



Independent Review of the At-Large Advisory Committee

Report to
The Internet Corporation for
Assigned Names and Numbers

Prepared by Westlake Consulting Limited



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1 Summary



Introduction

The Internet Corporation for Assigned Names and Number (ICANN) Bylaws defines the purpose of the At-Large Advisory Committee (ALAC) as:

‘To consider and provide advice on the activities of ICANN, insofar as they relate to the interests of individual Internet users.’

The Bylaws require an independent review every three years, of the performance and operation of each arm of ICANN. The goal of each review is to determine:

1. Whether that organization has a continuing purpose in the ICANN structure; and
2. If so, whether any change in structure or operations is desirable to improve its effectiveness.

ICANN announced on 10 February 2008 that it had appointed Westlake Consulting Limited (WCL) to conduct the first such independent review of the ALAC.

The WCL Review Team members attended ICANN’s February 2008 New Delhi meeting, where they interviewed a significant number of people about the ALAC. After the New Delhi meeting, WCL has conducted extensive further research and interviews and has received email feedback and comments from a range of people.

The WCL team members drew on the research and their experience in governance roles in commercial and non-profit organizations, in order to draw conclusions and make recommendations about the purpose, structure and operations of the ALAC.

History of the ALAC

In March 2003 the ICANN Board resolved to create the Interim ALAC as a transitional arrangement progressing to the ALAC structure. The structure chosen was that At-Large Structures (ALSs) representing individual Internet users would form five geographically-based Regional At-Large Organizations (RALOs). These in turn would appoint ten of the fifteen members of the ALAC, the other 5 being appointed by the Nominating Committee (NomCom).

The main process of institution building – certifying the ALSs and forming the RALOs – was completed in early 2007 with the establishment of the final RALO. Since then the ALAC has been in its current form, which we refer to as ‘ALAC 1.0’, as we have distinguished it from the Interim ALAC. This report provides a largely forward-looking review of ALAC 1.0.



Purpose of the ALAC

In our view, the ALAC serves two purposes:

- To provide an opportunity to individual Internet users for participation in ICANN's activities; and
- To be a vehicle for ICANN's accountability to the Internet community in accordance with its core values and its bottom-up, consensus-based method of operating.

We note that ICANN itself has a relatively narrow purpose, which in brief is to coordinate the Internet's address and numbering system so that computers can find and communicate with each other. Nevertheless we consider that ICANN's activities affect individual Internet users, who have a right to contribute.

Structural options

During the course of our interviews and information-gathering, we considered several options presented to us, including the following:

1. Convert the ALAC from an Advisory Committee to a Supporting Organization (ALSO);
2. Set up the ALAC as a constituency within the Generic Name Supporting Organization (GNSO), either as an extension of the Non-Commercial Users Constituency (NCUC) or as a separate constituency;
3. Merge the ALAC with/into the Internet Society (ISOC);
4. Channel individual Internet user participation through the ICANN Ombudsman;
5. Integrate the ALAC and the Nominating Committee (NomCom);
6. Abolish the ALAC and allow involvement directly from individual Internet users or the ALSs; and
7. Abandon attempts to involve individual Internet users who are not part of other constituencies such as domain name registries or regional Internet registries;
8. Retain the status quo.

The WCL Review Team considers that 'ALAC 1.0' as it has existed for the last year has the structures, the mechanisms and the leadership to play an influential role, and that its future success now depends on how well it seizes the opportunities it has in order to make itself heard.



Geography

The regions the RALOS are formed from are allocated according to ICANN's geographic regional structure, which is not well aligned with global population distribution and which is increasingly unrepresentative of world-wide Internet usage, as illustrated by the following:

- The Asia-Pacific region, as defined by ICANN, makes up more than 60% of total world population, yet represents only one of ICANN's five geographic regions;
- China is now estimated to have more Internet users than the USA, this number having grown approximately nine-fold since 2000; and
- Internet penetration in the large countries of Asia is only around 15-20%, and therefore has considerable growth potential, while in Europe and North American penetration is already more than 70%.

We have **recommended** that regional balance can be addressed to some degree by increasing the number of NomCom appointees to the ALAC by two members, both of whom would be from Asia.

ALAC influence

The channels through which the ALAC exercises its influence are tortuous but extensive:

- The ALAC appoints 5 of the seventeen voting members of the NomCom (nearly 30%). This gives the ALAC significant, although indirect, influence over appointments to most of the policy-setting units of ICANN, including the Board;
- The ALAC appoints Liaisons to the Board and other parts of ICANN. Through this mechanism, the ALAC can participate in most of the key policy-making processes, but Liaisons do not have the right to vote.

We have **recommended** that the current structures, which have taken several years to build, should now be given the chance to demonstrate their value. However, we have also **recommended** that the role and continuation of the RALOs should be reviewed at the next review of the ALAC, with a view to simplifying the complex structure by which individual Internet users can participate.

Board Liaison

The WCL Review Team has received several submissions relating to the ALAC's lack of a voting position on the Board of ICANN. The arguments have ranged between two extremes:



- The ALAC needs to be able to vote at the Board in order to exercise real influence; and
- The debate over a vote is a diversion from the substantive question of how the ALAC and its Liaison should best contribute to the Board's decision-making process.

In our experience, effective Boards make most of their decisions through a consensus-building process, rather than the mechanism of a formal vote. If the ALAC Board Liaison had a right to vote, this might lead to a reduction in consensus-building in favour of a more confrontational, majority-seeking approach.

A further consideration in relation to Board voting was over the Duties of ICANN Directors:

'... To act in what [Directors] reasonably believe are the best interests of ICANN and not as representatives of the entity that selected them ...'

The ALAC Liaison to the Board can participate in Board affairs and receive all Board information, but retains a total commitment to representing the ALAC cause. If this Liaison became a voting board position, the influence of the ALAC would be diluted, rather than increased, since the member would have the duty (set out above) to act in the interests of ICANN and not as the representative of the ALAC.

We have **recommended** that the ALAC continue to appoint a Liaison to the Board, and that this person should not be a member of the Board with voting rights (i.e. no change from the current position).

How effective is the ALAC?

If one regards the years of the Interim ALAC as dominated largely by institution-building, with relatively little opportunity for contribution to development of policy, it becomes easier to understand the diversity of opinions about the ALAC that we have received, for example:

- 'The ALAC is a complete waste of time.'
- 'ALAC has made significant improvement over the past 1-2 years.'
- 'It has always puzzled me whether ALAC has any substantial agenda.'
- 'The ALAC is the conscience of ICANN.'

Many of the opinions we received appeared to relate to the Interim ALAC and were therefore of varying relevance to 'ALAC 1.0'.



The WCL Review Team noted some favourable comments about the ALAC's recent contribution in areas of policy development, but the perceptions were still at best mixed. We have **recommended** that the ALAC improve its effectiveness by establishing formal planning processes. This should articulate what the ALAC was trying to achieve, how it would do so and how it would be assessed. In turn, this should build credibility more consistently across ICANN as well as provide some internal clarity of purpose for its members, including the RALOs and ALSs.

We have noted that the level of ICANN staff resource dedicated to the ALAC is still low, despite an increase in the last few months.

We have **recommended** increases in dedicated staff support for the ALAC, by up to one full-time person per region.

Outreach

A significant proportion of certified ALSs appear to be inactive and very few have been certified in the last year. One credible explanation for this is there is little incentive for active involvement unless ICANN makes greater efforts to communicate with and involve them. We note that ICANN has recently taken steps to address this situation, including creating brief position papers on policy matters and making progress in translation for people who do not speak English as a first language.

In the view of some submitters, a number of barriers to greater individual user participation remain, including:

- Short turn-around times required in policy development processes;
- Technical complexity of some of the big policy issues;
- Regular access to the Internet in some parts of the world;
- The extended, and often robust, nature of discussions on some of the At-Large Email lists, a style which does not sit comfortably with some more consensus-based cultures; and
- Language remains a barrier for some.

We have **recommended** a number of ways in which ICANN and the ALAC might address these issues and provide more effective web-based tools for individual user participation.



Conclusion

The WCL Review Team considers that 'ALAC 1.0' has made significant progress in recent months. We observe that some people within ICANN continue to question the need for the ALAC and are sceptical about the value it provides.

We therefore **recommend**:

- That the ALAC should continue to contribute actively to ICANN's policy development processes;
- That ICANN's outreach activities must be made consistently relevant to the needs of individual Internet users throughout the world; and, finally,
- That the ALAC must ensure that it is seen within ICANN as being a valuable component of the total structure.

The WCL Review Team is left with one final question that it is at this stage unable to answer. Individual Internet users regard the Internet increasingly as essential (and largely invisible) infrastructure, similar to telephones, electricity and postal services. As long as these continue to function, most users do not give them much thought. Therefore, while we recognise the significant resources and effort that have gone into developing the At-Large structures, is there sufficient interest, among the 1.4 billion individual users of the Internet, for them to participate to any significant degree in the specialized technical role of ICANN?

We believe that there are valid reasons why the individual Internet user should care. It remains to be seen over the next few years whether this will be the case.



1.1 Recommendations

1. The number of NomCom appointees to the ALAC should be increased from five to seven.
2. All members of the ALAC (and, ideally, of the RALOs) should be given clear position descriptions.
3. ICANN should implement an activity based costing system in order to improve resource management
4. The current distribution of the RALOs be left unaltered until the next ALAC review.
5. ICANN should provide further resourcing to support the ALAC, to the extent of (up to) one new employee per region.
6. The ALAC position on the Board should remain that of a Liaison, with rights to full participation and information, and no voting rights.
7. Staff should create a brief and multi-lingual guide to ICANN and the ALAC, aimed at individual Internet users and ALSs.
8. The ALAC should develop
 - a. 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;
 - b. Prior to the next ICANN annual planning cycle, the ALAC should develop a Strategic Plan of its own (complementing the broader ICANN Strategic Plan);
 - c. 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).



9. Extend the term of appointment of the ALAC Chair to two years.
10. The ALAC should publish on its website trends in the average time taken from receipt of an ALS application to decision.
11. Regular ALS compliance reviews be conducted and the non-compliance provisions be applied as appropriate.
12. ICANN should develop clear sanctions for non-compliance. These might include; ineligibility for ICANN travel funding, loss of voting rights or being struck off, until the matter is remedied.
13. If there are any outstanding issues relating to Ombudsman report 06-317, the Board should review all recommendations to ensure they have been resolved.
14. Develop a clearly defined process for the engagement of the At-Large community in developing policy positions.
15. The ALAC should use multi-lingual wikis rather than the current Email mailing lists to allow the At-Large community to more easily observe and participate in the development of policy positions.
16. ICANN should develop a clearly defined process to 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.
17. Ensure that private email lists are used only for appropriate 'no-public' discussion.
18. ICANN continues the work on its language policy, including translation and other services. Posting content on the working wikis, email lists and discussion forums in languages other than English, requires a policy and associated translation procedure. Immediate translation into English should be automated, with manual translation, if appropriate, undertaken pursuant to translation policy and procedures and within a defined timeframe.
19. ICANN should make staff responsible for fieldwork and increase the size of the At-Large support staff as required, as well as increasing the budget for travel and events, perhaps to a level similar to the Global Partnerships team.
20. ICANN staff should manage and maintain content of the various ALAC wikis.



21. The ALAC should replace Email mailing lists with wikis for policy discussions in particular.



2 Purpose of the review



The rationale for the At-Large Advisory Committee (ALAC), as described in Article XI, Section 2, Paragraph 4(a) of the Bylaws, is:

"To consider and provide advice on the activities of ICANN, insofar as they relate to the interests of individual Internet users."

In accordance with Article IV, Section 4, Paragraph 1 of the ICANN Bylaws, the independent review of the ALAC to determine:

- Whether the organization has a continuing purpose in the ICANN structure, and if so,
- Whether any change in structure or operations is desirable to improve its effectiveness.

The Board Governance Committee (BGC) has formed a Review Working Group¹ to consider this independent review of the ALAC in order to provide final recommendations to the Board.

After a period of review and public consultation the structure or operation of the ALAC may be amended by a two-thirds majority of the full Board.

2.1 Our methodology

The methodology adopted for the ALAC review consists of three partly overlapping phases: evidence gathering; analysis; and producing the report.

Evidence gathering

Our evidence includes facts, historical evidence and input from stakeholders. Where possible, we refer to the underlying evidence in this report. Evidence gathering was the longest phase, lasting from shortly before the February 2008 New Delhi meeting until a few weeks before the report was produced. A feature of this review process was the extreme amount of information available, given the willingness of the many participants to talk to us (some many times), and the trove of information about ICANN and its history that can be found on the Internet. Specifically, the information gathering phase involved:

- Attending the ICANN New Delhi meeting, including many of the ALAC sessions and workshops;

¹ ICANN, Board Minutes for a Special Meeting, 23 January 2008, <http://www.icann.org/minutes/minutes-23jan08.htm>



- Interviewing a range of ALAC and ICANN people face to face in February 2008 in New Delhi;
- Following the New Delhi meeting, interviewing more people by email, Skype and telephone;
- Reaching out to current and former ALAC members, current and former members of other parts of the ICANN structure, and ALSs;
- Researching ALAC and ICANN history through Internet-based materials and other publications;
- Obtaining and reading recent reviews of other parts of ICANN (for example the Nominating Committee and the Generic Name Supporting Organization);
- Seeking answers to specific questions (for example about the ALAC's running costs) from ICANN staff.

For reasons of confidentiality, we cannot cite input from individual stakeholders.

Analysis

Analysis means breaking down the evidence gathered and using it to illuminate the situation, then drawing conclusions and proposing a way forward. In this report we show the analysis wherever appropriate.

The WCL Review Team spent some weeks on this phase, which did not begin until a substantial amount of the information gathering had taken place. The range and depth of the experience of team members was very useful here. Specific activities in this phase included:

- Identifying gaps in information when compared to the questions in the terms of reference, so that they could be researched further;
- Re-interviewing specific people to elicit further information as required;
- Setting up a private team wiki and Web 2.0 site to enable collaborative working;
- Checking the range of interviewees to confirm coverage of relevant groups within ICANN and without, and seeking further interviews where necessary;



- Identifying common themes from the issues raised by interviewees, our own observations and the terms of reference;
- Developing the report outline based on background material, themes, recommendations and the terms of reference;
- For each question in the terms of reference, considering the range of views from interviewees, factual information, and team members' own experience as board members of commercial and not-for-profit organizations, to produce tentative conclusions for internal discussion ; and
- Debating the tentative conclusions within the team to produce consensus, or agree alternatives, to inform the drafting process.

While considering the evidence gathered by the previous phase, the WCL Review Team needed to keep in mind that the fact that 'ALAC 1.0' had existed for a short time when we commenced this review. Evidence from the Interim ALAC was not always relevant or useful. We found that the inputs from stakeholders were very helpful in identifying and defining problems as they applied to the Interim ALAC, but were in some cases less helpful in identifying and defining improvements, or providing a satisfactory justification for suggested improvements.

In order to recommend improvements, therefore, the WCL Review Team had to rely on good judgment, based on the team members' experience in governance, management, ICANN, Internet organizations and not for profit organizations generally.

Producing the report

When the main features of the report had been agreed, drafting started. Team members used a Web 2.0 facility for collaborative working. Sections of the report were uploaded to the site, as were links, relevant documents and reference material. The site also integrated with the team's email and calendar facilities. Work was able to continue regardless of the location of individual team members.

- The four WCL consultants split into two teams for drafting, with sections of the report allocated to each team.
- Each consultant wrote the initial draft of subsections of the report.
- Within the teams, consultants peer-reviewed each other's work.



- An early draft was provided to ICANN staff for fact checking, and factual corrections were incorporated by the WCL Review Team where necessary.
- Review and re-writing occurred as the WCL Review Team produced successive drafts.
- The report was delivered to ICANN by the deadline before ICANN's Paris meeting.



3 Background



3.1 What does ICANN do?

'To reach another person on the Internet you have to type an address into your computer - a name or a number. That address has to be unique so computers know where to find each other. ICANN coordinates these unique identifiers across the world. Without that coordination we wouldn't have one global Internet.

ICANN was formed in 1998. It is a not-for-profit partnership of people from all over the world dedicated to keeping the Internet secure, stable and interoperable. It promotes competition and develops policy on the Internet's unique identifiers.

ICANN doesn't control content on the Internet. It cannot stop spam and it doesn't deal with access to the Internet².

3.2 What does the ALAC do?

At-Large is the name for the community of individual Internet users who engage in issues that are a part of ICANN's work, for example, some current issues are: internationalised domain names, additional new top-level domains and the transition from IPv4 to IPv6.

3.3 How does the ALAC work?

Any self-organizing and self-supporting group that deals with individual Internet users' interests can apply to ICANN for certification as an At-Large Structure (ALS). Each certified ALS is federated into Regional At-Large Organizations (RALOs), which provides a forum for the ALSs to work together. There are five RALOs, one for each of ICANN's geographic regions. The RALOs manage outreach and public involvement and are the main forum and coordination point in each region for public input to ICANN.

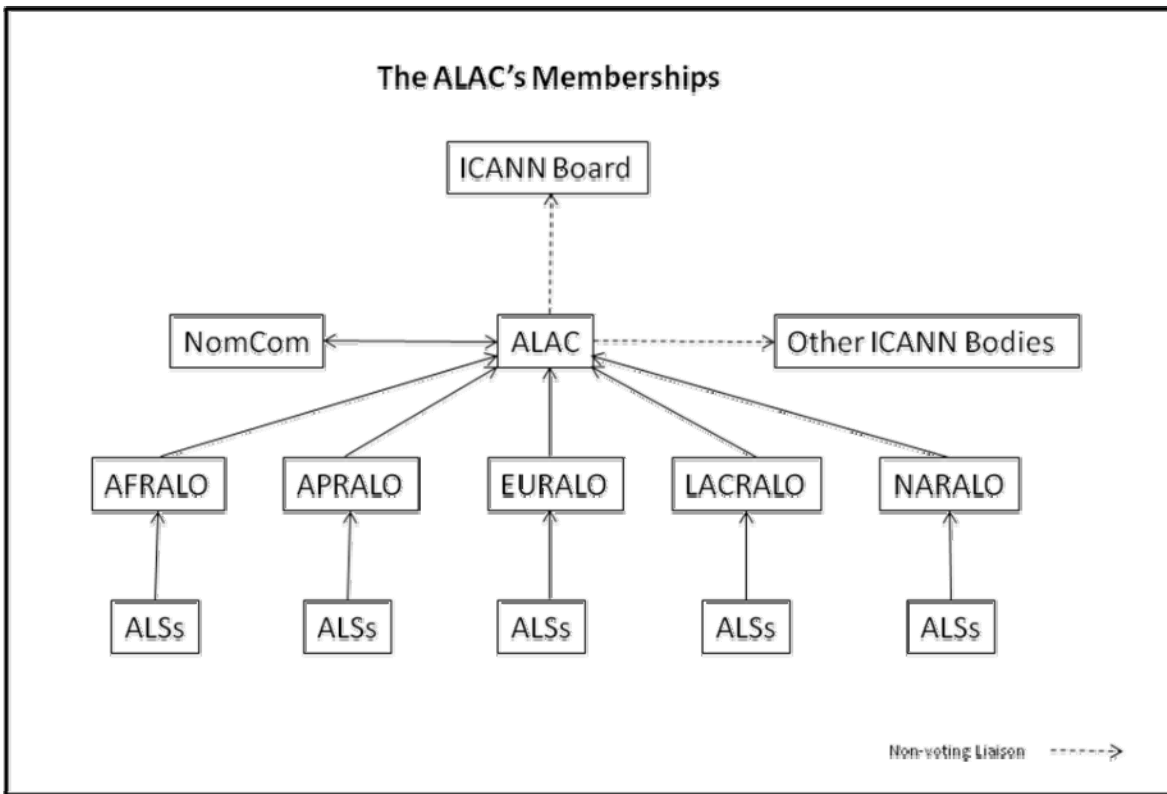
Each RALO selects two representatives to the At-Large Advisory Committee (ALAC), which is a statutory body of ICANN. The ALAC is a 15 member body, ten members are selected by RALOs (as noted above), and the remaining five are appointed by ICANN's Nominating Committee (NomCom), one for each of the five geographic regions.

