

DRAFT ALAC Response to: The Independent Review of the ICANN At-Large Community - Draft Report for Public Comment

v11 – 11 March 2017

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THIS DOCUMENT IS LOCKED FOR INCORPORATING CHANGES AND EDITING CLEANUP IN PREPARATION FOR THE COPENHAGEN MEETING.

Table of Contents [Not updated due to WORD-GoogleDoc Quirk]

1. Introduction	2
2. Recommendations	2
3. Recommendation Made Through Omission	13
4. Comments on EMM Implementation Guidelines	13
5. Methodology	15
6. Non-Recommendation Suggestions	18
7. Analysis of Prior Review Recommendation	20
8. Travel Issues	21
9. Volunteer Turnover	22

1. Introduction

The ALAC welcomes this opportunity to comment on the ITEMS *Review of the*

ICANN At-Large Community (Review).

The ALAC particularly welcomes the Review's clear statement of ALAC's four responsibilities:

- *To serve as a "primary organisational home" for individual Internet users.*
- *To conduct outreach activities to raise awareness about ICANN activities among end users.*
- *To actively work with the other Supporting Organisations (SOs) and Advisory Committees (ACs) and their respective WGs to ensure that end user interests are taken into account.*
- *To serve as an important accountability mechanism for the ICANN organisation as a whole.*

This emphasises the dual role ALAC plays, a dual role that has not always been recognised: as the means by which the interests and concerns of end users can be funnelled into ICANN policies and processes; and as a means of reaching out to global communities providing information about ICANN and its impacts on end users.

The ALAC accepts many of the Review's recommendations and in fact a number of them are already current practices. In other areas, the ALAC agrees that there are improvements that could be made to achieve the desired outcomes but does not agree with the suggested solutions. For the recommended structural changes, however, it is not clear to the ALAC how adoption of those changes will address the identified problems.

Specifically, the Review identified issues that should be addressed as part of a reformed ALAC including the following:

- A focus on internal, procedural matters, to the detriment of providing policy advice
- Difficulties for individuals in becoming involved in ALAC
- A lack of understanding of the role of ALAC within ICANN and outside of ICANN
- An 'unchanging' ALAC leadership and consequent lack of upward mobility for newer participants
- Difficulty for end users in participating in ICANN processes[2]

Some of the issues can be easily addressed in theory; simply point, for example, to how open ALAC and GNSO policy processes are. Some are already addressed in other ways. Individuals, for example, can already become members in three out of

five RALOs, and it's ALAC policy that the other two RALOS are to adopt. But there are other barriers to participation in ICANN processes that must be recognized and addressed including different languages, cultures, time zones, disability issues, connectivity levels, and the extent to which ICANN meetings are conducted in 'ICANNESE". We are not persuaded that proposed changes to ALAC structures will address those and other issues identified in the Review.

Although the Review Team may view this as "the established elite clinging to power and perks", it is the strong belief of the ALAC and the Review Working Party that with no WGs, overloaded ALAC Members (and RALO leaders), Rapporteurs with minimal knowledge and experience interfacing with their SO WGs and authoring any statements, effectively getting old-timers out of the way and minimally visible, and Liaisons unable to do their jobs (or rejected by the target organization), we would have succeeded in ensuring that At-Large no longer be of service to ICANN or a threat or irritation to the industry-driven parts of ICANN.

This response also addresses comments made in the Review, but not addressed in its Recommendations. In addition, the Review outlined steps on implementing their proposed 'Empowered Membership Model" (EMM). Although we strongly support the concept of individual unaffiliated RALO Member, we do not support that Model and have included responses to their steps in implementing that model.

[1] *The Review*, Section 5, p. 16

[2] *The Review* pp. 4, 15, 19

2. Recommendations

Recommendation 1: At-Large Members from each region should be encouraged, and where possible funded, to participate in Internet governance / policy-related conferences / events (IGF, RIR ISOC) in their region, and to use these events as opportunities proactively to raise awareness among end- users about the At-Large and the opportunities to engage in ICANN-related activities.

ALAC Response: The ALAC supports this recommendation and notes that this is effectively today's status quo, although funding allocation for outreach activities has often proven to be challenging. A

demonstration of this is that, other than CROPP funding which is extremely limited, whenever “outreach” is listed as a motivation for funding requests through annual or extraordinary funding allocation processes, the likelihood of the funding being approved decreases markedly. Note that this notwithstanding, we do on occasion hold events in parallel with such other Internet Governance events – See response to recommendation 11.

Recommendation 2: At-Large should be more judicious in selecting the amount of advice it seeks to offer, focussing upon quality rather than quantity.

ALAC Response: The ALAC supports this recommendation and notes that it is the status quo. Records over the last five years demonstrate this.

	2012	2013	2014	2015	2016
ICANN Public Comments	62	59	53	51	46
ALAC Responses	35	32	28	20	16
% Responded	56%	54%	53%	39%	35%

A small proportion of the documents drafted are just “good work” or “we support” – statements where we felt such a nominal response was advisable but the issue did not warrant any substantive effort on the part of At-Large. These statements are nonetheless included in the count of ALAC Responses.

The general philosophy is that if there is a significant user-impact or other reason that need to speak up, we attempt to find appropriate people to take responsibility for the comment.

Advice to the Board is a very small fraction of the overall documents drafted. In the past three years, fewer than 5 such statements were made providing formal advice to the Board. At some level, the need to submit advice to the Board is an indication of failure in the Policy Development Process in that it is far more desirable to influence the policy development processes before they come to the Board than to advise the Board after the fact at a time when it may have little latitude to alter the outcome.

Recommendation 3: At-Large should encourage greater direct participation by At-Large Members (ALMs) in ICANN WGs by adopting our proposed Empowered Membership Model.

