

## Statement of the Non-Commercial Stakeholders Group on the Draft Report for Public Comment on the Review of the At-Large Community

### Introduction

1. The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the recommendations made by ITEMS International and the At-Large Review Working Party in relation to the future of ICANN's At-Large community. We have carefully considered the Draft Report for Public Comment of the Working Party and would like to provide input into some of its recommendations.
2. The NCSG believes that many of the problems identified by the ITEMS report do exist. In particular, that:
  - **At-Large has been dominated by a few people for too long.** Whether perception or verifiable fact, this is an inevitable problem given the complexity of the work being undertaken within the ICANN ecosystem. There is a well-documented learning curve in bringing the average individual, who we all attract through outreach efforts, up to the level where he or she can provide useful analysis and advice. Term limits might be useful in forcing rotation of leadership, but it will not guarantee that new leaders will have mastered the material. This requires focused capacity development. This is, in our estimation, a problem shared by most of the Stakeholder Groups in the Generic Names Supporting Organisation. A Cross-Community Working Group on Best Practices in Onboarding might be an effective tool to identify common problems and potential solutions in this regard.
  - **It is too focused on internal committees and procedures, and that it is too focused on enlarging the power and resources received by ALAC in the ICANN ecosystem.** ALAC has considerable resources; metrics on how resources are used by different entities in ICANN are, we feel, overdue.
  - **It is not focused enough on holding ICANN (via the Board) accountable and empowering individual Internet users.** There are two difficult problems here. One is how to provide effective commentary on accountability to the Board, a problem shared by other Stakeholder Groups and the Security and Stability Advisory Committee, particularly in the new ICANN model. The second is accountability to the end-users whose interests both ALAC and the NCSG are responsible for representing.
3. We would also like to comment on the perceived mission overlap between At-Large and the NCSG's constituencies. There can be no doubt that newcomers to ICANN have difficulty figuring out where they fit in. If those interested in policy join ICANN's volunteer community, do we have a succinct explanation as to which group they should join? Possibly not, and we should work together to improve our messaging. It is the position of the NCSG that if an individual wishes to influence DNS policy, they should join the NCSG. This does not preclude joining At-Large to provide policy advice to the Board on a wider range of subjects. However, At-Large is an Advisory Committee and not a Supporting Organisation empowered through the ICANN bylaws to develop policy.

4. We think that the use of random selection, rather than merit-based selection, in the appointment of At-Large leadership roles is an interesting idea worth trialling. If the At-Large chooses this route we will watch with great interest. We in the NCSG are always keen to adopt best practices utilised elsewhere in the community, as leadership recruitment and selection is a problem for us as well, and something we spend considerable resources tackling.
5. Finally, we consider it out of scope for the Working Party to recommend that the proceeds from new gTLD auctions be used to fund the ongoing activities of At-Large.

### **Relationship between the NCSG and the At-Large Community**

6. ICANN is composed of three Supporting Organisations, which are responsible for developing and making policy recommendations to the ICANN Board. Among these is the Generic Names Supporting Organisation, which sets the policies for generic top-level domain names. Once policy recommendations have been made, they are reviewed and non-binding advice is provided by a series of Advisory Committees. Among these Advisory Committees is the At-Large Advisory Committee (ALAC). The GNSO and ALAC play different, yet unquestionably important, roles.
7. The NCSG is the most diverse stakeholder group in the GNSO, with members drawn from the non-commercial sectors of 117 countries. We play a vital part in the GNSO's bottom-up, multistakeholder policymaking process by voting for representatives to the GNSO Council and actively serving on the various policy development process working groups.
8. In addition to members who have not joined a constituency, the NCSG has the Non-Commercial Users Constituency (NCUC), and the Not-for-Profit Operational Concerns Constituency (NPOC). Together, we form a network of individuals and organisations who represent the interests of non-commercial registrants and users in domain name policy.
9. The ALAC is the leadership council for a community of 140+ At-Large Structures (ALSes), many of which are chapters of the Internet Society, which claim to represent the interests of Internet end-users. The ALSes are located in each of the five geographic regions of the world and have federated into Regional At-Large Organisations (RALOs). The multistakeholder formation of At-Large and the ALAC means that its membership includes both commercial and non-commercial entities, which is a significant difference between our two organisations.
10. ALAC has a liaison on the mailing list of the NCUC. This is meant to ensure that there is no (or minimal) duplication of work, and that cooperation can happen when appropriate. We wonder if this is working as well as it could, and are investigating reactivating the liaison role for NCSG to coordinate with the ALAC, if ALAC would accept such a liaison. We are sure there is room for improvement here, on both sides, and would be eager to work on this together, to make the liaison role(s) more effective.
11. The At-Large receives significant staff support and resources from ICANN. We understand this includes at least seven full-time staffers, translation and interpretation support on calls,

six-digit capital investments in its website, ‘outreach’ cocktail receptions, and periodic multi-million dollar Summits, the next of which will be held by the beach in Barcelona. We certainly understand why some of this support is necessary, and at times wish we had similar support at our disposal, as our membership is also globally dispersed with not all comfortable communicating in English. We may be envious of At-Large’s access to interpretation and translation but we do not begrudge it. However, what we do find problematic are reports that staff support is used by the At-Large community to develop written statements and positions on different policy issues.

