

REVIEW OF THE AT-LARGE COMMUNITY 2016 -17

DRAFT REPORT FOR PUBLIC COMMENT

WEBINAR

27 FEB 2017



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Purpose & Scope of Review



Purpose

ICANN Bylaws (Section 4.4, Paragraph a)

The Board shall cause a periodic review of the performance and operation of each Supporting Organization, each Supporting Organization Council, and each Advisory Committee [...] by an entity or entities independent of the organization under review.

The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine

- (i) whether that organization, council or committee has a continuing purpose in the ICANN structure,
- (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness, and
- (iii) whether that organization, council or committee is accountable to its constituencies, stakeholder groups, organizations and other stakeholders.



Scope

Extract from contract between ICANN and ITEMS International (Exhibit B):

Contractor shall conduct an independent review of the At-Large Community ("At-Large"), as mandated by ICANN Bylaws to assess the effectiveness of:

- 1) improvements resulting from the recommendations from the previous Review
- 2) components of the At-Large Community - ALAC, Regional At-Large Organisations (RALOs) and At-Large Structures (ALSes) in accordance with the ICANN-provided objective and quantifiable criteria.

The last review focused primarily on the ALAC.

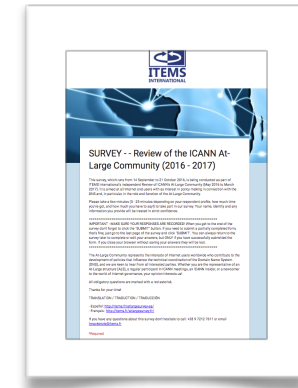
While the current Review will cover all components of the At-Large Community, the primary focus will be on the structures not covered by the last review - RALOs and ALSes

Review process so far...



Interviews: 100+

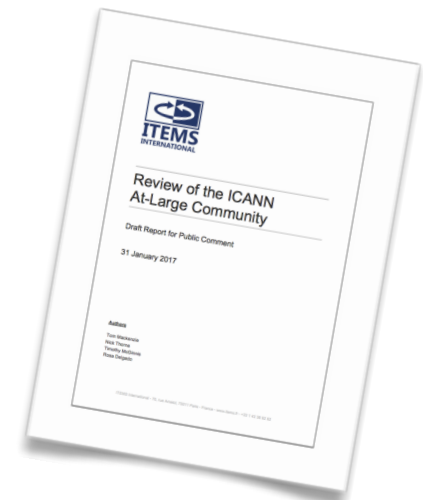
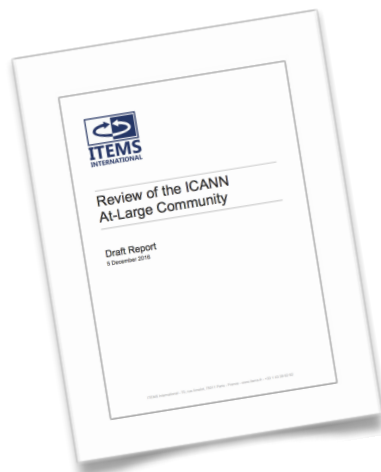
Global Survey: 240+ responses



Draft Report for Review Working Party Consideration
5 December 2016

Draft Report for Public Comment
31 January 2017

This takes extensive account of comments
from the the RWP



Documentary research

Taking into account lessons learnt



At-Large Study Committee Final Report

(5 November 2001)

Final Report on ICANN At-Large Membership

November 5, 2001

- Letter to the ICANN Board
- Executive Summary
- Background
- Defining the Electorate
- How Many At-Large Directors
- ALSO
- Balance-of-Reasonable Approach
- Introduction
- Background
- The ALSC
- ALSC Outreach
- At-Large Participation and Representation
- Value of User Involvement
- E-mail-Based Membership Lacks Support
- Recommended Membership Approach
- Individual Domain Name Holders
- Creating an At-Large Membership
- ALSO Framework
- AL-Large Membership Representation
- Membership Registration/Election Processes
- Potential Process Elements
- Conclusions/Next Steps
- Appendix

Letter to the ICANN Board,

In August, the At-Large Study Committee presented for discussion its draft final report on the question of including an At-Large Membership in ICANN's governance structure. Now, in accordance with the schedule established earlier this year, and after further discussions and comments on our draft report, we submit our final report.

Established only three years ago, the Internet Corporation for Assigned Names and Numbers (ICANN) has been the world's most important infrastructure.

