The 2nd At-Large Summit (ATLAS II)

FINAL DECLARATION

Introductory Text

By the Staff of ICANN

Representatives of approximately one hundred and fifty (150) At-Large Structures ("ALSes") from five Regional At-Large Organizations ("RALOs") representing ICANN's global At-Large Community met at the 2nd At-Large Summit (ATLAS II) as part of the 50th ICANN meeting in London, United Kingdom between 21-26 June 2014.

Amongst the various activities of the Summit were five Thematic Groups on issues of concern to the At-Large Community. The subjects for the Thematic Groups were selected by the representatives of ALSes. Each Summit participant was allocated to the Thematic Group according to his/her preference. The five Thematic Groups were:

- Thematic Group 1 (TG1): **Future of Multi-Stakeholder Models**

- Thematic Group 2 (TG2): **The Globalization of ICANN**

- Thematic Group 3 (TG3): **Global Internet: The User Perspective**

- Thematic Group 4 (TG4): **ICANN Transparency and Accountability**

- Thematic Group 5 (TG5): **At-Large Community Engagement in ICANN**

All Thematic Groups commenced their work on Saturday 21 June 2014, the opening day of the Summit, and then each met in four individual breakout sessions during the Summit to finalize their statements.

The text that follows, including the appendix which is an integral part of the Final Declaration, was endorsed by approximately 150 ALSes on the morning of Thursday, 26 June 2014 and then endorsed by the At-Large Advisory Committee (ALAC) by acclamation on the same day. The Final Declaration is to be presented to the Board of ICANN at its public session in London, United Kingdom on Thursday, 26 June 2014.

[End of Introduction]

The 2nd At-Large Summit (ATLAS II)
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Five years after the first At-Large Summit (ATLAS I, Mexico City, March 2009), the At-Large Advisory Committee (ALAC) chose "The Global Internet: the User Perspective" as the overall theme for its second At-Large Summit (ATLAS II, London 2014). Internet end-users and/or their representatives, as well as many representatives of At-Large Structures (ALSs) participated in a week of meetings and 2 days of brainstorming sessions in order to develop a range of recommendations and observations on the future direction of ICANN. This work was carried out in 5 thematic groups.

In the following paragraphs, the ALAC presents its ATLAS II Declaration on these recommendations (to the ICANN Board and/or ALAC itself) and observations (to individuals and organizations promoting a more inclusive Internet).

TG1: The Future of Multi-Stakeholder Models

It is imperative that Multi-stakeholder Models (MSM) place the user perspective at the centre of the decision-making process, as users will be the primary beneficiaries of decisions made within the overall framework of various models.

Recommendations

R-1.   ICANN should continue to support outreach programmes that engage a broader audience, in order to reinforce participation from all stakeholders.

R-2.   ICANN should increase support (budget, staff) to programmes having brought valuable members to the community.

R-3.   ICANN should continue to shape an accountability model reaching not only Board members but all parts of the ICANN community, in order to develop a more transparent and productive environment.

R-4.   ICANN should study the possibility of enhancing and increasing the role of Liaisons between its different Advisory Committees and Supporting Organizations (AC/SOs) to do away with the "silo culture".

R-5.   ICANN should examine how best to ensure that end-users remain at the heart of the accountability process in all aspects pertaining to the transition of stewardship of the IANA function.

R-6.   ICANN's MSM should serve as the reference in encouraging all participants (individuals or parties) to declare and update existing or potential conflicts-of-interest, each time a vote takes place or consensus is sought.

R-7.   A periodic review of ICANN's MSM should be performed to ensure that the processes and the composition of ICANN's constituent parts adequately address the relevant decision-making requirements in the Corporation.

R-8.   The ALAC has the duty to keep track of action taken on all of the above recommendations.

Observations

O-1.   As no single MSM can serve as a universal reference, the community must foster consideration and innovation of different models, allowing the best possible implementation of MSM for any particular decision-making requirement;

O-2.   The composition, segmentation ("silos") and diversity of ICANN's constituent parts should be flexible, as different areas of policy may call for different groupings of interested communities.

O-3.   Cross-community cooperation should be the default mode; segmentation should only be engaged when the MSM proves ineffective;

O-4.   The MSM requires efficient processes, clarity of scope, a sufficiently open membership, as well as enhanced engagement between different parts of the Internet ecosystem.

O-5.   Fellowship programmes should be enhanced to expand eligibility of participants to disadvantaged people and communities everywhere.

TG2: Globalisation of ICANN

To pursue its globalization, ICANN must ensure that the entire Internet community is comfortable with its level of access, participation and input into decision-making processes and production of global policies.

Recommendations

R-9.   ICANN should open regional offices with a clear strategy, subject to a cost-benefit analysis, focusing on the areas where the access to the Internet is growing, and where such growth is more likely to occur.

R-10.   The next evolution of language services must adopt further extension of live scribing for all meetings and generally extend the current interpretation and translation processes and make translation available in a timely manner.

R-11.   ICANN must implement a range of services to facilitate access according to various criteria (gender; cultural diversity) and user needs (disabilities, etc…).

R-12.   In collaboration with At-Large Structures, ICANN should put in place campaigns to raise awareness and extend education programmes across underrepresented regions.

