

Danny Younger – Candidate Statement of Interest

SECTION B. Professional and Educational Background

1. Provide details of your current job, role, title, employer and affiliations

I am employed as a company webmaster by Artistic Ribbon Inc., a distributor of garment-quality ribbon product; in that capacity I enable and facilitate e-commerce transactions.

2. Describe your educational and professional history. Provide all information that you believe may be relevant to being an effective member of the ICANN Board

I attended Indiana University in Bloomington, Indiana and the Hebrew University in Jerusalem, Israel (majoring in comparative religious studies); I also attended DeVry University to augment my computer skills. I do not have a university degree.

For most of my life I have been a designer and merchandiser of fashion accessories and costume jewelry – this career path eventually culminated in a posting to Taipei, Taiwan with duties that took me throughout the Pacific Rim – but I will also admit to having earlier worked as a taxi driver, as a telephone solicitor and as a customer service representative on the midnight-to-morning shift of a major domain name registrar.

With regards to being an “effective” member of the ICANN Board, I would contend that only a very few members of the community are in a position to assess an individual’s prospects of effectiveness at the ICANN board level in that (1) most have never been on the ICANN Board; and (2) most have failed to read the ICANN Board Self-Evaluation posted at <http://www.icann.org/en/board/board-appraisal-31aug09-en.pdf>.

This particular document (in the words of ICANN’s former Public Participation Manager, Kieren McCarthy) reveals that: “the real problem appears to be that the Board strongly disagrees with itself. If you look at the variation in ratings between different Board members, you see an extremely high level of disagreement.

There is always going to be a variety of views on any given topic, but on a large number of topics the Board disagreement was total i.e. at least one person voted “strongly disagree” and at least one voted “strongly agree”.

In no less than 35 percent of cases, the Board put forward views at opposite ends of the spectrum. And in 44 percent cases, it disagreed heavily. What’s more, there was never clear agreement on any topic. The closest it got was 50 percent agreeing with a given statement.”¹

Even more disturbing is the fact that in response to the statement: “The board has signed off on an appropriate crisis management plan and the organisation is well prepared for emergencies”, five out of nineteen board members responded with “don’t know or N/A”.

¹ <http://kierenmccarthy.com/2010/06/02/the-icann-board-by-the-icann-board/>

This report (which also highlights a number of other very troubling issues) illustrates the fact that effectiveness at the Board level primarily requires the ability to work in a highly charged contentious environment with the full knowledge that not all participants will be fully or even adequately informed.

In short, prospects for effectiveness on the ICANN board seem to be predicated on (1) the ability to fully process ICANN's ever flowing glut of information; and (2) the ability to function well in an environment fraught with constant end-to-end disagreements.

So... why do I believe that I could "effectively" serve on the ICANN Board?

For starters, I have had the particular privilege of serving as the Chair of the General Assembly of ICANN's former Domain Name Supporting Organization (as did former ICANN director Roberto Gaetano). The GA was without a doubt the most confrontational and raucous body ever sanctioned within ICANN (requiring the services of five active list moderators to keep discussions at an appropriate level of civility).

My consensus-building skills were forged in that fire and the obligations of chairmanship demanded a level of knowledge which could only be attained by nothing other than a thorough reading/understanding of almost every document ever produced by the ICANN organization from registry and registrar contracts to policy papers, from founding documents to ICANN testimony before governmental bodies.

3. Describe any current and past volunteer community positions, roles and accomplishments. We are particularly interested in similar Board directorship and committee experience

I have served as a Vice-President of the New York Chapter of the Internet Society during which time I focused my energies almost exclusively on ICANN-related matters including the organization and moderation of a panel discussion of the Future of WHOIS Policy. On the panel were:

- Jon Nevett, VP Policy & Ethics, Network Solutions
- Wendy Seltzer, North American representative, ICANN At-Large Advisory Committee
- Attorney Bruce A. McDonald, Schnader Harrison Segal & Lewis LLP
- Jordyn Buchanan, Chair ICANN WHOIS Task Force
- Jeff Neuman, Senior Director, Law, Advanced Services and Business Development, NeuStar Inc.
- Rita Rodin, Member, ICANN Board of Directors

The webcast of the panel discussion may be downloaded at this URL:
<http://punkcast.com/1064/>

Locally, I have served as Chair of my homeowners association Youth Committee and as a

member of the Association's Finance Committee

4. List any relevant personal or professional web pages

<http://www.artisticribbon.com> – created for my employer

<http://www.babybows.com> – created for my wife

<http://www.winonalakes.net> – created for my Homeowner's Association (disclaimer: I no longer manage that particular website)

SECTION C. Internet Involvement and Interest in ICANN

1. Describe how you meet the criteria for the At-Large selected ICANN Board Director position

The January 2010 "ALAC & At-Large Community White Paper"² addresses the specifics of ICANN director qualifications, namely:

"The criteria for At-Large Director candidates should include those mandated by the ICANN Bylaws, those promulgated by the NomCom for its Director candidates, and the additional At-large criteria".

