

At-Large Advisory Committee (ALAC)

RESPONSE TO

CCWG-ACCOUNTABILITY WORKSTREAM 2 SO/AC ACCOUNTABILITY

SUBGROUP QUESTIONS REGARDING SO/AC ACCOUNTABILITY

QUESTIONS PRESENTED:

1. What is your interpretation of the designated community defined in the Bylaws? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?
 2. What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve?
 - 2a. Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.
 - 2b. Your policies and procedures to determine whether individuals or organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions.
 - 2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections
 - 2d. Were these policies and procedures updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?
 3. Mechanisms for challenging or appealing elections. Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include link where they can be consulted.
 4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.
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ALAC AS A “DESIGNATED COMMUNITY” WITHIN ICANN

1. What is your interpretation of the designated community defined in the Bylaws? For example, do you view your designated community more broadly or narrowly than the Bylaws definition?

The ICANN Bylaws describe the At-Large Advisory Committee (ALAC) as *“the primary organizational home within ICANN for individual internet users”*.

That statement alone results in the interesting quandary of how a 15-person committee can be the “home in ICANN” of an estimated 3.5 billion people. Clearly the committee is just the tip of the rather large iceberg peeking out of the sea of Internet Users.

The Bylaws go on to define the “At-Large Community”, embodiment of the subset of Internet Users who actually have some sort of direct connection with ICANN. To the extent that the

ALAC is comparable to the GNSO Council (as the group that takes formal action within ICANN), the At-Large Community is comparable to the GNSO.

The Bylaws specify in some detail how this At-Large Community is constructed. Specifically that there are five Regional At-Large Organizations (RALOs), one per ICANN region, and within each RALO, there will be At-Large Structures (ALSes) which are community-based groups who have indicated some interest in participating in the At-Large Community. In general, there are pre-existing groups that have an interest in the Internet or some aspect of computing and telecommunications technology, with many of them being Internet Society Chapters. Currently there are 217 ALSes. Three of the five RALOs also have individual members, and the other two are investigating how they too may have such members.

Ten years ago, the expression in common use was that ALAC or At-Large (they were and still are used interchangeably by most people in the ICANN ecosystem) represents Internet Users. Today we have managed to change that to “represent the interests of Internet Users within ICANN”

So to answer the question, we do feel that we have a responsibility to consider all 3.5 billion Internet Users, but we do not and never will actually interact with a tiny percentage of them.

How well we represent all of them and how to increase the number we actually interact with is an issue of intense discussion within At-Large and the ALAC, is the subject of a number of current initiatives, and one of the prime issues being considered by the ongoing At-Large Periodic Review.

ACCOUNTABILITY RELATED POLICIES AND PROCEDURES

2. What are the published policies and procedures by which your AC/SO is accountable to the designated community that you serve?

At-Large is governed by a number of somewhat inter-related documents. Some are outdated and in need of revision and others have been revised relatively recently. They include the ICANN Bylaws which are quite specific in some areas, Rules of Procedure, Operating Principles, Memorandum of Understanding between ICANN and RALOs (actually with the organizations constituting the initial RALO members).

These include:

- ICANN Bylaws: <https://www.icann.org/resources/pages/governance/bylaws-en/#XI-2.4>
- ALAC Rules of Procedure and associated documents: <https://community.icann.org/display/atlarge/Rules+of+Procedure>
- RALO documents (see “Organizing Documents” in left sidebar of each page):
 - <https://atlarge.icann.org/ralos/afralo>
 - <https://atlarge.icann.org/ralos/apralo>

- <https://atlarge.icann.org/ralos/euralo>
- <https://atlarge.icann.org/ralos/lacrlo>
- <https://atlarge.icann.org/ralos/naralo>

These documents cover how the entity operates, how decisions are made, how leadership and other positions are selected.

2a. Your policies and efforts in outreach to individuals and organizations in your designated community who do not yet participate in your AC/SO.

The ALAC and RALOs have a number of activities for outreach:

- Outreach events while at ICANN meetings;
- Interaction with ICANN Fellows and NextGen;
- Use of CROPP funding to attend meetings and other events, or targeted visits (such as to a country with no current At-Large participation);
- Attendance at various regional and international events. Examples include: Regional IGFs, Global IGF, RIR meetings, regional Internet-related meetings (such as Regional Internet Registry (RIR) meetings), organizing, teach at or otherwise participating in Schools of Internet Governance. Some of this travel may be funded by ICANN, but often it is covered by other organizations or self-funded.
- Increasingly, we are using social media to increase awareness.

Each RALO has an Outreach Strategic Plan.

In terms of numbers, we have been growing at the rate of about 20 ALSes per year over the last several years.

Outreach to attract new organizational members (ALSes) is a constant focus. More recently, we are working to increase the number of individual members in the regions that allow them (NA, EU, AP) and results show we are successful.

We also are about to launch a new program to increase penetration within our ALSes. Often, in many cases, it is just one or a few people in the organization who are active within At-Large, and we are determined to increase our breadth of coverage within the ALSes.

2b. Your policies and procedures to determine whether individuals or organizations are eligible to participate in your meetings, discussions, working groups, elections, and approval of policies and positions.

Policies related to the certification or decertification of ALSes are documented within the ALAC RoP and (related to decertification) in the RALO rules coupled with the ALAC RoP. Acceptance of individual RALO members is governed by the RALO rules.

Work Teams (WT - under a number of different names such as Working groups, Drafting Teams, Subcommittees, Task Forces, etc.) are generally open to all except as limited in the WT charter, mission or motion that creates it. Locating such documents, like all records in ICANN, can at times be problematic, but there are few if any instances where that has caused a problem.