The ALAC has a responsibility to consider and provide advice on the activities of ICANN, as they relate to the At-Large community. The ALAC appoints non-voting liaisons to the ICANN Board, and several other bodies of ICANN. It also selects five delegates to ICANN's

² ICANN Monthly Magazine, May 2008, <http://www.icann.org/magazine/>



NomCom, which selects eight of the 15 voting members of the ICANN Board and also selects individuals to serve in other key positions.



Other activities undertaken by the ALAC and its supporting organizations include:

- Proposing criteria and the accreditation process for ALSs;
- Approving applications for ALSs;
- Assisting with outreach strategies in each geographic region;
- Publicizing and analyzing ICANN's proposed policies and decisions;
- Providing advice to various policy-making organizations within ICANN; and
- Offering Internet-based mechanisms so interested individuals can share their views on ICANN issues.



3.4 Where the ALAC has come from

On 31 October 2002, the ICANN Board adopted new Bylaws that establish the ALAC and authorized its supporting At-Large organizations. (Article XI, Section 2(4) of the new Bylaws.) The new Bylaws, which are the result of ICANN's 2002 reform process, went into effect on 15 December 2002. To allow the ALAC to begin functioning immediately, the Transition Article of the Interim Bylaws provided for the Board to appoint ten members (two from each of ICANN's five regions) to an Interim ALAC.

Through the dedicated efforts of a number of passionate individuals, ICANN and the ALAC have successfully promoted and accredited a number of ALSs and formed the RALOs. The RALO structure became fully effective after each RALO signed its Memorandum of Understanding (MoU) with ICANN, the last of which was the Europe RALO (EURALO), signed in March 2007.

On June 29 2007, the last Interim ALAC member was replaced by an elected representative and the Interim ALAC became the full ALAC.



4 The ALAC and its purpose



4.1 The purpose that ALAC serves

Submitters have offered a wide range of possible purposes for the ALAC, ranging from providing ICANN with policy support to performing outreach about ICANN's mission. But, while these might be desirable activities for the ALAC, they do not in the WCL Review Team's view, form the ALAC's purpose.

As this report will demonstrate, the ALAC serves two purposes:

1. One of accountability, by forming part of the wider group of stakeholders to which ICANN is accountable; and
2. One of participation, by providing a route for people who do not fit the target memberships for other groups in ICANN (which include domain name registries, root server operators or intellectual property specialists) to participate in ICANN decision-making.

Both of these purposes are core to ICANN's multi-stakeholder bottom-up model of accountability and involvement.

4.2 ALAC and the Internet community

Accountability to the broad Internet community is a core value for ICANN. The Internet community includes a wide range of people and groups. National governments, Internet infrastructure suppliers and industry participants of several kinds have specific bodies within the ICANN organization which can and do offer advice to ICANN and object if it is not followed, sometimes publicly. Providing bodies for these groups is a natural and reasonable way for ICANN to offer its accountability. However, there are some 1.4 billion Internet users³ in the world, and the great majority are not members of a group for which ICANN has a specific body. Through the ALAC, ICANN provides similar scope for both individual Internet users and groups of users who care about the Internet but are not involved in its provision or regulation to make their points. ALAC's role as one of the stakeholder groups to which ICANN is accountable is, therefore, important for the Internet as a whole.

³ Internet World Stats, March 2008, <http://www.internetworldstats.com/stats.htm>



4.3 Participation and accountability

The ALAC provides a vehicle for members of the wider Internet community to:

1. Participate in making decisions about how ICANN should achieve its mission; and
2. Be part of the community to which ICANN is accountable.

This places a responsibility on the ALAC - if it participates in specific ICANN decisions or processes, it has the opportunity to influence them. If ICANN's decisions do not accord with the ALAC's position, the ALAC may be justified in protesting or appealing those decisions. This is not to say that ICANN must always decide in favour of the ALAC's view, or indeed of any group's view, but rather that the ALAC provides a way to form and promote a view based on the individual Internet user, which contributes to the process of compromise and consensus that is a hallmark of ICANN decision-making.

However, if the ALAC fails to engage in the decision-making process, it has little or no grounds on which to object after those decisions are made. The ALAC also lays itself open to criticism from the At-Large community if it is perceived to not have ensured that the interests of individual Internet users have been adequately represented. For reasons discussed elsewhere in this report, engagement with ICANN's processes has only recently become a regular activity for the ALAC.

Therefore it is important to ICANN, to the wider Internet community, and to the ALAC itself, that the ALAC play as full a part as possible in ICANN's policy development processes.

ICANN's accountability to the wider community flows, in part, through the ALAC. The ALAC needs to be accountable to its constituents, for example the wider Internet community, demonstrating that it is participating fully in ICANN. For the ALAC, participation in ICANN and its own accountability are two sides of the same coin. By the time of the next ALAC review, as mandated in the Bylaws, the ALAC should be able to demonstrate a solid record of participation.



4.4 Does the ALAC have a continuing purpose in the ICANN structure?

The ALAC is described in the ICANN Bylaws⁴ as having the following purpose:

‘To consider and provide advice on the activities of ICANN, insofar as they relate to the interests of individual Internet users.’

This broad statement can be interpreted in many ways, but the WCL Review Team believes it is important to frame this purpose within the overall mission of ICANN, which is⁵:

‘To coordinate, at the overall level, the global Internet’s systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet’s unique identifier systems.’

Several people we interviewed asked why ICANN needed to provide any mechanisms relating to the interests of individual Internet users. Noting the limited scope of ICANN, they argued that individual users of telephone or traditional postal systems did not have such avenues for involvement. As long as their calls connected and the mail got through, they had neither interest in, nor reason for being involved. Thus as long as ICANN ensured the stability and security of the Internet’s unique identifier systems – addressing policy issues such as IPv6 and IDN, and other matters like domain tasting and front running – then the individual Internet user, whether as a person, a business or an NGO, had no need to be involved in its activities.

Contrasting this was the view that:

1. Individual users were affected by ICANN’s work; and
2. They had a right to representation in decisions that affected them.

Following this line of reasoning, the assertion that ICANN’s mission could be said to be distant from the concerns of most individual Internet users was wrong on several counts.

For instance:

- Domain names are used many times per day by every person who uses the Internet; and
- Businesses invest heavily in their domain names through advertising and other positioning.

⁴ ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#XI>

⁵ ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#I>



Thus policies around the allocation of names, such as the granting of TLD and enforcing registrar probity, affect every individual Internet user

Internet Protocol (IP) addresses are invisible to most individual Internet users. Nevertheless, their availability, and the ability for them to be routed, is vital to the existence and continued development of the Internet. With the impending shortage of IPv4 addresses and the slow transition to IPv6, individual Internet users are entitled to be concerned about the implications to them, and the strategies chosen to mitigate the problem. For these and other reasons, the argument made to us was that individual Internet users have a valid interest in the work of ICANN.

That people have a right to contribute to decisions that affect them has been a widely held view throughout modern history and underlies the constitution of most modern democracies. It is reflected directly in ICANN's approach to provide a transparent, multi-stakeholder, bottom-up policy process, something which has been a feature of ICANN since its inception.

A bottom-up policy process – one involving substantial participation from those affected by policy, is a requirement of the agreement that ICANN has struck with the US Department of Commerce (the Joint Project Agreement, 'JPA')⁶. It appears to the WCL Review Team that the Department of Commerce expects clear evidence of ICANN's binding commitment to a bottom-up process.

In an ideal world, a bottom-up process would directly involve individual Internet users. The ICANN election in 2000 attempted such a process, but encountered significant procedural difficulties. Since that time ICANN has developed a proxy in the form of an At-Large structure which gives a voice for individual Internet users via the ALSs, the RALOs and the At-Large Advisory Committee.

As a result, the WCL Review Team considers that the ALAC structure currently provides a sound and effective mechanism for individual user involvement with a low risk of capture by particular groups.

⁶ Joint Project Agreement between the U.S Department of Commerce and the Internet Corporation for Assigned Names and Numbers, 29 September 2006, <http://www.icann.org/general/JPA-29sep06.pdf>



A further argument for allowing and facilitating individual Internet user participation was that a process that allows all views to be heard and balanced leads to well-informed and better policy-making. To its credit ICANN has worked to provide an opportunity for all individual Internet users to participate, whether through representative means, such as the ALAC, or through direct means – as in trying to ensure that governance bodies reflect a variety of regions.

The WCL Review Team agrees that individual Internet user involvement is fundamental to ICANN and that to suggest otherwise would be seriously at odds with its culture and the philosophy underpinning its establishment. There is a valid and essential role in ICANN, as stated in the ICANN Bylaws, for an entity to ‘consider and provide advice on the activities of ICANN, insofar as they relate to the interests of individual Internet users.’

4.5 Is the ALAC the most suitable vehicle?

During the course of our interviews and submissions, we considered several options presented to us in addition to continuing the current structure.

We have discussed these options below and have indicated whether they are options that were suggested directly to us, or whether they are possibilities that we have explored as a result of our review of the evidence and our interviews.

The options for change included the following:

1. Convert the ALAC from an Advisory Committee to a Supporting Organization (ALSO);
2. Set up the ALAC as a constituency within the Generic Name Supporting Organization (GNSO), either as an extension of the Non-Commercial Users Constituency (NCUC) or as a separate constituency;
3. Merge the ALAC with/into the Internet Society (ISOC);
4. Channel individual Internet user participation through the ICANN Ombudsman;
5. Integrate the ALAC and the Nominating Committee (NomCom);
6. Abolish the ALAC and allow involvement directly from individual Internet users or the ALSs; and
7. Abandon attempts to involve individual Internet users who are not part of other constituencies such as domain name registries or regional Internet registries;
8. Retain the status quo.



1. Convert the At-Large Advisory Committee to a Supporting Organization (ALSO)

One suggestion that was made to us would see the ALAC move from the position of being an Advisory Committee (AC) to the status of a Supporting Organization (SO). The principal appeal of this would be that the newly-reconstituted ALAC would then enjoy a status similar to that of the Address Supporting Organization (ASO), the Country Code Name Supporting Organization (ccNSO) and the GNSO, in appointing one or more voting members to the Board. For those who have argued that the ALAC should have voting rights at the Board, this option naturally has appeal.

Each of the three SOs supports, and is supported by, groups with both operational and policy responsibilities in specific parts of ICANN's mission. For instance, the ASO provides a link between ICANN and the Regional Internet Registries (RIRs) which allocate IP addresses and similar identifiers. They are 'vertical' slices of ICANN's business.

The ACs, by contrast, take a horizontal approach to ICANN's mission, providing advice from a specific perspective, but this may range across the entirety of ICANN's mission. Such is clearly the case, say, for the Governmental Advisory Committee (GAC), but can also be seen as true for the Root Server Advisory Committee (RSAC) and the Security and Stability Advisory Committee (SSAC).

In a similar way, the ALAC provides advice horizontally across ICANN's mission, from the perspective of end-users, so it is, in the view of the WCL Review Team, rightly constituted as an AC rather than an SO.

A further, but secondary, consideration for the WCL Review Team was the possible precedent that such a move might set, which other Advisory Committees (AC) might feel justified in trying to follow. We concluded that deeper analysis of the role of the other ACs (current or potential) fell outside the terms of our review, so we did not pursue this line of analysis, other than to note it as a further matter that might need to be investigated if this option gained support. In an extreme case, the end result could be a breakdown in the distinction between AC and an SO.



2. Set up the ALAC as a constituency within the Generic Name Supporting Organization (GNSO), either as an extension of the Non-Commercial Users Constituency (NCUC) or as a separate constituency

A few submitters believed this was a practical and desirable structural option. There is some attraction to this option, which would utilise existing structures and processes, and might therefore lead to structural and operating efficiencies within ICANN. A secondary potential benefit that was discussed was that such a structure would represent a 'concentration of force' and resources within ICANN of the global Internet user community.

However, the WCL Review Team considered this not to be the right answer, for a number of reasons:

1. The GNSO (and its constituencies including the NCUC) has responsibility for policy development in only one main area of ICANN's activities, 'developing and recommending to the ICANN Board substantive policies relating to generic top-level domains'⁷, whereas we consider the mandate of the ALAC to be broader than this.
2. Since the ALAC would be but one component of the GNSO, the net effect could be to dilute the overall influence or impact of the ALAC within ICANN.
3. From a structural perspective, if the ALAC became a new constituency in the GNSO with other structures remaining unchanged, the effect would be to insert yet another layer in the structure, and another link in the already-lengthy communication chain between the individual user and the decision-making levels of ICANN.

3. Merge the ALAC with/into the Internet Society (ISOC)

Several submitters saw an overlap between the functions of the ALAC and the ISOC. ISOC's Mission Statement is⁸:

'... To promote the open development, evolution, and use of the Internet for the benefit of all people throughout the world.'

Some of the means by which this will be achieved are consistent with the purpose of the ALAC ('to consider and provide advice on the activities of ICANN, insofar as they relate to the interests of individual Internet users'), for example (taking further clauses from the ISOC Mission Statement:

- Facilitates open development of standards, protocols, administration, and the technical infrastructure of the Internet ...;

⁷ICANN Bylaws, <http://www.icann.org/general/archive-bylaws/bylaws-08apr05.htm#X>

⁸ Internet Society Mission Statement, <http://www.isoc.org/isoc/mission/>



- Provides reliable information about the Internet ...;
- Provides forums for discussion of issues that affect Internet evolution, development and use in technical, commercial, societal, and other contexts.

All of these can be interpreted as being in the interests of individual Internet users.

However, while ISOC's Mission is centred on the 'development, evolution and use of the Internet ... for the benefit of all people', that of the ALAC is significantly narrower and needs to be seen within the specialised technical purpose of ICANN, which is described in the Bylaws, as being 'in particular to ensure the stable and secure operation of the Internet's unique identifier systems.'⁹

Besides this, the ALAC contributes to the development of ICANN policy relating to 'the global Internet's systems of unique identifiers' (i.e. the mission of ICANN), while ISOC and its chapters do not have such a policy role.

Submitters who saw the overlap in roles pointed to the common membership of both, and to the fact that almost a third of the certified ALSs are chapters of ISOC. However, the WCL Review Team agreed with a submitter who argued that a correlation in membership did not necessarily imply a direct overlap in function. Under this view, the ALAC had a separate and clearly defined purpose, which would not be served best by being subsumed into ISOC. Indeed this submitter argued that the fact of overlapping membership was evidence of separate purposes – otherwise people would not become involved in both. Based on our understanding of the mission and scope of both the ALAC and ISOC, we agree with this conclusion.

4. Channel individual user participation through the ICANN Ombudsman

One suggestion made to us was that individual Internet user participation in ICANN should be channelled through the ICANN Ombudsman. (Compared with other options discussed in this section, this was a minority position.)

Under the Bylaws¹⁰, 'the principal function of the Ombudsman shall be to provide an independent internal evaluation of complaints by members of the ICANN community who believe that [ICANN] has treated them unfairly.' Therefore, this suggestion appeared to the WCL Review Team to be based on an assumption that the main involvement of the

⁹ ICANN Bylaws, <http://www.icann.org/general/archive-bylaws/bylaws-08apr05.htm#I>

¹⁰ ICANN Bylaws, <http://www.icann.org/general/archive-bylaws/bylaws-08apr05.htm#V>



individual Internet user would occur when there had been some perceived injustice or grievance that needed to be addressed.

The WCL Review Team considers it overly simplistic to think that individual Internet users would want an involvement in ICANN only if something 'went wrong'. In reality, several currently active policy areas should benefit from considerable individual user input in order to ensure they 'go right' – the introduction of IDNs is an example – and, if as hoped, this is done with appropriate consultation, there should be no need for the Ombudsman to become involved.

The WCL Review Team considers that a necessary consequence of this option would be either that the role of the Ombudsman would broaden significantly beyond the purpose for which it was set up, or that the involvement of the individual Internet user in ICANN's affairs would narrow dramatically.

5. Integrate the ALAC and the Nominating Committee (NomCom)

A more radical approach suggested to us was based on the role of the Nominating Committee (NomCom) as the arm of ICANN which makes appointments to the key leadership roles in the organization. As a bottom-up, consensus-based organization, it would be a logical extension for such appointments to be made by, or at least by representatives of, the individual Internet user, in other words the constituency that ALAC serves.

The WCL Review Team considered that the intent of such an approach, which should in theory be perceived as a more broadly representative, or democratic, process for making appointments to positions of influence in ICANN (as compared to the NomCom process), had merit, but was, at least at this stage of ALAC's evolution, impracticable, and would not gain broad support.

Besides, although the ALAC is designed to represent the interests of the approximately 1.4 billion individual users of the Internet, the evidence (from observation of traffic on the At-Large Email mailing lists¹¹ and records of meetings) shows that comparatively few individuals participate actively in the ALAC's processes. There is therefore in our view, no evidence to suggest that a process ostensibly linked more closely to individual users would

¹¹Refer to the At-Large Email mailing lists, <http://atlarge-lists.icann.org/mailman/listinfo>



lead to better outcomes or appointments (able to be seen as more legitimate) than under the NomCom process, which has been designed to achieve consensus through dialogue and deliberation among informed and interested stakeholders.

The NomCom has a specific purpose of appointing people to key governance roles within ICANN. For the ALAC to be integrated into the NomCom would represent a total change in the NomCom's terms of reference. Several submitters told us that the converse - merging the NomCom into the ALAC, would be unworkable as a view expressed to us by several submitters was that the ALAC had yet to earn respect through the broader ICANN community.

As a result the WCL Review Team does not believe that merging the NomCom into the ALAC would have credibility, or the moral authority to be accepted by other parts of ICANN, or indeed that the end result of doing so would be improved in any substantive respect.

6. Abolish the ALAC and allow involvement directly from individual users or the ALSs

It may be argued that this proposal would come full circle from the elections of 2000¹² which led eventually to the formation of the ALAC. As argued elsewhere in this report, the WCL Review Team considers the ALAC to be at a relatively early stage, both in its own development and in building involvement among the broader community of individual Internet users.

A variation on this option would be to follow the recommendations of the Independent Review of the NomCom¹³, in abolishing the NomCom-appointed positions on the ALAC. As we shall discuss later, the WCL Review Team does not currently support this approach, but does not rule it out in the medium term (three to five years).

In one view submitted to us, a RALO could not be considered to be representative of individual Internet users in its geographic region unless there was at least one established ALS per country within that region. This requirement was not seen to be the same as requiring a democratic model, genuinely representative of the entire population of Internet users. However, some form of representation, by means of at least one ALS from each

¹² The End of the Experiment: How ICANN's Foray into Global Internet Democracy Failed, John G. Palfrey Jr, Harvard University - Berkman Center for Internet and Society, January 2004

¹³ Interisle Consulting Group, LLC, Independent Review of the ICANN Nominating Committee, 23 October 2007, <http://www.icann.org/reviews/nomcom-review-report-23oct07.pdf>



country, was, under this view, seen as a minimum hurdle for a RALO to have legitimacy in representing in some way the 'voice' of the individual users in its geographic region.

While this may not be an issue in the North America RALO (NARALO) or the European RALO (EURALO) (although even here many of the ALSs may be inactive, which is discussed in our section on ALS compliance), such a level has certainly not been reached in some of the other RALOs.

While either variant of this option has appeal as a democratic solution, we did not believe that it would be practicable or effective at the current stage of the ALAC's (and ICANN's) development. We do not, however, rule out such a possibility at a later stage, when more broadly-based (geographic, cultural, language, economic maturity, interest-based, etc) individual Internet user participation has become a regular feature of the ALAC's operations.

