



Improving Institutional Confidence Proposed Bylaw Changes to Improve Accountability

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IIC <http://www.icann.org/en/jpa/iic/draft-iic-implementation-26feb09-en.pdf>

Bylaw <http://www.icann.org/en/jpa/iic/iic-the-way-forward-31may09-en.pdf>

IIC and Bylaw Changes

- Improving Institutional Confidence
 - <http://www.icann.org/en/jpa/iic/draft-iic-implementation-26feb09-en.pdf>
 - In green already stated ALAC positions
 - In red new proposals
- Proposed Bylaw Changes to Improve Accountability
 - <http://www.icann.org/en/jpa/iic/iic-the-way-forward-31may09-en.pdf>

Improving Institutional Confidence

1. Subject

1. Safeguards must address all types of capture

2. Staff recommendation for board action

1. Issues-based involvement is being dealt with in the implementation of the GNSO review recommendations
2. Benchmarking of volunteer recruitment for each SO and AC is now being conducted and proposed targets may be incorporated into the Operational Plan for FY 2010

3. ALAC position

Improving Institutional Confidence

1. Subject
2. Staff recommendation for board action
3. ALAC position
 1. At-Large/ALAC supports those proposals but in some cases a cross SO and AC WG could be setup to help a broader and earlier participation on topics not fitting in only one SO

Adam suggestion & concerns

- Addition
 - recommend that policy briefing materials staff prepare for the board should be made available online as soon at the same time as they are available to the board. Particularly any material prepared for a decision by the board
 - Where to place it?
 - **2 ACCOUNTABILITY**

Improving Institutional Confidence

1. 6 Strengthen GAC to avoid capture
2. Board should consider means to work with the GAC and the ICANN community on a fully consultative process to publicly review the GAC's role within ICANN. This review process might focus on coordination and consultation between the GAC and other supporting organizations and advisory committees of ICANN.

The Board should consider the exploration of how the practice of issuing a formal and detailed response to GAC communiques can be done in a timely way

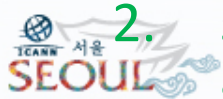
3. **At-Large/ALAC supports those proposals. And generally speaking “...a formal and detailed response to” advice given to the Board must be setup for all the ACs**

Improving Institutional Confidence

1. 6.1 Language interpretation at GAC meetings
2. The Board should consider ... translation and interpretation of documents and other work to continue to support participation and working practices at the GAC
3. With the development of a number of At-Large Structures from different regions around the globe, it would be useful to offer the same simultaneous interpretation services at At-Large Structure meetings

Improving Institutional Confidence

1. 6.2 Board meeting or workshop once a year in a city with much government representation, e.g. Geneva, New York
2. Possible updated recommendation 1.6.2: “Find better ways for governments to be informed about and meet with the ICANN community and, as a part of that, interact with the Board.”
3. At-Large (ALAC) does
 1. not support this recommendation particularly if this meeting is counted towards one of the 3 yearly (general) meetings of ICANN as a whole because it would decrease the opportunity of having meetings of regional structures (RALOs) in the context of ICANN general meetings and would also decrease the opportunity to promote outreach in various countries through ICANN general meetings
 2. supports regional meetings open to all the constituencies and not just select constituencies



Improving Institutional Confidence

1. 6.3 Travel support programme for GAC reps from UN LDCs
2. Board should consider the extension of travel support for GAC members from the Least Developed Countries and support for more remote participation at GAC meetings
3. At-Large (ALAC) supports this proposal and hopes the same will be offered to At-Large Structures