A more specific enumeration follows:

1. From the ICANN Bylaws³:

ICANN Directors shall be:

1. Accomplished persons of integrity, objectivity, and intelligence, with reputations for sound judgment and open minds, and a demonstrated capacity for thoughtful group decision-making;
2. Persons with an understanding of ICANN's mission and the potential impact of ICANN decisions on the global Internet community, and committed to the success of ICANN;
3. Persons who will produce the broadest cultural and geographic diversity on the Board consistent with meeting the other criteria set forth in this Section;
4. Persons who, in the aggregate, have personal familiarity with the operation of gTLD registries and registrars; with ccTLD registries; with IP address registries; with Internet technical standards and protocols; with policy-development procedures, legal traditions, and the public interest; and with the broad range of business, individual, academic, and non-commercial users of the Internet;
5. Persons who are willing to serve as volunteers, without compensation other than the reimbursement of certain expenses; and

² See <http://www.atlarge.icann.org/announcements/white-paper-2010-board-process-05feb09-en.pdf>

³ <http://www.icann.org/en/general/bylaws.htm#VI>

6. Persons who are able to work and communicate in written and spoken English.

ADDITIONAL QUALIFICATIONS:

1. Notwithstanding anything herein to the contrary, no official of a national government or a multinational entity established by treaty or other agreement between national governments may serve as a Director. As used herein, the term "official" means a person (i) who holds an elective governmental office or (ii) who is employed by such government or multinational entity and whose primary function with such government or entity is to develop or influence governmental or public policies.

2. No person who serves in any capacity (including as a liaison) on any Supporting Organization Council shall simultaneously serve as a Director or liaison to the Board. If such a person accepts a nomination to be considered for selection by the Supporting Organization Council to be a Director, the person shall not, following such nomination, participate in any discussion of, or vote by, the Supporting Organization Council relating to the selection of Directors by the Council, until the Council has selected the full complement of Directors it is responsible for selecting. In the event that a person serving in any capacity on a Supporting Organization Council accepts a nomination to be considered for selection as a Director, the constituency group or other group or entity that selected the person may select a replacement for purposes of the Council's selection process.

3. Persons serving in any capacity on the Nominating Committee shall be ineligible for selection to positions on the Board as provided by Article VII, Section 8.

From the Nominating Committee⁴:

- Placing the broad public interest ahead of any particular interests
- who have demonstrated the maturity, experience, knowledge, and skills to handle the tasks and make the judgments involved in fulfilling these important leadership roles
- persons of the highest integrity and capability with experience and talents for problem solving, policy development, and decision-making involving diverse perspectives regarding how best to accomplish the mission and responsibilities of ICANN
- expected to be knowledgeable, or committed to becoming knowledgeable, about the environment in which ICANN operates and the technical functions for which it is responsible
- will support implementation of ICANN's Core Values, including its commitment to seek and support broad functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.

From the above-cited ALAC & At-Large Community White Paper⁵

- An understanding of ICANN At-Large.
- An understanding of the potential impact of ICANN decisions on the global Internet-using community and the Internet end-user community in particular.
- A track record of working to build consensus with a diverse set of interests working together

⁴ <http://nomcom.icann.org/invitation-2010.htm#cri>

⁵ Ibid

on complex policy issues.