Palfrey | Working Paper | "The End of the Experiment" | 1/9/04

THE END OF THE EXPERIMENT: HOW ICANN'S FORAY INTO GLOBAL INTERNET DEMOCRACY FAILED

John G. Palfrey, Jr.¹

ABSTRACT

ICANN's experimentation in running a representative and open corporate decision-making process to manage the domain name system has largely failed. This failure has manifested itself most explicitly by ICANN's retreat from its effort to enable the direct election of a subset of its Board members and, less explicitly, by the extent to which other efforts to engage the Internet user community in the decision-making process have proven ineffective. A systematic review of over 100,000 comments by public participants in ICANN, other inputs that the Board considered, and the Election of 2000 for five ICANN Board members, reveal that ICANN has never fully succeeded in integrating users into the governance model in other than an *ad-hoc* fashion. Instead, the Board appears largely to have based its decisions upon the recommendations of professional staff and of the powerful Supporting Organizations (SOs), in which users can participate. An Internet user light upon the need for an overhaul of its governance structure. Second, ICANN should clarify the way in which users can involve themselves in the decision-making process for managing the domain name system, arguably through the Supporting Organizations (SOs), in which users can participate. An Internet user light upon the need for an overhaul of its governance structure. Second, ICANN should clarify the way in which users can involve themselves in the decision-making process for managing the domain name system, arguably through the Supporting Organizations (SOs), in which users can participate. An Internet user light upon the need for an overhaul of its governance structure. Second, ICANN should clarify the way in which users can involve themselves in the decision-making process for managing the domain name system, arguably through the Supporting Organizations (SOs), in which users can participate.

Public Participation in ICANN

A Preliminary Study

John Palfrey, Clifford Chen, Sam Hwang, and Noah Eisenkraft

Berkman Center for Internet & Society at Harvard Law School

EXECUTIVE SUMMARY

This study considers to what extent the Internet Corporation for Assigned Names and Numbers (ICANN) has achieved its stated goal of a "representative" and "open" decision-making process. An initial review of approximately 100,000 postings by members of the Internet user community to ICANN's e-mail lists and public online forums — indeed just a few of the several means of public participation in ICANN's decision-making process — showed that public commentary for or against a given proposal before the Board does not correlate strongly to an outcome either for or against that proposal. The data suggest that the Board has been more likely to rely heavily upon staff recommendations and upon the input of the Supporting Organizations, in which the public can also participate, than on broad-based input from the Internet user community.

In large measure because of the difficulty of assessing public involvement in the Supporting Organizations, it is unclear whether ICANN has been successful at collecting commentary that is representative of the Internet user community through its full range of user input methods. On some key issues, such as the reassignment of the .org domain and on specific Top-Level Domain extensions, Internet user community members posted very few substantive comments — despite the very large aggregate number of postings, to the public message boards.

In a parallel analysis of the Board votes at ICANN, 597 were passed without a dissenting vote, and 597 were passed without a dissenting vote, and 597 were passed without a dissenting vote.

The Virtues of Deliberative Policymaking: A Response to "Public Participation in ICANN"

Andrew McLaughlin [1]

Version 1.1
17 December 2003

INTRODUCTION

In "Public Participation in ICANN," Palfrey, Chen, Hwang, and Eisenkraft have made a valuable contribution to the growing literature analyzing ICANN. They have wrestled to the ground a very large amount of data, and attempted to draw from it a set of conclusions about the effectiveness of ICANN as a model of public participation.

The study's presentation and analysis of data contain much of interest, and much that could assist ICANN (and other policy-making bodies) in improving its use and management of online public forums. But the study's value is diminished by two rather fundamental shortcomings: (1) its sizeable gap between theory and the practice of ICANN's policy-development process; and (2) its focus on the analysis from a broad scope of the study's conclusions and its very narrow — indeed, myopic — conclusion.

At its heart, the study appears to have been built around a basic misunderstanding of ICANN's policy-development mechanics. ICANN is an experiment in **deliberative**, rather than "democratic" or "representative," policymaking. As a triply-staffed, non-profit coordinator of technical resources, ICANN cannot reasonably be expected to erect a global democracy, nor can it hope to achieve a Board or community of participants that is rationally representative of the world's population of Internet users. Given the primacy of ICANN's policy-development process, and the role of governments in ICANN model instead seeks to foster a reasonable and legitimate policymaking process that is open, transparent, and available to all, but structured to achieve consensus through dialogue and deliberation among informed stakeholders. The ICANN Board acts not as a legislative body that cooks up policies on its own initiative, but as the overseer of the implementation of policy, oversight of the staff and finances, and process that takes place primarily in the Supporting Organizations. (Of course, the Board also does other things besides policy-setting, such as the implementation of policy, oversight of the staff and finances, and process that takes place primarily in the Supporting Organizations.)

Independent Review of the At-Large Advisory Committee

Report to
The Internet Corporation for
Assigned Names and Numbers

Prepared by Westlake Consulting Limited

Westlake Consulting Limited
P O Box 8032
The Terrace
Wellington 6143
New Zealand
www.westlake.co.nz

Final Report – 25th July 2008

Political questions regarding ICANN's accountability

Arun Mohan Sukumar

With the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG) submitting its revised proposal for a second round of public comment, the first glimpse of the IANA transition ship, heading home, has finally appeared on the horizon. The process is far from over pending NTIA's review of the final proposal — not to mention several rounds of heated debate in the US Congress over "Obama's great internet giveaway" — but it seems fair to suggest a comprehensive transition of the final proposal is now on the table. In hindsight, analysts will spend many hours dissecting how ICANN's accountability became integral to the IANA transition, which from a barabones perspective, involves handing over the supervision of certain clerical numbering and assignment functions from the US government to the international community to raise the sensitive issue of the US Corporation's governance, and for the international community to account if it wants to retain the IANA functions. The second group has placed the IANA transition within the larger context of internet politics, believing it heralds an era of global governance in cyberspace. The success of the CCWG proposal is an apt time to raise and answer the question: has either group succeeded in realising its objective?