R-13.   ICANN should review the overall balance of stakeholder representation to ensure that appropriate consideration is given to all views, proportionally to their scope and relevance.

R-14.   ICANN should adjust its contractual framework to minimize conflict between its requirements and relevant national laws.

R-15.   ICANN should examine the possibility of modifying its legal structure befitting a truly global organization, and examine appropriate legal and organizational solutions.

R-16.   ICANN needs to improve their direct communications regardless of time zones.

R-17.   ICANN needs to be sensitive to the fact that social media are blocked in certain countries and, in conjunction with technical bodies, promote credible alternatives.

TG3: The User Perspective

The end-user should be considered as an essential component of ICANN's Multi-Stakeholder model, as referred to in the NETmundial Multi-Stakeholder Statement.

Recommendations

R-18.   Support end-users to take part in policy development.

R-19.   Eliminate barriers to participation and engagement with ICANN processes and practices.

R-20.   Input the user perspective, wherever necessary, to advance accountability, transparency and policy development within ICANN.

R-21.   Encourage public campaigns on using the Internet for education, information, creativity and empowerment.

Observations

O-6.   Focus on education, digital literacy and the empowerment of the user community and, where possible, on building, maintaining and operating computers & programmes.

O-7.   Promote, globally, the fundamental rights of Internet users, and thus re-establish trust in the Internet; demand effective protection against arbitrary and pervasive surveillance, collection, treatment, handling and use of personal data; permit users to obtain the deletion of their private data from servers and databases; ensure compatibility between the rights enjoyed by users and the terms of service of private companies serving the Internet community.

O-8.   Obtain openness and transparency from each country's ccTLD (or Country Code) operator.

O-9.   Promote the use, by individuals and organizations, of secure, efficient, easy-to-use interoperable online identity credentials; promote web standards favouring user autonomy and security (e.g. XML and Web Content Accessibility Guidelines), with the active participation of impacted communities.

O-10.   Foster substantial local content, beyond infotainment; ensure access to truthful information and knowledge.

TG4: ICANN Transparency and Accountability

ICANN, under its own Bylaws and the Affirmation of Commitments, must ensure that decisions made related to its responsibilities coordinating Internet Names and Numbers are effectively made in the Public Interest, and must be accountable and transparent.

Recommendations

R-22.   Members of the general public should be able to participate in ICANN on an issue-by-issue basis. Information on the ICANN website should, where practical, be in clear and non-technical language.

R-23.   The roles and jurisdiction of the Ombudsman should be expanded. The ICANN website should provide a clear and simple way for the public to make complaints.

R-24.   Both the areas of the Ombudsman and Contractual Compliance should report regularly on the complaints they received, resolved, pending resolution and actions taken to address issues raised by unresolved complaints.

R-25.   To enhance ICANN's community effort on building a culture of Transparency and Accountability, as called for in the recommendations of ATRT2, oversight of the Board's decisions now requires an effective mechanism of checks and balances, capable of providing true multi-stakeholder oversight and effective remedies.

TG5: At-Large Community Engagement in ICANN

The At-Large Community has become one of the largest communities in ICANN, comprised of a diversity of organisations across all regions and with various end-user interests and backgrounds. Even five years after the first ICANN At-Large Summit in 2009, the engagement of such a community in ICANN still needs to be improved.

Recommendations

R-26.   Current policy management processes within ICANN are insufficient. ICANN must implement a workable Policy Management Process System, available for use across the SO/ACs, in order to:

- enhance Knowledge Management,

- improve the effectiveness of all ICANN volunteer communities,

- improve cross-community policy-specific activity,

- enhance policy development metrics,

- facilitate multilingual engagement,

- create a taxonomy of policy categories,

- provide policy development history as an aid for newcomers.

R-27.   The Board must implement ATRT2 Recommendation 9.1, regarding Formal Advice from Advisory Committees.

R-28.   The ALAC should work with all RALOs and ALSes to map the current expertise and interests in their membership, to identify Subject Matter Experts and facilitate policy communication.

R-29.   The ALAC should implement an automated system for tracking topics of interest currently being discussed among the various RALOs, and accessible by everyone.

R-30.   For each Public Comment process, SOs and ACs should be adequately resourced to produce impact statements.

R-31.   ICANN and the ALAC should investigate the use of simple tools and methods to facilitate participation in public comments, and the use of crowdsourcing.

R-32.   ICANN should ensure that all acronyms, terminology in its materials are clearly defined in simpler terms.

R-33.   The ALAC should arrange more At-Large Capacity Building Webinars.

R-34.   In collaboration with the global Internet user community, the ALAC shall reiterate the link between the fundamental rights of Internet users, and the Public Interest.

R-35.   The ICANN Board should hold a minimum of one conference call with the At-Large Community in between ICANN Public Meetings.

R-36.   The At-Large Community should envisage conference calls with other ACs and SOs in between ICANN public meetings to improve collaboration and engagement.

R-37.   Additional logistical support from ICANN is needed to improve the At-Large wiki.

R-38.   ICANN should ensure that its Beginner Guides are easily accessible.

R-39.   ICANN should encourage "open data" best practices that foster re-use of the information by any third party.

R-40.   ICANN should offer a process similar to the Community Regional Outreach Pilot Program (CROPP), but applicable to short lead-time budget requests not related to travel.