My response articulated on a point-by-point basis:

1. Accomplished persons of integrity, objectivity, and intelligence, with reputations for sound judgment and open minds, and a demonstrated capacity for thoughtful group decision-making – Having participated in the ICANN process since early 2001 I can lay claim to a certain number of accomplishments (a few are listed here):

- It was my proposal on the Redemption Grace Period Safety Net for the Registrant Community that was adopted by the NARALO, was ratified by the ALAC and became the basis for the GNSO's Post-Expiration Domain Name Recovery Policy Development Process – see (NOTE: this link has been removed by staff to ensure the confidentiality of this document)

- I am one of the few in ICANN's history that has actually prevailed in a formal ICANN Reconsideration Request – see <http://www.icann.org/en/committees/reconsideration/younger-request-24jul04.htm>

- By paying close attention to registrant concerns, I was able to warn the ICANN Chairman of the Board, Vint Cerf, of RegisterFly-related issues well in advance of the RegisterFly Meltdown that ultimately impacted 882,000 domain name registrations – see <http://gns0.icann.org/mailling-lists/archives/ga/msg05232.html>

- I was the only non-constituency and non-governmental representative to appear at the seminal Washington, DC meeting of the GNSO that established the principles and recommendations to govern the roll-out of new gTLDs; as a representative of the public interest, I brought to the GNSO the thirty-five page recommendation report that my Working Group developed on the General Assembly mailing list -- see <http://forum.icann.org/lists/new-gtlds-pdp-comments/msg00018.html>

On the topic of objectivity: while any attempt to put forth a claim of objectivity remains a somewhat subjective endeavor, the community can evaluate my relative sense of objectivity through the comments that I put forth to the U.S. Department of Commerce during its cyclical reviews of the ICANN organization – one such comment may be found at this URL:

http://www.ntia.doc.gov/ntiahome/domainname/jpacomments2007/jpacomment_049.pdf

With regard to sound judgment and an open mind, I would ask you to evaluate the relative merits of the “Natural Persons Proposal”⁶ that I earlier submitted to the GNSO's WHOIS Task Force. You may also review my recent submissions to the Joint SO/AC Working Group on new gTLD Applicant Support – see <http://forum.icann.org/lists/joint-wg-snapshot/>

Having “a demonstrated capacity for thoughtful group decision-making” can only be illustrated though the comments of others; accordingly I offer this testimonial from Jacqueline Morris (an earlier ALAC Chair) on the official ICANN Blog:

⁶ see <http://gns0.icann.org/issues/whois-privacy/whois-services-final-tf-report-12mar07.htm> at section 7.2.4

“Despite all this work being done on organisational issues, we still have managed to develop some policy positions. (with the able and invaluable contribution of the At Large members, and I want to single out to thank for their incredible work – Hong Xue, (NOTE: this name has been removed by staff to ensure the confidentiality of this document), John Levine and Vittorio Bertola)”⁷

2. Persons with an understanding of ICANN's mission and the potential impact of ICANN decisions on the global Internet community, and committed to the success of ICANN –

I understand that ICANN’s mission was first articulated in its Articles of Incorporation which state that the Corporation will:

“pursue the charitable and public purposes of lessening the burdens of government and promoting the global public interest in the operational stability of the Internet by

- (i) coordinating the assignment of Internet technical parameters as needed to maintain universal connectivity on the Internet;
- (ii) performing and overseeing functions related to the coordination of the Internet Protocol ("IP") address space;
- (iii) performing and overseeing functions related to the coordination of the Internet domain name system ("DNS"), including the development of policies for determining the circumstances under which new top-level domains are added to the DNS root system;
- (iv) overseeing operation of the authoritative Internet DNS root server system; and
- (v) engaging in any other related lawful activity in furtherance of items (i) through (iv).”

This particular mission was later modified in the ICANN Bylaws that emerged as a result of the 2002 Evolution and Reform Process. The new iteration included references to autonomous system numbers and protocol port and parameter numbers. Of particular interest is the fact that the new ICANN mission now fails to include a reference to the development of policies for determining “the circumstances” under which new TLDs are added to the root.

The ICANN decision to eliminate this consideration from its mission statement, and its consequent decision to allow for the unfettered rollout of new gTLDs, serves to point to the severe impact that ICANN decisions can potentially have on the global internet community – one of the primary roles of an ICANN director, in my view, should be to keep ICANN on its originally stated mission – if a new TLD is to be added, I believe that such an entry into the root should only be enabled when “circumstances” warrant.

To make this point clearer I will use an anecdote.

I recently attended a meeting of the Heritage and History Committee of the American Society of Mechanical Engineers. This is a group charged with the designation of landmark status for notable achievements in the field of mechanical engineering (an example being the landmark status of the Magma Copper Mine Air Conditioning System [1937], the first air-conditioned mine in North America). The Committee was wrestling with the fact that a given nominee – the Trans-Alaska Pipeline – had jumped through all the hurdles of the nomination process and still (for the

⁷ <http://blog.icann.org/2007/11/alac-public-forum-presentation/>

last six years) hadn't been designated as a landmark. The Committee evaluated all the "circumstances" and determined that in view of the recent BP oil spill, the circumstances weren't exactly ripe for an oil-related landmark designation at this point in time.