ALAC Response: The ALAC supports the analysis indicating that we would like and in fact need more participation from the periphery of At-Large. Moreover, this need for a wider participation was clearly stated to the Review Team¹. The issue has been the subject of an ongoing Task Force within At-Large over the last year (one of the frowned-upon inward-looking activities). It is unfortunate that the Review Team was aware of this effort and chose not to mention it. A framework to engage ALS Members in addition to the formal ALS representatives was adopted by the ALAC in Hyderabad, well before the issuance of this report. Work is proceeding and will be continuing during the ICANN meeting in Copenhagen.

The Empowered Membership Model (EMM) is effectively a generalization of the Individual Members concept that exists in three of the five RALOs and the ALAC supports the overall concept, and fully intends to ensure that such members are allowed in all RALOs. To be clear, the ALAC supports increased focus on individual user members not affiliated with an ALS.

Nonetheless, the ALAC strongly disagrees with the proposed recommendation, not because, as characterized in the report, “we are defending our privileged positions and afraid of any change”, but rather because the proposal is far too prescriptive and has a number of apparent critical flaws that the Review Team were asked to address (in the At-Large WP responses to the first draft report) and have chosen not to.

Some of these flaws will be addressed later in this comment, but a critical one is that there is no explanation in the report as to why, the sole announcement of the EMM will result in greater participation. That is, there is no rationale as to how the adoption of the proposed model will motivate people who have not participated before into taking a more active role, nor there is any indication on how the adoption of the proposed model can bring in new people in a more effective way than that of the outreach program under development by the ALAC. It seems that the EMM is roughly equivalent to the Individual Member class of participation currently used in three of the five RALOs. The only substantive difference is that upon successfully completing an initial period (with no methodology presented for judging completion), Empowered Members will have the right to vote for leaders or on other actions, should a vote ever be initiated. If indeed the vote is “the” motivation for potentially many hours dedicated to ICANN policy issues (even in RALOs which rarely hold votes), the linkage and rationale must be made clear.

No evidence is presented as to why or how the vote-empowered membership will be significantly more attractive to end-users world-wide², or why the ongoing potential to vote will encourage people

¹ “Review Team” is the term used in this document to refer to the ITEMS International independent examiner reviewing At-Large.

² It must be noted that in most other parts of the ICANN volunteer community, the potential participants are well acquainted with ICANN. This is certainly true for Registrar, Registries, Internet Service Providers, Intellectual Property Attorneys, etc. This is definitely not the general case with users, even technology-savvy users.

to actively participate in what has been acknowledged as a complex, and time-intensive space. Moreover, many of these users are not fluent in English which is the language used for most of these activities and no proposal is presented on how that might be overcome.

As noted, this document will return to these questions when addressing other Recommendations and Implementations.

Recommendation 4: At-Large Support Staff should be more actively involved in ALM engagement in policy work for the ALAC, drafting position papers and other policy related work.

ALAC Response: The ALAC agrees with the recommendation to the extent related to policy work and not via the proposed structure (EMM). In fact, the ALAC has started doing this over the last year, utilizing the relatively limited resources available. As a result an ICANN At-Large Staff member has edited and “cleaned up” documents drafted by volunteers and in several cases has created the initial draft based on instructions from community members. Similarly, but on a larger scale, staff will be the main content creators of the planned regular messages outlining policy activity to be sent to individual and ALS members. This is of course dependent on ICANN management making the appropriate resources available, as volunteers have no direct control, but we are optimistic that this will be done.

Recommendation 5: At-Large should redouble efforts to contribute to meetings between ICANN Senior Staff and Executives, ISOC (and other international I* organisations) to engage in joint strategic planning for cooperative outreach.

ALAC Response: As desirable as such an approach sounds, it is not known to At-Large when and where ICANN Senior Staff and Executives, ISOC (and other international I* organizations) meet, and although At-Large leadership would be delighted to participate in such events, they are not typically invited. Certainly at the last known conclave of these organizations, At-Large did not have a presence.

The lack of participation at the ICANN executive level does not inhibit cooperation with other organizations at the ALAC and RALO level. The upcoming NARALO General Assembly will be held in conjunction with an ARIN meeting, APRALO people regularly participate in a number of activities within their region, as do AFRALO people within Africa. In all regions there RALO people participate in (or organize) regional and global IGF meetings and Schools of Internet Governance. This is largely done on behalf of other organizations or as individuals. Relatively little funding from ICANN supports these activities.

In brief, if At-Large has a great interest in such joint activities and would welcome the opportunity to

participate and foster joint strategic planning and cooperative outreach amongst I* organisations and other relevant non-governmental or public entities outside the ICANN bubble where our interests coincide and such cooperation makes sense.

Recommendation 6: Selection of seat 15 on ICANN Board of Directors. Simplify the selection of the At-Large Director. Candidates to self-nominate. NomCom vets nominees to produce a slate of qualified candidates from which the successful candidate is chosen by random selection.

ALAC Response: The ALAC strongly objects to this recommendation. There is no question that the process followed by the At-Large Community (ALC) to select the occupant of Board seat 15 is more complex than the processes used by the Supporting Organizations for their selections. However, it is patterned closely on the process used by the Nominating Committee to select their directors. Moreover, this process was arrived at after an extensive bottom-up design process. The process has been modified several times using ALAC RoP amendment procedures, and it may well be modified again in the future. Perhaps it will even be simplified, if that is the will of the community. It is the position of the ALAC that neither the At-Large Independent Reviewer nor the Board Organizational Effectiveness Committee nor the ICANN Board itself has the standing to instruct the At-Large Community how to select its Director. In fact, since any such instruction would ultimately come from the Board, it would be in a very clear conflict of interest if it were to do so.

