Review of the At-Large Advisory Committee

Mid-point Consultation Report

of the Board Governance Committee ALAC Review Working Group on ALAC Improvements

This preliminary report presents the BGC ALAC Review Working Group's "initial thinking" on the questions under review following the publication of the Independent Review of the At Large Advisory Committee by Westlake Consulting.

This mid-point consultation report is for discussion with the BGC and the Community at the ICANN Cairo Meeting as part of the continuing consultation process. It is also posted for public comment via the ICANN website.

This mid-point consultation document includes a discussion of areas of emerging agreement, possible recommendations, and questions that need to be addressed. It does not reach, and should not be interpreted as reaching, any definitive recommendations or conclusions at this time.

October 2008

1. Background

As part of its program of reviews, ICANN is undertaking a review of the At Large Advisory Committee. These reviews are part of ICANN's program of continuous improvement and are intended to ensure an independent examination of the role and operation of key elements of ICANN. They are conducted in an objective manner by independent reviewers, under guidance from the Board on each review's terms of reference, and with the opportunity for public comment on the results of the reviews and any proposed improvements.

As specified in Article IV, Section 4 of ICANN's Bylaws, 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 has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness."

Following a Board resolution at the Lisbon meeting in March 2007, the Board Governance Committee (BGC) adopted a Working Group model to facilitate the review process. The Working Group draws on the expertise of current Board members and former Board members to undertake this task. In January 2008, the BGC selected, and the Board approved, the following individuals to serve on the BGC's ALAC Review Working Group (WG): Harald Alvestrand, Karl Auerbach, Vittorio Bertola, Tricia Drakes (Chair), Thomas Narten, Nii Quaynor and Jean-Jacques Subrenat. In April 2008, the BGC recommended and the Board approved the Charter for the Working Group. The Charter is included as Appendix 1.

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.

This preliminary report presents the ALAC Review WG's initial thinking on the questions under review, for discussion with the BGC and the Community at the ICANN Cairo Meeting and for public comment via the ICANN website. It includes a discussion of areas of emerging agreement, possible recommendations, and questions that need to be addressed. It does not reach, and should not be interpreted as reaching, any definitive recommendations or conclusions at this time.

The ALAC Review WG page is ***http://www.icann.org/en/reviews/alac/***

2. Key Points for discussion

The key points of the Working Group's initial thinking for discussion with the community are:

1. The ALAC has a continuing purpose in the ICANN structure. This continuing purpose has three key elements:
    - providing advice on policy;
    - providing input into ICANN operations and structure;
    - part of ICANN's accountability mechanisms

Organisation

2. At Large should in principle be given two voting seats on the ICANN Board
3. The ALAC-RALO-ALS structure should remain in place for now

Effectiveness and participation

4. Educating and engaging the ALSs should be an immediate priority; compliance should be a longer term goal
5. ALAC should develop strategic and operational plans (including performance criteria and cost information) as part of ICANN's planning process
6. More effort needs to be put into developing accurate cost models for At Large activity
7. ALAC should be encouraged to make its own choice of tools for collaborative work
8. The public comment period should be kept at 30 days except in special circumstances, in which case ALAC may request an extension to 45 days
9. ICANN should strengthen its translation processes

Relationship with other ICANN entities

10. The ALAC is the appropriate organisational channel for the voice and concerns of the individual Internet user in ICANN processes
11. Since ALAC is the appropriate channel for the voice and concerns of the individual Internet user, it is inappropriate for other ICANN entities to attempt to claim to represent that individual user voice
12. Processes for providing advice on policy should be strengthened both within ALAC for the development of policy advice and within SOs for requesting input from ALAC on policy issues

3. "Initial Thinking" Report of the Board Governance Committee ALAC Review Working Group on the ALAC Improvements

This Paper contains the initial thinking of the ICANN Board Governance Committee At Large Advisory Committee Review Working Group (referred to as "WG" in this Paper). These ideas have been developed in response to the independent review of the ALAC conducted by Westlake Consulting. That report was published in July 2008 and can be found at http://www.icann.org/en/announcements/announcement-2-13aug08-en.htm

In preparing this Paper, the WG consulted with the ICANN community and beyond.

- Workshops were conducted at the Paris ICANN meeting;
- an online comment forum was opened;
- members of the Working Group attended an ALAC meeting and several RALO meetings;
- comments were invited from Supporting Organisations and Advisory Committees.

A summary of consultations and links to transcripts and recordings of meetings where available can be found in Appendix 2 at the end of the document.

Translations of this Paper are being made available in Arabic, Chinese, French, Russian and Spanish as the WG believes that this is an important way of involving the whole ICANN community.

The WG is publishing this Mid-point Consultation Report now in order to engage the ICANN community and staff in dialogue at an early stage of its thinking. Comments on this paper will be very welcome and the WG encourages all interested parties to attend workshops during the ICANN Meeting in Cairo and/or post comments on the public comment forum [details of link to follow].

