



# Independent Review of the At-Large Advisory Committee

Report to  
The Internet Corporation for  
Assigned Names and Numbers

Prepared by Westlake Consulting Limited



## 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.