The concept that the “Director nominated by the At-Large Community” (a quote from the ICANN Bylaws) should be partially selected by the Nominating Committee and then by random selection cannot be taken seriously if ICANN considers the multi-stakeholder bottom up, consensus driven decision making process the cornerstone of its governance methods. The NomCom already appoints half of the the Board, and two-thirds of its voting members are from the ICANN Supporting Organizations and the IETF. Furthermore, turning the designation into an exercise of random selection, which presumes that all candidates are identical, would be no more legitimate than throwing a coin.

The At-Large Director, like other directors, has a fiduciary duty to ICANN and must not formally “represent” At-Large. The process of selecting the At-Large Director should allow the community to attempt to identify a person who shares a philosophy and worldview with At-Large, hopefully ensuring that the issues that are important to At-Large are brought out during board discussions. The proposed methodology does nothing of the sort.

For the record, the ALC process does include an option of random selection if all else fails, but in that case, it is a random selection between two candidates that have already received strong support from the ALC either through the Board Candidate Evaluation Committee (made up of members of the ALC – excluding the ALAC and RALO Chairs) and possible one or more field-narrowing votes.

The other alternative suggested by the Review Team (but not recommended) is to revert to a selection process akin to the 2000 At-Large Board selection process. This is a process explicitly rejected by the bottom-up group that designed the current process and was rejected by the ICANN Board when ICANN was re-designed in 2002. It is not the place of an external reviewer to override these processes. Should the overall community one day decide to follow that process, it will do so without being compelled to do so.

Lastly, any Review Team recommendations that are to be implemented will be formally approved by the Board. It is a direct conflict of interest for the Board to instruct At-Large on how to select its director.

Recommendation 7: At-Large should abandon existing internal Working Groups and discourage their creation in the future, as they are a distraction from the actual policy advice role of At-Large.

ALAC Response: The ALAC strongly objects to this recommendation. Working Groups (WGs), under a variety of names, are the core way that ICANN and its constituent parts discuss issues, address concerns, come to agreement and make decisions. The At-Large community has WGs for a number of reasons, the together they form the framework allowing participation by the At-Large community in the discussion and shaping of policy that can properly reflect the interests of end users. Hence the existence of these WGs is not trivial and in contrast it constitutes the grassroots of participation for end users within the ICANN policy development process.

WGs constitute the base forum for end users to voice their thoughts, discuss their concerns in relation to any given policy being discussed at ICANN, and frame agreements and strategies on how to positively impact the policy development process to benefit internet end users.

Recommending that At-Large abandon its WGs and discourage the creation of new ones is, literally, taking away the main tool of the end user community within ICANN to have a say on any issue that may affect them. It would effectively silence their voice and weaken the multi-stakeholder model. .

The uses of WGs include:

Policy Related: These groups are used to build policy recommendations and advice, merging and melding differing opinions and ensuring that all parties can contribute, and that the final statements are supported by the ALAC and the RALOs, which appoint 10 of the 15 ALAC Members. Such groups have been critical to the ALACs ability to very effectively contribute to the New gTLD Process, the IANA Stewardship Transition Plan, and the new Accountability measures. These groups are generally open to all participants in At-Large. The Public Interest WG is the newest such group, which will be working to support ICANN-wide efforts attempting to understand the meaning and implications of the

public interest in ICANN's context.

Administrative Tasks: These WGs, which may be convened at special times or are standing, carry out tasks on behalf of the ALAC, at times referring issues aback to the ALAC, and at other times charged with making decisions on behalf of the ALAC. In most cases, these groups include (or are restricted to) appointees from RALOs so that critical decisions are not restricted to "the usual gang of suspects". Often, these RALO appointees are relatively new to At-Large and this constitutes one of the stepping stones into leadership positions (both for them to get experience, and to be judged). Tasks include: triage of volunteers to a variety of positions within the ALAC or other groups within ICANN that we are required to appoint people to or endorse them for; advice and decisions on ICANN special budget requests; advice and decisions on CROPP requests; deliberation and advice on outreach; deliberation and development of capacity building programs.

It should be noted that the CCWG-Accountability subgroup on SO/AC Accountability is considering recommending that SO/ACs create an outreach WG to better perform that function - one of the WGs that this recommendation is suggesting being abolished.

Environment Enhancement: As the reviewers have noticed, there are many tools available from which we can choose to do our work. Recommendation 10 suggests one such example and Recommendation 8 suggests others. In a bottom-up organization, we cannot have a "Tool Czar" simply passing down edicts of what we should do. We have WGs which address such needs including: Tools (such as messaging and conference), translation, captioning; Social Media, Accessibility (ensuring that those with disabilities can participate equitably). Several of these have been sufficiently successful that they have, or are in the process of, transitioning to ICANN-wide projects (ICANN Academy, Accessibility, Captioning). It must also be noted that in the absence of these groups, either no one would be investigating options, to the detriment of the entire ICANN community, or paid ICANN staff would have to fully take on the responsibility, increasing costs and decreasing user input into the process.

Recommendation 8: At-Large should use social media much more effectively to gather end user opinions (Twitter poll/Facebook polls, etc).

The ALAC strongly supports this recommendation and already has a Social Media Task Force that is functioning well and also looking at developing such uses of Social Media (one of the inward-looking WGs that are recommended to be abolished).

Further to this recommendation, the ALAC suggests that a pilot advertising program is funded to test the effectiveness of outreach through social networks.

Many At-Large and ALAC members are already highly active in social media under their own handles, communicate in real time via Skype chats and At-Large boasts active Twitter and Facebook pages. Maximizing these assets to enhance internal communications as well as end-user participation will

continue to be an important ALAC goal.

Despite the interest in more heavily using social media, there are other issues to consider. Polling on these platforms is unrepresentative and not actionable. Furthermore, access to some social media is skewed towards certain populations and cannot be presumed to be balanced.

Recommendation 9: At-Large should consider the appointment of a part time Web Community Manager position. This member of the support staff could either be recruited, or a member of the current staff could be specially trained.

The ALAC supports the intent of this recommendation. We note that it is beyond the scope of the At-Large volunteer community to take such action.