R-41.   The ALAC should work with the ICANN Board in seeking additional sources of funding for At-Large activities.

R-42.   ICANN should enable annual face-to-face RALO assemblies, either at ICANN regional offices or in concert with regional events.

R-43.   RALOs should encourage their inactive ALS representatives to comply with ALAC minimum participation requirements.

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In the course of the ICANN-50 Meeting in London, the Chair of the ICANN Board of Directors, and the corporation's CEO, underlined the need to place the user perspective at the centre of this organization's work. The ALAC is pleased to convey to the leadership of ICANN, and to its global community, its eagerness to fully assume its role in achieving this objective./.

Second At-Large Summit

(ATLAS II, London 21-26 June 2014)

APPENDIX DOCUMENTS

Five years after the first At-Large Summit (ATLAS I) was held in Mexico (2009), ATLAS II, organized in London, chose "The Global Internet in the User Perspective" as its overall theme. Internet end-users and/or their representatives, as well as many At-Large Structures (ALSs) took part in 2 days of brainstorming sessions, in 5 separate "thematic groups".

This Appendix contains the input consensus texts of recommendations from all five Thematic Working Groups of the At-Large Summit.

ATLAS II Thematic Group 1 (TG1) on
"The Future of Multi-Stakeholder Models"(*)

(* The Group began proceedings by changing its name from "the Future of Multistakeholderism". The Group concurred that the use of the term "multi-stakeholderism" connotes a kind of faith or belief system, and that the concept of participation models that share policy development input amongst the various affected constituencies.)

Going forward, in considering the future of Multi-Stakeholder Models ("MSMs"), the At-Large Community identified four overarching themes

Inclusiveness

For the purpose of this analysis, the Group defined inclusiveness within the multi-stakeholder approach as "the possibility for any person or entity to participate in the governance processes dealing with issues in which they have a direct or indirect stake".

Of particular interest and concern to the Group is the role of governments within the context of the MSMs. A number of government statements during the NETmundial meeting indicated a discomfort with MSMs and a desire to revert to intra-governmental policy making, either through the ITU or a strict interpretation of WSIS declarations. Many members of the Group had encountered situations in which governments asserted that they believed that they were above the MSMs. The argument that is usually highlighted here is the fact that democratically elected bodies claim to represent the Public Interest. However, the Group felt not all governments are democratically elected, nor the fact that all act on Public Interest.

Furthermore, the need to begin a discussion about the appropriate roles and responsibilities of stakeholders in Multi-Stakeholder processes was noted, with concern that current default formulation dates from the earliest days of the World Summit on the Information Society, now more than a decade old, does not reflect the current situation. NETmundial's recognition of the "different roles played by different stakeholders in different issues" is an important evolution of this old approach.

The pace, global consequences, and technical grounding of Internet governance decisions requires that all stakeholders participate directly in the processes. This assertion does not exclude governments both in their well-established role, but identifies their participation in the Multi-Stakeholder mechanisms.

The group's answer to this challenge is to assert that the consensus of national Public Interests does not necessarily constitute a global Public Interest. Other interests exist which surround political boundaries, especially in the promotion of and maintenance of openness and universally accepted standards. Furthermore, advances in communications technologies make bottom-up participation far easier than has been possible in the past.

The artificial segmentation of "Interest Communities" (often referred to as "silos") may be necessary for the purposes of organization, efficiency and diversity of opinions. However the composition and number of silos should be flexible, as different policy realms may call for different groupings of communities with common interests. That said, silos should not be a dominant feature within ICANN's context, and further engagement within communities should be encouraged.

Legitimacy

The Group determined that as MSMs evolve, they require grounds on which legitimacy is established. This legitimacy should be sufficiently stakeholder group balanced and inclusive. This is essential in order to attain the trust of the wider stakeholder community. While not all stakeholders will achieve all their objectives within an atmosphere of collaboration and consensus, the MSM processes should seek to ensure that all views are reflected in the outcome.

In order for MSMs to evolve, they must be flexible enough to allow for both democratically chosen representatives of affected and interested parties, as a well as independent personal contributors. Inclusion must be the default state, and any restriction to participation must be supported by specific justification.

While the product of individual submissions may not necessarily be afforded the same priority of attention as the work of larger representative groups, which may be more deliberative, all input should be considered on its merits including independent research, dissenting opinions and minority reports. Such inclusiveness promotes democratic participation and strengthens the legitimacy of the resulting work.

Effectiveness

In order to satisfy public confidence, a decision-making model (if this is required) such as an MSMs demands a sufficiently unrestricted membership, as well as efficient processes and clarity of scope. Meeting these requirements offers a process that cannot be legitimately excluded from consideration in government and other high-level public policy development sector.

The Group recognizes that the use of the MSM, especially within the implementation context of ICANN, might be more time consuming than less-inclusive approaches to decision making. However the benefits of legitimacy and inclusiveness far outweigh the difference in pace. The greater likelihood that a sufficiently inclusive MSM will "get things right the first time" and reduce the need for remedial effort outweighs the impulse to exclude stakeholders in the name of expediency.

The Group supports reasonable measures to make MSM processes more efficient, however they must be acceptable to all stakeholders and may not impede demands for groups to be sufficiently deliberative with their communities. Also supported is periodic review of the MSM in use in any particular context, to ensure that the processes and silo compositions adequately address the relevant decision making requirements.