In particular, the WG wants to engage the community in debate on a number of important topics:

- Is it appropriate for At Large to be given voting seats on the Board? If so, how might the election of Board members be implemented?
- How can ALAC participate most effectively in policy processes?
- What should be the relationship of the ALAC to the "non-contracted parties" in the GNSO?
- What can be done to improve the engagement of ALSs in the At Large process?
- Are there additional measures that should be put in place to improve the representativeness and effectiveness of At Large processes?

The WG will consider the input that it receives at the Cairo meeting and through the public comment forum and produce a draft set of final recommendations for discussion at the Mexico meeting in March 2009. It is anticipated that the final recommendations will be sent to the BGC in April 2009.

In compiling this paper, the WG is aware that there are several other important activities happening in the ICANN environment. The Nominating Committee review, the Board review and work currently carried out by the President's Strategy Committee ("Improving Institutional Confidence" and "Transition Action Plan": see http://www.icann.org/en/jpa/iic/index.htm) are amongst the most relevant of these. The thoughts in this paper have been prepared before the outcomes of these other activities are clear. It is possible that when the results of these are clear, the WG may need to revise some of its thinking to fit with the direction set in this other work.

There are two sections to main body of this Paper:

- General remarks on the issues discussed in the Independent Review of the ALAC Report prepared by Westlake Consulting.
- Specific comments about each of the recommendations contained in the Westlake Consulting report

4. General remarks on the issues discussed in the Independent Review of the ALAC Report prepared by Westlake Consulting

The WG has developed its response to the Westlake report with the underlying principle that ALAC does have a continuing purpose in the ICANN structure as the organizational channel for the voice and concerns of the individual Internet user in ICANN. There has been considerable debate about whether the "individual Internet user" is the appropriate focus of ALAC attention. The WG has adopted this broader definition (rather than, for example, registrant) because it believes that many of the policies developed through the ICANN process, while often technical in nature, have an impact on individual users of the Internet. It is their voice and their concerns that need to be included and heard in the ICANN process.

This individual Internet user voice needs to be heard in three areas: advice on policy development; input into ICANN operations and structure; as one aspect of ICANN's accountability mechanisms.

Providing advice on policy is a critical aspect of ALAC's role. This is the role of ALAC as described in the ICANN Bylaws. The WG absolutely supports this view as ALAC's primary role. For this to be successful, there must be robust processes within ALAC for providing policy advice which accurately reflects the views of individual Internet users. In addition, the policy development processes in other parts of ICANN must be structured in such a way that the views of the individual Internet user are requested and acknowledged. There are multiple policy arenas where the voice and concerns of the individual Internet user need to be heard. The GNSO Policy Development Process is probably the area where the ALAC is most likely to be providing input. However, there may well be occasions where ALAC may wish to provide advice on matters before the ASO and ccNSO.

The second important aspect of ALAC's role is providing input into ICANN's operations and structure. ICANN is now a much larger organization with more developed institutional processes than was the case at the time of the formation of ALAC. ICANN's planning processes, while still evolving, are now reasonably well established. As the vehicle for the voice and concerns of the individual Internet user, ALAC needs to have input into these planning processes. Similarly, ALAC needs to contribute to the organizational structure discussions that are taking place as ICANN undertakes reviews of the Board and the Supporting Organizations and Advisory Committees. The voice of the individual Internet user is an important input into this process.

The third aspect of ALAC's role (although in some senses the most important) is as part of ICANN's accountability processes. As the key representative of the individual Internet user in the broader ICANN process, ALAC should have a voice in the mechanisms being developed through the President's Strategy Committee to provide greater accountability. Although the exact shape of these mechanisms is not yet decided, the voice and concerns of the individual Internet user need to be included as an important part of any mechanism that is developed.

The focus on activity in ALAC should be on these three activities, and it is these three aspects of ALAC's role have underpinned the WG's consideration of and response to the recommendations contained in the Independent Review of the ALAC Report prepared by Westlake Consulting.

Having defined the aspects of ALAC's role, the WG considered issues of representativeness and effectiveness. It is the view of the WG that the voice and concerns of the individual Internet user are not being adequately heard at present. This is particularly true for policy development and for operations and structure. Many of the WG recommendations contained in this paper are aimed at improving the representativeness and effectiveness of ALAC systems and processes.

In the view of the WG, the success of ALAC can be measured by its ability to provide timely advice and input into ICANN policy debates and operational processes. This advice and input will be legitimate only if it truly represents the concerns of individual Internet users across the globe.

Another principle that the WG has applied in developing this response to the Westlake report is that in as much as it is possible and within the bounds of good governance, ALAC should be empowered to make or participate in decisions about its processes. In accordance with the ICANN bottom up, multi stakeholder model, the WG has tried to use its response to the Westlake report to empower ALAC and the At Large to make decisions about the manner in which they operate and the way that resources are utilized.

5. Specific Responses to recommendations in the Independent Review of the ALAC Report prepared by Westlake Consulting.

In this section the WG addresses each of the recommendations made in the Westlake report. In some cases the recommendations have been moved out of numerical order where the WG believes that it can respond most appropriately to an issue by addressing several recommendations at once.