However, there are some aspects of the analysis for this recommendation that need clarification.

- There is an implication that we need ICANN to hire staff in lieu of volunteers working on the web site. ALL maintenance of the website is performed by ICANN employees. Broken links also fall under ICANN staff. Volunteers may contribute content, subject to approval of staff, and reliance of staff to place it on the website.
- The quote from the GNSO participant is slightly misleading in that it says there is a search issue with “most” ICANN sites. In fact, it is virtually universal, and a well-known problem. The worst example is the GNSO web site and Wiki where it is virtually impossible to track the history of policy development in many cases. ICANN hired a professional librarian to start addressing this issue a year ago, but sadly that person has now left and we are starting over again.

Recommendation 10: Consider the adoption and use of a Slack-like online communication platform. An instant messaging-cum-team workspace (FOSS) alternative to Skype/Wiki/website/ mailing list.

ALAC Response: The ALAC supports the intent of this recommendation. We note however that we are subject to a number of constraints.

- At-Large cannot unilaterally start using tools that are not supported by ICANN. We cannot depend on volunteer technical support and so must rely on ICANN IT, which adds an additional level of vetting and bureaucracy.
- We have community members all around the world, some with very low and/or very expensive bandwidth (and ICANN will not subsidize such access for volunteers). Often ONLY the older tools such as e-mail and Skype chat, will function effectively or cost-effectively.
- We have community members in locations where their national governments block access to certain services and tools.

Recommendation 11: At-Large should replace 5-yearly global ATLAS meetings with an alternative model of annual regional At-Large Meetings.

ALAC Response: The ALAC accepts this recommendation in a modified form. Specifically to augment the 5-year global ATLAS meetings with regional meetings – General Assemblies (GA) interspersed between the ATLAS meetings. This is the status quo.

The Review Team seems to have misunderstood the methodology associated with the 5-Year Global ATLAS meetings. These are not the only gatherings that we host. In between such global meetings, we also have regional meetings (General Assemblies) of exactly the form that the Review Team is recommending. After doing this on an ad hoc basis for the last eight years, ICANN has recently agreed to formalize the process and integrate it into its normal planning and budgeting process. The proposal can be found at <http://tinyurl.com/At-Large-GS-Summit>.

The regional meetings are not necessarily held during the “C” meeting (that term is no longer used, replaced by the original Annual General Meeting). The exact scheduling of a General Assembly (or ATLAS) depends on many variables: type of meeting; venue capabilities and cost; other ICANN events planned (such as GAC high-level ministerial meeting) and availability of volunteers and staff to plan the event. At times, a GA may be held in parallel with a non-ICANN even. The upcoming NARALO GA in April will be held in conjunction with an ARIN meeting.

Curiously, there is a reference to the regular General Assemblies in the section reviewing the 2008 At-Large Review, incorrectly attributing the newly approved multi-year budgeting directly to the original Westlake review.

Part of the rationale for this recommendation is that with the EMM, the number of participants will grow and the larger number of ATLAS participants will not be practical, presumably from a funding and other resource point of view. The ALAC does not support the EMM, nor does it believe that if implemented, the number of active participants would grow inordinately. However, the core issue is relevant, and should numbers change radically in coming years, the ALAC will have to adapt, as it does with all other aspects of its existence.

Recommendation 12: As part of its strategy for regional outreach and engagement, At-Large should put a high priority on the organisation of regional events. The five RALOs should, as part of their annual outreach strategies, continue to partner with well-established regional events involved in the Internet Governance ecosystem. CROPP and other funding mechanisms should be provided to support the costs of organisation and participation of At-Large members.

ALAC Response: The ALAC supports this recommendation. As the use of the word “continue” in the recommendation implies, this is already an ongoing practice and subject to ICANN funding, it will continue and hopefully grow. In fact, requests for these type of Internet Governance regional meetings and schools have been and continue to be present in the At-Large annual special budget requests.

Recommendation 13: Working closely with ICANN’s Regional Hubs and regional ISOC headquarters, At-Large should reinforce its global outreach and engagement strategy with a view to encouraging the organisation of Internet Governance Schools in connection with each At-Large regional gathering.

ALAC Response: The ALAC accepts this recommendation in a modified form. Specifically At-Large should maximize its natural synergies with organizations such as ISOC, not only at the “Regional Hub” Level (actually called Regional Bureaus), but also as locally as possible, at the Chapter Level. For example the ISOC Latin America and Caribbean Regional Bureau -one of six ISOC Bureaus- sits in the “*Casa del Internet*” in Montevideo, Uruguay, alongside several ICT and telecom organizations. Exploring At-Large collaboration with said and other ISOC Regional Bureaus would definitely be welcome if the resources are made available. However, an additional strategy should also include joint At-Large / ISOC activities at the ISOC Chapter level, of which there are hundreds around the Globe, sometimes more than one per country, and in some cases At-Large members are also ISOC Chapter members, which would naturally facilitate coordination.

That being said, the ALAC notes that ICANN only has a limited number of regional hubs, and not all have expressed interest in supporting At-Large in the way the recommendation presumes. Also, although there is synergy (and overlap) between ISOC Chapters and ALSes, it is not an At-Large decision as to how or if the Internet Society and ICANN choose to work together. ICANN has provided some support for Schools of Internet Governance, but under our new Bylaws, it is not fully clear whether being more proactive in such endeavours would be in line with the Mission and Scope identified in the Bylaws.

Recommendation 14: In the interests of transparency, all At-Large travel funding should be published as a “one stop shop” contribution to the At-Large webpage.