During its early days, the CCWG sought to neatly divide both sets of concerns into two Work Streams. Work Stream 1 would address those aspects of corporate governance needed to render ICANN's Board accountable to its supporting organisations and advisory councils. Work Stream 2, to be taken up after the IANA transition is complete, would tackle the vexed questions of ICANN's jurisdiction, diversity of participation in ICANN governance and the role of governments in it. Members and active participants of the CCWG — who have spent several hundreds of hours in putting together a remarkable product — were fully conscious of the political exercise they were undertaking. In its recent report, the CCWG suggests:

[ICANN's Commitments] reflect the Corporation's fundamental compact with the global internet community

Elsewhere, the proposal suggests the CCWG has sought to:

incorporate into the Bylaws, ICANN's obligation to operate for the benefit of the internet community as a whole

What we have heard...

Strongly held, often opposing views



At-Large is not accountable to the global community of Internet end-users

At Large may not be perfect, but it's much better than what it was!

At Large is the soul of ICANN

At-Large is an organisation that was "**designed to fail**"

At-Large plays a vital role in the ICANN multi-stakeholder system

At-Large is a merry-go-round among a self-appointed elite.

Too much volunteer time is spent on procedural matters

At-Large is Broken

At Large "advice" is abundant, but not always relevant

Without At-Large there would be no body within ICANN to represent end user interests

The At Large organisational structure is excessively complex for ordinary end users

Questions and Hypotheses:



Has At-Large underperformed?

If so, what external or internal factors may have prevented At-Large from performing better?

1) ICANN Mission

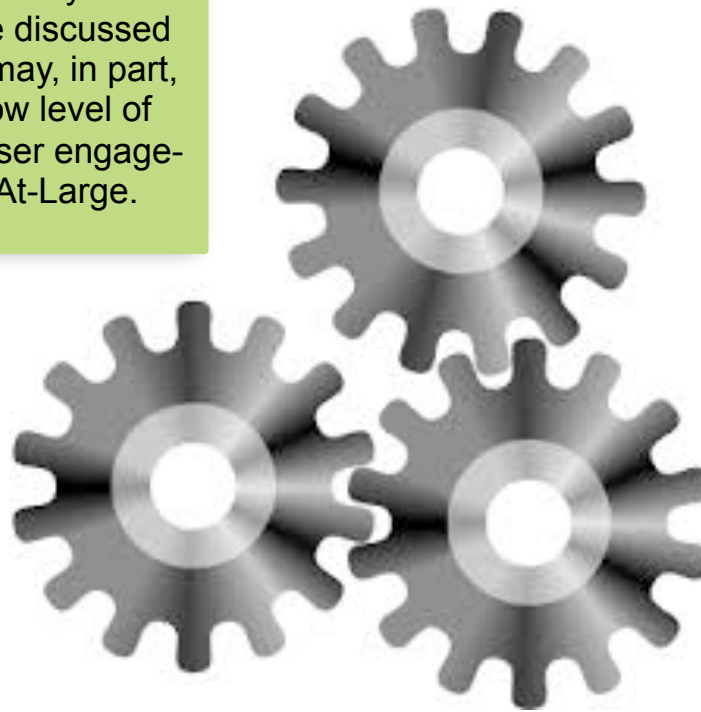
ICANN's narrow technical remit in connection with the DNS, and the legal and technical complexity of the issues that are discussed within ICANN may, in part, explain the low level of effective end-user engagement within At-Large.

2) People, Power & Politics

At-Large has not attracted higher levels of end-user participation because established leaders have monopolised positions of power, blocking rotation, and severely limiting the introduction of fresh thinking.

3) At-Large Organisational Structure

The At-Large organisational structure become too complex. It has become a barrier to effective end-user involvement. Is the current ALS / RALO / ALAC model fit for purpose?



Our view:

Most likely a combination of all three. Hence our Review focuses on organisational, mission-related and, structural aspects of the At-Large Community