5.1 Recommendations 1 and 3

That the number of NomCom appointees to the ALAC should be increased from five to seven, and that this structure should specifically be revisited at the next triennial review taking account of the then existing Geographic Regional Structure of ICANN.

That the current distribution of the RALOs be left unaltered until at least the next ALAC review.

The WG believes that there are three issues contained in these recommendations: the global distribution of RALOs, the number of Nominating Committee appointments and the usefulness of the RALOS within the At Large structure.

5.1.1 Global distribution of RALOs

The WG acknowledges the rapid growth of Internet usage in many parts of the world and is aware that these changing patterns of the distribution of individual Internet users should have an impact on the organizational structure of ALAC. However, the WG does not believe that it would be appropriate to make changes to the regional balance of ALAC alone without addressing the issue of regional balance for ICANN as a whole.

The WG therefore encourages the ICANN Board to move quickly to undertake a review of ICANN's regional structure with a view to creating a structure that better reflects the distribution of Internet users across the globe.

5.1.2 Nominating Committee appointments

The WG does not see the need to change the number of Nominating Committee appointments to the ALAC at this point in time, subject to the points discussed under Recommendation 7 below.

5.1.3 The usefulness of the RALOs within the At Large structure

The Westlake report discussed the issues with the current multi level structure of the At Large, including the potential for the voice of the individual Internet user to be lost in the process and the potential disincentive for participation. Many members of the WG feel that the current system does impede the flow of information to and from the individual Internet user on some occasions. However, on balance, the WG believes that the RALO structure needs to continue as an important part of ALAC's organizational framework. The WG is aware that ALAC has been in existence since 2003. However, the current structural elements have only been in place in a useful way for a relatively short time. At this stage of ALAC's development, the ALAC-RALO-ALS structure provides a mode of organizing activity that is showing signs of working well, especially in some regions. This model needs more time to develop and mature. The challenge for At Large during the time until the next review is to build on the successes of the current structure to focus on providing timely advice on policy matters and input into ICANN operations and structure that is representative of the voice and concerns of the individual Internet user.

Furthermore, the WG believes that the At Large framework will continue to evolve. As the ALAC strives for ways of working that improve representativeness and effectiveness, it may find that there are ways of working more directly with ALSs. At this stage it is difficult to see exactly how this might work. It will be up to ALAC to determine how to proceed.

In this regard, ALAC might like to consider developing mechanisms whereby the voice of individual Internet users can be heard without these individuals having to become members of an ALS. Some RALOs have already begun down this path. The WG believes that this experiment should be encouraged and its effectiveness evaluated at the time of the next ALAC review.

5.2 Recommendation 2

That all members of the ALAC (and, ideally, of the RALOs) should be given clear position descriptions.

The WG is very supportive of the idea of creating clear role descriptions for members of ALAC and of the RALOs. In particular, having these available when individuals consider nominating for ALAC and RALO positions would provide clear guidelines on what is expected. However, rather than these role descriptions being given to ALAC, the WG recommends that ALAC and the RALOs develop these themselves and present them to the ICANN Board for approval. The WG acknowledges the good work that is already underway in ALAC to provide better transparency and accountability for Committee members and believes that the development of role descriptions is a logical continuation of this work.

5.3 Recommendation 4

That ICANN should implement an activity-based costing system in order to improve resource management.

The WG supports this recommendation as it believes that better financial information will improve ICANN's ability to effectively evaluate its performance. However, the WG also acknowledges the improvements that have already taken place in recent years in ICANN's financial reporting systems and encourages the Board to continue to support this work.

5.4 Recommendation 5

That ICANN should provide further resourcing to support the ALAC, to the extent of (up to) one new employee per region.

The WG agrees with further resourcing to support the ALAC. However, further resources would not necessarily be best spent on more staff. The WG recommends that as part of ICANN's annual planning cycle, ALAC work with ICANN staff to prepare an ALAC budget which best contributes to the achievement of ICANN's goals. In cases where the budget involves employment of staff, the WG recommends that these staff be employed and located on the ground in the regions wherever possible. Any such appointments would be subject to the provisions outlined in the discussion of Recommendation 6.

5.5 Recommendation 6

That the ALAC Chair negotiate an annual support agreement with ICANN staff, setting out agreed expectations and performance indicators.

The WG supports this recommendation and believes that it is an important component of improving planning, accountability and transparency within At Large. These negotiations should be based upon performance measures developed as part of ALAC's annual planning cycle. (See Recommendation 10) ALAC should decide how it involves RALOs in this process.

Importantly, while such an agreement would be useful, they should not be seen in any way as replacing the management structures and lines of reporting already in place in the ICANN staff. While the development of work priorities that might be of most benefit to ALAC would be negotiated between ICANN management and ALAC, the tasking and management of staff would be done within the ICANN management structure. Similarly, while members of ALAC might provide some input, performance management would be conducted within the ICANN staff process.