ALAC Response: Although the decision to make such information available is out of scope for the ALAC, The ALAC supports this with the understanding that a similar policy being applied for the entire organization including the SOs and the Board (some Board cumulative numbers are published but with little granularity) and staff. ICANN regularly publishes the travel costs for ICANN meetings and events directly associated with them (excluding the Board and staff), but not for other activities. Staff costs are published only to the extent that they are required for senior executives under US tax law. Recently, in order to discover the costs of the annual GNSO Non-Contracted House Intersessional

meetings, a formal Documentary Information Disclosure Policy request had to be filed (<https://www.icann.org/resources/pages/didp-20160211-1-rrsg-request-2016-03-14-en>).

The ALAC strongly supports full disclosure of all travel costs, and not just those for unpaid volunteers.

Recommendation 15: At-Large should be involved in the Cross-Community Working Group on new gTLD Auction Proceeds and initiate discussions with the ICANN Board of Directors with a view gaining access to these funds in support of the At-Large Community.

ALAC Response: The ALAC supports the first part of this recommendation to the extent of being involved with the CCWG Auction Proceeds. In fact, the Vice-Chair of the CCWG Charter Drafting Team was from the ALAC and the ALAC is one of the Chartering Organizations, so we could not avoid being involved. As a Chartering Organization, the ALAC is required contribute Members to the CCWG and will be called upon to ratify any recommendation that arise out of the CCWG.

The CCWG will be deciding on the methodology and structure associated with disbursing funds, which will only happen after the CCWG completes its work. The CCWG is not the place to request funds for specific projects or activities. One of the issues that will be discussed is whether ICANN and its constituent bodies could ultimately apply for any of the funds. If any At-Large people participate in the CCWG with the explicit intent of planning to later request funding for the At-Large Community, we would have to explicitly declare that and as such would not be able to equitably participate in discussions related to this core issue.

Once the CCWG completes its deliberations, and presuming the Chartering Organizations largely ratify the outcomes, the Board will then consider the recommendations. It is envisioned that if the Board approves, some sort of organization will be created or contracted with to consider projects and do the actual disbursement.

The Review Team has been misinformed if it believes that the Board is empowered to enter into any such discussions at this time.

Moreover, although one can envision all manner of good projects that could be funded, it is not clear that actually funding operational expenses of At-Large are among them, and in fact there is already considerable opposition to doing this, both within At-Large and the rest of ICANN. So to be clear, the ALAC does not support the recommendation in relation with having access to the auction proceeds funds to support the operational expenses of the ALAC. Some ALAC and At-Large members have supported using auction funds for targeted and project-oriented uses within ICANN and At-Large. Whether that will end up being allowed remains to be seen.

Recommendation 16: Adopt a set of metrics that are consistent for the entire At-Large Community to measure the implementation and impact of the EMM and track the continuous improvement of the At-Large Community.

ALAC Response: As noted elsewhere, the ALAC does not support implementation of the EMM. However, the ALAC does support the establishment of metrics to track performance and improvement of the At-Large Community. In fact, we have a Metrics WG (one of the groups recommended to be abolished) that has been tasked precisely with that responsibility. It is currently on hold pending the completion of the ALS and RALO Criteria and Expectations group.

Although consistency is important, there are also significant differences between the regions and any discussion of metrics needs to factor that in.

3. Recommendation Made Through Omission

Maintain the single voting Board member by At-Large.

ALAC Response: The report presents a number of pro and con arguments for an additional At-Large Director. The arguments against such a move were:

1. The ALAC has significant - and sufficient - power with one voting seat. “Sufficient” is clearly a judgement call and not a rational argument.
2. The ALAC has more voting power than the GAC, the RSSAC or the SSAC. The Bylaws forbid government representatives from sitting as voting Board members, so the GAC is not even a question. The RSSAC and SSAC have made it clear through their decision not to participate in the Empowered Community that they wish to stay purely advisory. We note that the other ACs have always been in a different position relative to the ALAC in that they have only non-voting Liaisons to the NomCom while the ALAC has always had decisional responsibility on the NomCom.
3. An increase would not sit well with other (competing parts of ICANN). This is intuitively obvious and not a reason to not take action. Those same groups did not want the ALAC or the GAC to participate in the Empowered Community, preserving all the power for themselves.
4. At-Large has 5 delegates on the NomCom, so it does not need a second Director. We note that the GNSO has 2 voting Directors and 7 delegates on the NomCom.

4. Comments on EMM Implementation Guidelines

Implementation # 1: Adopt the Empowered Membership Model (EMM) as proposed to bring a greater number of end users directly into ICANN policy making processes, and or engaged in At- Large outreach activities (Section 11).

Implementation # 2: Engage more end users directly in ICANN Working Groups by adopting the Empowered Membership Model described in this document (See Section 11).

Implementation # 3: Adopt the Empowered Membership Model described in this document to engage more end users directly in ICANN work. (Section 11).

ALAC Response: It is unclear what the mechanism is by which users will become informed of the EMM, what is it that will motivate them to begin spending significant time and effort to participate in ICANN policy issues (including learning the vernacular, getting up to speed on the issues in question and expending significant time on a regular basis). The presence of a vote seems to be a critical part of this, since it is that which differentiates the EMM from the individual unaffiliated members that three of the five RALOs have, and the other two are committed to allow. But this vote is only allotted after (and presumably continuing) demonstration of active participation. It is unclear who judges such participation and how this is done – this is an issue that At-Large has been grappling with for years and is not a minor implementation issue. If a possible vote is the critical issue in motivating people, one has to question their overall commitment. Moreover, since some RALOs rarely if ever have votes, one has to question whether the EMM would work in such cases if the vote is a critical issue.

Implementation # 4: In the Empowered Membership Model individual users will be encouraged to participate in At-Large. Within this context there should be scope for further cooperation with the NCSG (Section 12).

ALAC Response: It is not clear what the connection is between the EMM and participation in At-Large and cooperation with NCSG. Typically new people involved in ICANN want to select their “home” and sadly due to the nature of a few NCSG leaders, new NCSG members often become “poisoned” and have little interest in cooperation with At-Large. That being said, the ALAC is always interested in cooperating with other parts of ICANN and does so regularly with most other groups and is currently planning a cooperative outreach event with NCSG to be held in ICANN58, Copenhagen.