7. Abandon attempts to involve individual Internet users who are not part of other constituencies such as domain name registries or regional Internet registries

A number of submitters said that the ALAC's purpose was invalid, i.e. that there is no need to involve end-users in ICANN's mission, with one view being that ICANN's Governmental Advisory Committee (GAC) provides appropriate representation for end-users since they are all citizens under the various governments it comprises.

The WCL Review Team does not agree with this view. For reasons explained above used *Does ALAC have a purpose* the WCL Review Team is convinced of the need for a body to fulfil the ALAC's purpose. The GAC's purpose is:

[To] consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.¹⁴

The concerns of governments are far wider than those of end-users. An example might be that of intellectual property concerns; Internet end-users' views are likely to be quite different from those of governments, which must balance competing interests and take account of international agreements. It is completely appropriate for governments to

¹⁴ ICANN Bylaws, <http://www.icann.org/general/archive-bylaws/bylaws-08apr05.htm#XI>



consider the wider national and global picture when the GAC formulates its communiqués to ICANN; and it is also appropriate that end-users have a route for participation in ICANN's global mission which recognises their status as Internet users rather than as citizens of a specific territory.

One submitter said, when discussing the difference between the ALAC and the GAC, that 'ALAC is our conscience'. The WCL Review Team believes that it would be wrong for ICANN to dispense with the role of the ALAC.

8. Retain the status quo

As we have indicated, the WCL Review Team considers that the ALAC reached a significant milestone earlier last year, with the signing of the fifth and final RALO MoU with ICANN.

Looking back at the period of institution-building that had led to this point, there are varying perceptions of the value and effectiveness of the Interim ALAC. The WCL Review Team believes that 'ALAC 1.0' as it now exists is a materially different entity from the Interim ALAC. Several submitters have noted that it appears to have a sharper focus and clearer purpose than in the past. It is understandable that the leadership of the ALAC was largely pre-occupied with institution-building during the last few years. It is now gratifying to note, as some have pointed out to us, a greater focus on policy and internal processes in support of the broader mission of ICANN. Several submitters commented favourably on some of the early results achieved under the ALAC's current leadership.

The WCL Review Team considers that there is a strong case for the functions of the ALAC within ICANN i.e. that there is a continuing role. As discussed later in this report, the structure within which the ALAC works is complex but reflects responses to various requirements that have been identified over the last few years.

The WCL Review Team considers that 'ALAC 1.0' has the structures, the mechanisms and the leadership, both in its governance and internally with the dedicated ICANN staff, to play an influential role, and that its future and achievements will depend on how well it seizes the opportunities it now has in order to make itself heard.



We offer two notes of caution:

1. We consider that the staff resourcing provided by ICANN to support the ALAC has been short of what is needed, so we recommend that the Board consider favourably our proposals for increasing resourcing as we have described in the RALO section of this report; and
2. An additional consideration is sometimes referred to as 'the law of unintended consequences'. We note that the ICANN structure is highly complex, with intertwined connections (for example, ALAC nominees on the NomCom and NomCom appointees on the ALAC) and differing means of participation at Board level (voting members and liaisons). Because of these linkages, we recommend that any significant structural change to the ALAC (which is not proposed by this report) should be undertaken at the same time as changes in the NomCom, with which the ALAC is entangled, and that one should not be the subject of significant structural change in isolation from the other.



5 The ALAC and its structures



5.1 Structure of the ALAC

The ALAC is an Advisory Committee, which currently has fifteen members¹⁵:

- Two appointed by each of the five RALOs;
- Five appointed by the NomCom.

The WCL Review Team sees two key issues arising from this structure.

1. Regional balance

The regions are allocated according to ICANN's Geographic Regional Structure¹⁶. This distribution is increasingly unrepresentative in relation to population distribution. For example, the Asia-Pacific region currently makes up more than 60% of the total world population, yet this represents only one of ICANN's five geographic regions. ICANN's geographic distribution was more representative of Internet usage at the time of ICANN's establishment, but the growth in Internet usage over the last few years, and projected use, has resulted in significant distortions:

- China is estimated to have more Internet users than the USA as at April 2008¹⁷, this number having grown approximately nine-fold since 2000¹⁸: and
- Growth in total Asian Internet usage over the same period is estimated at more than 350%, while, by contrast, North American growth over the same period was about 120%.

Even if Asian rates of growth moderate over the coming few years, the current regional split will become increasingly unrepresentative of actual Internet usage¹⁹.

¹⁵ ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#XI>

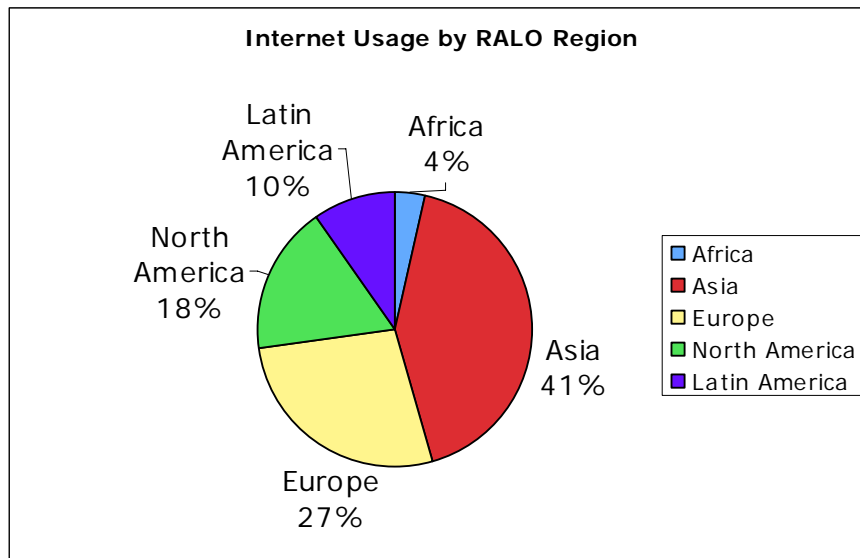
¹⁶ *ibid.*

¹⁷ Internet World Stats, March 2008, <http://www.internetworldstats.com/stats.htm>

¹⁸ *ibid.*

¹⁹ Please see our section under RALOs on Internet usage.





Source: <http://www.internetworldstats.com/stats.htm>

One option for remedying the imbalances suggested to the WCL Review Team, is to increase the number of RALOs in order to provide a more equitable regional distribution of Internet usage. This would at the least involve splitting the Asia-Pacific RALO into two or more separate entities.

The WCL Review Team recognises that the current structure with the five RALOs has been finalised only recently, and that there may be an understandable reluctance to change this before the new structures have had a real opportunity to become effective.

In addition, the WCL Review Team considers that it would be wrong to conclude that any perceived failings in the function and effectiveness of the ALAC were necessarily the result of poor structures. We agree with those who argue that the main existing structures, which have been developing (albeit slowly) over the last few years, should be given an opportunity to demonstrate their value.

We do however consider there would be merit in the short term in making some adjustment for the unbalanced distribution of ALAC representation. We address this matter in the next section.



2. Accountability

The second issue is the accountability of members of the ALAC. The Bylaws are silent on the specific accountability of members appointed by a RALO (two per region), but it is reasonable to assume that members have some responsibility to, and a requirement to communicate with, the RALO that has appointed them to the ALAC.

The position of the NomCom-appointed members is different. The NomCom call for nominations²⁰ advises that it will,

'... use the Criteria for Selection of ICANN Directors in choosing Selected Nominees for ALAC ...' and that '... experience and skills that bear on gathering, understanding, and communicating the interests of individual users would be advantageous.'

However the WCL Review Team has found no statement defining to whom the NomCom-appointed members are accountable. Recent discussion through the At-Large email lists (and in discussions directly with the WCL Review Team) demonstrates a range of opinions about this.

One view is that the NomCom appointees have a duty both to consult with and report back, to their regional RALO. The alternative view is that they are not accountable to their regional RALO but rather, by implication, to the broader 'interests of individual Internet users' (to borrow from the Bylaws' description of the ALAC's purpose). And are drawn from each geographic region so that they can bring a full range of perspectives to the ALAC's proceedings.

The limited number of ALSs cannot currently be seen to represent the 'voice' of the individual Internet user, so the WCL Review Team believes that NomCom appointees should focus less on the regional issues. We also consider that it could be helpful to reinforce the understanding of this separation by de-coupling the number of NomCom appointees from the number of RALOs.

The WCL Review Team considers that the ALAC should address (at least in part) the issue of this disproportionate regional representation on the ALAC, while not changing the fundamental structure. At the same time it should de-couple the NomCom appointments

²⁰ ICANN, 'Invitation for Statements of Interest and Suggestions for Candidates, Section E, 14 December 2007, <http://nomcom.icann.org/invitation-2008.html#E>



from the RALOs. To do this we recommend that the number of NomCom appointees to the ALAC be increased from five to seven.

The purpose of this would be to provide more representative perspectives from around the world. At present, the greatest distortion is in the under-representation of the Asian region. We therefore recommend that the NomCom continue to appoint one candidate from each of the other four RALOs and three candidates from the Asia-Pacific region, with the aim of achieving as broad a spread as possible, recognising that the Asian region covers approximately half the globe and a dozen time zones.

The effect of this change on the total make-up of the ALAC should be to improve the balance of representation, but not fundamentally alter its balance or composition. The ten RALO appointees would continue to form the majority membership, compared with seven NomCom appointees. The ALAC will grow to a total of 17 members, but we consider that this should not be significantly more complex than the current membership of 15.

We recognise that our conclusions differ from those stated in last year's Independent Review of the Nominating Committee²¹, which recommended that the NomCom should no longer appoint members to the ALAC. We were sympathetic to the intent of this recommendation but have come to a different conclusion based largely on our perception of the evolutionary stage of the RALOs and the ALAC itself. The RALOs are relatively new entities and, as we have illustrated elsewhere, the distribution, activity and involvement of ALSs to date is patchy. In an ideal (or further evolved) world, we believe the most appropriate and democratic solution would be for the members of the ALAC to be appointed or elected by as wide a range of individual Internet users as possible. At present, we believe that the established ALS/RALO/ALAC/NomCom structures are a fair proxy for broad-based individual user input.

To clarify accountability, the WCL Review Team recommends that there would be value in the ALAC or the Board agreeing formal position descriptions for the members of the ALAC, acknowledging that they are volunteers and recognising the differing lines of accountability for RALO and NomCom-appointed members (as recommended above).

²¹ Interisle Consulting Group, LLC, Independent Review of the ICANN Nominating Committee, 23 October 2007, <http://www.icann.org/reviews/nomcom-review-report-23oct07.pdf>



There is evidence in management literature that the single most common attribute of organizations that are most effective at executing strategy is that '... everyone has a good idea of the decisions and actions for which he or she is responsible.'²² One of the most basic ways to achieve this is for everyone to have a clear position description. These position descriptions should include:

- The main purpose of the position;
- The unique differentiating characteristics of the position;
- To whom it is responsible;
- With whom it relates;
- The type, content and frequency of reporting/advice that is expected, measures; and
- The terms of appointment.

Recommendation

The number of NomCom appointees to the ALAC should be increased from five to seven.

Recommendation

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

5.2 Optimal size of the ALAC

Related to the structure of the ALAC is the question of its optimal size. The WCL Review Team considers this to be dependent on the functions which the ALAC is to perform. The current size of 15 members is not unusual in a non-profit body, where the work is to be distributed among volunteers all with limited time availability. If, as we have proposed above, this number were to grow to 17 members, the WCL Review Team considers that the additional benefits of doing so will outweigh the added size and complexity.

As some submitters have observed, meeting attendance is often fewer than the current 15. So we do not consider that there is any fundamental case against increasing the size of the Committee (the ALAC itself). Looking further ahead we expect the Working Groups (such as those which are currently involved in the development of policy positions) to take over an increasing amount of this work. The ALAC's role may become more one of a monitoring and coordinating, rather than a doing, body, and this would allow the size to be reviewed. The

²² Harvard Business Review, The Secrets to Successful Strategy Execution, G L Neilson et al, June 2008.



WCL Review Team considers that, although the current size is workable, it is quite large and as a result some members are likely to feel that they cannot all participate to the same level – even ignoring issues addressed elsewhere in this report, for example language, access, etc.

Over time, we consider that an ALAC of about 12 members is optimal, balancing the need for broad-based input and a spread of workload, with the desire for efficiency in its operation. We would also hope that a more streamlined ALAC might encourage full attendance for the majority of meetings (by phone or in person), so the actual number attending might not change materially from current levels.

5.3 The Regional At-Large Organizations (RALOs)

Under the Bylaws²³, the purpose of the RALOs is described as being to:

‘... Serve as the main forum and coordination point for public input to ICANN in its Geographic Region ...’

The RALOs are made up of at least two certified At-Large Structures (‘ALSs’) within their Region and were set up to provide a geographically balanced way for the ALSs to work together to identify and ensure that regional policy priorities are reflected in the At-Large overall.

Since it has been some five years in the building, the WCL Review Team considers it too soon to make significant changes to the RALO structure.

Our analysis of the ALSs, and of visible activity within the ALSs and RALOs, which has included monitoring the five RALO Email mailing lists for the quarter ending March 2008, indicates a wide range in the levels of activity. Our review of the Email mailing list traffic shows that the North American and European RALOs have a higher level of activity compared to the other three RALOs. We believe a number of potential factors contribute to the relative lack of activity in the other RALOs, ranging from difficulty of Internet access, language difficulties and discomfort with the robust nature of debate that this medium can generate, together with a lack of familiarity or experience in engaging in significant discussions in this way.

²³ ICANN Bylaws, <http://www.icann.org/general/archive-bylaws/bylaws-08apr05.htm#1> (Article XI.S2.4.g)



A wide variety of factors has affected the formation of the RALOs and it is impossible to separate these from the economic, cultural and demographic environments that prevail in each of the regions. From the perspective of ICANN and of the ALAC, the important point here is that all five RALOs are now established. The total number of ALSs supporting each RALO²⁴ is:

Geographic Region	No. of ALSs
Africa (AF)	16
Asia Pacific (AP)	14
Latin America/Caribbean (LAC)	27
Europe (EU)	24
North America (NA)	18

So the ALAC itself has progressed from being an Interim ALAC to 'ALAC 1.0' - an AC that is now picking up momentum as a contributor to policy and debate in ICANN.

We have previously noted that the Interim ALAC had focused more on institution building, rather than policy coordination and outreach activities. This is one reason why the WCL Review Team considers it unwise to rely too heavily on observations and commentary about past performance when trying to project future activity, and more importantly effectiveness of both the ALAC and the RALOs.

The WCL Review Team has observed that some individual Internet users (the defined constituency of the ALAC) consider themselves remote from the opportunity to have real influence among ICANN's decision-makers. The following statement from the ALAC Self-Assessment conducted in 2006 makes the point, albeit in our view, over-simplistically:

'The recruitment pitch [for an ALS to be certified] is not compelling: "Form a structure [ALS] (or apply for recognition of an existing structure) in order jointly to form another structure [RALO], which will have the power to select two members to a committee [ALAC] whose chief power is to select members of a nominating committee [NomCom] that, finally, selects eight of 15 members of the ICANN Board."²⁵

²⁴ As of 10 June 2008, At-Large Applications and Certification Process, <http://www.atlarge.icann.org/applications>

²⁵ ALAC Self-Assessment and Next Steps, 1 November 2006, http://icannwiki.org/ALAC:Self_Assessment_and_Next_Steps



The WCL Review Team noted that this structure with potentially five degrees of separation, as shown below, between individual Internet users and the Board, appears at odds with modern organizational and management practice:

User → ALS → RALO → ALAC → NomCom → Board

Many organizations have removed layers of management and have instead taken advantage of the growing range of collaboration tools, such as wikis, in order to shorten lines of reporting and communication. It seems to the WCL Review Team somewhat ironic that ICANN, whose reason for existence is centred on these technologies, has developed for itself a complex and layered structure (described by one submitter as arcane) that appears more typical of pre-Internet corporations.

However, when the individual components and 'layers' of the ALAC were examined, we can understand the logic behind the formation of each. As we have stated above, we also believe that the structure that has taken so long in the building, should now be given a chance to prove its worth. That said, The WCL Review Team considers that, of all the components of the ALAC, the longer term case for retaining the RALOs is the least compelling.

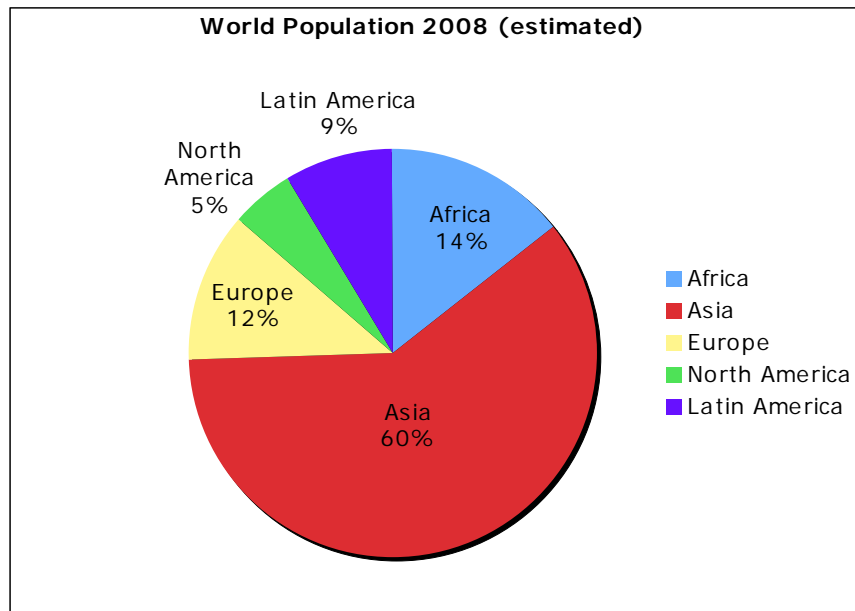
We have referred above to the unbalanced demographic base of the RALOs (reflecting the ICANN Geographic Regions). One option to remedy this would be to re-organise the RALOs at some point (perhaps coinciding with one of ICANN's regular reviews of its geographic regions), so they would become more evenly distributed against some objective criterion.

We have considered the following options for this:

Population

Under this basis, the current APRALO would be likely to split into three, while a strong case could be made for amalgamating the NARALO and the LACRALO. Besides these changes, the other RALOs would be largely unchanged. This, or some variant on it, was viewed as a practical option, possibly combined with increasing the number of RALOs to six or seven.





Source: <http://www.internetworldstats.com/stats.htm>

Time Zone

Together (and possibly combined) with the Population basis (above), establishing RALOs on the basis of common time zones appeared another practical option. Under such a structure, there is again a reasonable case for amalgamating both North and South American regions into one RALO and, separately, for splitting the APRALO into three components along approximate longitudinal lines, such that the three Asian regions could be made up of:

- Middle Eastern and Central Asian countries
- South and South-East Asia, and
- Eastern Asia/Western Pacific.

One advantage of this approach would be physiological; members could meet electronically at times which represented normal waking/working hours for all members of each RALO. However, we note that under the current distribution only the APRALO has a significant challenge in this.