5.6 Recommendation 7

The ALAC position on the Board should remain that of a Liaison, with rights to full participation and information, but no voting rights.

At the present time, reviews are underway for the Nominating Committee and the Board. At the time of writing this initial response to the Westlake report, the outcomes of these reviews have not been finalized. The discussion and recommendations in this section will need to be considered in the light of any conclusions reached in these two other reviews.

The Westlake report argued that the current liaison role provided the opportunity for ALAC views to be advanced at the Board table more strongly than would be the case if ALAC had a voting seat on the Board. While the WG understands this rationale, it is equally attentive to the argument presented in some of the community comments which suggested that the same logic could be applied to the voting seats of the Supporting Organizations.

Having considered a range of perspectives, the WG believes that At Large be given two voting seats on the ICANN Board. (The mechanism and timing for this are outlined below.)

There are several reasons behind this position. In developing these suggestions for further consultation, the WG has tried to put in place measures to improve the representation of the individual Internet user in the ICANN process. Voting seats on the Board are one important aspect of this improved representation. The WG is aware of the approach proposed in the establishment of ICANN and in the Evolution and Reform process where it was recognized that the voice and concerns of the user needed to be represented around the Board table. The Nominating Committee appointments to the Board fill this need at present as previous attempts to elect user representatives onto the Board were held to be ineffective. At Large has now established the ALAC-RALO-ALS structures that were set out in the Evolution and Reform process. While these processes are not fully mature and many improvements are possible, the WG believes that the success in establishing this framework should be acknowledged. ICANN now has a mechanism through which individual Internet users can participate in an organized way in ICANN processes. As these processes are now in place, it seems only reasonable to extend this representation to fulfill the intention of the original design by allowing At Large to elect members to the Board. The WG is also conscious that other parts of ICANN were not required to have perfect representation nor perfect processes before they were given seats on the Board. Indeed, the WG believes that providing voting seats to the ALAC will be an incentive for further improvements in representativeness and effectiveness.

The WG acknowledges that there are many in the ICANN community who believe that At Large is not yet ready for a voting seat on the Board. Indeed there were some members of the WG who were of this opinion. The rationale for this position is often that the ALAC and its processes are not yet mature. Some argue that levels of participation in ALAC are not at a high enough or consistent enough level for the provision of a voting seat to be considered. Others are of the opinion that ALAC and the RALOs are too preoccupied with internal process debates rather than substantial issues of policy. On balance, the WG believes that providing a voting seat will be an incentive for ALAC to continue to mature and to focus on its primary task of providing advice on policy issues and input into ICANN operational matters. The WG also looks forward to improved levels of participation at all levels of the At Large process.

Designing a mechanism to place At Large members on the Board is a complicated task and the WG would like to work with ALAC and other parts of the ICANN community to develop that mechanism. As an initial proposal, the WG suggests that Board members be elected through a process that involves the ALSs, rather than just ALAC or the RALOs. This will provide the best representation of the voice and concerns of the individual Internet user. The first Board member could take a seat at the AGM in 2009, at which time the ALAC Liaison position would be removed from the Board. The second Board member could take a seat at the AGM in 2010. In placing these At Large representatives on the Board, consideration will need to be given to the number of Nominating Committee appointments that need to be made. The WG can see the argument that the number of Nominating Committee appointments should be decreased, but would like to leave a decision on this until the outcomes of the Board and Nominating Committee reviews are clearer.

5.7 Recommendation 8

That the term of appointment of the Board and other Liaisons be extended to two years, subject to the ALAC retaining the 'right of recall' under the Rules of Procedure, Rule 11 - Recall Votes.

Given the comments on recommendation 7 above, the recommendation concerning the Board Liaison is now irrelevant. The WG supports this recommendation for other ALAC Liaisons.

5.8 Recommendation 9

That ICANN staff should create a brief and multi-lingual guide to ICANN and the ALAC, aimed at individual Internet users and ALSs.

The WG supports the development of material that allows individual Internet users to better understand ICANN and the role of the individual Internet user in ICANN. However, the WG recommends that ALAC develop these materials (with staff assistance as necessary) so that they most effectively serve the needs of individual Internet users across the globe.

5.9 Recommendation 10

That the ALAC should develop:

- *A simple annual Statement of Intent which specifies the current issues and priorities, objectives and activities for the next 12 months, and defines measures of success for each of the activities and objectives. This document should be strongly aligned to ICANN's Strategic and Operational Plans and be published on the ALAC website;*
- *Before the next ICANN annual planning cycle, the ALAC should develop a Strategic Plan of its own (complementing the broader ICANN Strategic Plan).*
- *Following the development of this Strategic Plan, the ALAC should then generate an annual Operating Plan which cites the activities and resources required to support the Strategic Plan during that year (also complementing the corresponding broader ICANN Strategic and Operating Plans and fitting the same planning cycle).*

The WG supports this recommendation. It is important that all parts of the ICANN structure contribute to the planning process. The WG reinforces the need for the ALAC planning effort to be closely tied to the ICANN planning cycle. Staff support should be utilized as needed to assist with these planning efforts.