As ICANN prepares to make its decisions regarding certain controversial TLD strings, I wish to ensure that the Board retains the right to examine public interest "circumstances", and I intend to make sure that the Board understands that it has a right (guaranteed by internet tradition⁸) to "not make a decision at this time" if necessary.

3. Persons who will produce the broadest cultural and geographic diversity on the Board consistent with meeting the other criteria set forth in this Section

I am a U.S. Citizen, a North-American. My wife is Vietnamese. That's all that I can state on this topic.

4. Persons who, in the aggregate, have personal familiarity with the operation of gTLD registries and registrars; with ccTLD registries; with IP address registries; with Internet technical standards and protocols; with policy-development procedures, legal traditions, and the public interest; and with the broad range of business, individual, academic, and non-commercial users of the Internet

At the 2007 ICANN Los Angeles session I presented the At-Large tutorial on "Understanding the Registrar Accreditation Agreement" – see <http://losangeles2007.icann.org/files/losangeles/RAATutorialSession%20LongVersion.pdf>

With regard to registry operations, I have a long track record of contract examination – this is but one example:
<http://gnso.icann.org/mailing-lists/archives/ga/msg04209.html>

With respect to ccTLD registries, I have a history of interacting with the .us ccTLD at the policy level – see http://www.nic.us/policycouncil/us_pc_minutes_100802.pdf

On the topic of IP addressing – see <http://gnso.icann.org/mailing-lists/archives/ga/msg04061.html>

Regarding internet technical standards and protocols, see my comment at <http://forum.icann.org/lists/aso-ipv4-policy/msg00001.html>

Pertaining to familiarity with policy-development procedures, legal traditions and the public interest – see http://webcache.googleusercontent.com/search?q=cache:Fzg26O_mduEJ:www.icannworld.org/

⁸ You will recall that not every request for a new TLD was honored by Jon Postel (hence the IANA's File of iTLD Requests -- see <http://www.higgs.com/archive/internet/iana/>).

Regarding familiarity with the broad range of business, individual, academic, and non-commercial users of the Internet, please note that I have been a member of ICANN's Business Constituency (for a short period of time after the Melbourne session), I have been an individual member of the NARALO as well as a long-time advocate for an Individual's Constituency within ICANN, and I have been a member of the GNSO's Non-commercial Constituency (representing ISOC-NY). You may also wish to review the following submission:

https://st.icann.org/alac-docs/index.cgi?report_on_user_involvement_in_the_gnso

5. Persons who are willing to serve as volunteers, without compensation other than the reimbursement of certain expenses

I have attended a number of ICANN meetings – Melbourne, Stockholm, Montevideo, Marina Del Rey & Los Angeles – with almost all of them completely on my own dime.

6. Persons who are able to work and communicate in written and spoken English.

English is my native language.

7. Re: Addition Qualifications

I am not a governmental official; neither am I on an ICANN Supporting Organization Council, nor am I on the ICANN Nominating Committee.

8. Placing the broad public interest ahead of any particular interests

As a public interest advocate I have always worked hard to place the broad public interest ahead of any other particular interests. One example of work on behalf of the larger global community was this early proposal for "Languages in the Root" – see

http://www.circleid.com/posts/languages_in_the_root_a_tld_launch_strategy_based_on_iso_639

9. who have demonstrated the maturity, experience, knowledge, and skills to handle the tasks and make the judgments involved in fulfilling these important leadership roles

As an almost ten-year veteran of the ICANN process I have acquired the experience and knowledge that allow for proper decision-making and task-handling. As I have grown older I have also become somewhat more conservative and certainly less confrontational than in prior years when pervasive rancor seemed to be one of the hallmarks of the ICANN experience.