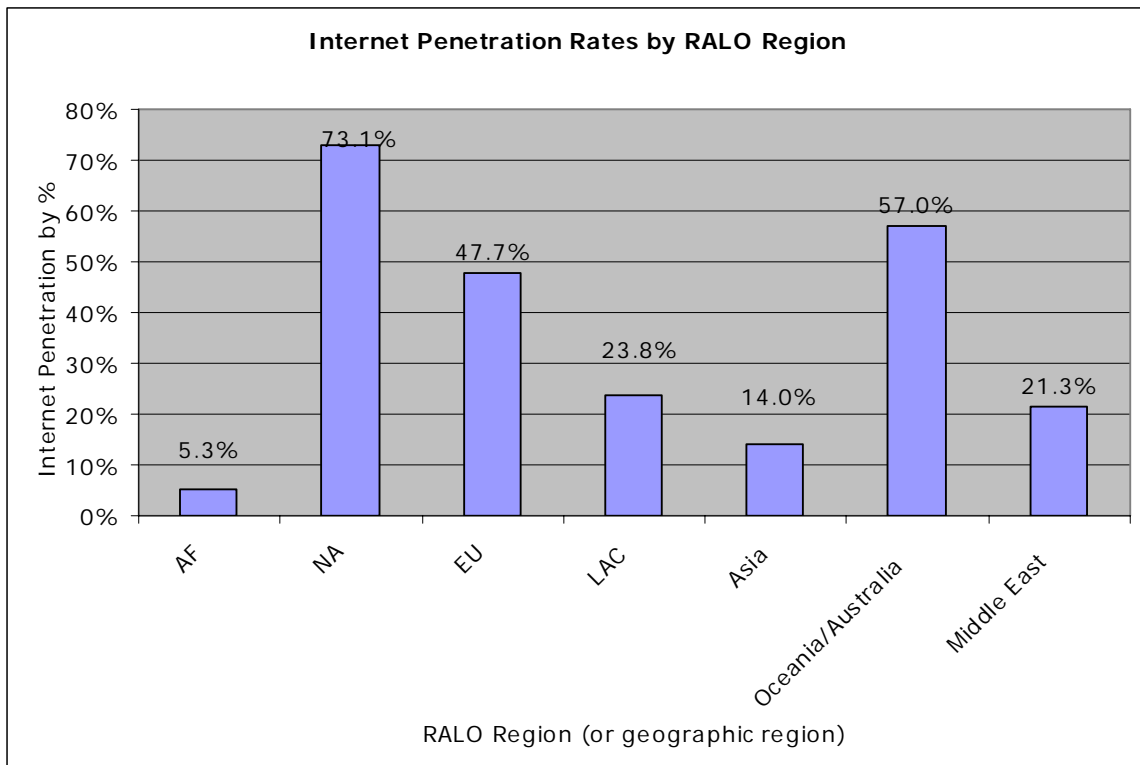
Internet Usage

The basis of allocation by total Internet usage had some initial appeal, being aligned intuitively with ICANN's overall purpose. However, the WCL Review Team discarded this



option because some regions (especially Africa) would be severely disadvantaged by using this approach.

It was also the basis in which the relativities appeared likely to change the most rapidly, potentially making any allocation obsolete within three or five years. Not only has recent growth in some parts of Asia vastly outstripped that in the economies of North America and Europe, but the degree of Internet penetration in the latter means that Internet usage can grow by only another 50% before reaching saturation. By contrast, in some of the larger and faster growing Asian economies, Internet penetration is still at low percentage levels, thus providing considerably more scope for growth to continue in these regions.



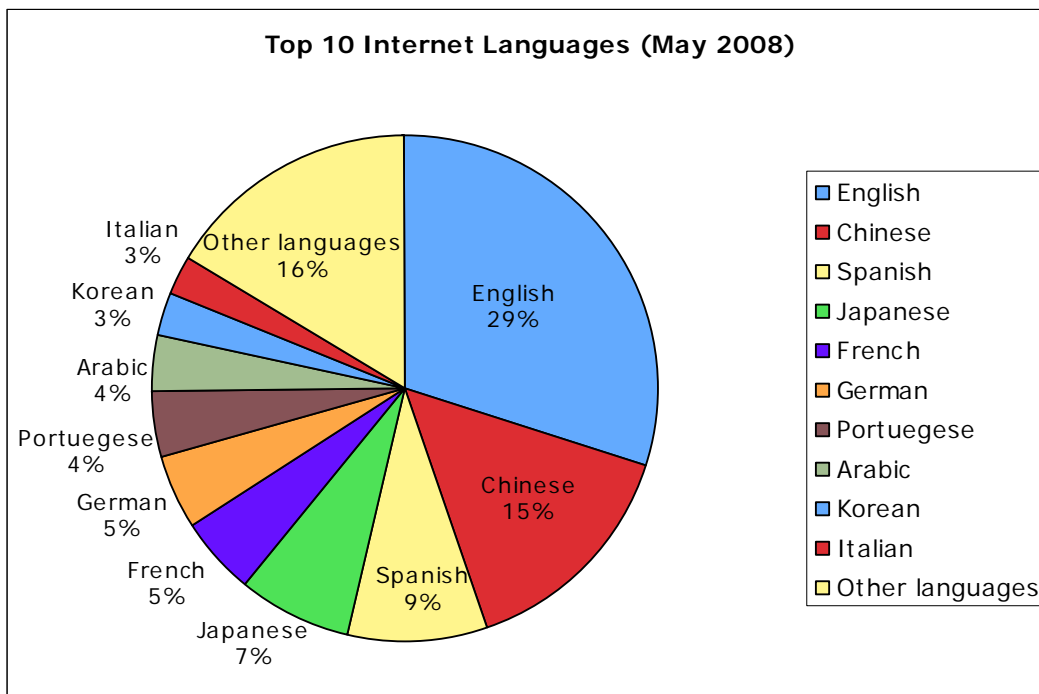
Source: <http://www.internetworldstats.com/stats.htm>

Language

The growth in the use of non-English languages is an issue which ICANN as a whole has been slow to respond to. The WCL Review Team considered the possibility of establishing a RALO for each major language - possibly the six official United Nations languages. But we concluded that 'the devil would be in the detail' of allocating and grouping regions that did



not usually communicate in the most common languages and which may lead to further distortions in balance representation.



Source: <http://www.internetworldstats.com/stats.htm>

Self-selection or 'interest' basis

A final option considered by the WCL Review Team was for the RALOs to self-organise, based on some common interests. While attractive and democratic, this is another potentially fraught option. While it is appealing to let users organise under areas of interest, this would not result in a rational appointment process to the ALAC.

5.4 Resourcing

One constraint, which several submitters discussed with us, was the low level of ICANN resourcing provided to the RALOs (and to the At-Large generally). Some submitters noted in contrast the comparatively extensive global resources allocated to ICANN's Global and Strategic Partnerships. We have not been able to obtain an accurate and detailed picture of the total costs of the ALAC (largely because of the architecture of ICANN's accounting system, which does not readily produce activity-based information). We have been advised by ICANN staff that, besides direct staff costs, the approximate cost of the ALAC is about



\$USD500,000 annually. We understand that there are additional costs, particularly around travel and accommodation for ICANN meetings, beyond this level.

Recommendation

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

However we consider that knowing details of the current cost of the ALAC is less important than an estimate of future costs. Resourcing needs to be at a realistic and workable level that will enable the ALAC and its regional structures to operate effectively and without undue burdens being placed on volunteers. We note that the estimated commitment of five hours per week²⁶ for members of the ALAC is a bare minimum. The call for nominations notes that ALAC members serving on Working Groups or as Liaisons to other parts of ICANN, can expect a higher commitment. From our experience, it is probably also necessary for involved individuals to devote at least 15-20 minutes per day simply to stay abreast of the Email mailing list traffic – regardless of whether one makes a contribution to a discussion. Volunteers would require extra time to ensure effective coverage of relevant activities through ICANN, given the extent and complexity of ICANN's website.

The ALAC website is integral to its operations. We note that in the last few months the ALAC has launched a new website²⁷ and we consider this to be a significant improvement on the former site. Navigation is more intuitive, the presentation, layout and links appear more attractive and user-friendly and aligned with modern website design and functionality. There are also greater options for non-English speakers. We understand this has been developed by ICANN staff, so the cost will be covered in the existing overhead. We commend this development and believe the new website will prove a significant catalyst to growth in the effective participation of individual Internet users.

One option for increasing the effectiveness of the RALOs (and the ALAC) would be to allocate increased resources to supporting each. The WCL Review Team has been advised that the support function for the Stability and Security Advisory Committee (SSAC) works effectively and some people have suggested a similar model for the ALAC. Until recently, ICANN had only one staff member specifically devoted to supporting the At-Large structures. There are now two new staff members, who took up their positions earlier this

²⁶ ICANN Nominating Committee's Frequently Asked Questions for 2008, <http://nomcom.icann.org/faqs.htm#3>

²⁷ What is At-Large?, <http://www.atlarge.icann.org/>



year, but considering the size of the At-Large community (i.e. the world) we believe this is still a very low level of resourcing. While 'ALAC 1.0' is still at an early stage of development, a resource level of at least one full-time ICANN employee per geographic region, appears reasonable.

Assuming that the current five regions remained intact, and that the total cost of each additional staff member was in the order of \$US100,000 annually, a required budget for this change would be up to \$US500,000 annually. This equates to approximately 1% of the total annual operating budget of ICANN. These roles should have a clearly defined purpose, lines of reporting, accountability and measures of success.

Key functions would be:

- Policy analysis, on behalf of the ALAC, with a regional focus where relevant;
- Coordination of RALO and ALS activities;
- Assistance with participation via the ALAC's global outreach, in this we note the ALAC's recent comments to the ICANN Board on the Draft Operating Plan for 2008-2009²⁸:

'We draw the attention of the board to the many comments about the importance of dramatically increasing the outreach ... we propose that there is broad support for greatly increased work by ICANN in these respects.'

There may be a potential overlap, and therefore sharing of resources, with ICANN's Global and Strategic Partnerships team (we note that assistance is currently provided to the ALAC by the regional liaisons from this team). Thus it may be possible to provide a considerably enhanced level of support for the At-Large structures for a lower cost than we have estimated.

Considering the above, at this stage, the current distribution of the RALOs should be left unaltered until the next ALAC review, in order to give each institution the opportunity to demonstrate value to the At-Large organization. At the next independent review of the

²⁸ At-Large Advisory Committee Statement to the ICANN Board on the Draft Operating Plan for FY 2008/2009, <http://public.icann.org/files/atlarge/ALAC%20Statement%20on%20the%20Draft%20Operating%20Plan%20for%20FY%202008-2009.pdf>



ALAC, we propose that the continuation of the RALOs be one of the major questions resolved.

ICANN should increase resourcing to support the ALAC, to the extent of one new employee per region. If the RALO structure was to be significantly changed, or even abolished in the next few years, we consider that the requirement for these positions, in support of the geographic regions, would continue and could even increase. So we do not consider that this recommendation is in any way at odds with our recommendation to review the continued existence of the RALOs at some point in the future.

Recommendation

The current distribution of the RALOs be left unaltered until the next ALAC review.

Recommendation

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



6 Effectiveness of the ALAC to date



6.1 The impact of the At-Large structure on advice to ICANN

We have been asked to consider whether advice provided to ICANN through the multi-level structure of the ALAC (ALS / RALO / ALAC) ever conflicts. The main comment we have received is the desire to see more policy advice from the ALAC. Nobody has told us that the advice has conflicted.

In recent weeks, the ALAC mechanism has been credited with providing some valuable advice in relation to the policy discussion around domain tasting. The WCL Review Team believes it is too early in the evolution of 'ALAC 1.0' to know whether the structure as it exists is likely to lead to conflicting advice. However, we note that an increasing amount of the ALAC's policy work is being conducted through formal Working Groups. This, combined with proper processes in the workings of the ALAC itself (which in turn is partly a function of how effectively meetings and activities of the ALAC are chaired), should ensure that any conflicts of advice are minimised and are no worse than they might be in any other widely-distributed structure.

Another view expressed to the WCL Review Team is less about conflicting advice, and more about the perception that the ALAC fails to involve the ALSs or even the RALOs in its deliberations, apparently because it considers itself the decision-making entity on behalf of the individual Internet users. There was a view that the increasing use of Working Groups over the last year should help to remedy this. We consider the important issue to be that the ALAC be seen to deliver value-adding advice on ICANN's activities as they relate to the interests of individual Internet users, and that, in doing so, it should be seen to have a firm basis from which to provide this advice. We are pleased to observe that the aforementioned policy Working Groups are addressing this.

6.2 Influence and voting

The channels through which the ALAC exercises its influence are tortuous but extensive:

- The ALAC appoints five of the seventeen voting members of the NomCom (nearly 30%). This gives the ALAC significant, although indirect, influence over appointments to most of the policy-setting units of ICANN (notably the Board and the SOs).
- The ALAC appoints a Liaison to the Board, to the SOs, and some of the other ACs. Through this mechanism, the ALAC is able to contribute to and influence most of the key policy-making processes; but, as Liaisons, these appointees do not have the right to vote.



6.3 The ALAC Board Liaison

The WCL Review Team has received several submissions, specifically relating to the ALAC's lack of a voting position on the Board of ICANN. The arguments have ranged between two extremes:

- The ALAC needs to be able to vote at the Board in order to exercise real influence. The absence of a vote casts it as a 'second class citizen' within ICANN, compared to full voting members.

As opposed to:

- The debate over a vote is a diversion from the substantive question of how the ALAC and its Liaison contribute to, and influence, the ICANN Board's decision-making process and would still represent only a small proportion of the fourteen voting members of the Board.

We were not provided with, nor have we found, any evidence that the lack of a voting position on the Board has disadvantaged the ALAC or led to a decision that might have been different if the voting structure had been different. That said, the majority of submitters who addressed this matter expressed themselves in favour of giving voting rights to the ALAC Liaison to the Board. Some of these submitters have argued, with varying degrees of strength, that the ALAC should have a Board voting seat. Some of these submissions believe voting rights to be of symbolic importance, which will acknowledge the importance of the At-Large community to ICANN's overall purpose.

The authors of the 2007 NomCom Review²⁹ made a case for giving the ALAC a status at the Board equivalent to that of the SOs, namely two voting members. They also argued for an end to the NomCom appointing five of the 15 members of the ALAC, and replacing this with some form of direct election from the At-Large community.

We have observed that a significant majority of the submitters arguing for the ALAC to have voting rights at the Board are based in North America, whereas this does not seem to have been such a significant issue for submitters from other regions. We are unable to determine why this is the case, but we consider that cultural differences might contribute: it may be argued that a more confrontational, win/lose, approach is more common or accepted in

²⁹ Interisle Consulting Group, LLC, Independent Review of the ICANN Nominating Committee, 23 October 2007, <http://www.icann.org/reviews/nomcom-review-report-23oct07.pdf>



North America than in some other parts of the world, in which consensus-based decisions are the norm and efforts are made to avoid the perception of 'winning' or 'losing' a debate.

Some submitters did note a few instances of positive contribution and influence from the ALAC (although often driven by one committed individual), which had led to a decision or change being agreed by the Board³⁰.

The WCL Review Team believes that two broader governance considerations are also relevant:

1. Consensus based decision-making

We consider that good organizational governance involves Board decisions usually being reached through a consensus process, rather than through the mechanism of a formal vote, under which the majority carries the day. We note that most decisions of the ICANN Board are reached by consensus and are usually confirmed through a unanimous formal vote. If the ALAC had one or two voting positions (of fourteen – or more) on the Board, it would be unlikely to make a substantial difference to the outcome of most debates. We also note that some decisions of the Board have been reached through split voting, in some cases quite narrowly. In such instances, therefore, one or two additional votes might have swung the balance.

It was, however, argued that the existence of the right to vote might lead to an undesirable reduction in consensus-building in favour of a more confrontational majority-seeking approach.

2. Split responsibility

ICANN's Bylaws define the Duties of Directors, including:

'... The duty to act in what [Directors] reasonably believe are the best interests of ICANN and not as representatives of the entity that selected them ...'³¹

As Liaison to the Board, the ALAC Liaison can participate in Board affairs, and receive all Board information, but with a total commitment to representing the ALAC cause. If this Liaison became a formal voting position, it is possible that the influence of the ALAC might be diluted, rather than increased, since the member would have the duty (set out above) to

³⁰ We note especially the recent (early 2008) debate around Domain Tasting, an initiative in which a member of the ALAC was heavily involved in.

³¹ ICANN Bylaws, <http://www.icann.org/general/archive-bylaws/bylaws-08apr05.htm#VI>



act in the interests of ICANN and not as the representative of the ALAC. While this would not present a problem most of the time, the rare occasion when the interests of ICANN were perceived to clash with those of the ALAC would be the very times when the ALAC might want its 'voice' at the Board to represent its views without any such conflict.

Several submitters argued that the additional influence (and prestige) to be had by being a voting member of the Board was relatively minor in comparison to the main benefits of Board participation, which include access to information and the opportunity to participate in Board discussions. These benefits are available to Liaisons as well as to voting members.

The WCL Review Team considered that the arguments in favour of a voting Board seat were not sufficiently compelling to outweigh the consequences of such a change, in isolation from other considerations such as:

- Whether the other ACs should / would seek similar rights if the ALAC achieved a voting position;
- The intricate relationship between the ALAC and the NomCom; and
- The consequent impact on the potential size of the Board.

Such consequences are largely beyond the scope of our Terms of Reference, but we consider that they are valid considerations for the forthcoming Independent Review of the Board³².

The WCL Review Team believes that a key goal for the ALAC should be to establish a position within ICANN as a valued, respected contributor to development of policy relating to ICANN's purpose.

6.4 Other Liaisons

Besides a non-voting Liaison position on the Board, the ALAC appoints non-voting Liaisons to other ACs, SOs and Constituencies. From the comments provided to us, it would appear that the effectiveness of these roles depends heavily on the calibre and commitment of the person elected as Liaison. Any perceived deficiencies do not appear to result from structural failings, including the absence of the right to vote.

³² Draft 1.0 - Terms of Reference for the 2007 Review of the ICANN Board, <http://www.icann.org/reviews/icann-board-review-20sep07.pdf>



The 'Qualification Criteria' for Liaisons are set out in Rule Five of the ALAC's Internal Rules of Procedure³³. Liaisons are expected 'to communicate and advocate the positions of the ALAC' to the bodies to whom they are Liaison, and not to use the position for promoting their personal agenda. While several submitters have noted anecdotally that appointments sometimes appear to go to those who have a strong personal agenda, we do not believe this to be the case, and consider the Liaison role to be taken seriously by the current members of the ALAC. While there is certainly value in these Liaison positions and thus the ALAC has a significant responsibility to ensure the right people (from the whole of the At-Large perspective) are appointed to such positions.

Recommendation

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

6.5 Why should an individual Internet user seek to participate?

Individual Internet user involvement is necessary to counter-balance any potential domination by those who are professionally involved with the Internet or with government, and for whom ICANN provides specific vehicles for involvement - such as the various constituencies of the GNSO, the ccNSO, and the GAC. As we have demonstrated previously, the ALAC is a valid and appropriate channel for the involvement of individual Internet users.

With the RALOs in place, and the period of institution building that the ALAC has been undergoing finally over, it is appropriate that the ALAC focus on the processes it needs to operate effectively and on the results the ALAC is intended to achieve – as recommended later in the report.

6.6 Can an individual Internet user understand the At-Large structure?

ICANN's structure is undoubtedly complex, and the At-Large structure is no exception. However, as discussed earlier we consider the existing structure to be both rational and well founded.

³³ At-Large Advisory Committee Rules of Procedure, Revision 10, Adopted April 2008, https://st.icann.org/lite/page/alac/rules_of_procedure



Explanations of the structure and reasons for it are difficult to locate. For someone without a background in ICANN and without an excellent command of the English language, this presents a significant barrier to understanding.

Recommendation

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

6.7 The level of advice provided by the ALAC to ICANN

Although the Interim ALAC was created some five years ago, 'ALAC 1.0' has only recently been fully established. The Interim ALAC was focused more on certifying ALSs and establishing the RALOs. A number of submitters suggested that the Interim ALAC did not provide useful and timely advice to ICANN.