As noted, virtually all meetings (both face to face and teleconference) are open, and subject to time and the meeting Chair's discretion, who can speak is not generally limited.

Who can vote in elections is defined in the appropriate ALAC or RALO rules. The names of ALAC Members, ALAC Leadership, RALO leaders, WG leaders and virtually every other appointed post are a matter of public knowledge.

Each RALO is free to set its own position on issues and the ALAC speaks for itself and all of At-Large as appropriate.

2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections

Many ALAC decision are determined by consensus (with a rule-of-thumb requiring 80% agreement) but voting is also used (with varying thresholds depending on the type of vote. For amendment of the ALAC RoP, 21 day advance publication is required. It is also the ALAC practice to formally vote on all ALS certification and decertification decisions. There are quorum rules including both overall count and all regions being represented. RALO decisions either use consensus or voting based on their rules and cultural norms.

Virtually all ALAC, RALO and working group meetings are open to the public, as are most mailing lists. With the exception of groups dealing with personnel deliberations (conceptually equivalent to NomCom deliberations), meeting MP3s, transcripts and meeting notes are all public.

Open nominations are held for most positions, with the call for nominations/volunteers widely distributed (target audience varies depending on the position) and for most, a public announcement is made of the call for nominations even if those who may nominate or be nominated is restricted (for example, we generally publicly announce that nominations are open even if, for example, only ALAC Members may nominate or be nominated).

The results of all elections are made public. Most groups (with the exception of one RALO) use secret ballot for elections. The rationale is that this allows people to vote freely and not be influenced by what their colleagues or friends might think.

The concept of capture is a factor in much of the organization and rules associated with At-Large. The ALAC itself is effectively immune from capture, since its members are selected by very geographically and culturally diverse populations. To be admitted as an ALS, the organization must be largely controlled by its members, again spreading the responsibility over large areas. In the one RALO where there was a fear that a few countries, because of their

relative size compared to the majority, might dominate, weighted voting was instituted giving each country an equivalent vote and if there are multiple ALSes within that country, the vote is divided among them.

There is a potential for multiple ALSes to be linked and “controlled” centrally, despite the local membership. There are a few potential examples, but these tend to be more a case of perceived possible control rather than real control. Overall, in all such cases, the real risk is not of some entity capturing a large percentage of votes, but is apathy of the rest of the organization. And that is true in much of ICANN.

The list of accredited ALSes is public. For individual members, there are privacy issues that make such publication difficult (just as attendees at ICANN meetings can choose to not have their names listed publicly).

2d. Were these policies and procedures updated over the past decade? If so, could you clarify if they were updated to respond to specific community requests/concerns?

The Bylaws governing the ALAC were written in 2003, but were updated as a result of the first At-Large Review. The Memorandums of Understanding creating the RALOs all date back to 2006-7. The original ALAC Rules of Procedure and RALO governance documents also date to that same era, as do the regulations governing how ALSes are certified and decertified.

The ALAC Rules of Procedure (RoP) were completely rewritten in 2013, and many other of the associated documents and processes formalized at that time. APRALO rewrote their Rules of Procedure in 2014 and the other four RALOs are at various stages of rewriting their operating documents. Rewriting such documents tends to be a monumental effort and time devoted to that must be balanced with volunteer time spent on the real reason we are here.

All of these have been revised or re-written based on the recognition by those trying to govern themselves by these documents that they were insufficient (and that new/revised ones were worth the effort taken to effect the changes).

Either as part of the internal review we are conducting on ALS membership criteria and the expectations we have from ALSes and RALOs, or as a result of the current At-Large Review, we expect an extensive rewrite of the ICANN Bylaws for the ALAC (ensuring that they say what actually is happening and not what people in 2002 thought we should be doing).

CHALLENGING OR APPEALING DECISIONS AND ELECTIONS

3. Mechanisms for challenging or appealing elections. Does your AC/SO have mechanisms by which your members can challenge or appeal decisions and elections? Please include link where they can be consulted.

In general, we do not have rules formally appealing decisions or elections. In the case of the selection of the slate for the election of Board Seat 15, the processes do allow RALOs to petition for a candidate to be added overriding the committee responsible for the selection. Some RALOs rely (somewhat inappropriately, but for historic reasons) on the United Nations General Assembly Rules of Procedure (UNGA RoP) and those do include a number of such recourses.

On the relatively rare occasion where there has been unease over a decision, the processes within our own rules have been used to address the issue (usually by someone requesting that the issue be re-visited).

We have only had three situations where the rules and processes we had in place could not address a situation. One was settled somewhat easily by the RALO Leadership deciding (with the support of the membership) to re-hold an election, but first to amend the Rules to cover the situation of a tie vote which had caused the problem.

The other two were more problematic and occurred in one of the other RALOs. The first was (fortunately) ultimately addressed by a serendipitous action out of our control. The second involved invocation of the UNGA RoP and ended up in extreme crisis which is still not settled.

The ALAC's RoP do provide to the recall of all appointments (including ALAC Chair and Leadership Team) and the dismissal of ALAC members (both those appointed by RALOs and the NomCom).

The APRALO revised RoP have comparable recall/removal procedures and it is expected that as the other RALOs revise their rules, there will be similar provisions.

UNWRITTEN ACCOUNTABILITY POLICIES

4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten policies that are relevant to this exercise? If so, please describe as specifically as you are able.

We have some practices (but not formal policies) that are not formally documented in the rules pointed to by section 2 of this document. These include a variety of outreach and engagement processes designed to increase global representation and involvement.