10. persons of the highest integrity and capability with experience and talents for problem solving, policy development, and decision-making involving diverse perspectives regarding how best to accomplish the mission and responsibilities of ICANN

I have a talent for recognizing the public interest and have routinely acted to facilitate the establishment of consensus policies in the public interest – I was active in the battle to ensure facile domain name transfers, I was in the forefront of discussions on domain name tasting, and I have championed the registrant interest in the discussions on revisions to the Registrar

Accreditation Agreement – see my 28 recommendations submitted to the GNSO Task Force at <http://gnso.icann.org/issues/raa/report-raa-improvements-proposal-28may10-en.pdf>

11. expected to be knowledgeable, or committed to becoming knowledgeable, about the environment in which ICANN operates and the technical functions for which it is responsible. There is always more that we can learn. This week I'm making an effort to learn more about Autonomous System Numbers (ASNs). By my estimate, I usually average around forty hours a week on ICANN-related matters (document analysis and comment preparation, interacting with my peers on policy considerations, etc.). I have the latitude to invest this amount of time because of the flexible hours allowed by working in a home-office environment.

12. will support implementation of ICANN's Core Values, including its commitment to seek and support broad functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.

I support the idea of implementing ICANN's Core Values as many such values have not yet been implemented. Does ICANN currently act with a speed that is responsive to the needs of the Internet? Not in my view. Does ICANN recognize the policy role of other responsible entities? If one judges by their lack of response to WIPO's proposal for an Expedited Suspension Mechanism (ESM)⁹, then clearly not. Is ICANN accountable to the Internet Community? Not by a long shot.

13. An understanding of ICANN At-Large.

· In my time I have seen the At-Large defined and re-defined – see http://atlarge-lists.icann.org/pipermail/na-discuss_atlarge-lists.icann.org/2007-April/000503.html

· I have witnessed the at-large director election process and the seating of five of the nine promised At-Large directors.

· I also have witnessed the effort to totally abolish at-large representation.

· In response, I and others took action by vigorously participating in the ICANN At-Large Study¹⁰ (in what turned out to be a valiant but failed effort to turn the tide).

· I have witnessed the revolting coup d'état at Accra that resulted in the elimination of all ICANN at-large director positions.

· I have later witnessed the efforts of Vittorio Bertola, architect of the Interim At-Large (whose structural views were decidedly at odds with views held by the thousand-plus members of the icannatlarge.com organization) to re-establish the hope of future representation, and can well state that I have a greater understanding of the history of ICANN At-large than most who currently call themselves members of the At-Large.

⁹ <http://www.icann.org/correspondence/wilbers-to-pritz-03apr09-en.pdf>

¹⁰ http://atlargestudy.org/final_report.shtml

- I have severely criticized the “Interim ALAC” – see <http://www.icannwatch.org/article.pl?sid=05/02/27/2157256&mode=thread>
- I have been an individual member of the NARALO (although such is no longer the case)
- I follow all the ALAC/At-Large lists although I am, by choice, subscribed to none.
- I have chaired the NARALO’s New Constituencies Working Group – see http://atlarge-lists.icann.org/pipermail/new-constituencies_atlarge-lists.icann.org/
- I have contributed to the ALAC Review Process and well understand the foibles and the currently dysfunctional state of ICANN At-Large – see, for instance, my comments at <http://forum.icann.org/lists/alac-final-2008/msg00003.html>
- ICANN’s At-Large has been described by some as “a chummy oligarchy”¹¹ and by others as “an ICANN-sponsored club”¹². I share this assessment.

14. An understanding of the potential impact of ICANN decisions on the global Internet-using community and the Internet end-user community in particular.

Anyone following the ICANN Draft Applicant Guidebook (DAG) discussions and the public comments tendered is keenly aware that ICANN’s new gTLD policies have the potential to impact hundreds of thousands of commercial establishments, and to adversely affect the end-user experience if financial barriers-to-entry act to deter gTLD applicants in the developing world. The issues are very real, and the potential impacts could be devastating – the Digital Divide could indeed be expanded if unique cultural and linguistic communities are not properly served.

15. A track record of working to build consensus with a diverse set of interests working together on complex policy issues.

For almost a decade I have participated in efforts to build consensus on WHOIS Policy (beginning with the very first WHOIS Committee chaired by Paul Kane in 2001 that fashioned the very first WHOIS Study/Survey). I have participated on numerous committees, have convened panel discussions and have contributed my thoughts on the topic of additional WHOIS Studies.¹³ When

¹¹ http://atlarge-lists.icann.org/pipermail/na-discuss_atlarge-lists.icann.org/2010-August/003981.html

¹² <http://forum.icann.org/lists/bylaws-amend-al-director/msg00004.html>

¹³ Having participated in the Council's Working Group, allow me to reiterate the conclusion reached: "There was not agreement in the Whois Studies volunteer group regarding whether or not any studies should be conducted." I was part of the contingent opposed to the notion of further studies for the following reasons:

1. Studies are being used as a delaying tactic by parties unwilling to accept the Council's duly-voted-upon WHOIS definition: "The purpose of the gTLD Whois service is to provide information sufficient to contact a responsible party for a particular gTLD domain name who can resolve, or reliably pass on data to a party who can resolve, issues related to the configuration of the records associated with the domain name within a DNS nameserver."

the GNSO finally returns to the topic of WHOIS (now implicated in RAA amendment discussions), I will be, once more, in the thick of it.