Implementation # 5: Any individual from any region should be allowed to become an “At-Large Member” (ALM). The ALM is what the Empowered Membership Model identifies as the atomic element of the new At-Large model (Section 11).

ALAC Response: This is the status quo for three of the five regions and will be the case for all regions, regardless of implementation of the EMM. Some regions do have concerns that they may need to place some restrictions to ensure that users support the principles of At-Large and do not use the

At-Large persona to campaign for anti-user issues.

Implementation # 6: Adopt the Empowered Membership Model which changes the function of RALOs so that they are primarily an outreach and mentoring mechanism for engaging new entrants (Section 11)

ALAC Response: That is in fact the major focus of RALOs today. Many within At-Large find this problematic in that the RALOs have not explicitly focused on Policy issues. Since RALOs do not currently have a policy focus, their mentoring tends to not be in that area.

Implementation # 7: As part of the Empowered Membership Model, elected RALO representatives become ALAC Members who not only deliberate on advice to the Board but also serve as mentors to newcomers to At-Large. (Section 11)

ALAC Response: Workload is already a major issue within At-Large and particularly for RALO leaders and ALAC Members. Although a small number of people put a vast number of hours into At-Large and ICANN matters, asking all such volunteers to do so is problematic. Moreover, if outreach is a prime focus of RALOS as implied by Implementation 6, these are not the optimal people to place on the ALAC and then debate policy issues.

Implementation # 8: The ALAC Members should have a maximum of (2) terms, each of a 2-year duration.(see Section 11).

ALAC Response: In the entire history of the modern ALAC (after the Interim ALAC appointed by the Board), there have been 65 RALO and NomCom appointed ALAC members and only five of them have served for more than two consecutive terms (and two of those only exceeded the two-term point after the last AGM).

Taking this into account, term limits would not have had much impact in the past, and it is unclear if having such limits would have fixed problems, or created them.

That being said, term limits may well be reasonable, but it is less clear that two terms is optimal. One RALO currently has a shorter limit, and others may feel that in critical times, the limit should be able to be overridden.

Implementation # 14: The proposed Empowered Membership Model (Section 11) conflates many of these roles and consequently frees up travel slots for new voices. For example the 5 RALOS are now part of the 15 ALAC Member list and 5 Liaison roles are also taken by NomCom appointed ALAC Members, leaving 2 for the Council of Elders and up to 10 slots for Rapporteurs for CCWGs and regular WGs (to be decided openly and transparently).

ALAC Response: The ALAC does not support much of this Implementation Guideline. Specific issues will be more fully addressed in section 6 of this document.

5. Methodology

Reliance on Comments

The Review relies heavily of comments provided during interviews and in surveys, many of them very negative. There is no doubt that the existence of such comments is both relevant and important, but that does not imply that the “facts” cited are correct. Yet many of the Recommendations seem to specifically address these “facts”.

In the first draft of the report there were many comments on the lack of turnover of workers in At-Large. The ALAC provided significant detailed records (largely gleaned from public sources and to be presented in section 9 of this document) to demonstrate that this was not the case, and the second draft had fewer such comments in evidence, although it did not alter the basic conclusions that there was a turnover problem. But still such comments were included in this draft and seemingly presumed to be factual. As an example, in section 4.3.4, one finds

“More candidates? I can only think of a handful of people associated with At-Large Leadership over the ten plus years I've followed ICANN.” (NCSG Participant)”

There is no doubt that the commenter could only think of a half dozen or so, but the actual statistics give a somewhat different picture. In the last ten years (2007-20016), there have been:

- 17 people in ALAC Leadership positions
- 5 ALAC Chairs (2 for short periods due to illness and the transition from the Interim ALAC to current Form)
- 41 people in RALO Leadership positions
- 23 RALO Chairs (or equivalent)

During this same period, the GAC has had 3 Chairs, ccNSO 3, SSAC 2 and GNSO 6.

It is unclear why the ALAC had to devote the volunteer time to refute such comments. Many other comments are equally slanted even if not as easy to disprove empirically and analytically.

Lack of connection between Conclusions and Recommendations

Many (but not all) of the conclusions reached in analyzing At-Large are correct. This is not particularly surprising because the ALAC and its leaders have spent significant time understanding what is working and what is not working in At-Large (part of the inward focus for which we are criticized) and we were very open with the Review Team when they started their work. However, as noted in the comments to the Recommendations and Implementations, in many cases, there is little connection between the problem identified and the solution. No rationale is given why the problem will go away. This is particularly true for the core concept of the Recommendations, the Empowered Membership Model (EMM). The problem is that we have great difficulty getting people on the periphery of At-Large to learn about the policy issues and commit significant time to ICANN (often during their working hours), perhaps overcoming significant language problems in the process. The Review Team presumes that with the fancy new name³, and the ability to vote in occasional elections (for those RALOs that have elections), dedicated end-users will magically flock to us. This is akin to the movie *Field of Dreams* – if we build a baseball stadium in the middle of nowhere, long-dead baseball players will arrive to play and people will flock there to watch them, not even knowing why they are arriving. But that was Hollywood fantasy movie and what we need here is solid logic. The report does recommend a number of distinct outreach mechanisms with the aim of attracting more new participants. Unfortunately, in virtually all cases, At-Large already uses those mechanisms to the maximum that our funding allows.

Survey has design problems and results interpretation problematic

Parts of the survey were poorly designed and the result interpretation questionable.

