

**Comments on the
Independent Review of the At-Large Advisory Committee
(dated 25th July 2008)**

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2006-2010**

These comments are on my own behalf, and not those of the North American RALO or the ALAC.

I would first like to address the report's specific explicit recommendations, and then follow up with some more general comments.

Recommendation 1: That the number of NomCom appointees to the ALAC should be increased from five to seven, and that this structure should specifically be revisited at the next triennial review taking account of the then existing Geographic Regional Structure of ICANN.

I disagree with this recommendation which is attempting to compensate for the fact that the ICANN AP region covers far too large a geographic (and indeed cultural) territory. While I agree that the AP region is disadvantaged within At-large, it is within the rest of ICANN as well. Changing Bylaws (which is what would be required to enact the recommendation) is not the way to fix this hopefully short term problem, particularly at the same time that a review of ICANN's geographic regions is just about to start.

Since to date, voting tends to be a way for ratifying positions within the ALAC, and not generally (or perhaps ever) a way of addressing inter-regional disputes, a far easier way to address the issue pending the revision of ICANN's geographic regions would be to invite two additional non-voting AP reps to participate in ALAC activities and discussions. This can be done with virtually no formal rule changes, and presuming the new representatives are picked to address the current disparities, will have essentially the same beneficial effect as the recommendation. There will be a minimal cost to ICANN for travel, but that is the same as it would be if the recommendation were implemented.

Recommendation 2: That all members of the ALAC (and, ideally, of the RALOs) should be given clear position descriptions.

For officers, this is certainly reasonable and already partially addressed. For others, this is marginally reasonable, although I would not want to see a large amount of work going into it. Those who are prone to put significant effort into volunteer efforts such as ALSs, RALOs and the ALAC are rarely hampered for the lack of a job description.

However, from the point of view of the Nominating Committee and RALOs selecting ALAC members and RALO executive, it is critically important to identify required criteria, required time-commitment, and performance expectations. Although perhaps quibbling over terminology, I would not, however describe these as job descriptions.

Recommendation 3: That the current distribution of the RALOs be left unaltered until at least the next ALAC review.

I agree, other than as the result of a readjustment of ICANN geographic regions. As will be noted later, I do not believe that the current At-Large hierarchical structure is appropriate, but this review has not addressed the issues sufficiently to take remedial action as a result of it. And as noted in the review document, the current ALAC/RALO/ALS organization is quite new and should be given some time to demonstrate its merits (or failures).

Recommendation 4: That ICANN should implement an activity-based costing system in order to improve resource management.

It is hard to argue against ICANN managing its finances and resources in a documented, transparent and understandable way.

Recommendation 5: That ICANN should provide further resourcing to support the ALAC, to the extent of (up to) one new employee per region.

Although I am all for making more resources available to At-Large, I would be against supporting this recommendation without a thorough understanding of what the person would be doing and what level of direct or indirect the ALAC or RALO would have over how this person's time and other resources (such as travel and outreach funds) would be allocated. I note that the model used by the review team for additional staff was the staff member allocated to the SSAC. But in that case, the person is under the effective control of the SSAC – a model not previously followed when there were ICANN people within regions addressing At-Large issues.

Recommendation 6: That the ALAC Chair negotiate an annual support agreement with ICANN staff, setting out agreed expectations and performance indicators.

This is perhaps reasonable, but I would far prefer the model used with other ICANN staff supporting volunteer efforts where things are handled on a far less formal level, and generally to each groups' great satisfaction.

Recommendation 7: The ALAC position on the Board should remain that of a Liaison, with rights to full participation and information, but no voting rights.

The argument put forward for this does have some allure. As a formal voting Board member, a Director (or Directors!) selected by the ALAC would have a fiduciary responsibility to view matters, as dictated by their knowledge and conscience, in the best interests of ICANN and not the ALAC. Thus as a Liaison, the person is a free-

agent who can take ALAC-centric positions, even in the absence of a beneficial effect on ICANN. But not to effect change in Board outcomes other than through persuasive skills.