2. Describe current and past involvement in, contributions to, and leadership roles in activities and organizations involved in the development and operation of the Internet, its naming and addressing infrastructure and/or its security and stability

In addition to contributions and committee and task force involvement within ICANN, I have participated in the WSIS process via a submission to the WGIG entitled “Comments on the Issue Paper entitled “Administration of Internet Names and IP Addresses” – this submission may be viewed at <http://www.wgig.org/docs/Comment-Younger.doc>

3. Provide a statement about what you would contribute in the At-Large selected ICANN Board Director position to ICANN and its mission

I am of the opinion that the inordinate influence wielded by ICANN’s “contracted parties” will be sufficient to cause a premature launch of the new gTLD program. I expect major damage in the wake of that decision. Accordingly, I see myself as one among many Board members that will need to act promptly and decisively to put out the resultant fires in order to best protect ICANN and the public interest.

We know that ICANN’s Compliance Department is currently severely understaffed and recent reports from the Knujon organization have served to document an existing litany of registrar-related issues.¹⁴ Problems will assuredly increase exponentially on the compliance front if strategic decisions aren’t made in a timely fashion to properly and quickly augment personnel and audit resources to meet the challenge of a rapidly expanding namespace.

An important part of ICANN’s mission pertains to performing and overseeing functions related to the coordination of the Internet domain name system. Recent submissions from the Law Enforcement Community¹⁵ make it clear that the public is most certainly at risk, and that there is

2. We have now wasted 2 1/2 years since the definition was adopted instead of moving forward with policy development.

3. Even when the ICANN Board resolves to commence studies (such as via the 18 October 2006 Resolution on Economic Studies), those studies never seem to see the light of day.

Approving more studies is nothing but a poorly-disguised effort to further delay policy development activities. If you are someone who wants no changes in the WHOIS for the next several years, then feel free to ask for more studies that will only tell us what we already know.

Source: https://st.icann.org/alac-docs/index.cgi?statement_on_whois_hypothesis_working_group_studies_al_alac_st_0908_3

¹⁴ See the report at http://www.knujon.com/knujon_audit0610.pdf

¹⁵ [https://st.icann.org/raa-related/index.cgi/LawEnforcementRAArecommendations%20\(2\).doc?action=attachments_download;page_name=05_january_2010;id=20091118185109-0-21002](https://st.icann.org/raa-related/index.cgi/LawEnforcementRAArecommendations%20(2).doc?action=attachments_download;page_name=05_january_2010;id=20091118185109-0-21002)

substantially more that ICANN could be doing to attend to domain name system issues. If selected to serve on the ICANN Board, I would place a priority on compliance initiatives so that ICANN might properly fulfill its public-oriented mission.

4. Provide a statement about what you would contribute in the At-Large selected ICANN Board Director position to the At-Large Community

In a few years hence, another review of the ALAC and its supporting regional organizations will be inaugurated. I have walked the ICANN corridors long enough to be able recognize totally dysfunctional bodies in need of either severe reform or total elimination¹⁶. Just as ICANN's Protocol Supporting Organization (PSO) was structurally eliminated in a prior cycle, so too must we evaluate whether the ALAC/RALO/ALS construct will require a similar dismantlement or re-organization in the years ahead.

It has been my unswerving view that the at-large community has never been well-served by the current model – the current construct is far too Byzantine and has repeatedly failed to generate substantive advice on a par with the advice proffered by the GAC or the SSAC.

