

1 **At-Large Advisory Committee (ALAC)**
2 **RESPONSE TO**
3 **CCWG-ACCOUNTABILITY WORKSTREAM 2 SO/AC ACCOUNTABILITY**
4 **SUBGROUP QUESTIONS REGARDING SO/AC ACCOUNTABILITY**
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9 **QUESTIONS PRESENTED:**

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11 1. What is your interpretation of the designated community defined in the Bylaws? For example,
12 do you view your designated community more broadly or narrowly than the Bylaws definition?
13 2. What are the published policies and procedures by which your AC/SO is accountable to the
14 designated community that you serve?
15 2a. Your policies and efforts in outreach to individuals and organizations in your
16 designated community who do not yet participate in your AC/SO.
17 2b. Your policies and procedures to determine whether individuals or organizations are
18 eligible to participate in your meetings, discussions, working groups, elections, and
19 approval of policies and positions.
20 2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections
21 2d. Were these policies and procedures updated over the past decade? If so, could you
22 clarify if they were updated to respond to specific community requests/concerns?
23 3. Mechanisms for challenging or appealing elections. Does your AC/SO have mechanisms by
24 which your members can challenge or appeal decisions and elections? Please include link where
25 they can be consulted.
26 4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten policies
27 that are relevant to this exercise? If so, please describe as specifically as you are able.
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31 **ALAC AS A “DESIGNATED COMMUNITY” WITHIN ICANN**

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33 1. What is your interpretation of the designated community defined in the Bylaws? For
34 example, do you view your designated community more broadly or narrowly than the
35 Bylaws definition?
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37 The ICANN Bylaws describe the At-Large Advisory Committee (ALAC) as *“the primary*
38 *organizational home within ICANN for individual internet users”*.

39
40 That statement alone results in the interesting quandary of how a 15-person committee can be
41 the “home in ICANN” of an estimated 3.5 billion people. Clearly the committee is just the tip of
42 the rather large iceberg peeking out of the sea of Internet Users.
43

44 The Bylaws go on to define the “At-Large Community”, embodiment of the subset of Internet
45 Users who actually have some sort of direct connection with ICANN. To the extent that the
46 ALAC is comparable to the GNSO Council (as the group that takes formal action within ICANN),
47 the At-Large Community is comparable to the GNSO.
48

49 The Bylaws specify in some detail how this At-Large Community is constructed. Specifically that
50 there are five Regional At-Large Organizations (RALOs), one per ICANN region, and within
51 each RALO, there will be At-Large Structures (ALSes) which are community-based groups who
52 have indicated some interest in participating in the At-Large Community. In general, there are
53 pre-existing groups that have an interest in the Internet or some aspect of computing and
54 telecommunications technology, with many of them being Internet Society Chapters. Currently
55 there are 217 ALSes. Three of the five RALOs also have individual members, and the other two
56 are investigating how they too may have such members.
57

58 Ten years ago, the expression in common use was that ALAC or At-Large (they were and still
59 are used interchangeably by most people in the ICANN ecosystem) represents Internet Users.
60 Today we have managed to change that to that to “represent the interests of Internet Users
61 within ICANN”
62

63 So to answer the question, we do feel that we have a responsibility to consider all 3.5 billion
64 Internet Users, but we do not and never will actually interact with a tiny percentage of them.
65

66 How well we represent all of them and how to increase the number we actually interact with is
67 an issue of intense discussion within At-Large and the ALAC, is the subject of a number of
68 current initiatives, and one of the prime issues being considered by the ongoing At-Large
69 Periodic Review.
70

71

72 **ACCOUNTABILITY RELATED POLICIES AND PROCEDURES**

73

74 **2. What are the published policies and procedures by which your AC/SO is accountable** 75 **to the designated community that you serve?**

76

77 At-Large is governed by a number of somewhat inter-related documents. Some are outdated
78 and in need of revision and others have been revised relatively recently. They include the
79 ICANN Bylaws which are quite specific in some areas, Rules of Procedure, Operating
80 Principles, Memorandum of Understanding between ICANN and RALOs (actually with the
81 organizations constituting the initial RALO members).
82

83 These include:

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

- 88 ○ <https://atlarge.icann.org/ralos/afralo>
- 89 ○ <https://atlarge.icann.org/ralos/apralo>
- 90 ○ <https://atlarge.icann.org/ralos/euralo>
- 91 ○ <https://atlarge.icann.org/ralos/lacralo>
- 92 ○ <https://atlarge.icann.org/ralos/naralo>

93

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

96

97 **2a. Your policies and efforts in outreach to individuals and organizations in your**
98 **designated community who do not yet participate in your AC/SO.**

99

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

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

111

112 Each RALO has an Outreach Strategic Plan.

113

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

116

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

120

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

124

125 **2b. Your policies and procedures to determine whether individuals or organizations are eligible**
126 **to participate in your meetings, discussions, working groups, elections, and approval of policies**
127 **and positions.**

128

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

132
133 Work Teams (WT - under a number of different names such as Working groups, Drafting
134 Teams, Subcommittees, etc.) are generally open to all except as limited in the WT charter,
135 mission or motion that creates it. Locating such documents, like all records in ICANN, can at
136 times be problematic, but there are few if any instances where that has caused a problem.

137
138 As noted, virtually all meetings (both face to face and teleconference) are open, and subject to
139 time and the Chair's discretion, who can speak is not generally limited.

140
141 Who can vote in elections is defined in the appropriate ALAC or RALO rules. The names of
142 ALAC Members, ALAC Leadership, RALO leaders, WG leaders and virtually every other
143 appointed post are a matter of public knowledge.