If this were a compelling argument, we would have other groups lining up to give up their voting seats in favour of non-voting ones. And I have not seen many cases of that. The simple fact is that in the vast majority of cases, a Director selected by a group is likely to at least partially if not largely espouse the views of that group so the difference is not major, and the person WILL likely believe that what is good for ALAC is good for ICANN. In some cases, where the issue is particularly difficult (.xxx comes to mind), the “home” organization of the Director is likely to be divided anyways, and so representing their views is not a simple matter.

Moreover, according to current Board rules, Liaisons cannot participate in any of the formal Board committees, where much of the real debate and policy development occurs, so a Liaison cannot even bring their powers of oratory to bear.

Liaison is better than nothing, but a real voting Director is better than a Liaison.

Recommendation 8: That the term of appointment of the Board and other Liaisons be extended to two years, subject to the ALAC retaining the 'right of recall' under the Rules of Procedure, Rule 11 - Recall Votes

I generally agree, although for non-Board Liaison, which may or may not have travel funded in the future, the fact that NomCom and at least some RALO appointments are for two years, makes a two-year Liaison assignment starting partway into a term difficult. If such a rule were implemented, the transition rules should ensure that it only apply to new appointments (and not returns which would imply a guaranteed three-year term). People who have only one year left in their ALAC appointment should still be eligible for such positions.

Recommendation 9: That ICANN staff should create a brief and multi-lingual guide to ICANN and the ALAC, aimed at individual Internet users and ALSs.

Agreed, but for the ALAC part, with the involvement and editorial control of the ALAC or its designees.

Recommendation 10: That the ALAC should develop:

- **A simple annual Statement of Intent which specifies the current issues and priorities, objectives and activities for the next 12 months, and defines measures of success for each of the activities and objectives. This document should be strongly aligned to ICANN’s Strategic and Operational Plans and be published on the ALAC website;**

I agree regarding the Statement of Intent. I disagree about it being strongly aligned with the ICANN Strategic and Operational Plans. The ALAC is the “voice of the user” within ICANN. The ALAC plans should be aligned with the ICANN plans when it is deemed appropriate. There may well be times when the interests of the user

are orthogonal with those enshrined within ICANN's plans. As a Board Advisory Group, we are Bylaw-obliged to address those user interests. Of course, the ALAC should also be commenting on those plans as they are being developed.

- **Before the next ICANN annual planning cycle, the ALAC should develop a Strategic Plan of its own (complementing the broader ICANN Strategic Plan).**

Reasonable subject to the comment following the last bullet.

- **Following the development of this Strategic Plan, the ALAC should then generate an annual Operating Plan which cites the activities and resources required to support the Strategic Plan during that year (also complementing the corresponding broader ICANN Strategic and Operating Plans and fitting the same planning cycle).**

Also reasonable. However, the ALAC has shown that it has a propensity for tackling administrative issues in lieu of substantive policy issues. It is easy to believe that should the ALAC take on these planning exercises with all of its heart, then that is ALL that it may end up doing. So I would approach this with a very minimalist approach aiming at lightweight plans.

Recommendation 11: That the term of appointment of the ALAC Chair should be extended to two years.

Agreed, but the issue of the term of the Chair not meshing with the term on the ALAC is problematic. Many (perhaps all) appointments to the ALAC are for two years. Typically one would not be appointed chair at their first meeting. Yet at the end of their first year, they only have one more year guaranteed on the ALAC – not enough to serve out a two year appointment as Chair. If the two-year Chair appointment is adopted, it must somehow be ensured that a person with just one more year left in their ALAC term is not disenfranchised from running for the Chair. (I note that the new Chair of the ICANN Board was elected to the position 6 months before the end of his then-current term as Director).

Recommendation 12: That the ALAC should explore ways to differentiate between organizations that genuinely represent individual Internet users, and are therefore ALS candidates, as opposed to those which may be a better fit with the NCUC.

I believe that this question was not quite appropriate at the time it was asked, and even less so with the restructuring of the GNSO Council.

