LACRALO'S WAY FORWARD

LACRALO members met in Los Angeles from January 30 to February 1 to address their differences and strengthen their work together. This document consolidates areas of alignment that emerged from dialogue. Specifically, the group achieved greater clarity regarding:

1) The LACRALO mission and its guiding principles;
2) Ways to participate in and contribute to ICANN policy development; and
3) How to strengthen LACRALO's governance to ensure transparency, predictability, as well as dispute resolution procedure.

Outstanding issues meriting further attention and clarification are highlighted. A list of pending actions items can be found at the end of this document. All errors or omissions are the responsibility of the CBI mediation team.

It's time to get to work.

Warmest regards,
Merrick & David - CBI

DRAFT CONTENT

LACRALO Mission

⇒ We believe that LACRALO's mission, as stated in the agreement with ICANN, is appropriate and should be maintained.

Principles and Ideas to Guide LACRALO's Governance

⇒ LACRALO's rules and procedures need to be revised so that they are less divisive, more inclusive and more predictable. Agreeing on shared principles will help guide this revision and the implementation of the governance mechanism.

On leadership and representation

⇒ LACRALO leadership and ALSs must have the ability to **represent the interests of individual end users, without conflicts of interest during discussions, activities and voting.**

⇒ At the same time, LACRALO seeks the **inclusion of diverse voices acting in good faith**. Individuals seeking a leadership or representative position must:

- o Declare any potential conflicts of interests
- o Certain conflicts of interests are "no-gos", in particular direct conflicts such as leading an Internet-driven business [need to refine! focused on ISP, registrar] or being in a decision-making government position, or a politician.
- o We need a mechanism to resolve these conflicts such as an ethics committee, which can require things such as recusal from decisions, as well as can sanction actions made in bad faith (including losing leadership position).

⇒ When LACRALO selects its leadership and representation, it must seek to **balance the following principles**:

1. **"ORGANIC" LEADERS**: Leadership and representatives are expected to guide the "work" of LACRALO, namely contribute to ICANN policy development through a bottom-up process in the region. Leaders and representatives must be committed to transparency and incorporating the region's diverse viewpoints. We expect these leaders and representatives will emerge organically through the work of LACRALO. Candidates for leadership and representatives positions should compete on these qualities.

2. **DIVERSITY**: LACRALO has a commitment to diversity in its representation and leadership, including diversity by geography, gender, ~~profession?~~ & activity and other areas. LACRALO wants its leadership and representatives to reflect the diversity of its members.

    ▪ One suggestion for balancing these principles was a rotation system in which the nationalities of the different representatives must be distinct and/or from different ALSes. (to be refined). If there are no candidates from the eligible countries, then candidates from any country can be nominated.

3. **CONSENSUS-BASED DECISIONS, WITH VOTING BACK-UP**: LACRALO should seek to make decisions through consensus, and have back-up voting procedures. This is not intended as an override of the other principles.

    ▪ Also, LACRALO can keep (for now) the current practice of country weights, but it would be beneficial to review if LACRALO can reach a different arrangement (such as the one mentioned above) that balances the principles. If we don't change it, we need to immediately put on metrics for participations.

On ALSs participation and responsibilities

⇒ LACRALO expects the **active participation of ALSs** as per their MOU with ICANN
- There will be consequences for non-participation (to be defined…e.g. lose right to vote. Some want to focus on incentivizing participation, not frame of sanction).
- There must be a clear definition of "participation" and clarity around what is a member vs. representative (to discuss later. Different expectations for individual vs ALS. We have suggested metrics already. We need to advance on this. Keep an open mind. In 15 days there is a meeting of the governance committee]
- We will be careful about making one-size-fits-all approaches
- ALS criteria better documented for better understanding in LACRALO
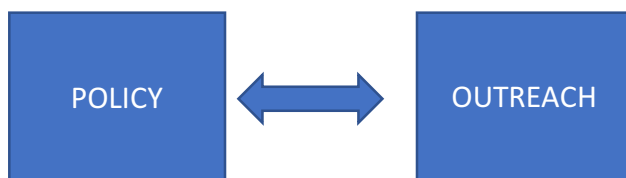- To be discussed: individual user membership and implications for voting.

