

Internet Corporation for Assigned Names and Numbers

2007 Staff Proposals Document Series

AT-LARGE ADVISORY COMMITTEE

PROPOSED GUIDE TO AT LARGE STRUCTURES

(ALS)APPLICATION EVALUATION

prepared by the Staff

Introductory Note

This document is presented to the At-Large Advisory Committee by the Staff for evaluation by the At-Large community. It is intended to be used as a tool in the evaluation of ALS applications to provide guidance on whether or not applications should be approved, and is focused on scenarios which do not lend themselves to an easy judgment on the criteria as they are currently defined.

It is submitted that such guidance in written form, (based in part upon the analysis by ALAC of nearly 100 applications) would lead to greater consistency in the decisions reached on ALS applicants especially as the process of handling of applications is being decentralized, both to accommodate increased application volumes and to accommodate the increased role that the regional At-Large communities are undertaking in their Memoranda of Understanding with ICANN.

Since this is intended to be a decisive document (after the community has amended it as required), the language used is not that of a proposal but of a definitive nature. This is not intended to suggest that the ICANN Staff are imposing a point of view on the constituency, but rather, that this document is meant to facilitate an end result controlled by the community and which may be revised by the community as needed, over time.

It is anticipated that certain conclusions in the draft may prove controversial. In preparing the draft, care has been taken to come to conclusions that are in agreement with the criteria, without reaching a conclusion which is manifestly absurd or unreasonable.

This draft has been reviewed for the accuracy of the conclusions it reaches and from the perspective of legal correctness by the Director, At-Large; the Vice President for Policy Development, and the Office of the General Counsel of ICANN.

[End of introduction]

PART I

Criteria Used for ALS Accreditation

There are two sources that contain the criteria for accrediting ALS applications:

1. The Bylaws of ICANN, in Article XI, Section 2, Part 4(i)¹, and;
2. The “Minimum Criteria for an At-Large Structure”² (in this document simply the “Minimum Criteria”) as proposed by the Interim At-Large Advisory Committee and accepted by the Board of ICANN on 23rd June 2003³ in Resolution 03.102

Bylaws of ICANN

The relevant provision is as follows:

“...The criteria and standards for the certification of At-Large Structures shall be established in such a way that participation by individual Internet users who are citizens or residents of countries within the Geographic Region (as defined in Section 5 of Article VI) of the RALO will predominate in the operation of each At-Large Structure while not necessarily excluding additional participation, compatible with the interests of the individual Internet users within the region, by others”

Minimum Criteria

The Minimum Criteria elaborate upon the Bylaw provision and state the following five criteria:

- “1. Commit to supporting individual Internet users' informed participation in ICANN by distributing to individual constituents/members information on relevant ICANN activities and issues, offering Internet-based mechanisms that enable discussions of one or more of these activities and issues among individual constituents/members, and involving individual constituents/members in relevant ICANN policy development, discussions and decisions.
2. Be constituted so that participation by individual Internet users who are citizens or residents of countries within the Geographic Region in which the ALS is based will predominate in the ALS' operation. The ALS may permit additional participation by others that is compatible with the interests of the individual Internet users within the region.
3. Be self-supporting (not rely on ICANN for funding).
4. Post on the Internet (on the ALAC's website or elsewhere) publicly-accessible, current information about the ALS's goals, structure, description of constituent group(s)/membership, working mechanisms, leadership, and contact(s).
5. Assist the RALO in performing its function.”

¹ <http://www.icann.org/general/bylaws.htm#XI>.

² <http://www.icann.org/montreal/alac-organization-topic.htm#I>

³ <http://www.icann.org/minutes/prelim-report-26jun03.htm>

PART II Evaluation of Applications

The Minimum Criteria, which incorporate and expand upon the relevant Bylaw provision and which was approved by ICANN's Board in 2003, shall predominate in evaluating ALS applications.

First Criterion

A declaration of compliance on the application form shall be sufficient.

Second Criterion

1. **No particular form or structure of organization shall automatically result in ineligibility.**
There is no requirement that an organization be legally constituted, or otherwise, or of any particular structure.
2. **An organisation that has a membership composed in part, or even largely, of organizations, shall be eligible, provided that:**
 - a. **Individual internet users may participate in the work of the organisation directly (whether in a voting or non-voting capacity, a combination thereof, or by election of representatives to the organisation), and;**
 - b. **The mission and purpose of the applicant organisation and/or the membership as a whole is focussed on the interests of individual Internet users.**

For example, an 'Umbrella NGO' where such an NGO's organizational members are themselves controlled by and for the benefit of individual Internet users would fulfil the criterion. However, if an Umbrella NGO were to be composed largely of groups with little connection with individual Internet users' interests, or if an Umbrella NGO has no ability for individual internet users to participate in any way in it's work, that would be grounds for determining the applicant to be ineligible.

Clearly, it is necessarily easier to determine that an organisation fulfils the requirements of the second criterion if it is composed entirely of voting, individual user members. However, as stated above, the requirement that "...participation by individual internet users ... will predominate in the ALSes operation ..." could be fulfilled by groups composed of organizations to the extent that it is clearly the case that the group members are themselves controlling the organisation for the benefit of individual Internet users.

3. **The majority of individual Internet users who are directly members of an applicant organisation must come from the Geographic Region where the applicant organisation is based.**

Third Criterion

A declaration of compliance on the application form shall be sufficient.

Fourth Criterion

Where an applicant does not itself have a web presence at the time of application, a declaration of an intention to post the information on the RALO .org site, or any other website, and to keep the same current (either directly or via the help of the RALO Secretariat or ICANN At-Large staff) shall be sufficient.

Fifth Criterion

A declaration of compliance on the application form shall be sufficient.

Note that each RALO needs to develop a process to measure compliance with this criterion over the course of time in order to determine whether or not an accredited ALS shall remain eligible to retain ALS status.

PART III

Materials and Sources of Information to Use in Evaluating the Application

Those evaluating ALS applications shall rely on the following sources of information when evaluating an application for accreditation:

4. The application form;
5. The Due Diligence Form completed by ICANN Staff;
6. The web presence of the Applicant organisation, if any;
7. Information that can be searched for easily on the public Internet.

An application should rely only secondarily on the perceptions of members of the At-large community. Any evidence provided by independent third-party sources of information (to the extent such sources are available) should be decisive over the perceptions of an individual. Otherwise, an applicant runs the risk of being declared ineligible for accreditation based upon hearsay or an individual person's perceptions, biases, or other non-evidence-based criteria. At the same time, it is understood that evaluation of ALS applications cannot become an exhaustive investigatory process and that those who are evaluating applications are frequently volunteers doing their best in a voluntary capacity.

Where a question about eligibility remains, the At-Large staff or regional Secretariat should be asked to make independent enquiries of the applicant, or those in a position to have objective evidence about the applicant.

In general, an evaluation should rely upon the preponderance of the information available, and upon the total picture presented about an organisation.