Improving Institutional Confidence

1. 10 Retain ICANN's headquarters in the United States to ensure certainty about ICANN's registry, registrar and IANA contracts and other stakeholder agreements and frameworks.
2. The Board should consider accepting the PSC recommendation and recommends that ICANN maintain its headquarters in the United States, specifically in Marina del Rey, California
3. At Large members expressed the view that ICANN should make a greater effort to geographically diversity its organs, staff and activities. One way to accomplish this would be to have important ICANN functions and responsibilities split among various regions, languages, genders and cultures:
 1. ~~Head quarters~~
 2. ~~Chair of the Board~~
 3. ~~Vice Chair of the Board~~
 4. ~~President and CEO~~
 5. ~~Vice presidents ...~~
 6. ~~Chairs of the SO/AC...~~
 7. ~~Oversight by? ...~~
 8. ~~Bureaus~~
 9. ~~Staff ...~~
 10. The splitting of functions and responsibility, however, should not be done in a way that would result in inefficiencies or duplication of effort. ICANN must also remain vigilant concerning the efficient use of its resources

Adam suggestion & concerns

- Section 1.10 recommending senior management, SO/AC, staff, and other responsibilities be split along geographic/linguistic/cultural lines
 - I think this impractical, likely to cause more harm than good, idealistic to the point of naivety
- It was already vote upon as a result of the Summit

Improving Institutional Confidence

1. 13.1 Require statements on conflict of interest from all members of the Advisory Committees, Supporting Organizations and Nominating Committee
2. The Board Governance Committee should develop appropriately binding policy on statements on conflict of interest across the SOs and ACs
3. At-Large (ALAC) supports this proposal and has already begun to implement such a policy for its members

Improving Institutional Confidence

1. 13.4 Create a framework that allows cross-participation in supporting organizations and advisory committees but prohibits voting in more than one ICANN entity
2. The Structural Improvements Committee should consider further improvements in coordination and potentially increased cross-participation between SOs and ACs, especially during the issue-identification stage of a new policy initiative
3. At-Large (ALAC)'s position and proposal on this topic is included in the Summit Declaration. This recommendation of the PSC will be very difficult to implement and will create more burden than any real improvement in transparency. At the same time At-Large (ALAC) supports the position that the elected seats in each SO/AC/Board should be easier to follow and be populated with different individuals

Improving Institutional Confidence

1. 2.2 Ensure due consideration of GAC's advice on matters of public policy
2. "no specific point"
3. At-Large (ALAC) suggests the Recommendation 2.2 be revised to read
 1. "Ensure due consideration of AC's advice."

Improving Institutional Confidence

1. 2.7: Seek advice from a committee of independent experts on the restructuring of the review mechanisms to provide a set of mechanisms that will provide for improved accountability in relation to individual rights and having regard to the two proposed further mechanisms in RECOMMENDATIONS 2.8 and 2.9 immediately below
2. The ICANN Bylaws should be amended to establish a new and newly constituted Independent Review Tribunal with powers to review the exercise of decision-making powers of the ICANN Board under three general rubrics of fairness, fidelity and rationality
3. At-Large (ALAC) believes that ALAC would be well suited to offer ICANN this type of advice



Adam suggestion & concerns

- Section 2.8 no need to include this comment
- Done

Improving Institutional Confidence

1. 3.4: Continue to improve participation by extending outreach so that all relevant stakeholders around the world are able to interact with ICANN, including by establishing ICANN's presence in additional jurisdictions. Priority should be given to presence/office establishment in south, central and northern Asia and in Africa
2. The Board should consider recommending ICANN staff to continue conversations with authorities in jurisdictions such as Belgium and Switzerland, and report back with a detailed analysis of risks and benefits to the Board and community
3. **At-Large (ALAC)**
 1. thinks that in addition to the 3 yearly general meetings, at-least 2 regional meeting should be organized by ICANN each year one in each of the (2) remaining of ICANN's five geographic regions.
 2. All the regional meetings must be open to all constituencies and support must be provided for these additional regional meetings, as it is for the 3 yearly general meetings

Adam suggestion & concerns

- Section 3.4 I don't think we have the capacity to participate in two more meetings each year (but ALAC and other SO/AC should be informed of all ICANN regional meetings and should be able to attend if relevant, "relevance" decided by the SO/AC concerned.)
- It was already vote upon as a result of the Summit
- The 2 meetings are for Regional peoples and organizations, not for the all ALAC

Adam suggestion & concerns

1. 3.6 Maintain ICANN's current headquarters and operational presence in California, regardless of any change in its corporate organizational structure
2. The Board should consider accepting the PSC recommendation and recommends that ICANN maintain its headquarters in the United States, specifically in Marina del Rey, California
3. I think is suggesting ICANN consider moving headquarters -- this surly not a possibility given the Affirmation of Commitments?
4. ALAC is not suggesting that.

