

ALAC Statement to the ICANN Board on the RAA Negotiations - April 2011

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Proposed open letter to the ICANN Board

Revised by Alan Greenberg and Evan Leibovitch, 02 May 2011

(Previous version can be viewed at revision 6 of this document - <https://community.icann.org/x/RorT>)

When the new Registrar Accreditation Agreement (RAA) was approved in 2009, the GNSO Council committed to a process which would lead to further RAA amendments, looking at both the subjects to be included and the process by which it could happen. The ALAC and At-Large was pleased to participate in this process.

It now appears that the GNSO Council is deadlocked on how to handle the renegotiation of the RAA. Moreover the Council has considered two motions addressing future RAA work. The first would have allowed non-contracted parties to act as observers in the RAA amendment discussions (as suggested by the non-contracted party participants in the RAA Working Group). It was rejected. The second would have accepted no observers but required regular reports of the negotiations and required a strict but liberal time schedule. That motion too was rejected.

This has the potential to both delay the RAA amendment process and to keep the RAA negotiation process as opaque as it ever was. To date, ICANN staff has been silent as to how it believes that RAA revision process should be handled.

The ALAC wishes to make its concern formally known that not only is the ICANN community being prevented from proper participatory process in creating Registrar policy, but that the Transparency and Accountability required by ICANN By-laws and the AoC is effectively being abrogated.

Indeed, the ALAC reminds the Board that while the RAA has the form of a contract between the registrars and ICANN, this should not mean that only the directly contracted parties should be part of the discussion: ICANN uses contracts merely as a tool to formalize what should be the result of a larger participatory process; the contract is the tool, not the framework.

This issue is fundamental to ICANN's function, perception and credibility as a multi-stakeholder, bottom-up institution.

We maintain that "ICANN" has a multi-stakeholder model, as described in its organizational diagram and at no moment is "ICANN" restricted to ICANN Staff.

We therefore request that the Board examine this procedural issue and for it to act as the steward of the process and the trustee of the multi-stakeholder principle upon which ICANN is based.