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AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Proposed ICANN Bylaws Amendments—GNSO Policy & Implementation Recommendations

Introduction

Alan Greenberg, Chair of the ALAC and ALAC member of the North-American At-Large Organization (NARALO) developed an initial draft of the ALAC Statement in response to this public comment request. The ALAC submitted Statements on the work of the GNSO Policy and Implementation Working Group in its earlier stages.¹ This Statement restates the same position in the previous ALAC Statements.

On 15 September 2015, the Chair posted the first draft of the Statement on the [ALAC Leadership Team mailing list](#) to solicit input from the ALAC members who have been deeply involved in the process.

On 16 September 2015, a version incorporating the comments received was posted on the [At-Large Proposed ICANN Bylaws Amendments—GNSO Policy & Implementation Recommendations Workspace](#). In the interest of time, the Chair issued a [Consensus Call](#) on the Statement to end on 18 September 2015 at 23:59 UTC. In the absence of significant opposition, this Statement will be deemed to be ratified.

The Chair then requested that the Statement be transmitted to the ICANN public comment process, copying the ICANN Staff member responsible for this topic, with a note that the Statement is pending ALAC ratification. The Chair also requested that the Statement be sent to the ICANN Board of Directors as a formal ALAC Advice.

Once ratified, this Statement will be resubmitted incorporating updated ratification information in the Introduction section.

¹ Previous ALAC Statements on this topic can be found at <http://forum.icann.org/lists/comments-policy-implementation-initial-19jan15/pdfUnucnpMxHh.pdf> and <http://atlarge.icann.org/correspondence/statement-policy-implementation-21nov13-en.pdf>.

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ALAC and At-Large representatives were very active in the Policy and Implementation Working Group and the ALAC supports the recommendations.

The ALAC nonetheless has two concerns that have been raised throughout the WG processes.

1. GNSO processes allow participation from all communities, and so in theory can equitably balance all issues. However, given that contracted parties can be greatly impacted by GNSO policy decision outcomes, they have strong motivation to actively participate in policy development working groups, and are often well funded to do so. Those representing users and the public interest such as At-Large or non-commercial users' constituencies are less able to participate on the same level. Accordingly, it is possible for WG participation to be unbalanced. Moreover, within the GNSO Council, the Contracted House Stakeholder Groups acting in unison can block a super-majority approval of any prospective recommendation. As a result, the ALAC has concerns that if an issue were to arise where the public interest and the needs of users is in conflict with the needs of contracted parties, the GNSO may not be able to arrive at an equitable solution.
2. Although the principle of referring all policy-like issues encountered during implementation back to the GNSO for resolution supports the concept of the GNSO being the sole gTLD policy body, the ALAC is concerned that for complex implementations such as the new gTLD process and future directory services solutions, the number of such referrals may unreasonably elongate the overall implementation process.

As stated above, the ALAC supports the recommended processes, but Advises the Board to carefully monitor both issues to ensure that user and public interests are appropriately considered and that the implementation of complex policy can be accomplished in reasonable time-frames.