What we have concluded

Much has been achieved, but much still need to be done



Our view

1. Does the At-Large Community have a **continuing purpose** in the ICANN Structure?



2. Is any **change in structure or operations** desirable to improve the effectiveness of At-Large?

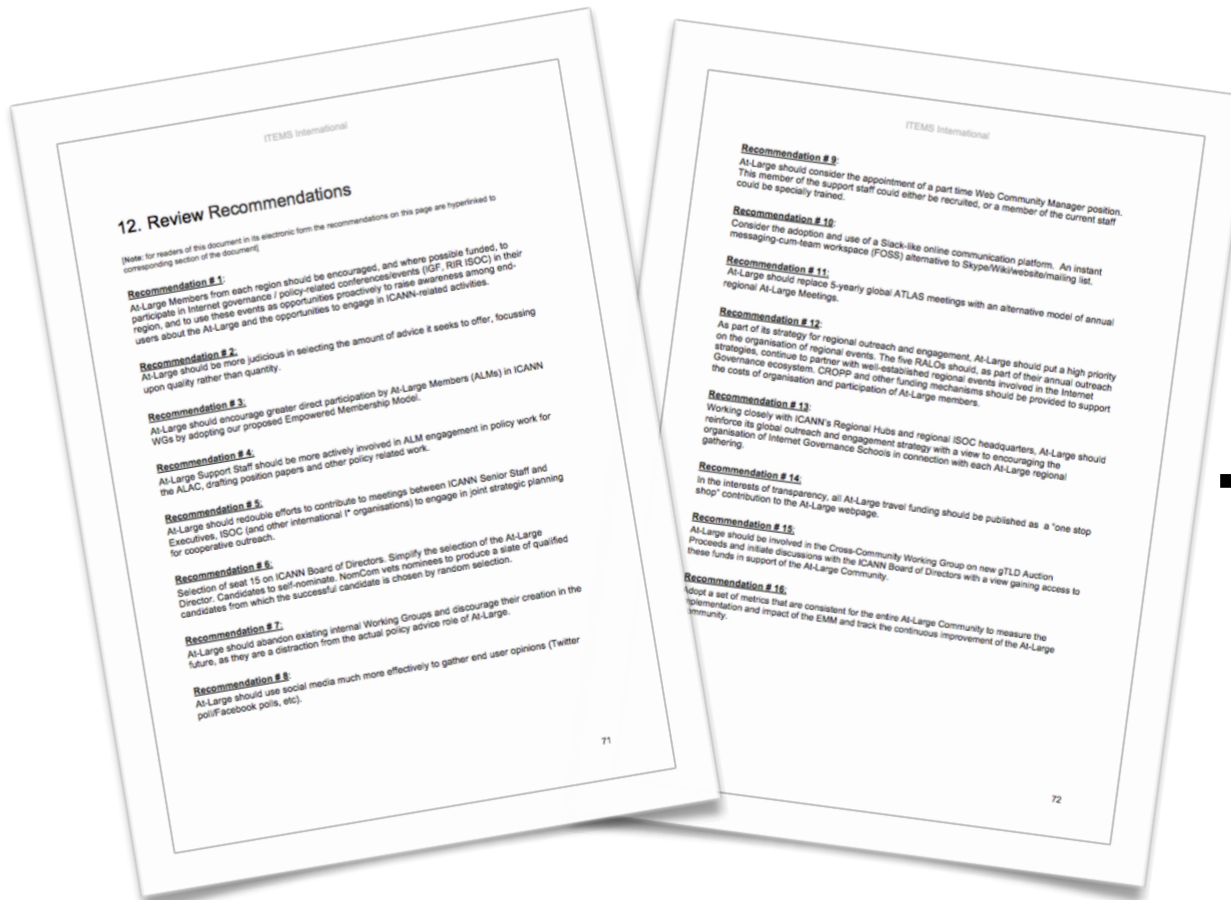
YES

3. **Is At-Large accountable** to its constituencies, stakeholder groups, organisations and other stakeholders?



Not yet

16 Recommendations + EMM



Empowered Membership Model

EMMM



Recommendation # 7

Abandon internal Working Groups



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.

Recommendation # 11

ATLAS meeting format & schedule



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

Recommendation # 12

Regional meeting strategy



Recommendation # 12: As part of its strategy for regional outreach and engagement, the At-Large Community should continue to put a high priority on the organisation of external regional events. The five RALOs should continue, as part of their annual outreach strategies 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.

Recommendation # 15

New Funding mechanism for At-Large



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.



Outreach

Recommendation yet to be drafted

Considerable resources have already been devoted by ICANN to “outreach and engagement”. Survey comment indicates the need for more work to be done, particularly in relation to the overall "two-way street" mandate of At-Large. In our final report to the board we shall make recommendations on the role of At Large in a coordinated ICANN outreach program.

Empowered Membership Model



Empowered Membership Model

EMM



A holistic model of engagement for At-Large.

Designed to increase and empower end-users by:

- **Simplifying membership criteria.**
- Simplifying the organisational structure of At-Large by **combining RALO and ALAC** roles.
- Providing active end-users with **access to travel funding** (Rapporteur mechanism).
- Providing end-users that are active in policy work or outreach & engagement activities with certain **voting rights**.
- Providing active end-users with a fast-track route to positions of responsibility within the At-Large Community.
- Ensuring faster turnover of At-Large leadership positions.