Without going into the letter of the formal rules, an ALS must credibly represent user interests. And at least one RALO allows individuals to join the RALO directly in lieu of joining an ALS. Pretty much any not-for profit can join the NCUC, and they are now planning to let individuals join as well. There is clearly overlap and that is not likely to change.

The differentiator is not necessarily the characteristic of the organization, but rather their interests. Ignoring for the moment the new GNSO structure:

- NCUC is a part of the GNSO which has a mandate to develop ALL gTLD policies in ICANN. No more, no less.
- ALAC and its At-Large organization have a mandate to advise the Board on ANY ICANN issue of relevance to users. But because of the wider scope, it will always need to pick and choose what it selects to address. It is not formally mandated to develop policy.

Depending on where their interest and priorities lie, they may pick who they want to associate with. Or both. There is (as far as I know) nothing that prevents an organization (or individual for the areas where they are allowed) from playing in both sandboxes. The ICANN Bylaws EXPLICITLY state that an individual or entity can participate in more than one GNSO constituency. I can see no reason that the same cannot be true for GNSO Constituencies and At-Large ALSs. I note that most ALSs existed before they joined At-Large – they have lives and interests of their own which may or may not coincide with multiple ICANN outreach directions. One can easily imagine a community-owned wireless network becoming an ALS and a member of the ISP or Registrar Constituencies.

If the question being asked is should the ALAC help develop guidelines that would explain to outsiders why they might want to join ALAC, the answer is “Definitely”. Just as presumably the NCUC will do for their prospective members. And in the presence of both documents, perhaps a “participation flowchart” could be developed.

Recommendation 13: That the ALAC should publish on its website trends in the average time taken from receipt of an ALS application to decision.

Definitely, although with the current low rate of application, it may be a bit boring.

Recommendation 14: That regular ALS compliance reviews be conducted and the non-compliance provisions be applied as appropriate.

Agreed, although it is unclear from the recommendation if this is thought to be a volunteer or a staff responsibility. Note that the rules and the rigor with which they have been applied have evolved over the years. There is some danger that an organization that was enticed to apply to be an ALS by ICANN regional staff several years ago may now be judged to not fulfill the criteria although nothing has changed on their side. There thus could be a public-relations impact of enforcing non-compliance rules without any grand-fathering.

One also needs to think about whether ALS non-compliance has the same impact as registrar non-compliance and decide where ICANN should put its resources in the short term.

Recommendation 15: That ICANN should develop clear sanctions for non-compliance. These might include: ineligibility for ICANN travel funding; loss of voting rights; or being suspended until the matter is remedied.

Agreed, with due consideration of the issues raised for the previous recommendation.

Recommendation 16: That any outstanding issues relating to Ombudsman reports 05-1090 and 06-317, should be dealt with as soon as possible by the ICANN Board or the ALAC (as appropriate).

The reviewers state "...we have been unable to ascertain whether the second report has been closed, with all issues finalized. We note that the ICANN Board discussed this report during a teleconference in June 2007, however we have been unable to locate subsequent documentation." (section 7.6)

The Ombudsman Blog entry for August 1, 2008 states "I note the recommendation made by the independent reviewers, and comment that ICANN has yet to respond to my recommendations made in February 2007." (<https://omblog.icann.org/>)

It would be good if the Board Governance Committee ALAC Review Working Group could lend some clarity and specificity to the situation.

I do note that the report in question was written "In light of expected exponential growth of ALS certification applications" (bottom of page 26), a situation which has not come to be (perhaps as a partial result of the cessation of ICANN staff in regions actively pursuing ALSs).

Recommendation 17: That the ALAC should develop a clearly defined process for the engagement of the At-Large community in developing policy positions.

Definitely. And in fact, this is actually starting to happen (albeit slowly), particularly in regions where language difficulties are of lesser importance.

Recommendation 18: That the ALAC should use multi-lingual wikis rather than the current email lists to allow the At-Large community to more easily observe and participate in the development of policy positions.

