

Summary of comments to the mid-point Consultation Report of the ALAC Review Working Group on ALAC Improvements.

An online public comment period on the mid-point Consultation Report of the ALAC Review Working Group on ALAC Improvements was opened from the 23rd October to the 12th December 2008. Six comments were received, and are below summarized.

In preparing the summary of the comments received, any care has been used as to reflect as accurately and objectively as possible the different and sometimes diverging opinions that have been expressed; however this summary does not substitute in any way the original contributions that were received, which are publicly available for full reading at <http://forum.icann.org/lists/alac-mid-consult/>

The opinions below summarized are solely those of their authors, expressed during their participation to the public comment phase, and do not necessarily coincide with official positions of ICANN or with individual views of the author of the summary.

We would like to thank each and all of these authors for their precious contribution to this crucial phase of the Organizational Review process of ALAC.

1) A first contributor (Philip Sheppard on behalf of AIM, the European Brand Association) underlines that the analysis whether ALAC is fit for purpose presupposes the answering to the question whether At-Large, as its underlying structure, is fit for purpose. He then lists three successes and three failures of the structure; in his opinion they are:

- Successes – a) recognition of individual users as stakeholders; b) development of a structure to group these individuals; c) (beginning of) use of this structure to effect changes via ALA liaison role in the GNSO council
- Failures – a) At-Large impotent because of its advisory role; b) low cost-benefit ratio; c) some At-Large members satisfied with this situation.

Concluding, the contributor proposes to give priority to the development of *'the new GNSO non-commercial stakeholders group as the natural home for at-large.'* As a lower priority, he mentions the establishment of a new entity for advising the Board on non-GNSO related issues.

2) A second contributor (Philemon) focuses on the role of individual internet users as main components of At-Large. On this, he underlines that their place to be is a bit imprecise. He does not agree with the idea that these users shall necessarily convey their voice through ALs, and endorses the view that they shall be enabled to participate to ICANN processes through ALAC, even without being members of ALs or RALOs.

The contributor passes then to recommend that the report underlines the need for ALs and RALOs to organize more outreach work, objective requiring further allocation of resources to ALAC.

The recommendation for an extended participation of individual internet users to issues relating to ICANN accountability, operations and structure is appreciated.

He noticed that the consultant's report proposed three sanctions in case of non compliance, while the WG limited this provision only to the possibility of suspend voting rights. He suggested reverting to the previous formulation (Rec. 14 and 15). He stresses that the compliance issue shall not be limited to the phase of selection of the ALAC Board members.

Efforts to train ALS in ICANN-related matters is considered very important, but shall not be considered as a pre-condition for AL compliance.

About the election of an At-Large representative to the Board, the contributor proposes to entrust ALAC with this process, as the level of maturity of ALS is not homogeneous and in absence of an equal level of activism and compliance the choice would risk being influenced by personal interests and positions.

- 3) Danny Younger observes little participation of ALAC in the different ICANN WGs and lists, and asks himself whether ALAC engages in the work it committed to do, at all. From this point, he concludes that any effort to redesign mechanisms to enhance participation of civil society through ALAC and its mechanisms would not work as real internet users –he says ‘have no interest in being represented by this Civil Society clique that would rather pontificate at the IGF than bring home the bacon to their community.’ He proposes –as an alternative to the At-Large/ALAC mechanism, to imagine ‘a place wherein users can join active well-managed working groups and contribute to policy development initiatives.’
- 4) Wolf-Ulrich Knochen sent the comments below summarized on behalf of the ISPCP Constituency:
 - a. ALAC can serve an important role, and its performances over the last year increased considerably; however, substantial further improvements are sought in order to truly represent the interests of the general Internet user community.
 - b. Changes to ALAC shall not be undertaken if not coordinated with changes following the other ‘major’ reviews such as the Board, GNSO etc.
 - c. Ref. to consultants’ Recommendations 1 to 4; 6; 9; 11 to 18; 21; 24 – agreement with the WG position
 - d. Ref. to consultants’ Recommendation 5 - agreement with the WG position; however this further support should be based on Annual Statement of Intent and ALAC Strategic Plan. Until then, it is premature to suggest increased support.
 - e. Ref. to consultants’ Recommendation 7 – disagreement with the WG position; if ALAC will become part of the „user house“ within the GNSO council ‘and the council shall fill 2 board seats this could lead to additional ALAC board representation.’
 - f. Ref. to consultants’ Recommendation 8 - disagreement with the WG position; the solution proposed by the consultants is preferred, instead.
 - g. Ref. to consultants’ Recommendation 10 – agreement with the WG position. The proposed documents are considered necessary to improve focus and effectiveness of ALAC, and a considerable emphasis shall be devoted to outreach. See also comment to Recomm. 5.
 - h. Ref. to consultants’ Recommendation 19 - agreement with the WG position. 45 days is an unacceptably long term if ALAC succeeds in improving its effectiveness in reaching target communities.
 - i. Ref. to consultants’ Recommendation 20 – agreement with the WG position. However, ALAC travel policy should reflect the general ICANN one (no need for an ALAC-specific travel policy)
 - j. Ref. to consultants’ Recommendations 22 and 23 – agreement with the WG position. ALAC should assess budget implications of these choices and make them transparent to the public.
- 5) Alan Greenberg sent the comments below summarized in his personal capacity:
 - a. Very strong support of the three-pronged view of ALAC’s role.
 - b. Ref. to consultants’ Recommendation 1 and 3 – support of WG’s comments. Important however to distinguish between involvement of individual users and ‘involvement of people

who can speak “ICANN-talk” and can represent the needs of individual users. The latter may be hard to identify and certify, but that is really what we ultimately need.’