However we have observed that the ALAC has provided advice, perspective and leadership in the development of policy on domain tasting. The ALAC's perspective on this, as a representative and participative body for individual users, is likely to have been significantly different from that of registrars or ISPs. Through its Liaison to the GNSO, the ALAC has assisted with the development of policy which addresses the interests of individual users. It would appear that the ALAC's input has been accepted and is likely to become a part of ICANN policy on this matter.

The ALAC also maintains a liaison on the IDN Working Group. IDNs have been a consuming policy area for ICANN for many years, and the ALAC's representation on the Working Group reflects the fact that individual user perspectives on IDNs may well not align with those of governments or ISPs.

6.8 How much 'voice' has the individual Internet user achieved in ICANN through the ALAC?

Some submitters have been strongly positive on this point, while others have been more mixed. There is a regional pattern here. Most of those arguing that the ALAC has been ineffective appear to be from North America. To a great degree submitters from other parts of the world have been positive about the ability of the ALAC to provide a voice for individual Internet users.



The WCL Review Team considers that individual Internet users have gained a voice through the ALAC which is now beginning to be heard. We have observed some regional variation and consider this to be an inevitable consequence of ICANN's regional structure.

6.9 How effective is the ALAC?

If one regards the years of the Interim ALAC as a period dominated largely by institution building, setting up the ALSs, RALOs, and the means of communication and participation, then it becomes relatively easy to understand the range of opinions about the ALAC that we have received, for example:

- 'The ALAC is a complete waste of time.'
- 'ALAC has made significant improvement over the past 1-2 years.'
- 'It has always puzzled me whether ALAC has any substantial agenda.'
- 'The ALAC is the conscience of ICANN.'
- 'In my opinion, the work [of] the Interim ALAC was very bad ... Apart from some worthy exceptions, it only took up the privileges [ICANN] gave them and travelled free all over the world.'

We received several comments on the stage of maturity of the ALAC, including the following, which we believe represents a valid perspective:

'It's just that At-Large is still teething. We can barely wrap our collective heads around the narrow issues such as domain tasting, new gTLDs and IDNs. Until not very long ago procedure dominated policy as At-Large's collective time-suck ... Slowly things are starting to gel, but we're still some distance from what I would consider the maturity necessary to be consistently taken seriously as the "voice of the public" by the rest of ICANN.'

We consider that such comments, relating as they do to the Interim ALAC, are not relevant to the current ALAC. However, for the ALAC to gain universal respect across the various arms of ICANN, an extended programme of internal communications will be necessary. We are aware that some of the ALAC Liaisons are playing a significant and well-appreciated role, from comments we have received from some of the SOs, but other linkages appear to have made relatively little impact.



This quote perhaps encapsulates the maturity of the current ALAC:

'...Like a teenager, who has been through the stage where it needs continuous supervision and is now capable of some serious and useful work, albeit with the risk of occasional excesses and unfocused behaviour.'



7 The ALAC's Procedures



7.1 Planning

The WCL Review Team notes that ICANN has a rolling three year Strategic Plan, which is reviewed and updated annually. This is supported by an annual Operating Plan which formalises the priorities (set out in the Strategic Plan) into actions for the next 12 months. Both these plans are developed iteratively, based on open stakeholder input according to a prescribed timetable.

While the ALAC contributes positively to the formation of these plans³⁴, the WCL Review Team found little evidence of similar plans for the ALAC itself.

The purpose of the ALAC is defined in the ICANN Bylaws and is 'high level.' This allows a useful degree of freedom for the ALAC to set strategic and tactical objectives, in relation to its overall purpose. We believe this freedom bestows a responsibility on the ALAC to define and implement its own strategic and operational plans.

As noted above, we have not sighted evidence of the ALAC's strategic and tactical objectives. However we have observed a Top 10 Issues list³⁵ on the ALAC wiki, which may provide one useful input into the development of strategic and operational plans. Several submitters have stated that the ALAC must agree a mission and work toward it.

7.1.1 Why develop a Strategic Plan?

The development and use of strategic planning serves a variety of purposes, including to:

1. Clearly define the purpose and establish realistic time bound objectives aligned with that purpose, given the resources available;
2. Build consensus and ownership within the community by involving them in the development of the plan;
3. Ensure the most efficient and effective use of resources by focusing them on the agreed key priorities; and
4. Provide a mechanism to measure and report progress against priorities and communicate changes when needed.

³⁴At-Large Advisory Committee Statement to the ICANN Board on the Draft Operating Plan for FY 2008/2009, <http://public.icann.org/files/atlarge/ALAC%20Statement%20on%20the%20Draft%20Operating%20Plan%20for%20FY%202008-2009.pdf>

³⁵ALAC Top Ten Issues List, https://st.icann.org/alac/index.cgi?alac_top_10_issues



Recommendation

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;
- Prior to 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 Statement of Intent would provide high-level objectives and actions in the interim period, until the development of both the Strategic and Operational plans (during the next ICANN annual planning cycle). The development of these two plans should be included as activities in the Statement of Intent.

We note that this recommendation is consistent with the GNSO Review³⁶ which similarly concluded that the GNSO should develop and publish an annual policy development plan.

7.1.2 Plan development and reporting

The ALAC Strategic and Operational Plans should be developed along the same lines as the equivalent ICANN documents, with multi-stakeholder input and debate. Once complete, they should be presented to the ICANN Board for finalisation and agreement. All activities and outcomes requiring ICANN funding should be presented to the Board with expected costs and success measures.

This implies that the ALAC will request and secure funding from the Board based on agreed operating objectives as part of the ICANN annual planning process. The ALAC should review its progress against the agreed activities and outcomes, as stated in the Operational Plan and report against it to the Board and other stakeholders on a quarterly basis. This review mechanism will provide the ICANN Board with an opportunity not only to monitor progress

³⁶ LSE Public Policy Group and Enterprise LSE, A Review of the Generic Names Supporting Organization (GNSO), September 2006, <http://www.icann.org/announcements/gns0-review-report-sep06.pdf>



on the current plan but also to use this information in future planning cycles as a primary input in assessing the efficiency and effectiveness of the achievement of the objectives.

Any future increase in resource allocation should be closely aligned to planned outcomes and objectives agreed with the ICANN Board during the annual planning cycle.

7.2 Internal procedures and policies

The ICANN Bylaws are prescriptive regarding some of the activities of the ALAC but also provide a degree of freedom for the ALAC to develop and manage many of its operating and certification procedures.

Since its inception in 2003 the ALAC has developed and refined a number of these policies and procedures, including the ALS application and certification process³⁷ and the ALAC Internal Rules of Procedure³⁸. This document contains 26 well defined operating rules covering:

- Participation and Accreditation;
- Organization of the ALAC;
- Conduct of business;
- Adoption and amendment of the Rules of Procedure;
- Additional Rules of Procedure;
- Modifications to the rules where a virtual meeting is held.

The purpose and scope of the Rules of Procedure are;

‘These Rules of Procedure are those that shall be used for the purpose of the At-Large Advisory Committee (ALAC) these rules are meant to be used as a routine matter for ALAC related elections, and General Procedures. ALAC may amend the rules for their use as they shall see fit; it is not necessary for the community as a whole to adopt rules which are identical.’

These rules have largely been developed using procedures from publicly available sources. A number of submitters decried the current Rules of Procedure as being overly prescriptive, particularly in relation to voting. This has had the effect of moving the ALAC

³⁷ At-Large Structures, <http://alac.icann.org/correspondence/structures-app.htm>

³⁸ At-Large Advisory Committee Rules of Procedure, Revision 10, Adopted April 2008, https://st.icann.org/lite/page/alac/rules_of_procedure



away from being a group that seeks full consensus, to one where a majority is sought in the first instance.

The WCL Review Team supports a return to a more consensus-driven approach, noting however that in the absence of a consensus, the ALAC may need to conclude various activities using a simple majority vote.

Notwithstanding this point, we believe the ALAC has progressed well in developing its current rules and operating procedures and that they are broadly sufficient to guide most of its activities. This of course assumes that the various policies and procedures are correctly followed. We believe ensuring adherence to procedure is one of the key roles of the Chair. In ensuring compliance the Chair must also insist that procedures are not used by individual members to their own advantage or for pushing personal agendas.

7.3 Selection of the ALAC members

Under the ICANN Bylaws³⁹ Section IV c, members of the ALAC are appointed for rolling two-year terms, so approximately half of the membership is due for renewal each year.

In a traditional governance model, this could be regarded as a high rate of turnover and considered too short a time for a member to play a full part. We consider that there are two counter-arguments to this. Firstly, the work of the At-Large community is conducted openly, so people can participate fully without being members of the ALAC. As a result, most candidates will be fully informed on key issues prior to their appointment to the ALAC and they can therefore be expected to play a full role from the time they are selected. Secondly, all ICANN Board and Committee roles are voluntary, besides travel and reimbursement of some expenses. Because of this, it might be seen as too onerous to ask people to commit to a term of more than two years. We consider the current membership terms to be appropriate.

We have noted elsewhere that the work of the ALAC is increasingly being conducted through Working Groups, and that the ALAC itself is evolving to having more of a project governance – rather than direct policy development – focus. In addition, we have recommended an increase in ICANN staff support for the ALAC, so the total workload of members of the ALAC might be expected to reduce over time.

³⁹ ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#IV>



Although the Westlake Review Team has received no submissions or comments on this subject, we believe it will be appropriate for the ALAC, as a consequence of this evolution, to be focused more strategically. Therefore we believe there would be no advantage in extending the term of appointment for ALAC members.

Selection Process

The selection process has been described to us as not transparent. Again however, the comments we received appeared to relate to historical rather than current appointments.

We also note that the operations of the NomCom are confidential by design. Accordingly, we are unable to assess the processes behind the NomCom's appointment of the 5 current members of the ALAC, or indeed the impact and participation of the ALAC's delegates on the NomCom.

Among the submissions we received, there was some perception of cronyism about the appointments from the ALAC to the NomCom, and vice versa, and also about the RALOs' selection of some of their nominees.

We were unable to establish whether there is substance to this perception. We would argue that just because the pool from which the ALAC members and its nominees to other positions appears small - does not mean there is anything necessarily wrong with the manner by which they are appointed. In the WCL Review Team's view, as the ALSs and RALOs become more engaged and active, positions should become more widely contested and less open to perceived manipulation.

7.3.1 Chair role and selection

The role of the ALAC Chair is significantly more demanding than that of the other members of the ALAC. The role includes providing leadership of the ALAC, being a spokesperson on its behalf (again for the ALAC's views, not her/his own) and coordination with the ALAC staff. The latter will become a larger task as the ALAC staff support numbers grow.

The Chair is elected by the then current members of the ALAC each year, for a one-year term. The WCL Review Team considers that this could lead to a lack of continuity in the leadership of the ALAC.



Again, this has not been raised with us as an issue, however we believe that a two-year term for the Chair would offer more opportunity for strategic leadership and allow the Chair to make a more significant contribution to the ALAC.

If a Chair was appointed at the end of their second year on the ALAC, then their second year as Chair should be dependent on their re-selection at the end of their term as a member of the ALAC.

Recommendation

Extend the term of appointment of the ALAC Chair to two years.

Other officers of ALAC

In addition to the Chair, the ALAC may have up to two Vice-Chairs and a Rapporteur⁴⁰. We believe there is no need to appoint additional officers beyond these four to the ALAC.

7.4 ALS procedures

7.4.1 ALS certification criteria

There are two sources that contain the criteria for accrediting ALS applications⁴¹:

1. The Bylaws of ICANN, Article XI, Section 2, Part 4(i)⁴² "...The criteria and standards for the certification of At-Large Structures shall be established in such a way that participation by individual Internet users who are citizens or residents of countries within the Geographic Region (as defined in Section 5 of Article VI) of the RALO will predominate in the operation of each At-Large Structure while not necessarily excluding additional participation, compatible with the interests of the individual Internet users within the region, by others.'
2. The 'Minimum Criteria for an At-Large Structure'⁴³ as proposed by the Interim At-Large Advisory Committee and accepted by the Board of ICANN on 23rd June 2003⁴⁴ in Resolution 03.102

⁴⁰ At-Large Advisory Committee Rules of Procedure, Revision 10, Adopted April 2008, https://st.icann.org/lite/page/alac/rules_of_procedure

⁴¹ At-Large Advisory Committee Guidelines for At-Large Structure (ALS) Application Evaluation, 23 July 2007, <http://www.atlarge.icann.org/files/atlarge/ALAC-2007-SD-2-Rev7%20ALS%20Application%20Interpretation%20Guidelines%20-%20EN.pdf>

⁴² ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#XI>

⁴³ ICANN Montreal Meeting Topic: Formation of At-Large Groups, 15 June 2003, <http://www.icann.org/montreal/alac-organization-topic.htm#1>

⁴⁴ Preliminary Report, Regular Meeting of the Board – Montreal, 26 June 2003, <http://www.icann.org/minutes/prelim-report-26jun03.htm>



7.4.2 Minimum criteria

The minimum criteria elaborate upon the Bylaw provision and state the below five criteria. Any change to the minimum criteria would require ICANN Board assent before the modifications can be brought into force, which itself would also require a public comment period:

1. Commit to supporting individual Internet users' informed participation in ICANN by distributing to individual constituents/members information on relevant ICANN activities and issues, offering Internet-based mechanisms that enable discussions of one or more of these activities and issues among individual constituents/members, and involving individual constituents/members in relevant ICANN policy development, discussions and decisions.
2. Be constituted so that participation by individual Internet users who are citizens or residents of countries within the Geographic Region in which the ALS is based will predominate in the ALS' operation. The ALS may permit additional participation by others that is compatible with the interests of the individual Internet users within the region.
3. Be self-supporting (not rely on ICANN for funding).
4. Post on the Internet (on the ALAC's website or elsewhere) publicly accessible, current information about the ALS's goals, structure, description of constituent group(s)/membership, working mechanisms, leadership, and contact(s).
5. Assist the RALO in performing its function.

When reviewing an application, the ALAC predominantly evaluates against these minimum criteria. The WCL Review Team believes the certification criteria are sufficient with one potential change. We found it difficult to ascertain whether a certified ALS genuinely represented individual Internet users, or more appropriately belonged to the NCUC.

Reccomendation

We recommend that, in determining whether to register an ALS, the ALAC should explore ways to differentiate between organizations that genuinely represent individual Internet users as opposed to those which may be a better fit with the the NCUC.



7.4.3 ALS certification process

At the New Delhi meeting in February 2008, the ICANN Board unanimously passed a resolution to change the ALS certification process and amend appropriate Bylaws⁴⁵. The new process is designed to be faster and more inclusive.

The certification process is described in Section II of the At-Large Framework Formation⁴⁶. This process requires the applicant to submit an application form⁴⁷ which is available in multiple languages. ICANN staff then complete due diligence to ensure the organization does/will meet the minimum criteria outlined above. This information is then supplied to all current members of their regional RALO for review.

Following the due diligence period, the application, including any RALO member comments, is forwarded to the ALAC for certification. In order to be certified the voting process requires a majority of the ALAC quorum (as defined in the ALAC's Rules of Procedure). The ALAC is required to advise the applicant of its decision, and if applicable provide information on requesting a review (see below). The process outlined above also includes various ALS assistance and suspension provisions.

Notwithstanding the suspension provisions, the new process also requires that the ALAC members and ICANN staff work to ensure that applicants are advised of any decision within 90 days of receipt of the application.

The WCL Review Team believes that this new ALS certification process is a significant improvement on the existing one.

Recommendation

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

⁴⁵ Minutes for the Regular Meeting of the ICANN Board of Directors, ICANN Bylaws Change Request from ALAC, 15 February 2008, http://www.icann.org/minutes/minutes-15feb08.htm#_Toc68181220

⁴⁶ At-Large Framework Formation, <http://www.atlarge.icann.org/en/framework.htm>

⁴⁷ Application for "At-Large Structure" (ALS) Designation, <http://www.atlarge.icann.org/files/atlarge/als-application-form-en.doc>



7.4.4 Applicant review

In the event of an applicant not being certified, three review options are available to the applicant⁴⁸:

1. Request that the ALAC reconsider its decision;
2. Ombudsman; and
3. Invoke the Board Reconsideration Procedure.

7.4.5 ALS de-certification process

The de-certification process is described in Section II 1.7 of the At-Large Framework Formation⁴⁹.

The ALAC may choose to de-certify an ALS due to persistent non-compliance with significant ALS requirements. The ALAC must provide advance notice to the ALS in question and give an opportunity to be heard and respond to the ALAC prior to a final decision on de-certification. The ALAC will advise the ALS of the de-certification decision and provide information on requesting a review. A two thirds majority of all ALAC members is required for de-certification.

While the process for certification and de-certification are well defined, we found no evidence of post certification compliance audits and we are advised that to date no ALS has been de-certified.

Recommendation

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

Recommendation

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

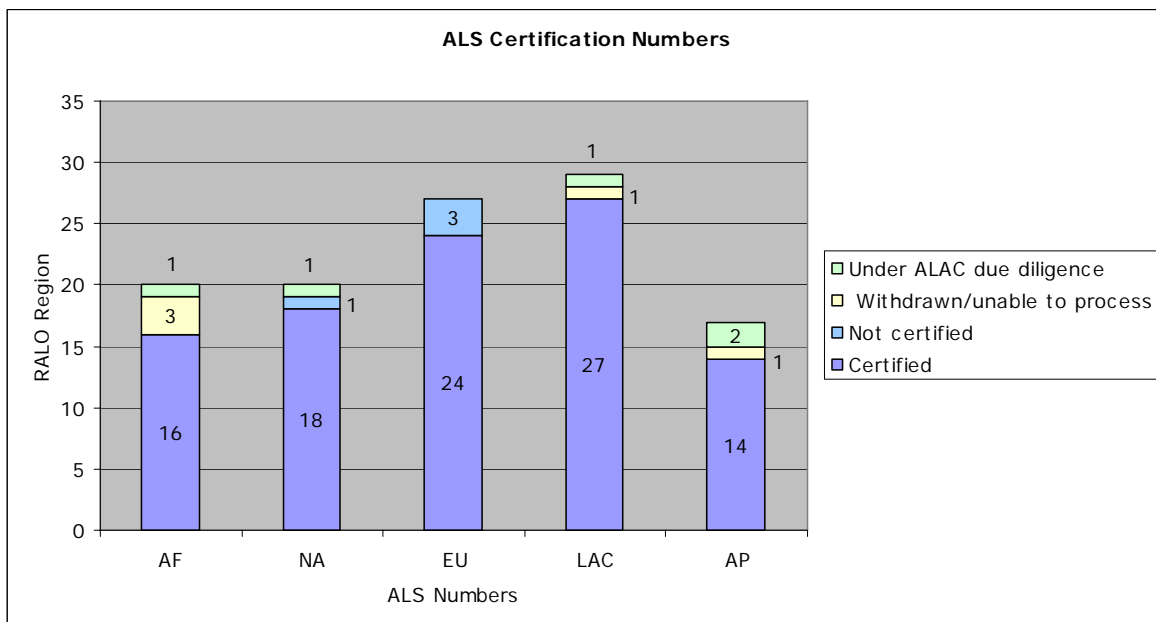
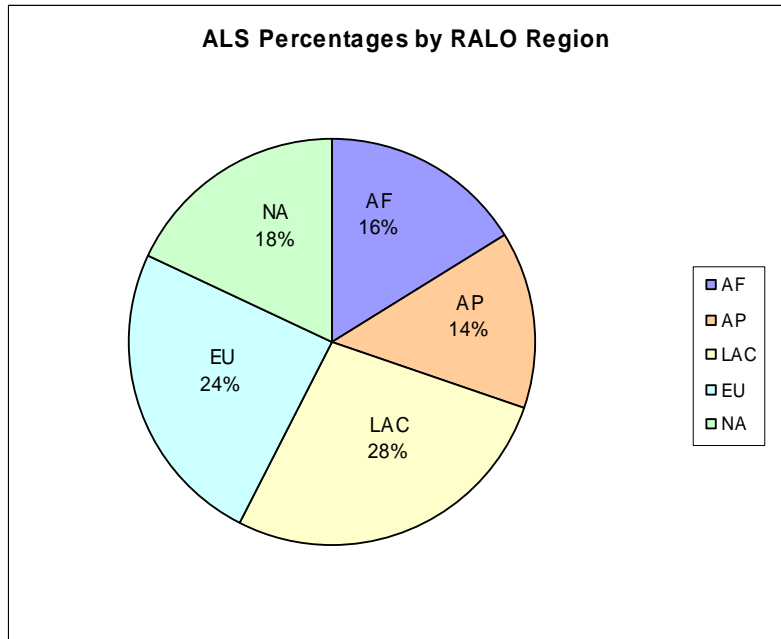
⁴⁸ ALS Application Information, https://st.icann.org/alach/index.cgi?als_application_information