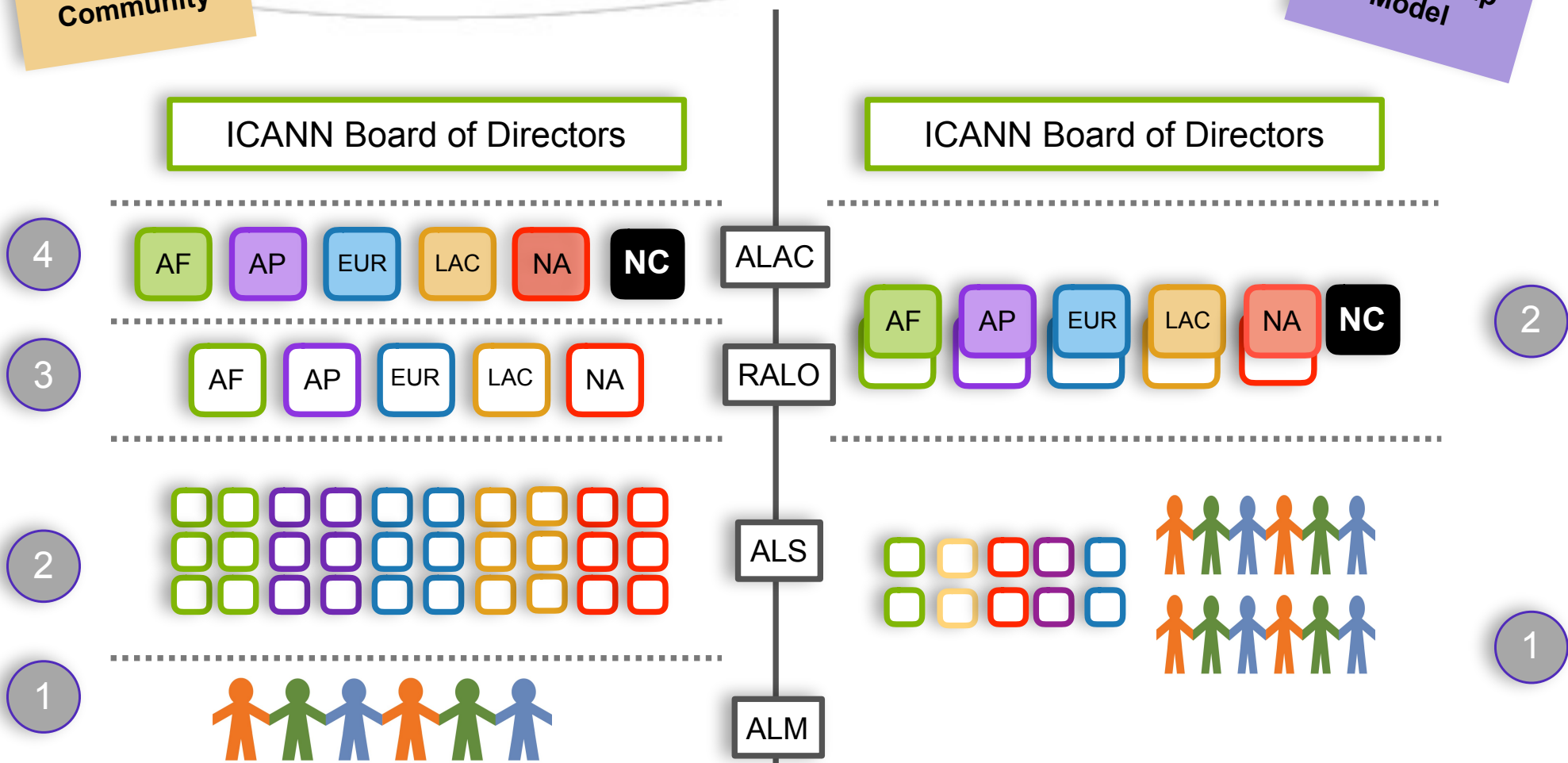
Empowered Membership Model

Same basic organisational structure



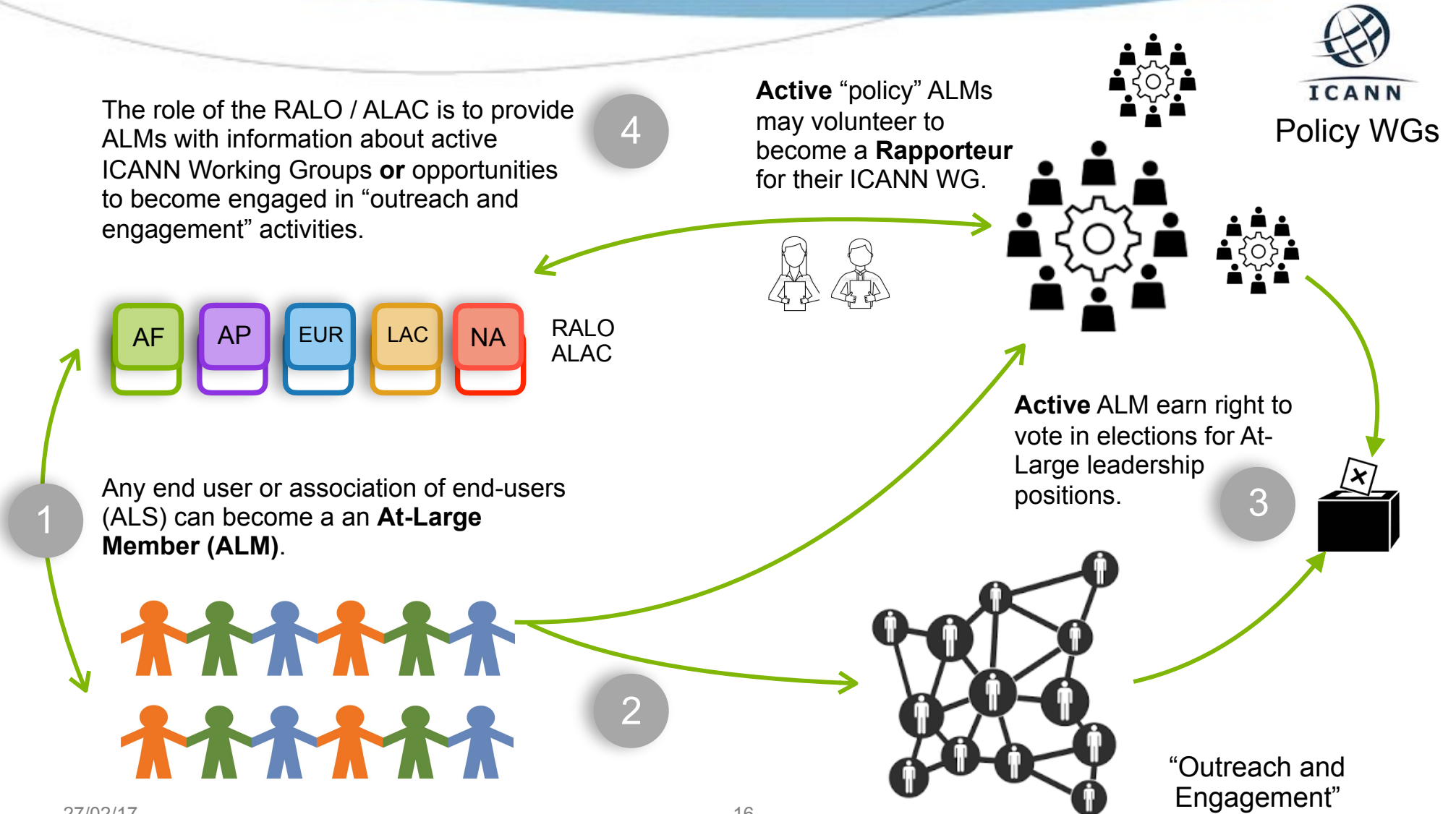
Current At-Large Community

Empowered Membership Model



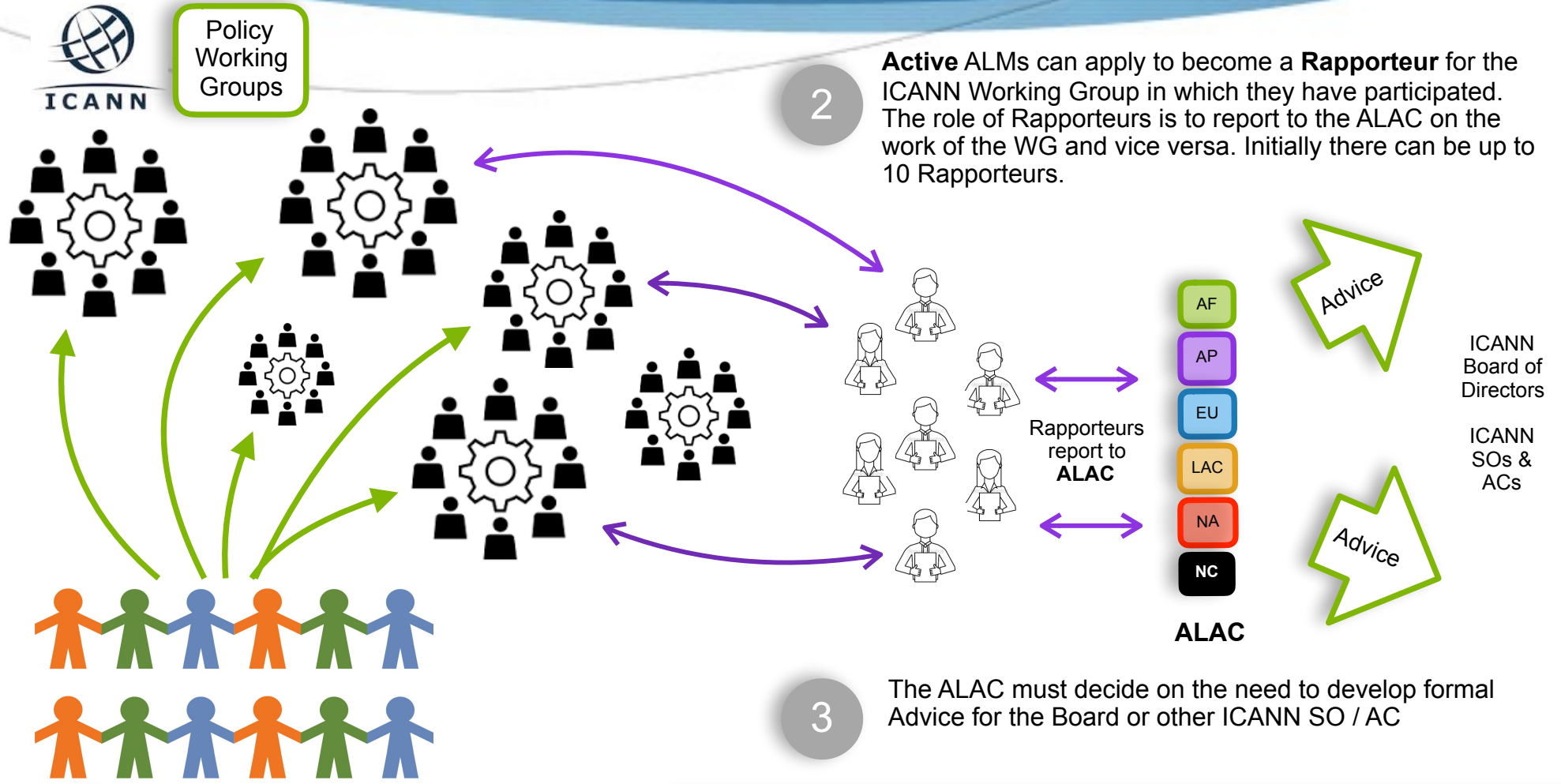
Empowered Membership Model

Basic functional aspects



Empowered Membership Model

Rapporteur: Policy advice workflow



2

Active ALMs can apply to become a **Rapporteur** for the ICANN Working Group in which they have participated. The role of Rapporteurs is to report to the ALAC on the work of the WG and vice versa. Initially there can be up to 10 Rapporteurs.

3

The ALAC must decide on the need to develop formal Advice for the Board or other ICANN SO / AC

1