- c. Ref. to consultants’ Recommendations 2, 4, 5, 6, 9, 18, 19, 21, 23, 24 – support of WG’s comments.
 - d. Ref. to consultants’ Recommendation 7 – support of the concept of a fully-fledged Board. Concern on the issue of selection of these Board members. In case of their selection by ALS or RALOs, there is the risk of their disconnection from ALAC, which would be different from what happens for other ICANN Committees. The present system of representation (10 ALAC members elected by RALOs) is a sufficient guarantee for an informed process of Board member’s selection.
 - e. Ref. to consultants’ Recommendations 8 and 11 – support of the proposed time extension of the liaison and duration of the Chair tenure, ‘but I explicitly do not believe that someone must have a guaranteed two years remaining in their term to be eligible.’ This in consideration of the 2-year term of all appointments of ALAC.
 - f. Ref. to consultants’ Recommendation 10 – support; the process shall remain however sufficiently lean ‘so that the ALAC does not put a significant part of its resources into planning and not doing.’ Furthermore, the process shall make provision for sufficient flexibility to allow for the demand and event driven nature of a large part of ALAC work.
 - g. Ref. to consultants’ Recommendation 12 – pending the definition of the new Non-Commercial Stakeholders Group, the participation of users in GNSO or in ALAC/At-large is determined by their interest. Those participating in GNSO will focus on gTLD policy aspects, while those participating in ALAC/At-large shall be aware of their broader scope. There can be the case of an ALS participating to both; this rare event shall not cause worries of capturing.
 - h. Ref. to consultants’ Recommendation 13 – support of this (although it ‘would be nice if the volume of applications was sufficiently high to make such numbers really meaningful.’)
 - i. Ref. to consultants’ Recommendations 14, 15 – support of this, which shall not be relevant only to Board members elections, but also to activity levels.
 - j. Ref. to consultants’ Recommendation 16 – support of this, with the remark that more clarity from Ombudsman on addressees of its reports would be appropriate.
 - k. Ref. to consultants’ Recommendation 17 – support; regarding the effective involvement of ALAC members in ICANN policy and operational processes, see also comment to Recommendation 22.
 - l. Ref. to consultants’ Recommendation 20 – support of the objective to have a common travel policy for all ACs and SOs. However, the possibility for ALAC to influence the decision to cut down expenses in this respect shall be exerted, in order to prevent dropping of ALAC participation to ICANN events.
 - m. Ref. to consultants’ Recommendation 22 – strong support. However: a) whatever the level of translation is, there is no possibility to achieve a 100% coverage, and; b) to be effective, ALAC members shall be able to participate in various ICANN groups other than ALAC; to do this, individuals who are not comfortable in spoken and written English are not able to effectively participate.
- 6) ALAC sent the 13 December the comments below summarized, pending their ratification within the following 8 days:
- a. ALAC acknowledges the efforts of the WG to listen carefully the diverse views received to date, its deep understanding of the issues, and its sensible suggestions made that include practical and very valid proposals.

- b. Three key elements of ALAC's continuing purpose in ICANN – ALAC 'most heartily' agrees.
- c. Two voting seats on the ICANN Board – agreement with the proposal. ALAC would like that At-Large is reserved the right to decide a selection process embedding a right of recall. 'From a purely current ALAC perspective it would also be important if in transition or in the longer term a clear connection with an appointee to the Board was directly made from its Membership to maintain a clear nexus between the Advisory Committee and the Board.' Mechanisms of this connection need further discussion and consideration.
- d. Remaining in place of the present ALAC-RALO-ALS structure. Full agreement, with a specific focus on RALOs as the primary aggregation point of At-Large inputs.
- e. Education and engagement of ALS as an immediate priority; compliance as a long-term goal. ALAC considers there is space for improvement and requires ALAC being included in all ICANN outreach and education activities. Efforts to engage and recruit further ALSs needs 'to go hand in hand with compliance.'
- f. On development of strategic and operation plans – Agreement and commitment from ALAC, with the caveat that many of ALAC activities are demand and event driven.
- g. Development of accurate cost models for At-Large activity - Support of the recommendation.
- h. Further support to ALAC – agreement with WG comments to consultants' recommendation #5; 'the specific ways on how to allocate the budget for ALAC activities be remanded to negotiations between the ALAC Chair (or ExCom (...)) and ICANN staff.'
- i. Autonomous selection of tools for collaborative work – agreement with this proposal.
- j. On duration of public consultation periods – ALAC already requested longer consultation periods. 30-day periods will be difficult to match in consideration of the translation work needed and the time needed to reach community; 'Short circuiting a large part of the community is against the very nature of the At-Large ethic and undermines the very bottom-up policy development process to which ICANN is committed.'
- k. Strengthening of the translation policy – ALAC fully agrees, and –while acknowledging what is being done already- underlines the potential need to translate in even more languages 'at least when local conditions dictate.'
- l. ALAC as the appropriate organizational channel for the voice and concerns of the individual Internet user in ICANN processes – ALAC agrees but at the same time considers that 'there is merit to have Internet users, including individuals, but also academia, domain name registrants and small businesses, acting in their own capacity, to be represented in GNSO and to be active participants in its policy development processes.'
- m. Strengthening of processes for providing policy advice - The proposal to improve the interactions between SOs and the ALAC in this direction is welcomed, and ALAC would like to see that its inputs will not just be required, but solicited. Likewise, ALAC proposes to implement a similar mechanism to respond to GAC advice.

=====
 Summary prepared by Marco Lorenzoni
 Director, Organizational Review
 15 December 2008