Furthermore, the WG suggests that the ALAC plan contain performance measures. These measures should be developed by ALAC and presented to the Board for discussion and approval.

5.10 Recommendation 11

That the term of appointment of the ALAC Chair should be extended to two years.

The WG supports this recommendation, subject to the same "right of recall" according to the ALAC Rules of Procedure.

5.11 Recommendation 12

That the ALAC should explore ways to differentiate between organizations that genuinely represent individual Internet users, and are therefore ALS candidates, as opposed to those which may be a better fit with the NCUC.

The WG believes that ALAC is the appropriate channel through which the voice and concerns of the individual Internet user is heard in the ICANN process. As stated above, the principal purpose for gathering the views of individual Internet users is to provide advice to ICANN policy processes, which will predominately, but not exclusively, be the policy processes of the GNSO. The WG is concerned with recent developments in the NCUC whereby individual Internet users have been invited to join the NCUC.

The WG acknowledges that an individual may have several perspectives on ICANN issues and therefore may wish to participate in ICANN in several ways. One individual might wish to contribute to ICANN processes as a business owner through the Business Constituency, through the IP constituency as a lawyer and as an individual Internet user, through the ALAC. It is important not to confuse the possibility for an individual to contribute in several places because of these different perspectives with the possibility for that individual's participation *as an individual Internet user* to take place through more than one channel. Similarly, some ALSs may wish to contribute from an organizational perspective through the NCUC and as a channel for individual Internet users through the At Large process.

As mentioned in the discussion of Recommendation 1 and 3 above, the WG encourages ALAC to explore ways of involving individual users in its process in addition to the current ALS-RALO-ALAC structure. The appropriate place for individual Internet users to be involved in ICANN as individual Internet users is through the ALAC, not through other parts of ICANN.

5.12 Recommendation 13

That the ALAC should publish on its website trends in the average time taken from receipt of an ALS application to decision.

The WG supports the development of performance measures for ALAC as part of a regular planning process as discussed in Recommendation 10. Prompt decisions on ALS applications are important for maintaining the interest of ALS's in the ICANN issues and their faith in the ICANN process. The WG strongly recommends that ALAC include a measure such as this when it develops its performance measures. The WG also supports the publication of a scorecard of all measures on the ALAC website, with staff supporting as necessary.

5.13 Recommendations 14 and 15

That regular ALS compliance reviews be conducted and the non-compliance provisions be applied as appropriate.

That ICANN should develop clear sanctions for non-compliance. These might include: ineligibility for ICANN travel funding; loss of voting rights; or being suspended until the matter is remedied.

The WG supports measures to further improve accountability and transparency with the At Large, and acknowledges the good work that ALAC has already undertaken in this area. Compliance reviews have merit, but in the first instance, effort should be put into educating ALSs about ICANN issues and encouraging and supporting them to contribute to policy debates.

Compliance may become an issue as the process for selecting Board members is established. If, as suggested in the discussion of Recommendation 7 above, it is the ALSs that would be voting then consideration should be given to whether only compliant ALSs (or perhaps only ALSs that are compliant and active in policy issues) should be able to vote.

5.14 Recommendation 16

That any outstanding issues relating to Ombudsman reports 05-1090 and 06-317, should be dealt with as soon as possible by the ICANN Board or the ALAC (as appropriate).

The WG believes that this recommendation is a matter for the ICANN Board to deal with.

5.15 Recommendation 17

That the ALAC should develop a clearly defined process for the engagement of the At-Large community in developing policy positions.

The WG strongly supports this recommendation. The effective provision of advice from an individual Internet user perspective into ICANN policy development processes is an essential function of ALAC.

There are two aspects to this recommendation: the process within At Large to develop policy positions and the way that those policy positions are dealt with in ICANN policy development processes.

With regard to the processes within At Large, the WG believes that it is absolutely fundamental that At Large processes capture the concerns of the individual Internet user and at the same time acknowledges that gathering input on often very technical policy issues from a globally distributed audience of individual Internet users is no easy matter. There are many elements that need to be put into place for the At Large policy advice process to be successful. The first step is to acknowledge that the provision of advice is a critical aspect of ALAC's role and to organize activity and effort around that. Another important component is education. Staff have an important role to play here in helping to develop material that explains policy issues in ways that make sense to the individual Internet user. While this is not a trivial task, it is critical to the success of the At Large process and this aspect should be considered when the allocation of resources is being considered. The WG believes that ALAC should be empowered to make its own decisions and conduct its own experiments about the best way to reach out to individual Internet users on policy issues, knowing that the success or failure of At Large will be judged mostly on its ability to provide representative policy advice.

The WG also believes that there is a need for substantial improvement in the levels of participation by ALAC members in ALAC policy processes and operational matters. Under the current Chair, significant improvement has taken place and the WG wishes to commend and support these. However, there is still a long way to go based on data from recent ALAC activity. ALAC and At Large must focus their efforts on consistently providing representative views of individual Internet users into ICANN policy processes and operational debates.