Improving Institutional Confidence

1. 4.6: Give consideration to how to manage ICANN's future revenue growth in line with ICANN's not-for-profit status and its core mission and mandate
2. The Finance Committee should continue with and provide more detail on Strategic and Operational Planning and reporting systems, including Dashboard and other tools, and encourage increased community involvement in the bottom-up planning and budget process
3. At-Large (ALAC) is willing to participate in these discussions with the understanding that better and wider outreach and participation is a first step to the useful utilization of any increase in ICANN revenues



Improving Institutional Confidence

1. 5.3: ICANN should be a discussion leader and raise awareness of issues linked to stability and security of the Internet.
 1. 5.3.1 ICANN should further define and strengthen its role in relation to security and stability of the unique identifiers and their impact on the Internet
2. 21 May 2009, ICANN published for public comments the “Plan for Enhanced Internet Security, Stability and Resiliency”
3. While the At-Large (ALAC) supports these recommendations, it expects ICANN to be much more than just a discussion leader and awareness raiser. As the current state of the deployment of DNSSEC and IPv6 demonstrate, the unorganized spreading of responsibilities between informal groups and regional entities with no real leadership, has led to a very low adoption rate of these technologies, although the standards have been there for more than 10 years
 1. We call ICANN to identify the best practices used in other industries like the automotive or aviation ones. A master plan with clear milestones and deadlines needs to be drafted and implemented with the help of relevant organizations
 2. Obviously, the role of ICANN with regard to new technologies related to the unique identifiers on the Internet does not end with a software and network update of the L root server. As long as these technologies are not being deployed down to the end user premises, they are pretty useless. With a depreciation cycle of an average of 5 years for general hardware and software related to the use of the Internet, a much more aggressive timeline could be drafted for the introduction of new technologies. ICANN should take the leadership on these efforts

Proposal to Establish a Special ICANN Community Vote Requesting a Board Re-Examination of a Board Decision

- **At-Large/ALAC support this proposal in principle but would like to see**
 - **an explicit way to push such a motion (the risk here is that if anyone can ask to vote, it will be time consuming for the SO and ACs). Like one SO or one AC or X number of people in a common petition could initiate such a vote**
 - **a full picture of the bylaws change (under consideration, in project or possible following evaluation(s))**

Proposed Bylaw Changes to Improve Accountability

- Please refer to the following links to get more information
- <http://www.icann.org/en/announcements/announcement-27jul09-en.htm>
- After reading the following ICANN staff proposal to review the bylaws with two proposed accountability measures, ALAC is willing to make the following comments (first added August the 14th 2009)
- <http://www.icann.org/en/general/proposed-bylaw-revision-iv-5-clean-27jul09-en.pdf>
- Concerning this proposal we just want to reiterate what is written the page before
- **an explicit way to push such a motion (the risk here is that if anyone can ask to vote, it will be time consuming for the SO and ACs)**
- <http://www.icann.org/en/general/proposed-bylaw-revisions-iv-3-redline-27jul09-en.pdf>
- **If ICANN implement the previous proposal (and further other accountability mechanisms) maybe an “IRB” Independent Review Body is not any more mandatory**
- **If it is to be implemented we need to see a better description of the role of the IRB, IRB panel and the IRB provider. We need to be sure that process is setup by the Board and not by any external provider**



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Thank You – Merci – Gracias

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At-Large Online: <http://www.atlarge.icann.org>

ALAC Working Wiki: <http://st.icann.org/alac>