The group also recognized the usefulness of the Internet governance process principles proposed by NETmundial, and that these principles can be adopted as a reasonable test of how well an organization or process can be considered to be a legitimate MSM.

Accountability

The Group determined that accountability should be seen not only as a tool for transparency, but an effective way to hold intervening parties responsible of their actions. The challenge remains on designing a mechanism or structure that will be able to implement these measures in a manner that maintains (and indeed enhances) public trust.

Issues related to conflicts of interest must be addressed directly. In the ICANN model, disclosure of interests via the Statement of Interest (SOI) has traditionally been sufficient, enabling conflicted parties to remain as active participants in decision making that directly affects their business relationships. (Indeed, this practice has enabled some ICANN stakeholders to be accused of being on "both sides of the table" during contract negotiations).

Furthermore, in the interests of maximum clarity, declarations of potential conflict must be repeated by the affected individuals each time that a vote or gathering of consensus takes place.

Summary

The future of MSMs needs to put users back in the center of the decision making process. This doesn't mean that users will make all decisions but instead that decisions must be made aiming to benefit users as their ultimate goal.

Recommendations:

1. ICANN should continue to support outreach programmes that engage a broader audience in order to reinforce participation from all stakeholders.

2. ICANN should increase support (budget, staff) to programmes having brought valuable members to the community.

3. ICANN should continue shaping an accountability model reaching not only Board members but all parts of the ICANN community, in order to develop a more transparent and productive environment.

4. In seeking to do away with the "silo culture", ICANN should study the possibility of enhancing and increasing the role of Liaisons between its different Advisory Committees and Supporting Organizations (AC/SOs).

5. In the perspective of the IANA stewardship transition, ICANN should examine how best to ensure that the end-user constituency remains at the heart of the accountability process.

6. ICANN's MSM should serve as the reference in encouraging all participants (individuals or parties) to declare and update existing or potential conflicts-of-interest, each time a vote takes place or consensus is sought.

7. A periodic review of the MSM should be performed to ensure that the processes and the composition of ICANN's constituent parts adequately address the relevant decision-making requirements in the Corporation.

8. The ALAC has the duty to keep track of action taken on all of the above recommendations.

Observations:

1. No single MSM can serve as a one-size-fits-all reference to meet the needs of different groups, and we encourage the community to foster diversity and interaction between different models, thus allowing best practices to be identified and implemented across multiple models.

2. Artificial segmentation of "interest communities" (often referred to as "silos") may be necessary for the sake of organizational efficiency and diversity of opinions. But the composition and number of ICANN's constituent parts should be flexible as different areas of policy may call for different groupings of communities upholding common interests. In this context, cross-community cooperation should be the default mode.

3. In order to foster public confidence, the MSM requires efficient processes, clarity of scope, a sufficiently open membership, as well as enhanced engagement between different parts of the Internet ecosystem.

4. In order to engage with the widest possible community outside the Internet governance ecosystem, fellowship programs should be enhanced to enable disadvantaged people and communities within richer nations to participate. The Group further notes that many fellowship programs within the ecosystem use the World Bank system in determining eligibility of candidates.

TG1 Members

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ATLAS II Thematic Group 2 (TG2) on "Globalisation of ICANN"

I.   Introduction

Thematic Group 2 was tasked with a review of ICANN's effort to provide a framework where stakeholders worldwide can effectively interact on an equal footing with no barriers to full participation. This framework must also provide the higher levels of transparency and accountability and ensure that the multiple stakeholders have the ability to verify that ICANN is free of any restrictions, domestic or otherwise, that interfere with its ability to provide the required services and support as per its mandate.

The review was therefore divided into the following thematic areas:

1. **Inclusion and Diversity**
   Are there barriers to participation that hinder and limit based on cultural, geopolitical, economical linguistic and gender or other differences?

2. **Equal Global MSM**
   Are there stakeholders groups that are less represented, or have a lesser voice in the PDP?
   If so, do we put in place mechanisms to foster equal participation?
   What are the mechanisms to ensure the PDP receives global input and addresses the needs and expectations of all stakeholders?

3. **Constitution and Legal Mechanisms**
   Are the bye-laws drafted in compliance with Int'l law principles or are they oriented to a local, not global jurisdiction?
   Are contracts - with contracted parties compliant with Int'l law and in any case not in contrast with legal systems other than the home jurisdiction of ICANN?

4. **Accountability**
   Are the accountability mechanisms globally fair?
   Will all the different global stakeholder groups have the same power to enforce checks and balance on ICANN's behaviour?

5. **Operational Matters**
   Is communication privileging specific local communities?
   Is ICANN's footprint global, covering the global Internet community on equal footing?
   Are users worldwide given the same opportunities to contact ICANN and to provide their opinion, advice, comment or complaint?
   Is access to ICANN's facilities equal to all stakeholders?
   Are ICANN's operations sufficiently shielded from local jurisdiction, i.e. can ICANN survive a change of the political attitude in one or more countries without disruption of its operations worldwide?