With regard to the way that those policy positions are dealt with in ICANN policy development processes, the WG is of the view that the current processes need to be strengthened. There is no point in developing robust processes for collecting and synthesizing the views of individual Internet users inside At Large if those views are not properly considered as part of policy development processes. The WG therefore recommends that the policy development processes of the GNSO, the ccNSO and the ASO be changed so that At Large input is required as part of the process. In addition to requiring this input, there should be the requirement that this input is acknowledged and taken into consideration. Similar acknowledgement should come from the Board when ALAC presents advice to the Board. This is not to say that whatever advice At Large provides must be followed, but rather that the advice should be considered. If the advice is not followed in the development of the policy, a response should be sent to At Large with an explanation, or an explanation should be provided in the policy document.

5.16 Recommendations 18, 21, 23,24

That the ALAC should use multi-lingual wikis rather than the current email lists to allow the At-Large community to more easily observe and participate in the development of policy positions.

That private email lists should be used only for appropriate non-public discussion.

That ICANN staff should manage and maintain content of the various ALAC wikis.

That the ALAC should replace email lists with wikis for policy discussions in particular and continue the evaluation of Web-based tools to facilitate discussion and collaborative working.

The WG supports the use of collaborative tools in ALAC's work. It also supports the idea that ALAC encourage transparency in its policy discussions. However, the WG believes that ALAC and other At Large members should be left to make the decisions about which tools are most suited to the needs of participants at various times. This is one area where it may be useful to survey At Large members to determine what best meets their needs. If this survey process could be undertaken after the Cairo meeting, the results could be incorporated into the WG's final recommendations.

5.17 Recommendation 19

That ICANN should increase the public comment period to 45 calendar days in order to allow a greater time period for At-Large community consultation in all regions.

The WG acknowledges that gathering representative comments from a global community on policy issues in 30 days is not an easy task. However, the WG is also mindful that increasing all comment periods to 45 days would slow down ICANN's policy development processes unnecessarily. There are two approaches which could help ensure that representative advice is provided on issues that matter most.

The first is that At Large needs to be involved as early as possible on policy issues. If ALAC only begins to educate the At Large community at the start of the public comment period, there is little hope of getting representative advice from a global membership in 30 days. Education about issues should start as early as possible. Where feasible, early drafts of documents could be shared so that At Large members can begin considering their response before the public comment period begins. While the ALAC will be an important part of this process, other parts of ICANN also have a responsibility. In particular, Supporting Organizations should work more closely with ALAC to inform them of upcoming policy issues and of the status of issues currently under debate. In this way, ALAC could begin preparations and education efforts in advance of the comment period. Staff who support the ALAC and various other parts of ICANN could play a useful role in assisting communication across groups, as could the ALAC liaisons.

Once this first step is in place, much of the pressure on collecting responses from the At Large network will be relieved. However, there may well still be some issues where an extension of time could be valuable. On these (hopefully rare) occasions, ALAC should have the power to request an extension of the comment period to 45 days when they believe that the individual Internet user concerns are particularly important in an issue. This will allow ALAC to gather more extensive input or take the additional time to develop consensus positions on difficult topics on a smaller number of issues where this really matters, rather than having a blanket increase to 45 days for all comment periods.

5.18 Recommendation 20

That the ICANN Board should amend the Travel Policy to pay for accommodation expenses (including breakfast and internet access fees) and where practicable accommodate At-large members at or very near the main conference venue. The per diem amount (to cover other appropriate daily expenses) should also be available as a cash advance for those that require it.

The WG supports the general principle that ICANN should reimburse selected individuals for reasonable travel expenses related to ICANN's mission according to its travel policy. It also supports the idea that participants funded by ICANN have a responsibility to actively participate in all aspects of the meeting. However, ICANN resources should only be used to support those who have been active in ICANN policy and operations issues. The WG supports and acknowledges the steps being taken within ALAC to approve accountability and transparency of the activity of members of the ALAC and RALOs and suggests that this information be utilized when considering travel support.

The WG acknowledges that ICANN meetings are complex events that require an enormous amount of organization and that at times some participants will have more or less desirable accommodation than others. To ensure fair treatment of all funded participants, the WG recommends that At Large representatives be treated equally with other funded participants when accommodation is being organized.

The WG also notes that ICANN released a new travel policy in August 2008 and suggests that this be reviewed at the end of 2009. ALAC should be given the opportunity to provide input at that point. As part of this 2009 review, it would be worthwhile to consider allowing ALAC to have a greater role in determining how travel support money might best be spent. As long as appropriate governance and control structures could be put in place, such an approach might improve the effectiveness of the money spent.

5.19 Recommendation 22

That ICANN should continue to work on its language policy, including translation and other services.