Any ALM can participate in the ICANN WG of his / her choice.

Note: If there is more than one volunteer for a **Rapporteur** position a random selection mechanism should be used to designate the person for the position.

Empowered Membership Model

Use of Random Selection for elections



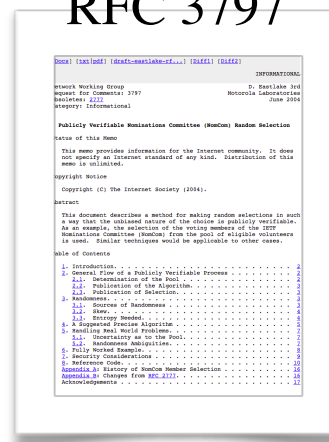
The EMM includes a radical proposal to use a **Random Selection** mechanism for the appointment of certain leadership roles within the At-Large Community.

The objective is to:

- Rule out the possibility of national or commercial interest groups within At-Large or the wider ICANN system having any influence over the results of elections.
- **Prevent the gaming of elections** and ensuring that leadership positions are not filled by individuals that are predominantly influential, well-connected, affluent or from the Anglo-Saxon West.
- **Simplify and speed up electoral processes** within At-Large.
- Increase the **democratic accountability** of the At-Large Community.



RFC 3797



1) Appointment of ICANN WG Rapporteurs.

If there is more than one volunteer for a an ICANN WG Rapporteur position random selection will be used to designate the position.

2) Appointment of the At-Large representative on the ICANN Board of Directors.

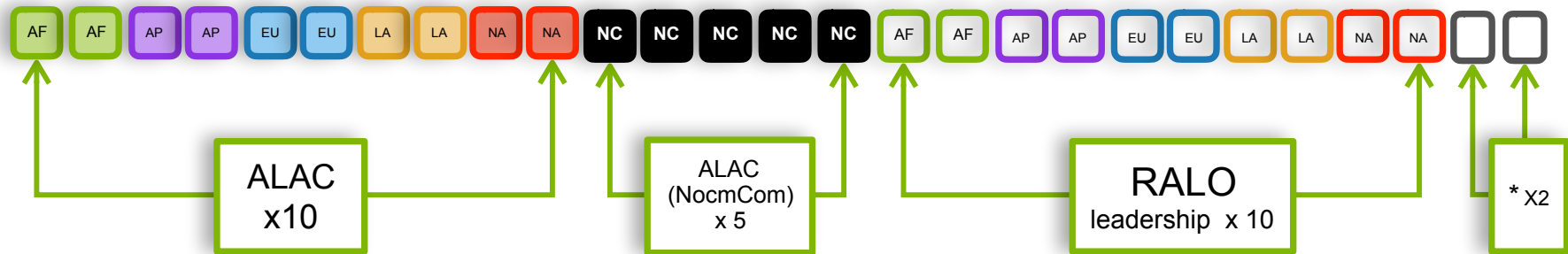
Candidates for the ICANN BoD should be nominated or self-nominated. NomCom to establish slate of candidates. Random selection to be used to designate the position.