I disagree. Although web sites and wikis can be effective for some things, and in such cases, their use should be increased, they are not THE ultimate answer. They are basically "pull" and not "push" technologies. I for one will try my best to respond to external stimuli (i.e. e-mail), but if I must diligently and regularly go to multiple web sites and wiki pages (even if I have received e-mail that something (perhaps trivial) has changed), I will not be engaged – I will spend my time on other more pressing issues.

I am reminded of a comment from John Gage, then Chief Scientist for Sun Microsystems, at an ISOC Board meeting. There was a discussion of how to disseminate information and someone suggested that instead of actually putting an

excerpt into e-mail, simply put the URL. John's reply was in the form of a question asking if we knew how many e-mails he got in a day and if we thought he actually had the time to follow each of the embedded URL in these messages?

Moreover, on a regular basis, I spend a significant part of my time working offline. I can work with mailing lists. The web is not there!

Regarding multi-lingual, see Recommendation 22.

Recommendation 19: That ICANN should increase the public comment period to 45 calendar days in order to allow a greater time period for At-Large community consultation in all regions.

I am ambivalent on this one. I agree that increasing comment periods would make it easier for At-large to respond. But ICANN and its policy bodies are already subject to justified criticism about its policy development processes taking far too long. I find it difficult to justify additional elongation of the processes.

Although the details of specific consultations may be surprising, typically the general issues have been on the table for weeks, months or years. I believe the key is not adding time, but rather having people who are primed and ready to respond. But also see comments on language issues.

Recommendation 20: That the ICANN Board should amend the Travel Policy to pay for accommodation expenses (including breakfast and internet access fees) and where practicable accommodate At-large members at or very near the main conference venue. The per diem amount (to cover other appropriate daily expenses) should also be available as a cash advance for those that require it.

Perhaps the new travel regulations will at least partially address this. Or perhaps not.

I find it unreasonable that in venues where in-room Internet access is reasonably priced (that is, not Paris), ICANN has told ALAC that they don't need Internet access in their rooms. Considering that these are often professionals who are taking time away from work (but not necessarily with the work responsibilities stopping), volunteering their time, I find this unacceptable.

Whether breakfast is covered as part of the room fee or with a reasonable allocation in the per diem is moot to me. But it should be covered one way or another. And flat per diems are fine for local expenses, but do not address VERY large variations in such things as visa costs or local transportation costs to and from home airports.

I find it unreasonable to house volunteers at remote hotels with no transportation to and from the ICANN hotel, and no allowance for transportation costs in the per diem.

The list could go on.

In summary, people should not have to pay out-of-pocket, for reasonable expenses, for the privilege of donating their time and skills to ICANN.

I also feel that if ICANN continues to provide travel support for ALS representatives to come to ICANN meetings, It would be reasonable to apply a different set of standards to their funding than to ALAC members and RALO executive who make ongoing and significant contributions.

Recommendation 21: That private email lists should be used only for appropriate non-public discussion.

This was already being discussed prior to the review, and has since been implemented. The problem was a carry-over from the time that there were no RALOs and users who were interested in what the ALAC was discussing.

Recommendation 22: That ICANN should continue to work on its language policy, including translation and other services.

Agreed, but translation, both simultaneous for voice communications and document translation is not likely to ever be adequate in ICANN. The volume of documents and teleconferences is just too large, and the effective quality often too poor. And we will always have many unsupported languages.

I speak from personal experience. I have spent most of my professional career working in English, but in a largely French-speaking community. My French reading and comprehension is restricted and my spoken French is pitiful. I have spent much time over the years working with various groups and on committees where most or all of the other participants were French speaking, ranging from unilingual French to partially to fluently bilingual. I tried to understand as well as I could, and of something was of particular importance, someone might translate it for me. And sometimes when I spoke in English, I was not well understood. I am proud to say that I was good enough at what I did professionally that I was very well respected by my colleagues, I made valuable contributions and I was occasionally honoured by my colleagues.

But I was not NEARLY as effective as I could have been if I had much better command of French.

So I spent 30 year on the other side – working with organizations which tried to help me, but largely did not speak my language.