The WG strongly supports this recommendation. Efficient, effective translation is critical to the success of the ALAC. The WG recommends that the Board ask staff to review the efficiency and effectiveness of current translation practices with a view to implementing better translation processes and increasing funding to provide a wider range of translation services. The translation system needs to be far more reliable than it is at present. Establishing clear accountabilities (including some form of Service Level Agreement) with staff and contractors is crucial if higher standards are to be developed and maintained.

Appendix 1: BGC ALAC Review Working Group Charter (approved by the Board on 30 April 2008)

The purpose of the working group is to:

1. Monitor (along with Staff) the independent evaluator's progress through periodic progress updates from the evaluator, and provide an independent focal point for stewardship and guidance on issues relating to the review;
(Note: Staff will provide review updates to the BGC, Board, and public, as needed; Staff also will help ensure the evaluator has access to information relating to past ALAC and At-Large activities; and Staff will ensure that the evaluator fulfills his contractual obligations);
2. Help ensure that the evaluator's final report (independent review) contains the data and information the WG and the BGC needs to carry-out their work;
(Note: Staff will assist in identifying WG and BGC needs and will liaise with the evaluator to help ensure these needs are met; this will include Staff and WG review of a draft final report);
3. Consider the (independent evaluator's) final report, Board input, and comments from stakeholders and the public, and advise the BGC whether, in general, the ALAC has a continuing purpose in the ICANN structure; and
4. 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.

The working group will:

- (Along with Staff) Receive periodic progress reports on the ALAC review to help ensure that the evaluator's work is progressing appropriately, and that the evaluator's final report (independent review) contains the data and information the WG and the BGC needs to carry-out its work, as well as provides the independent evaluation required;
- Develop (with Staff assistance) and submit to the BGC a process and schedule to create and publicly consider proposals for change – ensuring that the final report, and input from the Board, the At-Large community, ICANN stakeholders and the public is taken into consideration;
- Develop (with Staff assistance) draft and final comprehensive proposals for ALAC improvement for BGC consideration and public comment; a comprehensive proposal should include specific recommendations addressing all improvements and changes deemed necessary for the effectiveness of the ALAC and related At-Large structures; and
- Post draft and final proposals (after BGC consideration) for public comment to

help ensure transparency and participation, and provide ample public opportunity for input, discussion, and advice on proposed changes to the ALAC and At-Large community involvement in ICANN.

Staff will provide support for the working group. The working group will notify the BGC if additional information needs to be solicited to complete a comprehensive proposal. Upon receiving the working group's recommendations, the BGC will consider them and recommend Board action as deemed appropriate.

Appendix 2: ALAC Review WG - Brief summary of consultation and feedback so far

1. The WG conducted a session at the Paris meeting where Westlake presented their recommendations and members of the community were able to ask questions of clarification on the key issues. The transcript of the session can be found at https://par.icann.org/files/paris/Paris-ALACReviewWorkshop-23JUN08.txt

Main topics of discussion were:

- Regional representation issues, including NomComm appointed versus elected members
- Why is voting seats on the Board out of scope?
- Advantages and disadvantages of increased staffing

2. The WG conducted a second consultation session at the Paris meeting on issues raised by the Westlake report. The transcript of this session can be found at https://par.icann.org/files/paris/Paris-ICANNBCGAt-LargeReviewWorkingGroup-25JUN08.txt

Main topics of conversation were:

- Need for more time before undertaking a review
- Advantages and disadvantages of voting seat on the Board and difficulties in building a valid voting process
- Difficulties in getting real user participation
- Need for budget at the regional level
- Change through a process of continuous improvement
- Need for ALAC advice to be taken seriously
- Issues rather than geography may be the best way to organise
- Regional approach valuable as it allows for cultural difference
- Need to acknowledge lessons from ALAC history

3. The WG met with ALAC during the Paris meeting. The discussion covered general comments about the report and the desire of both sides to cooperate in the next stage of the review process.

4. An online public comment forum was opened for comments on the issues raised in the Westlake report. The forum (now closed) can be found in the archive at http://forum.icann.org/lists/alac-final-2008/

Comments were received from ISOC-AU, Danny Younger, Sylvia Caras, ISPCP, Alan Levin, Olivier MJ Crepin-Lebland, Alan Greenberg, ALAC.

Topics covered in the forum included:

- Ongoing purpose of ALAC
    - Some support for the ongoing purpose
    - Suggestion that ALAC needs more time
    - One suggestion that ALAC has no continuing purpose and does not represent the views of users
- Regional issues
    - Representation should be proportional to number of users
    - Suggestion that two additional non-voting Asia Pacific representatives could be appointed
- At Large structure
    - Support for current structure
    - RALOs need more time (and one clear suggestion that they should be shut down if not working)
    - Need to clarify the ways that end users can participate
    - Need outreach to grow ALS numbers
- Resourcing
    - Support for extra resourcing based on clear plan
    - Staff not always the answer; resources could be deployed in other ways
    - Centralised staff needed for coordination of activity
    - ALAC should have control over staff
    - Regional budgets are needed
- Relationship with other ICANN entities
    - Need to clarify roles
    - Perceived overlaps are not an issue
    - At Large voice is relevant beyond GNSO issues
- Voting seat
    - Support for a voting seat for accountability to end users
    - Support for maintaining liaison
- Planning
    - Support for better ALAC planning, linked to ICANN planning
    - Support for planning, but should maintain independence
    - Planning necessary for improvement
    - Should be “light” so that process does not become the focus
- Tools
    - Support for use of better tools
    - Need to remember accessibility issues
- Consultation periods