II. Findings/Recommendations

The findings and conclusions members of the thematic group are as follows:

II.1 Inclusion and diversity

ICANN has made some progress in being more inclusive but some issues still remain to be addressed. Some of these are outside of ICANNs direct remit and will require partnerships and collaborations to be effectively addressed. Others are directly within ICANN's control. These are as follows:

- With respect to ICANN meetings, there is uneven geographic representation and participation due to lack of access, understanding of the subject matter, lack of awareness and a general feeling that there is a level of unresponsiveness on the part of the policymakers within ICANN to local concerns. There is a sense that a lack of equity in stakeholder access and representation exist and as a consequence, an inability to influence policy.

- Geographic regions are underrepresented in working groups where most of the policy development takes place. The reasons are various from cultural, structural, political, to capacity. In some regions the layer of the enabling infrastructure for access is limited or is only now being addressed.

- There continues to be a challenge with effective language interpretation and translation, both for the spoken word but in particular for the published documents.

If ICANN adopts a mandate to improve the engagement process, it should begin by taking the following steps.

- ICANN must accelerate the stationing of its staff closer to the end users around the world. This would mean rebalancing the staff placement with greater focus on the areas where the access to the Internet is growing and where growth is more likely to occur.

- The next evolution of language services must adopt further extension of live scribing for all meetings and generally extend the current translation and interpretation processes. Special attention should be given to the production of documents to eliminate the lag in the publication between English language documents and other language sets. More human translators in the process, possibly sourced from end user community groups, could assist in product improvement and output. It should be noted that real time scribing is currently offered at Board Meetings, meetings of the GAC, the public forum and the opening ceremonies of ICANN meetings. Research has indicated that scribing is several times more expensive than interpretation.

- ICANN must implement a range of services to facilitate access by the differently abled communities. Extensive consultation with the community is required so to ensure that the services provided are fit for purpose.

- ICANN must also further address the issues of gender imbalance

II.2   Equal Global MSM

The discussion here centered on the theme that there is unequal influence and power in the ICANN's Multi-Stakeholder model (MSM). The general belief is that structural as well as capacity differences contribute to this state of affairs. Even within regions, some sub-regions seem to be more represented than others. Achieving equity will involve capacity-building and further support for engagement to stakeholder groups currently less engaged.

ICANN should consider doing more of the following:

- Awareness raising campaigns across underrepresented regions in collaboration with At-Large Structures

- Extensive Education programmes across underrepresented regions in collaboration with other Internet focused organisations.

- Revising the internal balance of stakeholder representation to ensure that appropriate consideration is given to all views, proportionally to their scope and relevance.

II.3   Constitution and Legal Mechanisms

The ICANN by-laws do not specifically conflict with principals of international laws but also do not specifically take special cognizance of international law. ICANN is a California corporation and therefore operates in compliance with California law. This means that while the by-laws may not themselves contravene international law or the laws of other nations, the by-laws also do not compel ICANN to take cognizance of or make efforts to remain in compliance with international law or the laws of other nations.

Contracts between the ICANN and contracted parties, as expected, are made in compliance with ICANN's bye-laws and the laws of California and the United States. It is not unexpected, therefore, that there would be legal conflicts with contracted parties especially since they operate in vastly different legal jurisdictions. ICANN has extended specific provisions, for example, allowing registrars to apply for waivers of contractual provisions in order to remain in compliance with their local laws.   But from all reports these provisions appear ineffective, inefficient and hard to implement, and no comprehensive solution has been offered.

The primary recommendation is that ICANN must takes steps to adjust their legal and organizational structures to more comprehensively reduce, if not eliminate, the legal conflicts between ICANN requirements and contracts and national laws.

These steps include the following:

- Inclusion of language in the by-laws to commit ICANN to a 'reasonable' level of sensitivity and appropriate deference to international law and the laws of other nations.

- Consider incorporating ICANN in a different or multiple legal jurisdiction(s) that would permit ICANN to better observe and respect national, local or regional laws.

- The possibility of moving ICANN principal office or seat to a location perceived to be 'neutral' in terms of the application of laws (e.g. Geneva)

- The evolution of ICANN's legal structure to one more along the lines of a Treaty based organization. It would be instructive for ICANN to evaluate similar organisations for guidance and action.

II.4   Accountability

The accountability mechanisms of ICANN do not facilitate access and/or input from the global Internet community at present. The primary example of this is the Affirmation of Commitments (AoC) with the U.S. Department of Commerce. Even though the principles of accountability are enshrined in that agreement, the very nature of this bilateral document does not provide global community scrutiny and input.

It is recognized that there is an Independent Review Process (IRP) in place within ICANN internally but there are some issues of transparency in this process. The IANA stewardship transition will be a tremendous opportunity to begin to develop an accountability mechanism that is accessible to the global Internet community.

Incorporating ICANN in a different or multiple jurisdictions would provide additional tools for accountability and overcome the perceived obstacle of having to hold ICANN legally accountable through the application of California law in California courts using California attorneys.

II.5   Operational Matters

It is clear that ICANN's global footprint does not cover the global Internet community on an equal footing and there are weaknesses that need to be addressed. There was general agreement that ICANN needs to be closer to the members of the global community…especially in the underserved areas. Access to the ICANN's facilities by the global community can also be improved.