As an example, one of the questions asked: *In your opinion which of the following statements most accurately describes the role played by the At-Large Community within ICANN?* There were a number of options, but respondents could pick only one. Among them:

- ALSes act in their own interest, a basically accurate statement. Each ALS is an organization that exists largely for purposes other than ICANN and looks at issues from its own perspective. In theory, if we can gather enough of these individual positions, together they do indeed represent the needs of the global end user.
- ALSes and individuals can engage in ICANN policy processes; a true statement, unless you interpret it as they cannot due to the steep learning curve and time commitment involved.
- At-Large allows users to participate on an equal and non-discriminatory fashion. True in theory, quite false in practice.

Several of the choices were correct to varying degrees, and several could be the selected answer but for completely different reasons than the Review Team presumed. It is not surprising that answers

³ The EMPOWERED Membership Model name is clearly borrowed from the new ICANN Bylaw construct the Empowered Community (EC). However the Members in the EMM have no powers akin to those of the EC, and certainly the ALAC EC powers are not being transferred to them. The Review Team was advised that using this name would only cause confusion or possibly concern in other parts of ICANN, where there was strong belief that ALAC should not be part of the EC, but they decided to keep the name.

were all over the place and were subject to varying interpretations by the Review Team.

Another question asked how many ALSes were active in ccNSO and GNSO policy processes. The results were 39% and 31% respectively. It is difficult to gauge how many this really is, since we were not told how many ALSes responded to the question. However, if the number is very small, the data is meaningless, and if the number is substantial, the results are not believable – we have accurate counts of people claiming to be with At-Large who are active in GNSO PDPs, and the number is small indeed. And the ccNSO has very limited PDP activity and the At-Large participants are well documented and minimal.

As noted above, although we are told that there were 242 surveys completed, all of the rest of the statistics presented are percentages of specific groups, but with no information of the group sizes.

In a similar vein, reports such as this typically list the people interviewed and their affiliation. This report is totally silent on this with the exception of several Tweets that are displayed verbatim, and like other Tweets we are familiar with recently, not accurate.

Focus on events at the time of the Review

It is perhaps natural that the Review Team focused on what they saw at the various events they attended, but they did not seem to grasp that the previous two years in ICANN were very atypical, and the focus of much of the organization has been on the IANA Stewardship Transition and ICANN Accountability. At-Large and the ALAC invested VERY heavily in these processes, to the clear detriment of many other activities. The Review Team arrived at the tail end of this and seem to believe that what they saw was the norm. In reality much of the “regular” policy work of ICANN has largely been on hold for close to two years, and the work of At-Large along with it. There is virtually no mention in the report of the significant accomplishments of At-Large during these efforts.

Misunderstanding of Current Process

In reviewing this document, it might be noted that a significant number of the Recommendations are being accepted by the ALAC, because the Recommendation partially or completely describes current practice, the status quo. There are numerous cases where the Review Team seemingly did not fully grasp what was actually occurring and chose not to verify their impressions with Staff or At-Large leaders prior to publication.

6. Non-Recommendation Suggestions

The report includes a number of very specific suggestions that do not surface as formal recommendations, but are referenced in the Implementation Guidelines. They warrant comment because in the minds of many within the ALAC and At-Large, they are extremely misguided and demonstrate a lack of understanding of our environment.

FOLLOWING SUB-SECTIONS MAY NEED TO BE EXPANDED

Conflation of RALO Leaders and ALAC Members

The concept that RALO leaders should at the same time be the RALO appointed ALAC Members presume that:

- Both jobs can be readily handled at a reasonable volunteer workload
- The skills and interests of both are similar enough to be of interest and within capabilities of sufficient volunteers

Based on volunteer management experience within At-Large for many years, neither of these is likely to be true on a regular basis, and presuming it is the case will inevitably lead to significant failures to deliver.

ALM “activity” certification

The EMM model presumes that we (an undefined we) will be able to recognize when people have been “active” for N months, and also presumes that we will monitor them to ensure that this activities level is maintained. It was pointed out to the Review Team that this was not a minor “implementation detail”. Recognizing that people are truly active (and not just dialing into meetings and never saying anything, or using mailing list but never sending out anything other than “+1” indicating support or birthday wishes) is a really difficult problem that At-Large has been grappling with for years. If the EMM were to actually be successful, the number of such people to monitor could be significant. Who would do this monitoring, and on what basis if completely unclear.

Rapporteurs

It is unclear exactly what the Rapporteur is expected to do, but regardless, the assumption that after a 12 month period a new person will fully grasp the complexities of some of the issues we address as well as the user-related issues, woefully underestimates the learning curve and complexity. Similarly it over estimates the relatively few people who will be able to regularly keep up and then represent At-Large. Moreover, random selection of the rapporteur if there are multiple candidates is far less than optimal.

It is unclear who would act in this capacity for the first year of a WG. Although some WGs last well over a year and at times over two years, efforts are continually underway to have targeted WGs take far less than the process associated with Rapporteurs would allow.

The Review Team believes that we need multiple people on each WG, a position the ALAC supports. However it is a mystery how the wisdom of all of these people will be funneled into the Rapporteur so that this one person can represent the entire input from the WG members to the ALAC and RALOs.

Lastly, the report calls for selected Rapporteurs to be sent to ICANN meetings for a year, although it is not necessarily true that WGs even meet during ICANN meetings, and if they do, it is typically just for a few hours. If the Rapporteur is being sent to the ICANN meeting to brief the ALAC, it is unclear why such a (probably 15-30 minute) briefing needs to take place face-to-face. This could well amount to

“Here is one year of travel funding whether you need it or not. Have fun.”

Although the concept of “rapporteurs” is not likely appropriate, there IS a rationale for having travel slots in addition to those for the ALAC and Regional leaders (whether merged or not) and that will be addressed in a later section.

Liaisons

The first draft simply said that NomCom appointees will take on Liaison roles. The comments submitted made it clear that this could not work. Liaisons are critical to the relationship between the ALAC and other AC/SOs, special skills, knowledge and background was essential, and in several cases, the other organization has to agree to accept the particular person as Liaison.