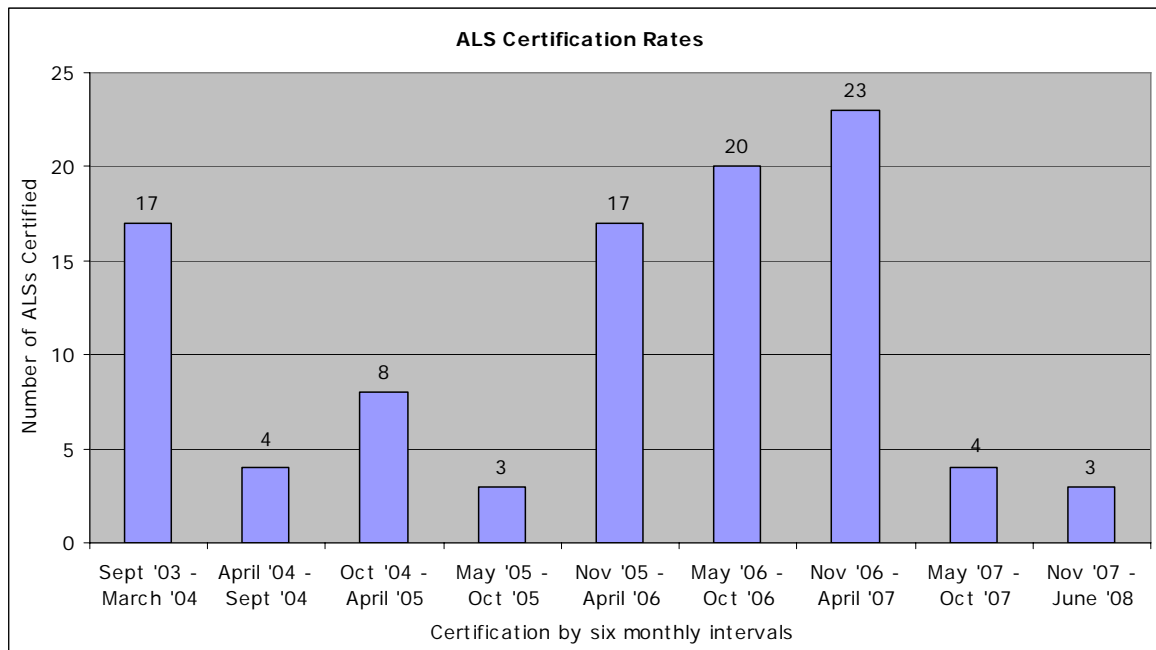
⁴⁹At-Large Framework Formation, Certification Process for At-Large Structures (ALS), <http://www.atlarge.icann.org/en/framework.htm#CertificationProcess>



7.4.6 ALS certification trends

We found no evidence of targets or goals for the number of ALS certifications and we suggest that the ALAC Strategic Plan include a key performance metric around the numbers of ALSs certified, and the levels of engagement and involvement.





7.4.7 ALS compliance

In addition to receiving comments on the activity and compliance of ALSs, we undertook a web review of ALSs to determine the level of ICANN related activity and compliance with the requirements for certification.

ALS compliance rates in accordance with number 4 of the minimum criteria⁵⁰ reveal some interesting information. The criterion states each ALS must:

‘Post on the Internet (on the ALAC’s website or elsewhere) publicly-accessible, current information about the ALS’s goals, structure, description of constituent group(s)/membership, working mechanisms, leadership, and contact(s).’

The WCL Review Team judged compliance under the above criterion as a good faith attempt at fulfilling this transparency measure. The WCL Review Team was unable to find this information on the ALAC site in lieu of the individual ALS websites. A brief review of each of

⁵⁰ At-Large Structures, <http://www.atlarge.icann.org/correspondence/structures-app.htm>



the current 99⁵¹ accredited ALS websites (which was listed in their initial application form) reveals 49% were compliant with this criterion.

43% of ALSs have no information listed online about their organization's goals, structure, membership, processes or leadership. This includes a significant portion of ALSs (18% of the total 99 ALSs) who have not listed a website in their application, or the listed website is now defunct. Considering their purpose, it is not unreasonable for the ALAC to insist at application that each ALS have an active web-based presence.

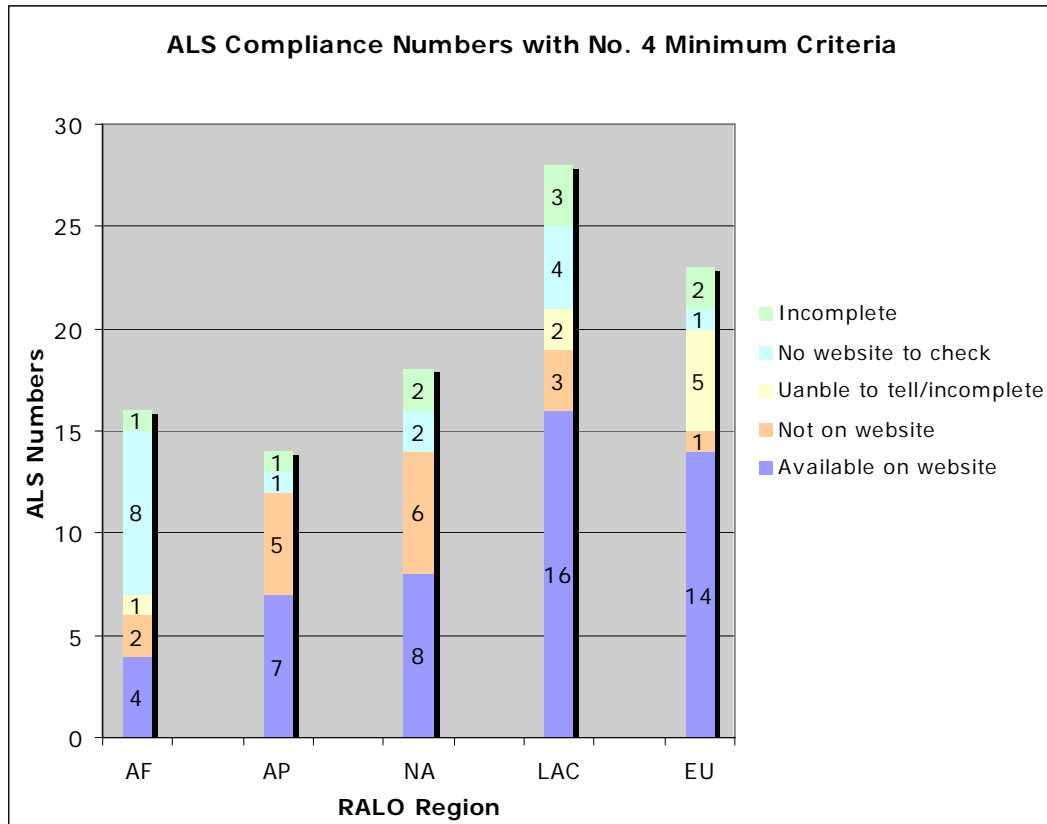
The remaining 8% were unable to be judged by the WCL Review Team, due mainly to language/translation barriers.

Excluding the ALSs with no current website, of the remaining 82%, several websites, and by proxy their validity as an ALS, are extremely questionable. The ALS At Large @ China, gives their URL as <http://www.al-china.org.cn>. However this leads to a blog allegedly written by a woman based in Ottawa, Canada that appears unconnected to the ALS.

The apparent level of ALS inactivity is disappointing and as recommended later in this report, the WCL Review Team believe that the ALAC and the RALOs should work towards engaging the ALSs more.

⁵¹ As of June 10 2008 as at At-Large Structure Applications and Certification Process, <http://www.atlarge.icann.org/applications>





7.5 Conflicts of interest

The WCL Review Team was not made aware of any issues related to conflict of interest regarding ALAC members and ALS certification. We would expect actual known or potential conflicts of interest to be declared and the affected member/s to abstain from voting or attempting to influence other members.

One possible conflict scenario was highlighted to the WCL Review Team by a submitter. An ALAC member could attempt to enroll and assist in certification of a number of ‘friendly’ ALS’s in order to establish a voting base for future elections. We agree with this possibility and with the suggested solution of continuing to increase the number of ALSs involved in the At-Large community in order to neutralise the potential for such a situation to occur.



7.6 Ombudsman procedures

The WCL Review Team was made aware of two public reports published following investigations by the Ombudsman during late 2006 and early 2007⁵². The first investigation followed an appeal against voting procedures, and the second related to the rejection of an application for ALS status.

In both cases the Ombudsman found that certain aspects of ALAC procedure were unsatisfactory and made several recommendations. In particular he stressed the need for the ALAC to act more uniformly and promptly regarding ALS applications. These recommendations resulted in a number of procedural changes and also some changes to the ICANN bylaws. Based on input from submitters, we believe these investigations and subsequent reports created a degree of tension between some members of the ALAC and the Ombudsman.

In addition, we have been unable to ascertain whether the second report⁵³ has been closed, with all issues finalised. We note that the ICANN Board discussed this report during a teleconference in June 2007⁵⁴, however we have been unable to locate subsequent documentation.

Recommendation

If there are any outstanding issues relating to Ombudsman report 06-317, the Board should review all recommendations to ensure they have been resolved.

7.7 Policy development and comment

7.7.1 Policy development

The ALAC can request an issues report but cannot initiate a Policy Development Process (PDP). While this inability to initiate a PDP is a theoretical barrier, it was not cited as a problem in practice. For example, the ALAC has used the request for an issues report on domain tasting to persuade the GNSO Council that the issue deserved a PDP. This particular

⁵² Annual Reports and Publications, <http://www.icann.org/ombudsman/reports.html>

⁵³ Office of the Ombudsman, Internet Corporation for Assigned Names and Numbers, Report to the Board of Directors, Ombudsman File 06-317, 15 February 2007, <http://www.icann.org/ombudsman/documents/report-15feb07.pdf>

⁵⁴ Minutes for Special Meeting of the ICANN Board of Directors, 18 June 2007, <http://www.icann.org/minutes/minutes-18jun07.htm>



example also demonstrates that the Liaison on the GNSO Council without a vote can be effective in progressing policy initiatives.

The ALAC working wiki has been set up with space for working groups on policy (and other) issues. This appears to provide a satisfactory workspace, allowing individual Internet users to view the progress of policy development, and to participate in these working groups. However, content of the working group workspaces is rudimentary and apparently incomplete. There are also ALAC mailing lists for working groups which show little evidence of activity.

RALO mailing lists show some evidence of discussion on policy matters. However, there is no apparent linkage between the RALO mailing lists and the ALAC working group mailing lists, and the ALAC working group workspaces. This makes it difficult at best, and impossible at worst, for any individual Internet user to follow the policy development process within the ALAC and to participate in the whole process.

The MoUs for the RALOs make it clear that the primary channel for ALS participation in policy matters is through the RALOs. We believe that this is a barrier for individual Internet users to participate in substantive and final decisions on policy.

Given the diversity of information related to policy development, held in public mailing lists, private mailing lists, meeting minutes and text documents, we believe that it is unrealistic to expect volunteers to manage this information and populate the content of the working group workspace. This is a task which we recommend should be undertaken by staff.

Recommendation:

Develop a clearly defined process for the engagement of the At-Large community in developing policy positions.

7.8 Policy comment

ICANN has a limited period for input and comment for policy development and other processes. For many stakeholders these imposed time periods are often too short for the stakeholder structure to obtain relevant comment from their constituents. This issue is discussed in detail in the several reviews of the GNSO.



A number of submitters commented that the 20 day public comment period (imposed within the PDP) is difficult. This problem is exacerbated by the length of the At-Large stakeholder chain and the fact that in many instances the documentation is not available in languages besides English and, even if translated, the translation is provided too late to offer the opportunity for informed comment.

The stakeholder chain in the ALAC includes the RALOs in policy development. We note that many of the RALOs aim to meet by teleconference only monthly. This is impractical, for example the gNSO PDP requires public comment back to the task force within 20 days⁵⁵. Several submitters also suggested that providing information in smaller 'bite sized' sections, particularly as policies are developed, would assist in both understanding and turnaround time.

Recommendation

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

Recommendation

ICANN should develop a clearly defined process to 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.

7.9 Travel policy/procedure

A number of submitters discussed the inadequacies of the current ICANN Travel Policy as it relates to volunteers and participation at ICANN international and regional meetings. We also note that the ALAC, through the Finance and Budget sub-committee and following a public comment period, has developed a statement⁵⁶ to the ICANN Board which has called for public consultation⁵⁷ (closing 20 June 2008) on the development of a Travel Support Policy.

⁵⁵ ICANN Bylaws, <http://icann.org/general/bylaws.htm#AnnexA>

⁵⁶ At-Large Advisory Committee Statement to the ICANN Board on the Draft Operating Plan for FY 2008/2009, <http://public.icann.org/files/atlarge/ALAC%20Statement%20on%20the%20Draft%20Operating%20Plan%20for%20FY%202008-2009.pdf>

⁵⁷ Public Comment, Travel Support, Open 2 June 2008 to 20 June 2008, http://www.icann.org/public_comment/#travel-support-draft



The ALAC statement argued that the appropriate level of travel and expense support should be defined once the following issues have been addressed: remote participation options and the future structure and location of ICANN meetings. The statement goes on to propose that the same rules should apply to all those that receive support and that the following members should be included:

1. For international meetings, all members of Bylaw-recognised bodies;
2. For regional meetings, all members of Bylaws-recognised bodies from that region;
3. A representative number of members of communities who are local, active in ICANN, and who would otherwise likely be unable to attend the meeting.

The WCL Review Team endorses the ALAC statement.

7.10 Transparency

The ICANN Bylaws – Article III Section I Transparency⁵⁸, states;

‘ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.’

Additionally, Article I Section 2 Core Values⁵⁹, states;

4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.’

We note that ICANN is currently developing principles and a framework for accountability and transparency⁶⁰. The current draft Management Operating Principles⁶¹ contain a set of principles that ICANN will uphold in relationship to community consultation, translation and expected standards of behaviour.

⁵⁸ ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#III>

⁵⁹ ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#I>

⁶⁰ ICANN Transparency, <http://www.icann.org/transparency/>

⁶¹ ICANN Accountability and Transparency Frameworks and Principles, January 2008, <http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf>



The WCL Review Team endorses the approach taken by ICANN and urges the ALAC and the At-Large community to support and adhere to the principles outlined in this and subsequent revisions of the Principles and Framework document.

We believe the ALAC currently manages its responsibilities well with regard to transparency, with one exception highlighted to us. We understand that from time to time certain public issues have been discussed on the private ALAC email list. While a private list may be appropriate for private discussions it is vital that no posting or discussion takes place that should be in the public domain.

Recommendation

Ensure that private email lists are used only for appropriate 'non-public' discussion.

7.11 Outreach/Communications

The WCL Review Team was unable to find a definition of outreach as it applies to ALAC. The closest reference we found was in the ICANN Bylaws⁶², which states that:

'The ALAC, working in conjunction with the RALOs, is also responsible for coordinating the following activities:

1. Keeping the community of individual Internet users informed about the significant news from ICANN;
2. Distributing (through posting or otherwise) an updated agenda, news about ICANN, and information about items in the ICANN policy-development process;
3. Promoting outreach activities in the community of individual Internet users;
4. Developing and maintaining on-going information and education programs, regarding ICANN and its work;
5. Establishing an outreach strategy about ICANN issues in each RALO's Region;
6. Making public, and analyzing, ICANN's proposed policies and its decisions and their (potential) regional impact and (potential) effect on individuals in the region;
7. Offering Internet-based mechanisms that enable discussions among members of At-Large structures; and
8. Establishing mechanisms and processes that enable two-way communication between members of At-Large Structures and those involved in ICANN decision-making, so interested individuals can share their views on pending ICANN issues.

⁶² ICANN Bylaws, <http://www.icann.org/general/bylaws.htm#XI>



During the period of the Interim ALAC, it appears that the primary aim of outreach was to recruit ALSs and promote the formation of the five RALOs.

The WCL Review Team identified a number of mechanisms and processes, for example, RALO wikis, which go some way to meeting the Bylaws.

We have been advised that ICANN and the ALAC are taking positive steps to engage ALSs in policy development by preparing shorter technical briefing papers ('two-pagers') than the ten-page documents that have traditionally been available and we have noted elsewhere the progress that is currently being achieved and is planned⁶³. We endorse both these initiatives and consider that they will help to shift the onus for participation on to the ALSs. How they respond will then be of considerable interest.

7.12 Language issues

The WCL Review Team has noted ICANN's recent initiatives towards improving access for non-native speakers of English. We have discussed the barrier that language presents to an increasing portion of the Internet-using population. As ICANN notes in its position paper,⁶⁴ nearly 70% of all Internet usage is now in languages other than English.

Initiatives such as IDN address some of the technical barriers (we also note the IDN experiment through the ICANN IDN wiki⁶⁵ which provides a real-life opportunity for user-testing of IDN protocols), while ICANN has taken several steps to provide real-time translation for both physical and telephone meetings into other languages.

Some of the At-Large Email list traffic is now offered in English, French and Spanish. Further ahead, we consider that ICANN's intention to offer translation into five (and in some instances ten) other languages will play a significant part in lowering barriers to participation by individual Internet users. We recognise that such a level of outreach requires significant investment, so we hope that individual users and ALSs will respond positively and increase their overall level of participation. In the meantime we commend those responsible (among whom are ALAC staff members) for the significant progress that has been achieved in recent months and the detailed design and planning that has gone into developing the translation strategy.

⁶³ ICANN Survey on Multilingualism, <https://www.bigpulse.com/m1649/intro>

⁶⁴ Announcements: Translation Programme Put Out for Community Review, 13 February 2008, <http://www.icann.org/announcements/announcement-13feb08.htm>

⁶⁵ IDN wiki, <http://idn.icann.org>



Many submitters, and several of the earlier organization reviews, have made substantive comment about the need for improvement in these and other tools. The WCL Review Team did not see the need to repeat these analyses and recommendations, merely to reinforce them, and to make comment about ALAC specific issues.

The At-Large community has some characteristics that are significantly different from other ICANN communities, and which affect collaboration and communication. The principal difference is that many, if not most, other community members work in the Internet industry, or are employed by organizations who have sponsored the employee's involvement in ICANN. These members tend to have greater prior knowledge and have more time to participate. However At-Large community members, often have only an indirect connection with, and knowledge of, ICANN related issues. They also lack organizational sponsorship for their ongoing involvement. Furthermore, our analysis shows that multi-lingual issues are much more problematic in the At-Large community than in other communities within ICANN. Many of the people in the At-Large community work entirely in languages other than English.

As noted elsewhere in this report, we believe the outreach programme needs to be developed to plan and action activities that will lead to informed participation. Outreach and communications in non-English languages is essential. ICANN is making good progress in establishing policies and procedures for, and execution of, outreach and it is not just the ALAC information which needs to be translated. There is also ICANN information which needs to be translated as well. This has been recognised by ICANN with the 'ICANN Accountability and Transparency - Draft Frameworks and Principles⁶⁶.'