The difficulties highlighted included the following:

- ICANN support staff are physically difficult to contact (there was however a debate is to whether this was absolutely necessary)

- The current instance of the ICANN website is unhelpful and does not easily facilitate access by global users, in particular disabled persons

- Translated documents are not available online

- There are issues that require immediately response depending upon constituency. ICANN needs to take into consideration specific geographic and cultural tendencies (i.e the need to speak with live operators)

- Some of the online social media used by ICANN for their outreach is sometimes blocked by governments.

- As a consequence of ICANN being incorporated win the U.S., stakeholders from specific countries are subject to commercial embargoes which may hinder or entirely prevent individuals from such countries from being funded or fully participating.

There was a clear consensus that ICANN needs to improve its global footprint if it is to effectively support its global Internet community.

The recommendations include the following:

- ICANN to open regional offices but with a clear strategy and subject to a cost-benefit analysis, since ICANN cannot open in every location.

- Legal structure of ICANN be changed to one along the lines of a treaty organization or international NGO.

- ICANN to improve their direct communications regardless of time zones.

- ICANN to be sensitive to the fact that social media is sometimes blocked by governments.

- ICANN must ensure translations are made available in a timely manner

- ICANN should evaluate and increase the effectiveness of its support for participation by global stakeholders (funding for At Large, fellowships, translations etc.) in regard to actual policy input produced and/or local outreach made by those who are supported.

ICANN should consider expanding the size of such support (e.g. the size of the ALAC and of regional At Large leaderships, the number of people funded to attend meetings, the number of fellowships, the number of languages for translations...) with a specific objective to increase further the internal diversity of global participation.

Incorporating ICANN in a different or multiple jurisdictions, restructuring ICANN and/or relocating ICANN to a neutral country such as Switzerland could assist in shielding ICANN from local jurisdiction bias and politics such that ICANN could better survive a change of the political attitude in one or more countries without disruption of its operations worldwide.

III.   Conclusion

It must be understood that managing the integrity and sustainability of the Internet space, especially considering its rapid growth is an evolving, complicated process. In its sixteen years of existence ICANN has made tremendous steps in ensuring that consistent global stakeholder participation was part of the overall Internet ecosystem. If ICANN is truly to become the global organization, it must ensure that the entire Internet community is comfortable with its level of access, participation and input into decision making processes and production of global policies.

TG2 members

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ATLAS II Thematic Group 3 on "Global Internet: an overview of the User Perspective"

A) Internet End-users in Internet Governance

The term "end-user" implies a more active role than that of "consumer": she/he may be a producer as well as a consumer of content, and should be considered a component of the MSM as it is referred to in the "NETmundial Multistakeholder Statement". Further, the projected worldwide expansion of the user community requires greater focus on a wider range of needs.

B) Growth of Internet end-users in both Emerged and Emerging Economies

Recommendations

- Make human rights legislation an integral part of processes affecting the end-user (possible references: civil advocacy, Council of Europe Guide to Internet Rights and Principles, etc.).

- Actively support universal Internet access: availability, affordability, improved bandwidth, accessibility for disadvantaged people - including people with disabilities- , metrics for measuring access and infrastructure to ensure high service quality.

- Focus on education and empowerment: expand digital literacy to all sectors of the end-user community and, where relevant, facilitate building, maintaining, and operating computers and other hardware.

- Promote the Internet as a tool for education, information and creativity.

- Establish, where still needed, end-user digital rights; advocate these rights with local governments; implement best practices; use existing models for new legislation

- Contribute to and encourage awareness and empowerment for citizens of their rights

- Re-establish trust in the Internet

- Ensure that individuals or organizations use secure, efficient, easy to use interoperable identity credentials

- Creation of local substantial content beyond infotainment

- Ensure access to valid information and knowledge to everyone

- Empower and support end-users to take part in policy development

- Strive for compatibility between user rights and the terms of service of private companies serving the Internet community

- Demand the effective implementation throughout the world of user rights to privacy and truthful information including the right for private information about an individual to be removed from servers or database.

- In full respect to human rights, communications must be protected from arbitrary and unlawful surveillance activities, collection, treatment, handling and use of personal data in full respect.

All these aspects are linked for end-users to benefit from the Internet.

C) Methods for Internet end-users to collaborate in the development of regulatory frameworks and policies so that our interests are included.

Recommendations

- Make known at all levels the demands, expectations, and rights of all Internet users
- Promote digital inclusion
- Obtain openness and transparency from each country's ccTLD (or Country Code) operator. (observation)
- Increase support for the end-user in ICANN policy development and within the broader Internet community
- Ensure minimal barriers to participation and engagement with ICANN processes and practices
- Input the user perspective wherever necessary, in matters advancing accountability, transparency and policy development within ICANN.
- Require web standards such as XML and Web Content Accessibility Guidelines for use on websites with the active participation of the impacted community

End-user representatives worldwide have a duty to inform, engage with, and seek to influence decision-makers at all levels (elected representatives, national and regional authority, influential organisations, NGOs, individuals, media...)

TG3 members

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ATLAS II Thematic Group 4 on "ICANN Transparency and Accountability"

ICANN, under its own Bylaws and the Affirmation of Commitments, must ensure that decisions made related to its responsibilities coordinating Internet Names and Numbers be made in the Public Interest and must be accountable and transparent. In making recommendations in the context of global acceptability, the ATLAS II Accountability and Transparency Thematic Group recognizes that there are two constituencies: the ICANN community and the larger global community.

