

Non-Commercial Stakeholders Group
*Representing the interests and concerns of
non-commercial Internet users in domain name policy*

To: Cherine Chalaby, Chair of the Board, ICANN
Cc: Göran Marby, President and CEO, ICANN

22 May 2018¹

RE: At-Large Review Implementation Overview Proposal

Dear Mr. Chalaby,

I am writing to you on behalf of the Non-Commercial Stakeholders Group (NCSG) in relation to the At-Large Review Implementation Overview Proposal that was ratified by the At-Large Advisory Committee (ALAC) on 20 April 2018.² As you may be aware, in March 2017 the NCSG submitted a detailed comment on the report of the second independent review of ALAC. We have carefully reviewed the proposed implementation plan, and were disappointed to observe that it will not address some of the most important and fundamental problems that were identified by the reviewers and the broader community. We also considered those to be critical issues with ALAC and therefore we are writing to you today to request that the Board not accept this implementation plan.

At-Large needs to acknowledge that most of the issues that the reviewers raised have merits. Even if it does not agree with the provided solutions, it should address the issues, otherwise doing a review would become meaningless. We would like to echo the comments of the Contracted Party House in asking that before the Board adopts any implementation plan in relation to the ALAC that it first, “be presented to the whole ICANN community, so that any further input from, or discussion with, the community can be arranged, to see the Review through to an appropriate end.” We would be happy to engage in this process and to share with the ALAC our best practices in doing a lot with very little.

In particular, we ask that this plan be revised to address several of our most pertinent concerns:

- **At-Large has not accepted any of the solutions proposed for reforming its election procedures.**
- **At-Large must adopt the proposed Empowered Membership Model in order to facilitate greater direct participation by Internet end-users in its activities.**

¹ Drafted on 16 May and Updated on 22 May 2018 and sent to the Board

² https://community.icann.org/display/ALRW/At-Large+Review+Implementation+Overview+Proposal?preview=/84214343/84216717/ALAC-Proposal_Approved-20180420.pdf

- **At-Large must develop a robust conflict of interest policy, in particular for their leadership.**
- **The role of At-Large is not to engage in policy work.**
- **The At-Large Leadership Team (ALT) should be dissolved.**
- **Given the tightening budget, we ask that no funding be allocated towards the At-Large Summit for a further five years.**

We have expanded on the above mentioned points in the following pages. Thank you for your time and consideration of our letter.

Yours sincerely,

Farzaneh Badiei
Chair, Non-Commercial Stakeholders Group

- **At-Large must adopt the proposed Empowered Membership Model in order to facilitate greater direct participation by Internet end-users in its activities.**

Many Internet Society (ISOC) chapters have a strong desire to be involved in ICANN activities, and their perception has long been that the best place for them is within At-Large, though some have joined other parts of the community, including the NCSG. Since 2009, ISOC has facilitated ISOC-in-ICANN meetings in order to coordinate and avoid surprises in positions held within the At-Large Structures (ALS), as previously some chapters were supporting opposing options in ICANN policy. This coordination, however, has lowered the overall participation of ISOC chapters at ICANN. It is the position of the NCSG that At-Large should pivot to an individual membership model, so that Internet end-users can directly participate in At-Large activities. While we support At-Large retaining organisational members, the current model gives disproportionate influence and sway to ISOC, when given the coordination of its chapters that have formed ALS, it should form only one organisational unit.

Since at least 2015, ISOC has had what are called ‘Special Interest Groups’ (SIG).³ A SIG is a non-geographical collection of ISOC members who wish to pursue significant long-term activities that support ISOC’s mission. We would encourage ISOC members to band together and to launch an ICANN SIG, much like there exists a Blockchain SIG, a Cybersecurity SIG, and a Women SIG. This would overall raise the stature of ISOC at ICANN, because it formalises a structure for adhesion to principles and contributions.

In addition, until such time as all five Regional At-Large Organisations (RALOs) allow for individual members, we concur with the independent assessors that At-Large will struggle to reflect end-user opinion.

- **The role of At-Large is not to engage in policy work.**

We are concerned by the repeated references within the implementation plan to At-Large “engag[ing] in policy work” and ICANN staff “coach[ing] and onboard[ing] new policy volunteers.” If ALAC proposes to play a larger role in policy, we need to have a separate conversation as to how and where this should happen.

ICANN is composed of three Supporting Organisations which are responsible for

³ <https://cdn.prod.internetsociety.org/wp-content/uploads/2017/08/Special-Interest-Groups-Internet-Society.pdf>

developing and making policy recommendations to the ICANN Board. Once policy recommendations have been made, they are reviewed and non-binding advice is provided by a series of Advisory Committees. Among these Advisory Committees is the ALAC. The role of ALAC is to provide the ICANN Board with non-binding advice on issues being discussed within the ICANN community which have implications for end-users. Although At-Large participants, like anyone, can join open policy development working groups, it is not the role of the ALAC itself to be directly participating in the policy development functions that the Supporting Organisations have remit over.

- **At-Large must develop a robust conflict of interest policy, in particular for their leadership.**

It is no easy task to represent the interests of the Internet's over 3 billion end users. However, if At-Large is going to play this function effectively in the multistakeholder process, it is critical to consider their role as being distinct from that of other stakeholder groups at ICANN. At-Large should develop a conflict of interest policy to facilitate this distinction, and to avoid capture by interests whose goals may not be in line with those of end-users more generally such as, for example, governments and businesses. Although governments and businesses are, of course, end users in their own right, they also have dedicated stakeholder groups in which their interests are represented. Moreover, governments and some business sectors may have interests which are directly divergent from those of the vast majority of Internet users. In order to protect the integrity of ALAC, it is important to develop a conflict of interest policy which prevents membership by persons who are closely tied to these other groups.

- **The At-Large Leadership Team (ALT) should be dissolved.**

We support the assessment of the independent evaluators that the ALT should be dissolved and its decision-making powers be fully resolved to the ALAC. The proposed implementation plan indicates that the, "ALAC Chair will work with members of the ALAC and staff to better communicate the role and activities of the ALT ensuring that it is clear what the ALT does and does not do." Such a proposal does nothing to reduce barriers to newcomer participation, and does nothing to ensure more members can rotate into leadership positions in due course.

- **At-Large should adopt a simpler and more transparent electoral procedure for the selection of the At-Large-appointed member of the Board of Directors.**

We do not believe the proposed implementation plan has made any serious commitment

to adopting simpler and more transparent electoral procedures, and it is important that this happens, because At-Large's election processes are complex and have been open to allegations of unfairness. The one-sentence proposed solution to this recommendation, that "At-Large will continue to evolve its processes through its bottom-up, consensus based, community deliberations and update as and when needed," makes no firm commitments to evolving the electoral procedures.

- **Given the tightening budget, we ask that no funding be allocated towards the At-Large Summit for a further five years.**

The entire ICANN ecosystem is now aware of the resource constraints that ICANN faces as a result of a stabilization (if not a decrease) in revenue, and the need to achieve operational efficiencies in order to replenish the reserve fund. With this in mind, and because we question their overall value, we support the view of the independent assessors that the coming five-yearly global At-Large Summit meeting should be cancelled.

We also note that if ALAC moves towards the individual membership model, a steadily increasing number of At-Large members would make this meeting financially unviable.

We would support re-evaluating the request for an At-Large Summit in 2023.