The only change in the report was that the ALAC should supply the NomCom with a list of criteria they should use in their selection. This presumed that such “criteria” could be quantified and that there would be abundant applicants with suitable knowledge (including knowledge of the ALAC and other AC/SO), and skills. We note that the requirement for such prior knowledge of ICANN and its constituent bodies is potentially at odds with the NomCom responsibility of getting “new blood” into ICANN. It also ignored the issue that the other AC/SO may have criteria that they use to judge acceptability.

As important as Liaisons are, it is possible that the ALAC would decide to dispense with them if this is the only way we would be allowed to have them.

Council of Elders

The Council of Elders is an interesting concept (although the name is rather questionable). The rigid set of rules around how long a person could serve, how often they could travel, and the presumption that they would be endlessly available regardless of these rules is (for some of the current “elders” around At-Large) rather laughable.

7. Analysis of Prior Review Recommendation

Part of the mandate of the Review Team was to report on the “Effectiveness of implementation of prior review recommendations”.

The first At-Large review was originally carried out by an external consultant. Once the review was delivered, the ICANN Board committee responsible for reviews at the time chartered the “ALAC Review Working Group” which:

According to the Charter, the ALAC Review WG has been formed to help ensure that the evaluator's final report (independent review) contains the data and information needed to conduct the work of the BGC and the WG, and (primarily) to advise the BGC on whether any change is needed for At Large. The WG will consider the Independent Reviewer's final report, Board input,

and comments from stakeholders and the public, and will:

- *Advise the BGC whether, in general, the ALAC has a continuing purpose in the ICANN structure; and*
- *If so, consult broadly and advise the BGC whether any change in structure or operations is desirable to improve its effectiveness and recommend to the BGC a comprehensive proposal to improve the involvement of the individual Internet user community in ICANN.*

That group ultimately created a set of recommendations which the ALAC implemented and it is that set of recommendation that the Review Team was supposed to evaluate.

The Review Team put significant effort into comparing the external evaluator's recommendations to that of the ICANN WG and was quite concerned that ICANN had decided to not follow some of the external evaluators recommendations. They seemed to believe that the changes in the recommendations were due to an At-Large effort to ignore recommendation that it did not like. It was apparently not understood that the ALAC Review WG had no current At-Large people on it, and only one former At-Large member (and former Liaison to the Board).

How ICANN developed to Recommendations to be implemented by the ALAC for the first review was a matter internal to ICANN and was a decision of the ICANN Board. It should not be an issue that the present Review Team needed to look at or question.

8. Travel Issues

Many of the restructuring recommendations seem to be driven largely by a desire to free up travel slots so that they could be used by Rapporteurs.

There is no doubt that a number of extra travel slots could be useful to allow those who make significant contributions to attend ICANN meetings. To date, that has only been possible when regular travelers cannot attend a meeting.

The ALAC believes that merging RALO leadership with ALAC Membership and Liaisons with NomCom appointments would both have extremely detrimental effects and are not a reasonable exchange for the questionable benefit of having 10-12 rapporteurs attend meetings.

The ALAC does agree that having the ability to bring a limited number (perhaps 5) of non-RALO/ALAC leaders and Liaisons to ICANN meetings could be extremely beneficial, but believes that other methods must be found for doing so.

Given that some other AC/SO travel allocations have rapidly increased over the last seven years (the period for which statistics are available) in recent years, while the At-Large allocation has remained nearly unchanged, perhaps there are alternatives to the Review Team proposal.

Annual FTE Travel Slots Per AC/SO

	At-Large	GNSO	ccNSO	SSAC	GAC	RSSAC
FY09	72	42	30	0	2	0
FY10	73	51	35	0	16	0
FY11	77	58	36	0	15	0
FY12	81	62	37	14	37	0
FY13	73	114	34	29	50	0
FY14	78	128	36	29	64	3
FY15	78	138	33	37	65	6
FY16	79	143	34	38	85	12

Note that the table excludes extraordinary travel including At-Large General Assemblies and Summits, and Intersessional meetings that have become common in the GNSO. For At-Large the yearly average over seven years has been 32 FTE per year, and for the GNSO over the last two years has been 37.

Note also that in most years, the numbers are slightly inflated from the actual approved traveller because incoming members often attend the Annual General Meeting. These were omitted from the FY16 counts, but are present in other years.

9. Volunteer Turnover

The Review Team received many comments alluding to a lack of volunteer turnover, stagnant leadership, and people “clinging to power”. There is no question that such perceptions exist in the community.

However, that actual volunteer statistics tell a quite different story. They demonstrate that over the 14 years of the ALAC history, and the 10 years since the current ALAC plus RALOs have existed, there has been very abundant turnover.

To repeat and expand on the statistics reported earlier in this document, over the life of the ALAC,

- 126 people served on the ALAC or RALO leadership

- 19 people in ALAC Leadership positions
- 7 ALAC Chairs
- 41 people in RALO Leadership positions
- 23 RALO Chairs (or equivalent)

The detailed charts of service show that many people stay for a short while (typically their two-year term), some for a more extended period and a few for relatively long periods. Often, a person starts in a more junior role and progresses through other roles. This is exactly what one would hope for and expect. Those who have a great interest step into advanced roles, and some people stay around to ensure continuity and experience.

The following two charts show all ALAC members and then ALL leadership roles (ALAC plus regional leaders⁴). The charts are too dense to readily read, but the overall movement of people is evident.

Also included is a distribution of the amount of time (counted in ICANN meetings) that each person in a leadership position has served from 2007-2017, This is the total number of meetings served, not necessarily contiguous.

⁴ Some regions have more than two people in leadership positions (Chair, Vice Chair(s), Secretariat(s)), but travel is limited to two per meeting.

Total At-Large Appointments - 2007-2017 (Not necessarily contiguous)