Definitions

Accountability: The responsibility to explain and justify all decisions and actions in light of ICANN's responsibility to act in the Public Interest.

Transparency: The openness and accessibility of decision-making processes and outcomes. All stakeholders, including users and governments, must be able to trace back how a particular decision has been reached. The default mode of operation for ICANN must be complete transparency.

Recommendations

This group recognizes there are many areas for internal reform that were identified by the ATRT2 report and we support their implementation.

Our recommendations relate to ICANN's relationship to the wider global community.

- **Accessibility**
  Members of the general public should be able participate in ICANN on an issue-by-issue basis. Information on the ICANN website should, where practical, be in clear and non-technical language.

- **Public complaints**
  The roles and jurisdiction of the Ombudsman should be expanded. The ICANN website should provide a clear and simple way for the public to make complaints.

- **Identification of public issues**
  Both the areas of the Ombudsman and Contractual Compliance should report regularly on the following:

  - number of complaints received

  - number of complaints resolved by the relevant area

  - number of complaints not resolved and the subject matters(s) of those complaints

  - actions taken to address the issues raised by unresolved complaints either by the relevant area or be reference of the issue(s) to other areas within ICANN.

- **Board oversight**
  There must be a Standing Oversight Body, to hold the board itself responsible for its action or in-action: The Body should:

  - have access to all relevant information;

  - have power to compel the ICANN Board to take remedial action;

  - be composed members who are independent of the current or past (within 5 years) ICANN Board and ICANN staff. Composition options include cross-community members, members wholly independent of ICANN, or some combination.

TG4 members

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ATLAS II Thematic Group 5 on
"At-Large Community Engagement in ICANN"

The At-Large Community has become one of the largest components within ICANN (currently more than 160 At-Large Structures, ALSs), representing a variety of organisations across all regions, with multiple end-user backgrounds interests. After 5 years, At-Large Community Engagement in ICANN remains an important issue.

Issues & Recommendations

1.   Reduce Volunteer Burnout.

The At-Large Community's volunteers, like all other ICANN SO/AC community members, contribute their time and intellect to the organization's bottom-up policy development processes. Too often the pressures associated with these commitments significantly affect the morale of volunteers and result in burnout.

One cause of burnout results from the nature of ICANN's acceptance of volunteer contributions: Too often volunteer contributions to the ALAC policy comment process are not considered by the Board, with the volunteer's contribution not receiving encouragement. This reduces the engagement of volunteers and adds to the burnout risks.

Recommendations:

1.1   The Board, working together with ICANN's SOs and ACs should ensure transparency and accountability with regards to volunteer contributions to ICANN's bottom-up policy development processes by acknowledging and responding to all ALAC contributions. The Board should include in its response, its reasons why it accepts or rejects the ALAC's advice.

1.2   Volunteer contributions should receive due recognition by ICANN and the At-Large Community, given that volunteers do not receive financial remuneration for the work, time, intellect, internal and external resources they contribute to the ICANN and At-Large policy process.

2.   Lack of instantaneous understanding of At-Large Community's interests and expertise.

Not all topics in the ICANN public comment process are of interest for ALSes or individual members in an ALS. However, there exists specific interest and expertise on different topics (e.g. privacy, IDNs) amongst the At-Large Community.

Frequently the flood of emails makes it difficult to reach them in a timely manner in order to draw upon their expertise.

Recommendations:

2.1   The ALAC should work with all RALOs and ALSes to map the current expertise and interests in their membership and to identify Subject Matter Experts. Such a database can be a resource for At-Large and for ICANN Stakeholder Engagement as possible Speakers. ALSes with specific interests can also be contacted when policies of their interest are up for comment.

2.2   The ALAC should implement an automated system for tracking topics of interest currently being discussed among the various RALOs and accessible by everyone.

2.3   ICANN should establish a taxonomy for policy categories in order to bring clarity to the subjects debated. ICANN Community members should be able to sign up for notifications based upon this taxonomy list.

2.4   The ALAC should connect this taxonomy with the subject matter experts list and link appropriate experts to relevant issues.

2.5   The ALAC should encourage RALOs to facilitate discussions from ALSes and Subject Matter Experts willing to contribute.

2.6   ICANN should explore whereas, at least on some policies, the texts submitted for public consultation could be simplified (e.g citing possible examples of impacting end-users) in order to engage a wider audience.

2.7   ICANN should also explore structuring public comments by simple tools for participation and opinion input (e.g. http://liquidfeedback.org/), in order to allow the global public to get involved (see examples from the NGOs guiding forms for the copyright review consultation in EU - ORG , http://www.fixcopyright.eu/)

3.   Capacity Building and Awareness

Getting up to speed with the complexity of ICANN's policies and processes remains a specialized challenge for new and existing members and their ALSes.

Recommendations:

3.1   ICANN should enhance its capacity building and awareness programmes and policies. This should be done in accordance with the ever-changing needs of the At Large community in order to increase better understanding, inclusiveness and volunteer involvement in key contributions to policies and processes.

3.2   ICANN and the At-Large Community should ensure that all acronyms, terminology in its materials are clearly defined in simpler terms.

3.3   The ALAC should arrange more At Large Capacity Building Webinars after ATLAS II to regularly update the community about ICANN policies and processes under development or review.