My contribution to the At-Large Community will be a recommendation to investigate the prospect of a further evolution of the ALAC structures. I expect to see a future in which the At-Large Community will be able to better contribute to policy initiatives through the mechanism of having its own Supporting Organization. This perspective has already been echoed in the comments of the current Chair of the ICANN Board:

“The Chair responded that a change to something like a supporting organization may be the next logical stop in ALAC's evolution”¹⁷

5. Please describe specifically how and why you will be able to advance, at the ICANN Board, the interests of the At-Large Community and the broader global community of Internet end-users

It is my intent to advance the public interest. I fully support the ICANN Affirmation of Commitments that recognized the value of “input from the public, for whose benefit ICANN shall in all events act”.¹⁸ Inasmuch as ICANN has committed itself to acting in the public interest, my expectation is to be able to advance such interests. With that said, we all know that even the strongest expectations and highest priorities (such as the promised contingent of nine elected ICANN at-large directors) don't always come to pass. At issue then is the “how and why” such advancement will be enabled.

The public interest will be advanced for one simple reason: everyone fears the prospect of ICANN being “captured” by private-sector or governmental interests. You will recall that one of the primary themes highlighted in the Implementation Plan for Improving Institutional

¹⁶ I participated in the DNSO Review Working Group – some of my comments on the dysfunctional state of that particular policy-developing organization may be found here:

<http://www.dnso.org/dnso/dnsocomments/comments-review/Arc00/msg00005.html>

¹⁷ <http://www.icann.org/en/minutes/minutes-27aug09-en.htm>

¹⁸ <http://www.icann.org/en/announcements/announcement-30sep09-en.htm>

Confidence¹⁹ was “safeguarding against capture”.

As to “how” I will be able to advance the public interest, it is with the recognition that all good things begin with small earnest steps. For example, a director acting in the public interest might point out that per the ICANN Bylaws:

“There shall be a staff position designated as Manager of Public Participation, or such other title as shall be determined by the President, that shall be responsible, under the direction of the President, for coordinating the various aspects of public participation in ICANN, including the Website and various other means of communicating with and receiving input from the general community of Internet users.”

This position is currently, once again, vacant.

The public interest can further be advanced by invoking other sections of the bylaws that pertain to the board acting on its own motion to recognize or to create new constituencies. One of the major principles recognized by the U.S. Government’s White Paper²⁰ was that of “representation”:

“The new corporation should operate as a private entity for the benefit of the Internet community as a whole. The development of sound, fair, and widely accepted policies for the management of DNS will depend on input from the broad and growing community of Internet users. Management structures should reflect the functional and geographic diversity of the Internet and its users. Mechanisms should be established to ensure international participation in decision making.”

We are all aware that the highly touted GNSO reform has miserably failed to produce even a single new ICANN-recognized constituency even though there are many groups that would fit well within the ICANN mix: representatives from the law enforcement community, representatives from public interest groups, representatives from the registrant community, or the re-seller community, or from academia or think tanks.

We all know what needs to be done – our house needs to be put in order during the next ICANN Review cycle; it needs to conform with the representational principle so that the public interest may finally thrive.

To that end, an orderly step-by-step approach that recognizes that “an increasing percentage of Internet users reside outside of the U.S., and those stakeholders want to participate in Internet coordination”²¹ will ensure that the public interest ultimately prevails.

6. Is there any additional information you would like to submit that would be helpful to the BCEC in making its decision? If so, please summarize it here

I remain disappointed and troubled by the fact that almost no one in the real world outside of the ICANN ambit is aware that this organization is seeking a new board director. There have

¹⁹ <http://www.icann.org/en/jpa/iic/draft-iic-implementation-26feb09-en.pdf>

²⁰ <http://www.icann.org/en/general/white-paper-05jun98.htm>

²¹ <http://www.icann.org/en/general/white-paper-05jun98.htm>

been no major press releases, no media or blog coverage whatsoever, and no significant awareness campaign that would have resulted in a noteworthy pool of highly qualified and diverse applicants. We all recall that the first At-Large elections resulted in 27 high-caliber regional nominees and “some 158,000 people registered to vote online”²². By comparison, the process invoked in 2010 can only be characterized as an abject failure, an utter disaster and a profound embarrassment.

I responded to the call for Statements of Interest only after having heard that in the week prior to the scheduled process conclusion, the BCEC had received only eight applications of which “quite a few” were deemed to be incomplete. No organization is well-served by a highly limited applicant pool. This does not bode well, and I encourage you to re-set your deadlines, to re-visit your woefully inadequate processes and to properly engage in the outreach that you have all committed yourselves to doing (an outreach that is still nowhere to be seen).

Sadly, this process has become an exercise for ALAC insiders only. Too bad – you have wasted a rare opportunity.

²² <http://members.icann.org/carter.htm>