144
145 Each RALO is free to set its own position on issues and the ALAC speaks for itself and all of At-
146 Large as appropriate.

147 148 **2c. Transparency mechanisms for your AC/SO deliberations, decisions and elections**

149
150 Many ALAC decision are determined by consensus (with a rule-of-thumb requiring 80%
151 agreement) but voting is also used (with varying thresholds depending on the type of vote. For
152 amendment of the ALAC RoP, 21 day advance publication is required. There are quorum rules
153 including both overall count and all regions being represented. RALO decisions either use
154 consensus or voting based on their rules and cultural norms.

155
156 Virtually all ALAC, RALO and working group meetings are open to the public, as are most
157 mailing lists. With the exception of groups dealing with personnel deliberations (conceptually
158 equivalent to NomCom deliberations), meeting MP3s, transcripts and meeting notes are all
159 public.

160
161 Open nominations are held for most positions, with the call for nominations/volunteers widely
162 distributed (target audience varies depending on the position) and for most, a public
163 announcement is made of the call for nominations even if those who may nominate or be
164 nominated is restricted (for example, we generally publicly announce that nominations are open
165 even if, for example, only ALAC Members may nominate or be nominated).

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

169
170 The concept of capture is a factor in much of the organization and rules associated with At-
171 Large. The ALAC itself is effectively immune from capture, since its members are selected by
172 very geographically and culturally diverse populations. To be admitted as an ALS, the
173 organization must be largely controlled by its members, again spreading the responsibility over
174 large areas. In the one RALO where there was a fear that a few countries, because of their
175 relative size compared to the majority, might dominate, weighted voting was instituted giving

176 each country an equivalent vote and if there are multiple ALSes within that country, the vote is
177 divided among them.

178
179 There is a potential for multiple ALSes to be linked and “controlled” centrally, despite the local
180 membership. There are a few potential examples, but these tend to be more a case of
181 perceived possible control rather than real control. Overall, in all such cases, the real risk is not
182 of some entity capturing a large percentage of votes, but is apathy of the rest of the
183 organization. And that is true in much of ICANN.

184
185 The list of accredited ALSes is public. For individual members, there are privacy issues that
186 make such publication difficult (just as attendees at ICANN meetings can choose to not have
187 their names listed publicly).

188
189 **2d. Were these policies and procedures updated over the past decade? If so, could you**
190 **clarify if they were updated to respond to specific community requests/concerns?**

191
192 The Bylaws governing the ALAC were written in 2003, but were updated as a result of the first
193 At-Large Review. The Memorandums of Understanding creating the RALOs all date back to
194 2006-7. The original ALAC Rules of Procedure and RALO governance documents also date to
195 that same era, as do the regulations governing how ALSes are certified and decertified.

196
197 The ALAC Rules of Procedure (RoP) were completely rewritten in 2013, and many other of the
198 associated documents and processes formalized at that time. APRALO rewrote their Rules of
199 Procedure in 2014 and the other four RALOs are at various stages of rewriting their operating
200 documents. Rewriting such documents tends to be a monumental effort and time devoted to
201 that must be balanced with volunteer time spent on the real reason we are here.

202
203 All of these have been revised or re-written based on the recognition by those trying to govern
204 themselves by these documents that they were insufficient (and that new/revised ones were
205 worth the effort taken to effect the changes).

206
207 Either as part of the internal review we are conducting on ALS membership criteria and the
208 expectations we have from ALSes and RALOs, or as a result of the current At-Large Review,
209 we expect an extensive rewrite of the ICANN Bylaws for the ALAC (ensuring that they say what
210 actually is happening and not what people in 2002 thought we should be doing).

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212 **CHALLENGING OR APPEALING DECISIONS AND ELECTIONS**

213
214 **3. Mechanisms for challenging or appealing elections. Does your AC/SO have**
215 **mechanisms by which your members can challenge or appeal decisions and elections?**
216 **Please include link where they can be consulted.**

217

218 In general, we do not have rules formally appealing decisions or elections. Some RALOs rely
219 (somewhat inappropriately, but for historic reasons) on the United Nations General Assembly
220 Rules of Procedure (UNGA RoP) and those do include a number of such recourses.
221
222 On the relatively rare occasion where there has been unease over a decision, the processes
223 within our own rules have been used to address the issue (usually by someone requesting that
224 the issue be re-visited).
225
226 We have only had three situations where the rules and processes we had in place could not
227 address a situation. One was settled somewhat easily by the RALO Leadership deciding (with
228 the support of the membership) to re-hold an election, but first to amend the Rules to cover the
229 situation of a tie vote which had caused the problem.
230
231 The other two were more problematic and occurred in one of the other RALOs. The first was
232 (fortunately) ultimately addressed by a serendipitous action out of our control. The second
233 involved invocation of the UNGA RoP and ended up in extreme crisis which is still not settled.
234
235 The ALAC's RoP do provide to the recall of all appointments (including ALAC Chair and
236 Leadership Team) and the dismissal of ALAC members (both those appointed by RALOs and
237 the NomCom).
238
239 The APRALO revised RoP have comparable recall/removal procedures and it is expected that
240 as the other RALOs revise their rules, there will be similar provisions.
241
242 **UNWRITTEN ACCOUNTABILITY POLICIES**
243
244 **4. Any unwritten policies related to accountability. Does your AC/SO maintain unwritten**
245 **policies that are relevant to this exercise? If so, please describe as specifically as you**
246 **are able.**
247
248 None come to mind.