3.4   ICANN should continue the development of Beginner Guides. An immediate suggestion is a Beginner's Guide regarding the IANA Functions.

4.   Policy Management Process

The current Policy Management Process poses challenges for At-Large to effectively contribute. Comments for Policies are expected in a short timeframe (40 Days), are often not available in multiple languages and are difficult to understand. It is difficult to understand the history behind the policy issue and the previous contributions from ACs and SOs.

The ALAC has researched its approach to how it comments on policies. It was noted that its current approach requires a lot of manual editing and could benefit from automation.

Improvements to the Policy Management Process are needed.

Recommendations:

4.1   ICANN should design a functional and technical Policy Management Process System to create "Parent Policy and Process Documents" that will be versioned and available for editing across the SO/ACs without the need for mass distribution of such documents individually.

Components:

- Enhancing knowledge management in ICANN within and across all ACs and SOs.

- Need for ICANN's complete input and support as this will improve efficiency of all SO/ACs across the community.

- Need for cross-community input.

- The basis of efficient knowledge management and shared memory across ICANN.

4.2 The Policy Management Process System should deliver metrics on the status of policy development and commenting across the community through a single dashboard. Such dashboards will also enhance the work and contributions of SO/ACs.

4.3 ICANN should identify a Translation Services Queue Forecast System and incorporate an efficient Document Review System, to be integrated to the Policy Management Process System, including linking, cross-referencing and tracking of multilingual policy documents.

4.4 The Policy Management Process System should include the policy development history as reference for newcomers.

4.5 The ALAC should continue to research its approach to how the At-Large Community comments on policies.

5. Public Interest in ICANN

The term 'Public Interest' within ICANN's remit remains ambiguous and ill defined. Consequently no consistent measure of the basis and quality of its decisions is possible. The At-Large Community supports the draft 'FY15 Strategic Plan's focus area to develop and implement a global public responsibility framework in this regard This could also clarify that the Internet users are stakeholders and not "consumers".

Recommendations:

5.1 ICANN should clarify both the term and define in detail its understanding of the Public Interest starting from the user interest ,the understanding and respect of global human rights and what role the SO/ACs should play in preserving it. Such clarification should take place prior to making the IANA Functions.

5.2 The ALAC should review its criteria for accrediting At-Large Structures to ensure the Public Interest is best met.

6. Improve relationship between At-Large and ICANN Board

ICANN bylaws require that ICANN considers and responds adequately to GAC Advice and thus displays a level of difference between ICANN's relationship with GAC in comparison to other ACs.

Recommendations:

6.1 ICANN should ensure balance in reviewing policy advice and comments across all Advisory Committees such that no one AC receives preference over the other.

6.2 The ICANN Board should hold a minimum of one conference call with the At-Large Community in between ICANN Public Meetings.

6.3 The At-Large Community should investigate the possibility of conference calls with other ACs and SOs in between ICANN public meetings to improve collaboration and engagement.

7. Improving the At-Large website

The efforts to improve ICANN's main website are applauded. However the At-Large website does not serve the informational needs of the At-Large Community and has become outdated in-terms of technology, information dissemination and knowledge management.

Recommendations:

7.1   Urgent redesign needed, with a full synchronization with the main ICANN websites.

7.2   ICANN should explore the opportunity to augment the Public Comment process by using crowdsourcing to involve the broader Internet user community.

7.3   The At-Large Community should be involved to improve the current wiki in order to ensure that better information organisation and presentation serves its interests. Additional logistical support from ICANN is needed to achieve this.

7.4   The ICANN website should be further improved in a way that encourages the re-use of the information by any third party and embraces "open data" best practices.

7.5   ICANN should ensure ICANN Beginner Guides are visible on the ICANN and At-Large websites.

8.   Ability for At-Large to get funding

The ALAC can only submit budget requests to ICANN Finance during a brief application period before the beginning of a Financial Year. It is a challenge for RALOs and the ALAC to anticipate what is needed at particular times during the financial year.

Under the current framework, where the ALAC receives funding directly from ICANN, such funding diminishes the perceived independence of its operation and reduces the public's trust in decisions made by the ALAC and ICANN. A more independent role for the ALAC might benefit in planning the suitability of the ALAC as an oversight mechanism for the IANA Functions.

Recommendations:

8.1   ICANN should offer a shorter term funding mechanism to ACs and SOs with a process similar to the Community Regional Outreach Pilot Program (CROPP), but applicable to short lead-time non-travel requests.

8.2   The ALAC should work with the ICANN Board to research additional sources of funding for At-Large activities.

8.3   The ALAC should be enabled to seek additional funding from crowdsourcing and private foundations.

9.   Improve At Large engagement with inactive ALSes

Some ALS representatives are not involved in the actual policy work of the ICANN community and are just observing the whole process. How does At-Large improve the engagement process with members who are not active?

Recommendations:

9.1   ICANN should fund annual face to face RALOs meetings potentially at ICANN regional offices or in relation with local/regional Internet Governance or ICANN events.

9.2   RALOs should encourage their inactive ALS representatives to comply with ALAC minimum participation requirements.

9.3   The At-Large Community (in collaboration with ICANN) should better prepare participants to better use the online conferencing tools (currently Adobe Connect) used by ICANN and At-Large.

Thematic Group 5 Members

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