Further work has been undertaken on translation policy, as described on the public participation website⁶⁷. The most recently published information is 'Translation Programme: Delhi meeting public input⁶⁸.'

The WCL Review Team found evidence of translation at:

⁶⁶ ICANN Accountability and Transparency - Draft Frameworks and Principles, 23 June 2007, ICANN Translation Principles, <http://www.icann.org/transparency/acct-trans-frameworks-principles-23jun07.htm#trans>

⁶⁷ Public Participation, Translation at ICANN, <http://public.icann.org/translation>

⁶⁸ Public Participation, Translation Programme: Delhi meeting public input, 13 February 2008, <http://public.icann.org/translations/delhi-public-input>



- ALAC website - some pages and documents in other languages;
- ALAC and RALO working wikis - some pages and documents in other languages;
- ICANN website – some pages and documents in other languages.

In addition to translation, interpretation at meetings is also required. We do note that interpreters are available on prior request for ALAC and RALO teleconferences and ICANN meetings. We received negative comments about the quality of some of the interpretation at the New Delhi February 2008 meeting, and at various teleconferences. It appeared this was in part due to technical difficulties, and also in part to interpreters who struggled with unfamiliar ICANN terminology and acronyms. The WCL Review Team sees these difficulties as early stage issues that staff will deal with as the interpreting service becomes better established, but recognises that, while they persist, these issues continue to present a barrier to participation by people who do not speak English as their first language.

We also considered multi-lingual staff support. We believe it is desirable that ICANN support staff should be bi-lingual or multi-lingual.

The WCL Review Team observed efforts at the New Delhi meeting to ensure that people with English as a second language, and from diverse cultural backgrounds, were given adequate opportunity to speak and participate in full. We believe this care should be incorporated in an on-going organizational People Development Programme.

Recommendation

ICANN continues the work on its language policy, including translation and other services. Posting content on the working wikis, email lists and discussion forums in languages other than English, requires a policy and associated translation procedure. Immediate translation into English should be automated, with manual translation, if appropriate, undertaken pursuant to translation policy and procedures and within a defined timeframe.

7.13 Outreach fieldwork

Many submitters thought that fieldwork (including outreach to ALSs, prospective ALSs and members of the At-Large community) was a necessary and important part of outreach that needed to be developed. Fieldwork is necessary in order to adequately support the ALSs and deliver ICANN's part of the MoU with the RALOs and certification agreements with the ALSs.



Fieldwork to date has been limited. Volunteers have participated in fieldwork and others have been run by ICANN staff alone. Limitations on ICANN travel funding and availability of staff have constrained this fieldwork.

While volunteers' participation in fieldwork and other outreach activities is desirable, the nature of the responsibilities of the RALOs in their MoUs with ICANN are to 'help' ICANN in reaching out to ALSs and individual users - the primary responsibility remains with ICANN. For example, the APRALO MoU⁶⁹ states:

5. Agreed Responsibilities of the APRALO

The Signing Organizations agree that during the term of this MOU they will work in conjunction with ICANN to support At-Large activities within the Region, including:

- 5.1. Helping to inform individual Internet users in the Region about ICANN news, meetings, policy development activities, and opportunities for ICANN participation;
- 5.2 Helping to promote outreach activities in the community of individual Internet users in the Region, to advance understanding of and participation in issues addressed by ICANN that affect individual Internet users;
- 5.3 Offering Internet-based mechanisms that enable discussions among members of At-Large structures in the Region and with those involved in ICANN decision-making, and encourage interested individuals to share their views on pending ICANN issues.

We note that the Global and Strategic Partnerships team has complementary goals. The best description of its roles and responsibilities that we found is:

'The Vice President, Global and Strategic Partnerships, for the Internet Corporation for Assigned Names and Numbers (ICANN) ... leads ICANN's efforts in the global coordination of the organization's planning activities as well as its work with regional Internet communities. In leading ICANN's outreach activities through her regional liaison network team, she builds relationships with all participants and regional organizations interested in the Internet, both those in the private sector and in government⁷⁰.'

⁶⁹ MoU between ICANN and the Organizations in the Asia Pacific Region accredited as At-Large Structures that are signatories, 2007, https://st.icann.org/asiapac/index.cgi/MoU%20Asia%20Pacific%20RALO%20FINAL%20-%20EN.pdf?action=attachments_download;page_name=ralo_organising_documents;id=20070305142828-0-19782
https://st.icann.org/asiapac/index.cgi/MoU%20Asia%20Pacific%20RALO%20FINAL%20INITIAL%20TEXT%20EN.doc?action=attachments_download;page_name=ralo_organising_documents;id=20070305142801-0-19783
⁷⁰ About Theresa Swinehart, Vice President, Global and Strategic Partnerships,
<http://www.icann.org/biog/swinehart.htm>



We think that this staff-based approach is equally applicable to the ALAC i.e. fieldwork by staff supported by volunteers as required rather than vice versa. This would of course require a larger ALAC staff team and greater funding for events and travel, perhaps to the level at which the whole Global Partnerships team is resourced and funded. (We note that the costs of the Global Partnerships team and programme are not shown in the 2007-2008 budget.)

As noted earlier in the Resourcing section, we believe that staff and resources should be increased.

7.14 Tools and their use

7.14.1 Tools for outreach

The bulk of the substantive policy information on most issues lives not within the ALAC website but elsewhere on the ICANN website and ICANN mailing lists. In order to participate in ICANN matters through the ALAC it is at least highly desirable, and in some cases essential, to have access to this information.

The ICANN website and document management systems have been discussed in earlier organizational reviews. The most recent report⁷¹ has several recommendations on improvements to website and document management, but these recommendations have not yet been implemented. Until they are, we consider the current ICANN website and document management to be inadequate and a barrier to participation in ICANN matters.

Until recently, the ALAC used the ICANN web tools.

The primary web tools now used by the ALAC and RALOs are:

- ALAC website;
- ALAC and RALO working wikis;
- ALAC and RALO mailing lists, running on the ICANN mailing list system.

We reviewed the new ALAC website⁷² which has a multi-lingual capability. While this site has some pages translated into multiple languages, it does not yet appear to be fully multi-

⁷¹ Report of the Board Governance Committee GNSO Review Working Group on GNSO Improvements, 3 February 2008, <http://www.icann.org/topics/gnsso-improvements/gnsso-improvements-report-03feb08.pdf>

⁷² At-Large website, <http://www.atlarge.icann.org>



lingual. In addition, many of the links on the ALAC website point to the ICANN website, immediately taking the user into the realm of issues discussed above. However we understand this will be remedied when the ICANN website is rebuilt, and the ALAC website is populated.

Some of the RALO wikis show positive evidence of collaboration in monthly teleconferences, with good support by staff as minute takers and the minutes posted on the wiki in English. But it seems that translation is not always made available immediately. For example, English minutes for a LACRALO meeting on 15 May 2008 were posted on 24 May 2008⁷³ yet the translation was still not posted as of 10 June 2008⁷⁴. But the WCL Review Team regards the progress made as a promising start and acknowledges the ALAC's commitment to increased multi-lingual capability.

The WCL Review Team is unsure whether the absence of information on a wiki reflects the absence of activity on a particular subject, or whether the team of volunteers has not kept the wiki up to date so that stakeholders, who are not part of the process, can view it and participate at appropriate points.

In summary, the wiki tool provides a satisfactory collaborative working environment but the population and maintenance of content is inadequate.

Recommendation

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

7.14.2 Email mailing lists

The WCL Review Team received a number of submissions highly critical of the ICANN and ALAC email lists.

Email mailing lists have been used since ICANN's inception in 1998 as a primary means of communication and collaboration. The WCL Review Team also reviewed the approximately 25 ALAC mailing lists⁷⁵. Our observation is that Email mailing lists are an ineffective mechanism for communication for stakeholders who are peripherally, rather than deeply

⁷³ LACRALO, Meeting Summary, 15 May 2008,

https://st.icann.org/lacralo/index.cgi?meeting_summary_15_may_2008_en

⁷⁴ LACRALO, Meeting Summary, 15 May 2008, Spanish Translation,

<https://st.icann.org/lacralo/index.cgi?Meeting%20Summary%2015%20May%202008%20es>

⁷⁵ At-Large Email Mailing Lists, <http://atlarge-lists.icann.org/mailman/listinfo>



involved. There are a large number of Email mailing lists within ICANN and the ALAC itself. This creates a barrier to the involvement of the individual Internet user. For example, in order for an individual Internet user to follow the progress of the domain tasting issue, they would need to subscribe to multiple Email mailing lists in ALAC, GNSO and elsewhere, and to read these lists in order to filter the content in which they are interested. As far as we are aware, it is not possible to find a synopsis of this issue in any single place.

The WCL Review Team found through experience and analysis that Email mailing lists may be appropriate for stakeholders who wish to participate actively or simply stay up to date. However, we suggest that Email mailing lists are not a suitable tool for individual users to obtain a snapshot view of the current status of a particular issue, and the process and debate which lead to that status.

One particular issue arose in relation to the African RALO (AFRALO). For many of its members access to the internet is spasmodic and may often be seen as an unaffordable luxury. We were advised that the most common form of electronic communication in many parts of Africa is by SMS message, as an alternative to email. There could therefore be merit in the ALAC setting up an SMS channel for the AFRALO's benefit. Experience would show whether this became a widely adopted and useful medium, and the WCL Review Team considers that such an initiative would demonstrate the ALAC's willingness to listen to differing regional needs, and its commitment to meeting those needs where practicable.

Recommendation

The ALAC should replace Email mailing lists with wikis for policy discussions in particular.



8 About this report



In the course of this review, Westlake Consulting Limited (WCL) has received submissions, advice and assistance from a wide variety of people. Most of those people are listed in Appendix D – Sources. However if we have missed anybody - we apologise for this omission.

Limitations

The WCL Review Team went to considerable lengths to solicit comments and submissions relating to our review, including:

- Invitations posted on the ICANN and WCL websites;
- Emails sent through the At-Large Email mailing lists (some of which were translated into multiple languages);
- Emails sent directly to individuals; and
- Reminder notices posted on the ICANN and WCL websites.

We have received comments and submissions from many people. However, we were somewhat surprised at the limited number of responses we received from certain sectors and that we received only one submission in a language other than English. Several people whom we contacted directly for comment or specific information did not respond, even when sent follow-up messages.

We cannot draw any firm conclusions from the level of response. Nevertheless, we believe that we have gathered sufficient information to stand by our recommendations.

Accuracy

We have taken all reasonable steps to ensure the factual accuracy of our report, but we acknowledge that it may contain errors of fact or material omissions because of evidence we have overlooked or misinterpreted.

If so we accept responsibility for any such lapses. We believe this is a consequence of the independent position we have been encouraged to maintain at all times in conducting our review.

Source of Internet Usage Statistics

We have used a variety of publicly-available Internet statistics for such items as Internet usage and penetration in different parts of the world. There is some variance among these sources. However they are broadly in line and we believe that they reveal the big-picture trends and relativities, which are what matter, and which are quite clear.



ICANN Website

We have found the ICANN website⁷⁶ difficult to navigate. Our research has involved extensive exploration of the site. We have found that the site contains an enormous quantity of information, but is extremely hard to find. We received many comments to this effect and are compelled to agree with one submitter, who described the site as labyrinthine.

The site's search tool is quite effective when searching for a known item and many documents can be found reasonably simply. The challenge facing the user is that there is no readily-accessible guide to what information is available. Accordingly: 'we don't know what we don't know'.

Of more relevance to our findings is that this challenge must, in the WCL Review Team's view, confront other users, including, and perhaps especially, individual Internet users, who may wish to understand and be involved in the work of ICANN. We suspect, although we have only anecdotal evidence to this effect, that this hurdle is a genuine barrier to participation.

In our report we have noted that the ALAC staff have been instrumental in trying to address this issue and would compliment those responsible for development of the new ALAC website⁷⁷ which represents a significant advance in presentation, usability, use of multiple languages and ease of navigation.

⁷⁶ ICANN website, <http://www.icann.org>

⁷⁷ At-large website, <http://www.atlarge.icann.org/>



9 Bibliography



This bibliography is intended as background information about the ICANN At-Large Advisory Committee. It complements rather than replaces the references in footnotes. Some of the items in this bibliography are referred to in the body of the report.

ICANN

ICANN Structure <http://www.icann.org/structure/>

ICANN Accountability and Transparency - Draft Frameworks and Principles
<http://www.icann.org/transparency/acct-trans-frameworks-principles-23jun07.htm>

ICANN Budget for Fiscal Year 2007-2008 <http://www.icann.org/financials/adopted-budget-29jun07.htm>

ICANN Memorandum of Understanding (MoU)/Joint Project Agreement (JPA) with US Government

ICANN's Major Agreements and Related Reports
<http://www.icann.org/general/agreements.htm> - Transition Agreements

Memorandum of Understanding, Dept. of Commerce and ICANN
<http://www.icann.org/general/icann-mou-25nov98.htm>

NTIA: National Telecommunications and Information Administration - Public Comments Regarding Joint Project Agreement with ICANN for mid term review, February 2008
<http://www.ntia.doc.gov/ntiahome/domainname/jpamidtermreview.html> - includes comments from a number of people who provided input to this review and on behalf of organizations relevant to this review

Selected history relevant to At-Large

"Ruling the Root: Internet Governance and the Taming of Cyberspace" by Milton L. Mueller, 1st edition, 1 March 2004 http://www.amazon.com/Ruling-Root-Internet-Governance-Cyberspace/dp/0262632985/ref=pd_bbs_sr_1?ie=UTF8&s=books&qid=1213336480&sr=1-1

A Study of the ICANN At-Large Elections by Common Cause and the Center for Democracy and Technology, March 2000 <http://www.cdt.org/dns/icann/study>



ICANN Committee on ICANN Evolution and Reform, 14 March 2002
<http://www.icann.org/committees/evol-reform/>

ICANN Links Concerning ICANN's 2002 Evolution and Reform Process
<http://www.icann.org/committees/evol-reform/links.htm>

ICANN At-Large Study Committee Web Site <http://atlargestudy.org/>

ICANN At-Large Study Committee Final Report on ICANN At-Large Membership, 5 November 2001 <http://icann.org/At-Large/final-report-05nov01.htm>

ICANN Montreal Meeting Topic: Formation of At-Large Groups, 15 June 2003
<http://www.icann.org/montreal/alac-organization-topic.htm>

Final Implementation Report and Recommendations of the Committee on ICANN Evolution and Reform, 2 October 2002 <http://www.icann.org/committees/evol-reform/final-implementation-report-02oct02.htm>

"What to Do About ICANN: A Proposal for Structural Reform." Internet Governance Project concept paper, Hans Klein, 5 April 2005 <http://www.ip3.gatech.edu/images/IGP-ICANNReform.pdf>

A Review of the Generic Names Supporting Organization (GNSO), LSE Public Policy Group and Enterprise LSE, September 2006 <http://www.icann.org/announcements/gnso-review-report-sep06.pdf>

At-Large legal and organizational structure

ICANN Bylaws, 15 February 2008 - Advisory Committees
<http://www.icann.org/general/bylaws.htm#XI>

ALAC Legal/Organizational References <http://alac.icann.org/legal/> "...references to all the key legal provisions as well as decisions of the ICANN board that relate to the format and structure of the At-Large community within ICANN."

At-Large Framework Formation <http://alac.icann.org/framework.htm>



At-Large Structure Applications and Certification Process (including list of certified ALSs)
<http://alac.icann.org/applications/>

Nominating Committee Review report 23 October 2007
<http://www.icann.org/reviews/nomcom-review-report-23oct07.pdf>- refer figures 1-4 for diagram of ICANN voting structures

At-Large websites, wikis and mailing lists

ICANN At-Large Advisory Committee <http://www.icann.org/committees/alac/>

ICANN At-Large Community website (including links to 5 RALO workspaces)
<http://www.atlarge.icann.org/>

At-Large Advisory Committee workspace
https://st.icann.org/alac/index.cgi?at_large_advisory_committee

At-Large Policies and Procedures
https://st.icann.org/alac/index.cgi?policies_and_procedures

At-Large Policy Working Groups
https://st.icann.org/alac/index.cgi?at_large_policy_working_groups

At-Large Email mailing Lists (including RALO mailing lists) <http://atlarge-lists.icann.org/mailman/listinfo>

ICANN wiki entry for ALAC <http://icannwiki.org/ALAC>

Public participation in ICANN

Participate in ICANN <http://www.icann.org/participate/>

ICANN Public participation site <http://public.icann.org/>

ICANN Public Comment http://www.icann.org/public_comment/ "This page outlines clearly and simply which public comment periods are currently open"

ISOC participation in ICANN



ISOC - Chapter and Member meeting to discuss ISOC participation in ICANN, 29 June 2007
http://www.isoc.org/isoc/chapters/meetings/sanjuan_icann.php

ISOC - Chapter and Member meeting to discuss ISOC participation in ICANN, 28 October 2007
http://www.isoc.org/isoc/chapters/meetings/la_20071028.php

ICANN Reviews (including the ALAC Review)

ICANN Bylaws, 15 February 2008 - Section 4. Periodic Review of ICANN Structure and Operations
<http://www.icann.org/general/bylaws.htm#IV>

ICANN Independent Reviews <http://icann.org/reviews/>

ICANN GNSO Improvements <http://www.icann.org/topics/gnso-improvements/>

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ALAC: Self Assessment and Next Steps, 1 November 2006
http://icannwiki.org/ALAC_Self_Review

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<https://st.icann.org/alac/index.cgi/Summary%20of%20Interim%20ALAC%20Self%20Review%20Document%20->

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Final Terms of Reference for Independent Review of the At-Large Advisory Committee (ALAC), 20 June 2007
<http://icann.org/reviews/alac/alac-review-final-tor-20jun07.pdf>

Request for Proposals for Independent Evaluator for At-Large Advisory Committee (ALAC)
<http://icann.org/reviews/alac/icann-alac-rfp-20jun07.pdf>

Independent Evaluator Seeks Public Input to At-Large Advisory Committee (ALAC) Review, 10 February 2008
<http://icann.org/announcements/announcement-10feb08.htm>



10 Appendices



10.1 Appendix A – Table Cross Referencing the Terms of Reference

In the following tables, the entry in the left column is taken directly from the Terms of Reference; the entry in the right column is a cross-reference to the section(s) of this report in which the topic is addressed

Question	Reference
PART I. Does the ALAC have a continuing purpose in the ICANN structure?	
1. What purpose does the ALAC serve?	The ALAC and its purpose
2. Does the rationale for the ALAC in the Bylaws need to be revised?	Does the ALAC have a continuing purpose in the ICANN structure?
3. Why should an ALS seek certification and work to create a RALO?	ALS certification trends
4. Why should an individual Internet user seek to participate in the ICANN process through the ALAC?	Why should an individual Internet user seek to participate?
5. How easy is it for an individual Internet user to understand the ALAC and its structures?	Can an individual Internet user understand the At-Large structure?
6. To what extent has the ALAC provided advice on the activities of ICANN insofar as they relate to the interests of individual Internet users, and to what extent has ICANN listened to this advice?	The impact of the At-Large structure on advice to ICANN
7. Are these interests different than the interests represented by other parts of the ICANN structure?	Is the ALAC the most suitable vehicle?
8. To what extent have individual Internet users achieved a voice in ICANN through the ALAC and its activities?	How much 'voice' has the individual Internet user achieved in ICANN through the ALAC?
9. Are individual Internet users appropriately represented by an advisory committee to the Board, and the ALAC specifically?	Is the ALAC the most suitable vehicle? How much 'voice' has the individual Internet user achieved in ICANN through the ALAC?
10. What should be the purpose of the ALAC going forward?	The purpose that ALAC serves