I am glad to see ICANN making some progress and I strongly support the effort to support other languages better. But ICANN's working language is English, and for those who are working on active policy issues within the ICANN environment (be they AC, SO, WG or whatever) a good command of English is a requirement. We will never have enough simultaneous translation and document translation to allow someone to work in these environments at the same level as those who have a good command of English.

I know that this will disenfranchise many, and it is certainly politically incorrect. But I believe to ignore it ensures that we populate our (generic) working groups with people who cannot effectively contribute at a sufficiently high level. And if they are there representing other groups, those that they represent are not getting full value.

For the foreseeable future, we should require that those who are actively working in ICANN groups have a reasonable command of English.

At the same time, we **MUST** give these people the tools with which to communicate ICANN policies and issues with their constituencies who one cannot expect to have facility with English. We need to make major policy documents and introductory informative documents available in a large range of languages. As well simultaneous translation at ICANN meetings should be continued and increased.

Recommendation 23: That ICANN staff should manage and maintain content of the various ALAC wikis.

Agreed. And it would be nice if they were always up to date, dynamically reflected the changing administrative and policy environment, had no dead links, were translated into a wide range of languages and one could navigate them in an understandable way. And the same applies to other ICANN web sites and wikis.

However, I am not sure that this is a reasonable demand.

Recommendation 24: That the ALAC should replace email lists with wikis for policy discussions in particular and continue the evaluation of Web-based tools to facilitate discussion and collaborative working.

I am not sure how this differs from Recommendation 8. I love wikis as a way of me putting information out. And if they are set up and managed well, they are marvelous for **SOME** types of interactions. But I am far from convinced that they are a good way to do collaborative work (I have found that they are a good way to get your own thoughts input into a document - until someone after you happens to delete or change them...). But I have walked away from some projects because others insisted that everything be done on wikis, and I would likely do it again. In some cases, it is simply an abuse of my time.

General Comments

I strongly believe that ICANN needs real user input at all levels. There are an estimated 1.3 billion Internet users. Most are not registrars, registry workers, registrants, domainers, or people running commercial web sites. They all rely on the capabilities that ICANN oversees. They all suffer when it breaks down or when bad decisions make something that they expect to work, not work. Their needs must be heard within ICANN, and ALAC is at least part of the way that this can happen.

I do not believe that the current At-large structure is working very well. The reviewers were asked about this, but were also told that they were only reviewing ALAC, so they were not well positioned to really look into the issue.

I believe the heart of the problem is the common statement, often heard from ICANN Board members and others, saying that they want to hear from real users. I don't think they do. Real users may be your brother or mother or grandfather or a student in an Internet Café in central Africa. Some of them may know how to read TCP/IP packets. Many struggle to make e-mail work and gladly respond to phishing attacks.

What ICANN needs is to hear from technical people who UNDERSTAND real user issues and perspectives. These people really do exist, and a few of them are even in our midst (I like to think that I am one of them). We need to reconstruct the organization under ALAC to draw in these people. This will not be trivial, but I think that we need to start thinking about how to accomplish this. Some of our ALS and RALO folks will end up being these people. Some will not. And we will need to go for quality and diversity, and not quantity.

I do not believe that we should immediately scrap the ALAC/ALS/RALO structure. It is just evolving into something that MAY help us address the problem, so we need to give it a few years. But in parallel, we need to start thinking about where we want to be.

Regarding the current ALAC and its RALOs what is really needed are people who are passionate about user Internet issues, interested in ICANN-related issues, capable of getting up to speed technically, willing to learn the relationships between the various ICANN entities and willing to put substantial time into it. Finding these people is not always easy – unlike many of the other areas of ICANN, it is rarely part of their paid job and there is no money in it for them. But they can be found if we look in the right places.

Summary

As noted in the introduction to the review, the ALAC in its current form is quite new. For a variety of reasons, both the Interim ALAC and its more recent transformation have not met community expectations. Given the new embodiment including ALSs and RALOs, it should be given some opportunity to succeed or fail. But it indeed must seize that opportunity quickly.

There are those of us on the ALAC that understand this, and are working hard to ensure success, and I look forward to a positive and effective report from the Board ALAC Review Working group.