12. The NCSG has very few resources at its disposal, with its constituencies relying largely on self-funding. This consists of funding from external donors, and modest travel support from ICANN so that our elected officers can participate in ICANN meetings and undertake small amounts of targeted outreach. Some of our members self-fund or obtain external grants to support their travel to ICANN meetings. Both NCSG constituencies have less than one FTE of administrative support provided by ICANN. The volunteers of the NCSG develop its statements and positions in their entirety.
13. It is our understanding that the role of ALAC is to provide the ICANN Board with non-binding advice on issues being discussed within the ICANN community which have implications for end-users. Although At-Large participants, like anyone, can join open policy development working groups, it is not the role of ALAC, per se, to be directly participating in the GNSO’s policy development functions. It is therefore troubling to us to read calls in the Review for At-Large, as an organisation, to be more involved in the policy development process. Given there is significant staff support being provided to At-Large, it raises the question as to how much influence staff have on the policy process. This question must be asked, because as it stands, there is an obvious imbalance across the ICANN community between the ALAC and others in terms of the support being made available to foster participation.

### **Random Selection is Imperfect But Could it be Better than the Status Quo?**

14. For rapporteur positions, we understand it has been proposed that when there are two or more volunteers from one Cross-Community Working Group or GNSO Policy Development Process Working Group, a RFC3797-like randomisation mechanism will be used to select the representative.
15. For the 15th Board seat, we understand it has been recommended that the Nominating Committee “vet nominees to produce a slate of qualified candidates from which the successful candidate is chosen by random selection.”
16. We have heard that the At-Large community has reservations about “random selection” being used in the appointment of leadership roles. In some respects we see how it may be perceived as being detrimental to fostering diversity. These concerns are valid but not ones we share, because we believe there is clear evidence that elections have not succeeded in reaching diversity targets either. We are watching with great interest to see how random selection

works for At-Large, and to see if this is something which we should consider adopting in our own processes, where appropriate.

### **Opposition to New gTLD Auction Proceeds Fund Being Used to Fund the Ongoing Activities of At-Large, Unless that is the Community's Decision**

17. The report recommends that ALAC “initiate discussions with the ICANN Board of Directors with a view [to] gaining access to [the auction proceeds raised through the new gTLD program] in support of the At-Large Community.” We do not support this recommendation. At present, there is a Cross-Community Working Group determining the methodology for disbursing funds, within which the ICANN Board has instructed participants that, “there should be [a] clear separation of those deciding the general direction [of how the auction proceeds be allocated], those choosing specific projects, and those receiving the funds.” Leaving aside the fact that the ICANN Board does not have the discretion to allocate these funds to At-Large, it would clearly undermine the bottom-up, multistakeholder model of governance for the Board to ignore the work of the Cross-Community Working Group and to hand these funds over to another party.
18. It is worth noting that the new gTLD auction proceeds have been described as an exceptional, one-off event. Accordingly we do not believe they are a suitable pot of funding to be depended upon by any community to support ongoing, operational expenses.

### **Other Observations**

19. We believe that the ITEMS review did not tackle one of the biggest problem which the At-Large has to struggle with, namely, its fundamental structure. Understandably, ICANN being the first organisation of its kind in the Internet governance space, there were flaws in the institutional design of the At-Large. The At-Large is supposed to represent the interests of individual Internet users, who number in the billions and have extremely diverse viewpoints. Each of those individuals has a very small stake in the outcome of ICANN processes. Political science has made it clear that when very large numbers of individuals have very small stakes in a process, collective action is difficult if not impossible. The design of At-Large makes collective action by large numbers of individual users with diverse interests practically impossible. To have an impact in the At-Large, individuals cannot express their preference directly through voting, but must work their way up a complex organisational ladder — one that is already occupied by incumbents who reap benefits from being in leadership positions, and have invested considerable time and effort in mastering the complexity of the institution and its issues. A strong incentive for participation is to gain the benefits of support and this may restrict the ability to voice the interests of individual users, who have fewer outlets and incentives to participate. We feel that some of the criticism of current leadership in the At-large is an unavoidable product of the design of the At-Large institution, and it is worth analysing that structure in the review.
20. The easiest way to aggregate the preferences of a very large number of individual stakeholders is through some kind of voting mechanism. Yet after 2002, voting was eliminated and At-Large was organised as if it were a stakeholder group like registrars or

trademark owners. This hasn't worked. It seems unlikely that the reforms proposed by ITEMS will make it work, but absent further institutional and structural analysis, we cannot be sure. We understand that there have been discussions in the past within At-Large about developing At-Large voting methods for electing leaders and the Board member. We recommend that these methods be re-examined.

21. Given the resource constraints that ICANN faces in coming years from a decrease in revenue, we must all examine whether we can deliver better results with existing resources. If ALAC proposes to play a larger role in policy, it would be beneficial to discuss how and where, and, perhaps, some of our experience in doing lots with less. Our community organising happens because the purpose of our own participation is to shape policy, not necessarily for outreach, although we certainly look for new members, and grapple with the problems of burnout which we suspect ALAC leadership also faces. We would like to focus on avoiding duplication of missions, and do not want to cause needless confusion among new recruits and Fellows attracted to partaking in the work of the ICANN community, so clarity of roles must be a priority. We would like to express our commitment to working with At-Large on this issue.

### **Conclusion**

22. Thank you again for inviting our input on your work. We are grateful to ITEMS International and the Working Party for this opportunity to share our views and hope you will find our comments and recommendations helpful. We would be delighted to provide you with further comment or clarification in any way that we can.