Empowered Membership Model

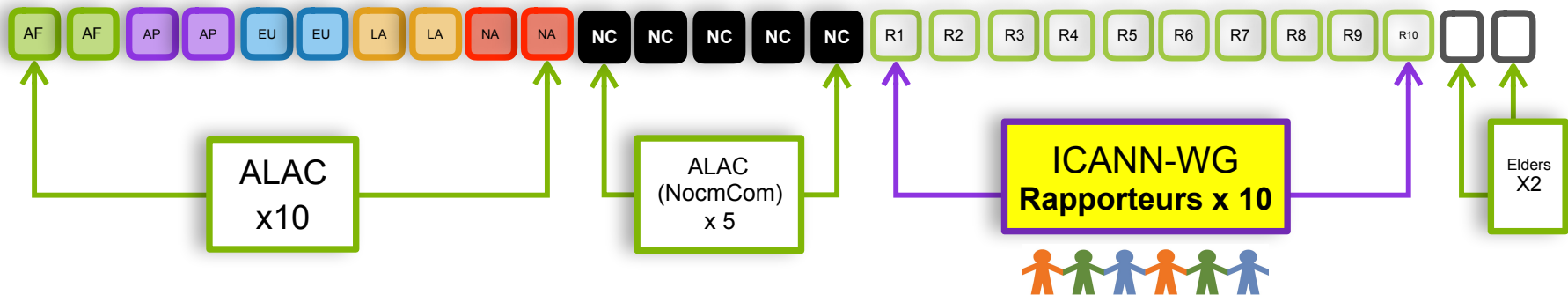
How travel funding will be affected



Current At-Large: All travel 27 slots used up by ALAC and RALO leadership



EMM: In future the ALAC will be populated by 10 RALO Representatives + 5 NomCom Appointees. At least 10 travel slots reserved for ICANN WG Rapporteurs



* invariably allocated to established members of At-Large leadership

Empowered Membership Model

Anticipated impact



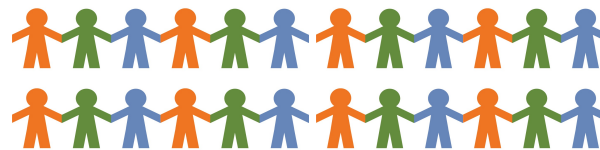
1) Lowering barriers to entry will result in higher rates of participation and faster renewal of ALAC / RALO leadership positions



2) Incentives including voting rights for active members will energise the membership base involved in “outreach and engagement” and or “policy advice” work.



3) The universal implementation of term limits will encourage an upward and outward movement of At-Large members.

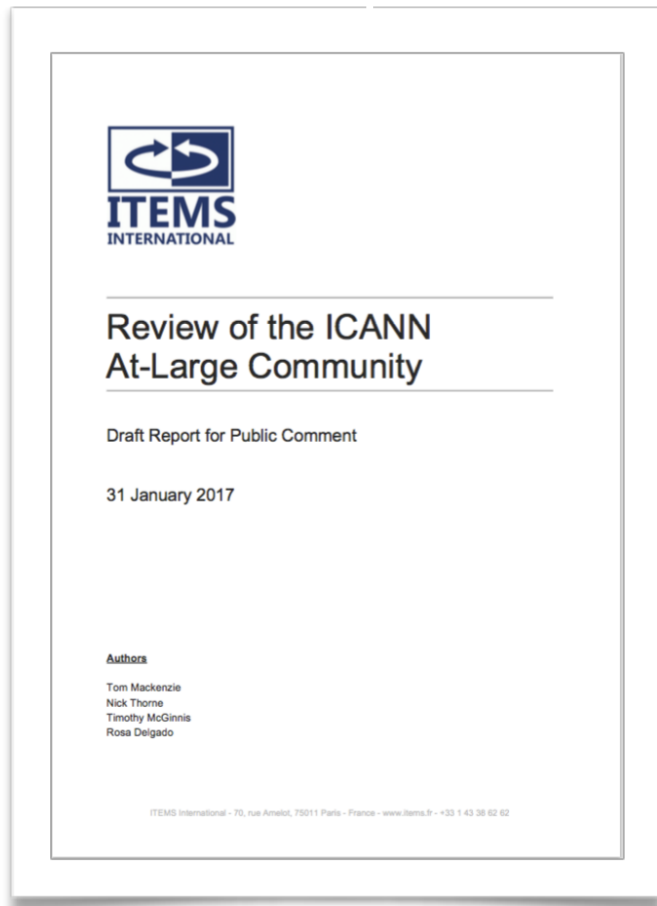


4) The integration of **RALO** and **ALAC** functions will remove an unnecessary functional layer in the current At-Large structure

5) The new **Rapporteur** function will create incentives for active ALMs in ICANN policy work.

6) Faster access to ICANN **Working Groups** will result in higher rates of engagement and faster rate of renewal of active community members

Draft Report & Contacts



ITEMS International's Draft Report for Public Comment can be accessed via the At-Large website at:

<https://www.icann.org/en/system/files/files/atlarge-review-draft-report-31jan17-en.pdf>

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