion is raised twice in the Report, but not fully considered in the analysis nor reflected in the recommendations and share the position of these respondents that objective user data could help inform At-Large positions as well as policy-work by other Supporting Organizations and Advisory Committees. Conducting user studies could also be a complement to the existing recommendations for how to restructure representation through individual users, and At-Large members could play an important role in identifying prospective areas for research.

Remove references suggesting that At-Large should be given access to New gTLD Auction Funds
We are concerned by the Report's suggestion that At-Large should be given access to auction funds generated through the new gTLD program. The Auction CCWG is tasked with first identifying a mechanism and policy guidelines for how the funds should be allocated, and not to whom the funds should be allocated. The recommendation that At-Large members participate in the Auction CCWG to pursue this objective runs counter to guidance put forth by the ICANN

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[1] Examples of studies that could be performed could include: what fraction of users understand how their registration information is used/published; how the current transfer policy impacts registrants' ability to move domains between registrars; or whether users have been affected by name collision. Today, effects of these sorts of policies on users is generally the subject of conjecture and anecdotes.

Board that "to avoid conflicts of interest, there should be clear separation of those deciding the general direction, those choosing specific projects, and those receiving the funds."[2]

Further the Auction CCWG charter makes explicit note that the auction proceeds are an "exceptional, one time source of revenue" and must be treated as distinct from ICANN's ongoing revenue streams and expenditures. This considered, we are concerned by proposals that would allocate auction proceeds to projects that are not discrete or self-sustaining and are already considered among ICANN's core functions. It is imperative that application of the proceeds not create a dependency on that funding stream such that it would put pressure on the community to identify new sources once auction proceeds were expended.

Consider actual working group timelines when setting travel funding limits

Overall we support the recommendations made by ITEMS to ensure that travel funding benefits are better-distributed across its members including through creating cooling off periods for transitions between most At-Large leadership roles, introducing an upper bound on aggregate travel funding granted to a single member, and by restructuring how travel seats are identified, particularly through the introduction of the rapporteur role. While we believe that caps will help distribute to a broader set of members, we are sympathetic that the timelines for ICANN working groups may exceed the proposed two-year (or six-meeting) term limit that is suitable for the other defined At-Large leadership roles. For this reason, we believe that it may be valuable to have the initial rapporteur continue to fill this function until the working group is completed. It is potentially detrimental to the quality of working group participation to force a turnover of this function, just to meet an artificially imposed deadline. The upper eighteen-meeting cap could continue to apply to this subset of members to ensure overall turnover.

Reconsider use of random selection mechanism for leadership roles

While we support the goal of greater rotation of At-Large leadership positions across qualified candidates, we are sympathetic toward concerns raised about the loss of voting power to proposed random selection mechanisms. Even among qualified candidates, there are legitimate reasons that a candidate might be preferred by the overall membership and therefore that should be taken into account. We propose instead improving the mechanisms by which the overall membership base can vote, as is suggested elsewhere in the Report.

Recommend against creation of an additional board seat for At-Large

We support maintaining the current recommendation to allocate only one ICANN Board Seat to the At-Large, and believe that this is justified by the analysis put forward in the Report, most significantly that the At-Large already has greater influence over Board member appointments through the appointment of 5 out of 15 voting members of the ICANN Nominating Committee (NomCom). We also support further consideration of the decision by the ICANN Board to create a voting board seat for At-Large, given that it contradicts the recommendation in Westlake's previous review of the At-Large and is a departure from the approach taken for other Advisory Committees who have only non-voting representative.

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[2] Letter from Steve Crocker to James Bladel, Board Members for the auction drafting team, 11 February 2016