Decision-making and dispute resolution

⇒ LACRALO's processes must be **clear, transparent and predictable**

⇒ LACRALO should seek to make **decisions through consensus, and have back-up voting** procedures

⇒ LACRALO must create a ~~appeals and~~ **dispute resolution process**. One option for this dispute resolution process to have an independent arbiter who will hear complaints about interpretation of rules and procedures. Decisions by the arbiter are binding and must be heard and rendered in a timely manner. The arbiter should have expertise to be able to understand LACRALO's rules and processes. [Issues to consider: costs. How to include current ombudsman and other mechanisms]

Principles and Ideas to Guide LACRALO's Contribution to ICANN Policy Development

⇒ LACRALO's **mission is to contribute to the development of ICANN policies**. Its area of action is ICANN's At-Large community.

⇒ At the same time, LACRALO must **focus its efforts on the interests and concerns of the region's individual end users**. Priorities and regional needs can be established through a survey.

⇒ LACRALO must strive to make **technically sound contributions** that are clear, implementable and viable. This requires relevant capacity and knowledge in the region.

⇒ LACRALO has a **commitment to a bottom-up process in developing contributions** to policy. At the same time, leadership and representatives should keep LACRALO members informed of the activities and events in other ICANN constituencies.

⇒ LACRALO will strive to build alignment on the views it expresses regarding ICANN policy issues, yet recognizes that **the region will not always have a single or unified position**, and it is appropriate to synthesize and report different views in a consolidated contribution.

⇒ LACRALO outreach should be focused on **finding new members to work in the area of policy**

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⇒ LACRALO should develop a **clear process to actively participate** in Policy Development Processes and other Relevant discussions at ICANN.

  o Inputs – Available PDPs and other relevant processes. Could evolve into a more proactive approach. Have an Agenda.
  o Processes could be different depending on the nature of the issue at stake
  o Output- Statement/Interaction/Advice (depending on the type of issue at stake)
  o Clarity of expectation regarding engagement in Policy-Making (Working Groups- At Large not LACRALOs)

⇒ LACRALO's leadership and representatives should coordinate proactively

  o 3 ALAC People, Chair, Sec and (maybe) NOMCOM delegate (Coordination Group)

⇒ **Capacity Building** should be focused on:

  o (Strengthening? Developing?) LAC GSE Regional Strategy
  o Providing mentoring sessions on policy development (every 2 months) via a Council of Elders [fix language of Council of Elders. Better Mentoring Group?]
  o Proactively organizing and making available (on the wiki or another platform) clear information on member competencies and technical expertise.

⇒ Staff + LACRALO leadership will create **onboarding Guidelines** for new members, as well as for ALAC and RALO leaders

[One option to consider. Create 2 policy-focused groups: one in English, one in Spanish. Advance in parallel, and someone to bridge between the two. And reporting back on the groups' work will help to raise awareness about the issues. Ask staff to help with transcribing calls, documents etc.   Establish confidence that the groups are seeking to be inclusive and do a good job.]

NEXT STEPS

- ⇒ Make a summary of what happened here and share
- ⇒ We need to be ambassadors for the work that happened here in our respective groups
- ⇒ In parallel start to work on policy and updates to procedure
    - On policy, start document that prioritizes
- ⇒ Create a GANTT chart that prioritizes next steps (Humberto)
- ⇒ Metrics for participation
- ⇒ Voting system (before May?)
- ⇒ Dispute resolution system
- ⇒ Council of Elders (in a month)
- ⇒ Active participation approach
- ⇒ Coordination between leadership and representatives (in a month)
- ⇒ Push back elections to May. Can we get a new system in place before May? Also fyi, the only position that absolutely needs to be filled in May is NOMCOM