

Options to include individual members in EURALO Structure

Action Item from EURALO General Assembly: The EURALO leaders will submit a proposal in writing for possible Bylaw changes to the regional members. The proposed changes will include provisions to include unaffiliated members and review the term limits for Board members. They will also look into a possible alignment of all EURALO elections.

The following two options are currently on the table in order to include individual members in the EURALO membership structure. You find the comments from Wolf, Olivier and Sebastien below.

OPTION A: Formally create a new membership category for unaffiliated members

This is the model NARALO has adopted. Unaffiliated individuals are formally recognized in the regional Bylaws as a subset of the regional membership and have separate rules applying to them.

According to the NARALO rules:

- the GA is comprised of 1 representative of each member ALS and the unaffiliated member representative who each have one vote.
- unaffiliated individuals are eligible to become Chair and Secretariat.
- unaffiliated individuals are eligible to become regional ALAC representatives.
- unaffiliated individuals, including their representative to the GA must submit a Statement of Interest indicating that they are subscribed to the regional discussion list, a permanent resident of one of the countries/territories in the region, and not be a member of a certified ALS.
- unaffiliated individuals will be responsible for selecting their representative to the GA. They will adopt a verifiable process to ensure that votes cast via their elected representative reflect the views held among their membership.
- the representative of unaffiliated individuals must not be employed or contracted by an ICANN contracted registry or registrar.
- However, the participation of the unaffiliated member representative is not necessary for amending the Bylaws (an affirmative vote of not less than 70% ALSes is sufficient)

The downside of the NARALO model is that it requires a modification of the Memorandum of Understanding (MOU) between ICANN and EURALO. Unlike the NARALO MOU, the EURALO MOU does not currently have provisions on individual membership. Therefore, if EURALO wishes to pursue a formal recognition of unaffiliated individuals in their structure, the ICANN Board will need to approve an amendment to the MOU to incorporate such language. Also, as the original MOUs were posted for public comment prior to Board approval, we would likely have to go for public comment on revisions. This could slow down the process significantly.

OPTION B: Create a new ALS within the current structure that serves as the home to unaffiliated members

In this model, a new European ALS would be formed to "collect" unaffiliated individuals from the region. This ALS would be part of the existing EURALO structure and would need to fulfill the minimum ALS requirements according to the ALS formation framework (see <http://www.atlarge.icann.org/en/framework.htm> and also ICANN Bylaws <http://www.icann.org/en/general/bylaws.htm#XI-2.4i>). Once it is an integral part of the EURALO structure, this ALS would have the same rights and responsibilities as any other regional ALS.

In particular:

- the ALS needs to submit to the EURALO Board their primary point of contact which shall also be responsible for casting the votes
- each ALS has one vote at the GA

The current Bylaws would not prevent the EURALO Board and the At-Large Staff from assisting the "individual-member-ALS" with voting procedures and the like if this is desired. However, the internal decision-making process would ultimately be independent from EURALO under the current Bylaws. To ensure that the representative of the individual members accurately reflect the view held among the ALS membership, it is important that the instruments and mechanisms of this individual-member-ALS are well designed and solid enough to prevent capture. If the ALS is endowed with a robust bottom-up decision-making process, the EURALO Bylaws would not need a special status for this ALS.

If additional safeguards are deemed necessary, EURALO could either:

- add a rule to the EURALO Bylaws to the effect that all At-Large Structures (or "members") need to adopt a verifiable process to ensure that votes cast via their elected representatives reflect the views held among their membership.
- explore whether it is possible under the current MoU with ICANN to create a special status for the individual-member-ALS in the EURALO bylaws. According to this status, the internal processes of that ALS would need to follow certain procedures set by EURALO/At-Large.

Comments

Olivier Crépin-Leblond: My preference would be for **Option B**, because it keeps the ALS structure as it is at the moment. I am concerned that having special provisions for direct membership and the election of a representative for unaffiliated individuals might weaken the worth of being in an ALS and infringe on EURALO's main tasks. Creating an ALS of unaffiliated individuals, having special rules/status which other ALSes do not have (ie. no need to ask for *all* ALSes to adopt a verifiable process reflecting the views held among their membership because these processes vary between ALSes and things can get very complex too).

Sebastien Bachollet: I agree with **B** and the concerns of Olivier.

Wolf Ludwig: My preference on the inclusion and status of individual members would be **Option B** as well -- Option A is rather complex and increases the concerns expressed by Olivier that "... ALAC and EURALO (care more) about *process*, and not enough about * substance* (policy)."