  - 45 days is too long
- Translation
  - Support for continuing and better translation, but need to be mindful of costs
- Westlake report
  - Some opinions left out
  - Not historical

5. Members of the WG attended the Africa RALO meeting on 3 September 2008. The main topics covered were:

- Support for increased NomComm appointments to ALAC; need to develop a mechanism for determining the number (size of region, number of ALSs,....)
- Support for ALAC voting rights on the Board

Minutes of this meeting can be found at:
https://st.icann.org/afralo/index.cgi?meeting_summary_03_september_2008

6. Members of the WG attended the GNSO teleconference on 4 September. Main topics of conversation were:

> The ICANN bylaws are very explicit in that no one is prohibited from being part of a GNSO constituency because they belong to another constituency. All constituencies should have the opportunity to engage in an Advisory group and as ICANN grows, there is more of this overlap with the same individuals being in different groups, thus the necessity to take a closer look at the structures. The recommendation is pertinent but should be viewed in a different light given the acceptance of the bicameral proposal, which is predicated on the concept of a Non Commercial group that is going to be a radically reformed with the NCUC as a central starting point and some part of the At Large as yet unspecified. However, the ALAC made it quite clear that it, as a body, was not looking for any indirect participation in the GNSO but wanted the opportunity for individual users to participate in the GNSO in their own capacity.

A recording of this meeting can be found at
http://audio.icann.org/gnso/gnso-council-20080904.mp3

7. Members of the WG attended the NARALO meeting on 8 September 2008. The main topics of conversation were:

- Purpose of ALAC
  - as a guardian of interests of Internet users
  - ALAC has no continuing purpose
- Organizations may choose to join either NCUC or ALAC or both
- ALAC needs a stronger voice as advocate of the Internet community

Minutes of the meeting can be found at:
https://st.icann.org/naralo/index.cgi?summary_minutes_08_september_2008

8. Members of the WG attended the ALAC meeting on 9 September 2008. The main topics of conversation were:

- Membership of more than one ICANN constituency:
  - Some in agreement, encouraging flexibility
  - Others suggesting that groups should be "Business" and "others"
- ALAC should be able to manage its own budget
- Concern that not all opinions were reflected in the Westlake report
- Difficulty in engaging people in the current structure as they could not see what difference their participation would make
- Notice that responses would be sent to the online comment forum

Minutes of the meeting can be found at:
https://st.icann.org/alac/index.cgi?09_september_2008_summary_minutes

9. Advance distribution of a draft of the ALAC WG report to the Chair of ALAC. Comments were received in a teleconference.

10. Advance distribution of a draft of the ALAC WG report to the Chair and Deputy Chair of the GNSO. Comments from the GNSO Chair are included here:

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On 8 Oct 2008, at 07:14, Tricia Drakes wrote:

> The ALAC Review Working Group wanted to let you have this courtesy “advance copy” for information.

>

Thank you very much for this advance copy.  While there are things I   quibble with (when aren't there?) I find myself in agreement with most of the recommendations.  The comments below reflect a few of those quibbles. And yes, I know you did not ask for comments, so please forgive this rude reaction to your courtesy.

A recommendations that gives me slight pause is the call for an increase in the size and power of ICANN's policy staff. I have a perpetual concern that the larger this staff gets, the more likely it is to have its own policy drive as opposed to being focused on assisting the volunteers in their policy related activities.  I understand the need for more assistance all too well, but the larger the staff gets, the more the volunteers need to oversee what the staff does
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- this can become a lot of work. Finding the right balance between volunteers actually working and the staff doing the work is crucial. I think recommendation 6 from Westlake was important in that it creates some accountability of the ICANN policy staff to the Chair of ALAC - I would hope this responsibility also includes mandatory input into staff, including senior staff, reviews. I worry that the things I think are important may be in conflict with some of the WG's recommendations in relation to this recommendation.

I very much support the creation of two Board seats elected by the ALS's. This will help redress some of the overcorrections that occurred in the move from ICANN rev 1 to rev 2.

Re 5.11, I personally believe this is easy, ALAC is about users and the GNSO/NUC should be about registrants - but I believe I am in the minority with this viewpoint in the GNSO. I believe this is the crux of the differentiation, not necessarily the requirements for organizational membership in the NCUC.

Re: the requirement for acknowledgment of ALAC advice, I believe this is critical. I would add that the Board should also be required to provide the same sort of acknowledgement it is required to provide to the GAC. Of course if they have two Board seats this may be less essential - though given the requirement of Board members to be for the good of all, they might not be able to adequately represent the ALAC at all times.

Thanks again

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