11. What other ways might exist for individual Internet users to provide collective advice to, and advocacy within, ICANN? What are the benefits, drawbacks and costs of other options (i.e. At-Large Board seats, an At-Large-focused Supporting Organization, or an At-Large constituency of the GNSO)?	Is the ALAC the most suitable vehicle?
12. What are the current benefits, drawbacks and costs of the ALAC and the At-Large structure?	Is the ALAC the most suitable vehicle?
13. What kind of added value does the regionalized and distributed structure of the ALAC/RALO/ALS system bring to ICANN?	The ALAC and its structures The Regional At-Large Organizations (RALOs)
14. How often should there be a periodic review of the ALAC, consistent with Article IV, Section 4, Paragraph 1, of the Bylaws?	Purpose of the review
PART II. Is there any change in structure or operations that could improve the ALAC's effectiveness?	
Structure	
13. Are the criteria for certifying ALSs and creating RALOs sufficient?	The ALAC and its structures The Regional At-Large Organizations (RALOs)
14. How many ALSs have been certified, and how does this level compare to expectations and goals? Are there identifiable trends among entities that have been certified (e.g., ISOC chapters)? Are there identifiable trends among entities that have not been certified?	ALS certification trends
15. What factors have affected the formation of RALOs? Does this assessment vary by region?	The ALAC and its structures The Regional At-Large Organizations (RALOs)
16. At this writing, 4 out of 5 RALOs have been established. What have been the significant factors that affected the RALO formation process? Are there distinct and	The ALAC and its structures The Regional At-Large Organizations (RALOs)



different factors for each region which affected the RALO formation process, or are they faced with similar challenges? Are those that have been established structured and supported in a way that will enable them to fulfill the responsibilities described in the bylaws?	
17. To what extent do the ALAC's three different levels - ALSs, RALOs and the ALAC itself - provide advice on ICANN activities? Does this advice ever conflict?	The impact of the At-Large structure on advice to ICANN
18. Should any of these three structural levels be eliminated or changed and, if so, how?	The ALAC and its structures The Regional At-Large Organizations (RALOs)
19. Is regional representation an effective way to organize the ALAC? Is the current ICANN model, based on 5 regions, an appropriate basis for RALOs?	The ALAC and its structures The Regional At-Large Organizations (RALOs)
20. Should there be any role for sub-regional groups within the ALAC structure?	The ALAC and its structures The Regional At-Large Organizations (RALOs)
21. Are individual users in developing countries appropriately involved and represented in the ALAC/At-Large framework?	Is the ALAC the most suitable vehicle? The ALAC and its structures The Regional At-Large Organizations (RALOs)
22. The ALAC appoints 5 delegates to the Nominating Committee. What is the impact, if any, of these delegates on the selection of persons for ICANN leadership positions?	Selection of the ALAC members
23. To what extent have the ALAC's Liaisons to the Board, the GNSO Council and the ccNSO Council provided advice on ICANN policy and activities?	Other Liaisons The level of advice provided by the ALAC to ICANN
24. To what extent has this advice been followed or had visible influence?	The level of advice provided by the ALAC to ICANN
25. Do non-voting liaison seats on the Board and Councils, and non-voting seats on policy Task Forces, provide sufficient input and representation for the At-Large community?	Other Liaisons The impact of the At-Large structure on advice to ICANN Effectiveness of the ALAC to date



	The level of advice provided by the ALAC to ICANN
26. How do the At-Large Liaisons ensure that their advice to the Board and Councils reflect ALAC and At-Large community views? To what extent are the Liaisons conduits for information to and from the At-Large community and the Councils on which they serve?	Other Liaisons The level of advice provided by the ALAC to ICANN Policy development and comment
27. What steps might assist individual Internet users in effectively expressing their views and positions to the broader ICANN community?	How much 'voice' has the individual Internet user achieved in ICANN through the ALAC? Policy development and comment Tools and their use
28. How does ALAC interact with other constituencies of ICANN? Are they effective in achieving the ALAC's goal of providing advices from individual Internet users? Are there regular communications, in addition to the Liaisons, to the Board, GNSO and CCNSO?	Outreach/Communications
Composition	
21. What is the optimal size of the ALAC to be effective?	Optimal size of the ALAC
22. How should Members of the ALAC be chosen?	Selection of the ALAC members
23. To what extent do the Members of the Interim ALAC, and those selected (or elected) already by RALOs, reflect the interests of individual Internet users? Does the answer to this question vary by region?	The ALAC and its structures Selection of the ALAC members
24. Are Members of the ALAC chosen in a transparent way?	Selection of the ALAC members
25. Have any issues arisen in the NomCom's selection of 5 out of 15 Members of the ALAC (30%)?	Selection of the ALAC members
26. Is the current ALAC member selection methodology appropriate, or is there any need to change that, ie public election should be used for all 15 members? Is	Selection of the ALAC members



the number of member, 15, appropriate, or too small or too large?	
27. Assuming that the NomCom selection will continue, is the current balance of selecting ALAC members, five by NomCom and ten by RALO the best way to achieve ALAC's goal, or are there any other ways worth to consider and implement?	Selection of the ALAC members
28. Have Members of the ALAC had the skills needed to conduct their work effectively?	Selection of the ALAC members
29. What should be the role of the Chair of the ALAC, and how should that person be selected?	Selection of the ALAC members Chair role and selection
30. Should the ALAC have other officers?	Selection of the ALAC members
Internal Procedures	
27. Are the ALAC's procedures sufficient to guide all aspects of its work?	Internal procedures and policies
28. To what extent are the ALAC's decisions and actions consistent with its procedures?	ALS compliance
29. How are decisions made regarding certification of ALSs and RALOs?	ALS certification criteria
30. Are certification decisions subject to review and, if so, how?	Applicant review
31. What kind of role has the Ombudsman played in ALAC activities?	Ombudsman procedures
32. To what extent have the recommendations of the Ombudsman been followed?	Ombudsman procedures
33. How can the ALAC's procedures, decisions and actions be made more transparent?	Internal procedures and policies
34. How have any actual or potential conflicts of interest between the ALAC Members and candidates for ALS status been resolved?	Selection of the ALAC members
35. Are sufficient safeguards in place to	Selection of the ALAC members



identify and address potential or actual conflicts of interest?	Conflicts of interest
36. What kind of support has ICANN provided to the ALAC? Is this level appropriate? What kind of additional measures are needed in terms of financial, institutional and staff support in addition to the exiting ones if any?	Resourcing Travel policy/procedure
37. Do Members of the ALAC community believe they have the information needed to make informed decisions, in a language they can understand?	Outreach/Communications
38. How does the ALAC determine generally what advice to provide with respect to particular ICANN issues and processes? What procedures govern how decisions regarding ALAC positions, recommendations, resolutions, and other input for the Board, the GNSO and other ICANN entities are made? How does the ALAC ensure the involvement of ALSs and RALOs in making decisions regarding policy advice, and that their advice reflects the views of the At-Large community, consistent with ICANN's deadlines for input?	Policy development and comment Policy comment ⁸⁴
Outreach and Communications	
39. What is the aim of At-Large outreach?	Outreach/Communications
40. How effective has outreach been in recruiting ALSs and establishing RALOs?	Outreach/Communications
41. How effective have online tools, including websites, wikis, blogs, and email forums, been in outreach to the At-Large community?	Tools and their use
42. Has outreach at ICANN meetings and Internet-related events had a discernable impact on the informed participation of the At-Large community?	Outreach fieldwork
43. How might outreach and communications in languages other than English be improved?	Outreach fieldwork
44. How are the linguistically and culturally	



diverse regional situations reflected in the operation of ALAC and ICANN? Are there any areas that require changes or improvements?	Tools and their use
Overall	
43. What are the annual costs of the ALAC process?	Resourcing
44. Has the ALAC had the resources necessary to accomplish its tasks?	Resourcing
45. What other general or specific measures could enhance its effectiveness?	Planning
46. What, if any, are the cost implications of such measures?	Planning Resourcing



10.2 Appendix B – Who is Westlake Consulting Limited?

Westlake Consulting Limited (WCL)⁷⁸ is a boutique New Zealand-based, globally-focused consulting firm. We advise Boards and Chief Executives on organizational governance, structures and board-management relationships, in the private and public sectors. We have particular experience working with non-governmental organizations (NGOs) and other not-for-profit organizations, along with those that fall between core government and fully commercial organizations.

The firm operates as a virtual consultancy, engaging leading independent professionals with the specific skills relevant to each mandate. In working with its clients in other countries, WCL makes use of New Zealand's geographic time-zone (UTC + 12 hours), where the working day begins several hours ahead of the rest of the world, and there is also overlap with the previous day in the Americas.

For this independent review of the At-Large Advisory Committee, the Review team has comprised principally:

Lead Reviewer – Richard Westlake, MA (Oxford)

Richard, the Managing Director of WCL, is acknowledged as an authority on governance in types of organization other than the traditional limited liability company. Richard is an experienced board chairman and director. He is currently Chair of the Standards Council of New Zealand (New Zealand's National Standards Body and member of ISO and the IEC) and of two other organizations. He was the Lead Reviewer in WCL's 2006-2007 structural review of InternetNZ, which runs the .nz domain, is a member of ccNSO and APTLD and is an ICANN-accredited At-Large Structure.

WCL Senior Consultant – Vaughan Renner, MBA, BE (Hons), BSc

Vaughan has had a 20-year executive career that has included chief executive, senior leadership and general management positions. In addition to working as a senior consultant with WCL, he also holds a range of board positions. He was the second principal reviewer in WCL's 2006-2007 Structural Review of InternetNZ.

⁷⁸ <http://www.westlakenz.com>



Consultant – Alick Wilson, MSc (Hons)

Alick is an independent management and ICT consultant. He is a former councillor of ICANN's Generic Name Supporting Organization (GNSO) and a past member of the Executive of the Information Technology Association of New Zealand (ITANZ). He was co-founder of a large independent ICT consulting firm and is a former director of Intelligroup, Inc, a US public IT services company, with offshore support centres in India and operations worldwide.

Consultant – Colin Jackson, MA (Cambridge)

Colin is an independent ICT consultant. He has been involved in Internet governance since 1995, when he was one of the founding members of InternetNZ. From 2005 to 2007 he was president of InternetNZ. He has attended several ICANN meetings and hosted the March 2006 ICANN Wellington meeting. Colin also participated in the ccNSO as a representative of InternetNZ and the GAC as a representative of the New Zealand government.

Researcher and Project Co-ordinator – Victoria Macbeth, BA, BFA

Victoria is a professional writer and researcher, who joined the WCL Review Team during the later phases of our review. She was educated in the United States and has subsequently worked with Chief Executives and Board members and has been instrumental in bringing the component parts of the report together and enabling the achievement of project deadlines.



10.3 Appendix C – Sources

We obtained input from a cross-section of members of the At-Large and wider ICANN community in the following ways:

- Personal interviews at the February 2008 New Delhi meeting. We allowed a nominal one hour for most interviews;
- Telephone interviews. We allowed a nominal one hour for these interviews;
- Written answers to individual requests for specific information;
- Written submissions in response to request for submissions. The submissions ranged from a paragraph making comment about a specific point important and relevant to the submitter, to a complete answer to all questions in the Terms of Reference for the Review;
- Informal conversations with other people at the New Delhi meeting about At-Large matters;
- Telephone conversations with a few key people to obtain or verify information.

Everyone interviewed or who replied to our request for written submissions, was informed of the privacy policy for this review.

The list below shows each person from whom we received input, with geographic region, nationality, and the ICANN relationship(s).

We take this opportunity to acknowledge and thank all those who helped in this review by providing input, including any people who are inadvertently omitted from this list, and ICANN staff who have assisted us in a variety of ways.



Name	Country	Region	Organization	Status at Feb 2008	Position
Alan Greenberg	Canada	NA	ALAC	Current	Committee Member
			GNSO Council	Current	ALAC Liaison
Annette Muehlberg	Germany	EU	ALAC	Current	Committee Member
Avri Doria	USA	NA	GNSO Council	Current	Chair
Beau Brendler	USA	NA	ALAC	Current	Committee Member
			Consumer Reports WebWatch [ALS]	Current	Director
Bertrand de la Chappelle	France	EU	GAC	Current	Member
Calvin Browne	South Africa	AF	ISOC South African Chapter [ALS]	Current	Member
Carlos Aguirre	Argentina	LAC	ALAC	Current	Committee Member
			NCU Constituency	Current	ALAC Liaison
Cheryl Langdon-Orr	Australia	AP	ALAC	Current	Chair
			AUDA	Current	Director
			Internet Society of Australia [ALS]	Current	Treasurer
Chris Disspain	Australia	AP	ccNSO	Current	Chair
Danny Younger	USA	NA	ISOC New York Chapter	Current	Member
Denise Michel	USA	NA	ICANN Staff	Current	Vice President, Policy Development
Dennis Jennings	Ireland	EU	ICANN Board	Current	Board Member
Didier Kasole	Congo	AF	AFRALO	Current	Secretariat
Doug Brent	USA	NA	ICANN Staff	Current	Chief Operating Officer
Evan Leibovitch	Canada	NA	NARALO	Current	Chair
Frank Ellermann		EU	ICANN Community	Current	Member
Frank Fowlie	USA	NA	ICANN Staff	Current	Ombudsman



Name	Country	Region	Organization	Status at Feb 2008	Position
Garth Graham	Canada	NA	Telecommunities Canada [ALS]	Current	Director
George Sadowsky	USA	NA	NomCom	Current	Advisor to Chair
Hagen Hultzsch	Germany	EU	ICANN Board	Former	Board Member
			NomCom	Current	Chair
Hong Xue	China	AP	ALAC	Former	Committee Member
			IDNs	Current	ALAC Liaison
Izumi Aizu	Japan	AP	ALAC	Current	Committee Member
			Internet Users Network (Tokyo) [ALS]	Current	Committee Member
Jacqueline Morris	Trinidad & Tobago	LAC	ALAC	Former	Chair
			ccNSO	Current	ALAC Liaison
Janis Karklins	Latvia	EU	GAC	Current	Chair
			ICANN Board	Current	GAC liaison
JFC Morfin	France	EU	ICANN Community	Current	Member
Jonathon Nevett	USA	NA	Registrars Constituency	Current	Chair
José Ovidio Salgueiro	Venezuela	LAC	ALAC	Current	Committee Member
Kieren McCarthy	USA	NA	ICANN Staff	Current	General Manager of Public Participation
Kristina Rosette	USA	NA	GNSO Council	Current	Council Member
Les Allinson	Fiji	AP	ISOC Pacific Islands Chapter [ALS]	Current	Treasurer
Lynn St Amour	USA	NA	ISOC	Current	CEO
Marilyn Cade	USA	NA	CBU Constituency	Current	Member
			GNSO Council	Former	Council Member
Milton Mueller	USA	NA	NCU Constituency	Current	Chair



Name	Country	Region	Organization	Status at Feb 2008	Position
Nguyen Thu Hue	Vietnam	AP	ALAC	Current	Committee Member
Nick Ashton-Hart	France	EU	ICANN Staff	Current	Director for At-Large
Patrick Jones	USA	NA	ICANN Staff	Current	Registry Liaison Manager
Paul Twomey	Australia	AP	GAC	Former	Chair
			ICANN Board	Current	President and CEO
Peter Dengate Thrush	New Zealand	AP	ICANN Board	Current	Chair
Philip Sheppard	Belgium	EU	CBU Constituency	Current	Representative
			GNSO Council	Current	Council Member
Robert Guerra	Canada	NA	ALAC	Current	Vice Chair
			NCU Constituency	Current	Executive Committee Member
			Privaterra [ALS]	Current	Managing Director
			SSAC	Current	ALAC Liaison
Roberto Gaetano	Italy	EU	ALAC	Former	Committee Member
			GNSO Review WG	Current	Chair
			ICANN Board	Current	Vice Chair
Sébastien Bachollet	France	EU	ALAC	Current	Committee Member
			ISOC France Chapter [ALS]	Current	Committee Member
Siavash Shahshahani	Iran	AP	ALAC	Former	Vice Chair
Steve Crocker	USA	NA	ICANN Board	Current	SSAC liaison
			SSAC	Current	Chair
Thomas Roessler	Germany	EU	ALAC	Former	Committee Member
Tricia Drakes	UK	EU	ALAC Review WG	Current	Chair
			ICANN Board	Former	Board Member



Name	Country	Region	Organization	Status at Feb 2008	Position
Vanda Scartezini	Brazil	LAC	ALAC	Current	Vice Chair
			GAC	Former	Vice Chair
			ICANN Board	Former	Board Member
Veronica Cretu	Moldova	EU	ALAC	Current	Committee Member
Vint Cerf	USA	NA	ICANN Board	Former	Chair
Vittorio Bertola	Italy	EU	ALAC	Former	Chair
			ALAC Review WG	Current	Member
			ICANN Board	Former	ALAC Liaison
Wendy Seltzer	USA	NA	ALAC	Former	Committee Member
			ICANN Board	Current	ALAC liaison
Yrjo Lansipuro	Finland	EU	GAC	Current	Member



10.4 Appendix D – Draft Position Descriptions

Position description - Chair of ALAC

The Chair of the ALAC is responsible for leading the ALAC in its governance and strategic work to fulfil its purpose as set out in the Bylaws.

As well as the tasks laid out here, the Chair is required to carry out any responsibilities specifically defined in the Bylaws or the ALAC's Rules of Procedure.

The Chair is elected by the members of the ALAC for a term of two years.

Specific responsibilities

1. Strategic leadership:
 - Lead the ALAC thinking on policy development and future directions;
 - Lead the ALAC thinking on strategic planning; and
 - Contribute to the work of ICANN staff in business planning.
2. Chair meetings of the ALAC, whether face to face or telephone. May depute to a vice-chair when necessary.
3. Ensure that the ALAC's Rules of Procedure are followed.
4. On behalf of the ALAC, negotiate and manage agreement for support with ICANN staff.
5. Set the agenda for the ALAC's meetings (in consultation with the vice-chairs, liaisons and with assistance from ICANN staff)
6. ALAC Liaisons and Working Groups

The Chair is responsible for ensuring that the correct working groups are in place to enable the work of the ALAC to be carried out. The Chair therefore will:

 - Recommend establishment/dis-establishment of working groups;
 - Nominate chairs of Working Groups to ALAC;
 - Monitor the work of Working Groups;
 - Nominate the ALAC liaisons to other ICANN bodies for consideration by ALAC.



7. Communications and outreach

Working with ICANN staff, the Chair will ensure that:

- Communications within the ALAC and between the ALAC and RALOs are appropriate and adequate;
- Outreach to potential ALSs is undertaken.

8. Reporting

With the assistance of staff, provide written reports to the ALAC meetings, to the ICANN board, and to AGMs as necessary.

- 9. Representation** – represent the ALAC at meetings and functions as appropriate. May depute to vice-chairs where necessary.



Draft position description - ALAC member

Members of the ALAC represent the at-large community in ICANN's processes and policy-making. ALAC members are appointed for two-year terms, two by each Regional At-Large Organization (RALO) and currently five by the Nominating Committee (NomCom).

ALAC members will relate to the chair, vice-chairs and other ALAC members, to members of other bodies within ICANN, and to ICANN staff. ALAC members who are appointed by RALOs will also maintain relationships with their RALOs. Those who are appointed by the NomCom are not required to maintain relationships with RALOs. Regardless of appointment, all ALAC members shall act at all times in what they perceive to be the best interests of the At-Large community.

ALAC members are expected to prepare for and attend ALAC meetings, including face to face meetings held in parallel with ICANN meetings, and others held by electronic means. They should also participate in ALAC Email mailing lists or other Internet-based forms of participation that may be provided.

ALAC members are expected to make themselves available for Working Groups when asked, or to consider taking a liaison role if invited to do so.

