

A Field Guide to the ICANN Reforms

Important changes are taking place in ICANN's representational structures. They are the most sweeping changes in ICANN since the so-called "evolution and reform" process of 2001-2, when ICANN eliminated the opportunity for individual internet users to directly elect Board members, and redistributed power among domain name constituencies.

The new changes will directly affect opportunities for people to participate in ICANN – hopefully in a more positive way. Indeed, there are some (potentially) good things about the planned reforms, such as a more balanced representation of commercial and noncommercial users and more flexible working group structures. But there are also serious problems and dangers in this effort. Sadly, few of the people affected by domain name policy are aware of these changes and how they might affect their participation in ICANN. Even if they are vaguely aware of them, they are unable to follow the complicated machinations through which they will be implemented.

There is danger in that ignorance. The ICANN reforms redistribute policy making power within the organization. Like any process that takes away power from some and gives it to others, it is a contentious process, and it might be manipulated or derailed en route. Aside from the politics, any organizational redesign is bound to be complicated and to have unintended consequences. As we shall show, the Board's plan for reform has already confronted some unanticipated issues, especially around the issue of forming new constituencies. But before anyone can monitor these changes and make sure that they don't make things worse, they have to climb a very steep learning curve.

That is why the Internet Governance Project is initiating a series of blogs explaining and analyzing the structural changes underway in ICANN. If you think reading about this topic is about as appealing as getting a tetanus shot, we sympathize, and promise to make it as lively and interesting as possible. At the very least, we guarantee that reading this unfolding report will be more pleasurable than reading the 23 different ICANN staff reports, 5-6 Board resolutions, months of Council minutes and multiple email lists you would have to monitor to piece it all together for yourself.

There is a lot at stake here. If you care about global governance of the Internet; if you care about the representation of civil society in Internet governance; if you are concerned about streamlining ICANN's already-complicated structure to make it more accessible for people, then you need to read this.

The series will be divided into the following parts,

1. The LSE Report

How a surprisingly independent and accurate report by political scientists at the London School of Economics identified the problems in the GNSO and kicked off the reform process.



<http://internetgovernance.org>

2. The BGC's Plan to Reform the GNSO

How reformers in the ICANN Board's Governance Committee translated the recommendations of the LSE report into a blueprint for change. Where before commercial and trademark interests had three times as many votes as noncommercial representatives, the new plan would give commercial and noncommercial users the same number of votes on the Council, and give users and suppliers balanced votes too. The plan also tries to shift policy making away from the deadlocked GNSO Council and push it into the hands of open, consensus-based working groups.

3. The Bicameral GNSO

Trademark constituencies, who would lose power under the reforms proposed by the Board, organize a revolt. In a surprise move, they gain the support of ALAC and the Noncommercial Users by proposing an even more radical redistribution of power – at the expense of registrars and registries. The issue is resolved in August 2008 when a high-pressure working group creates a complicated, bicameral GNSO structure.

4. The Noncommercial Stakeholder Group and the problem of constituencies

Having succeeded in obtaining fair representation for civil society in the new bicameral GNSO, noncommercial users realize that the Board's proposal for a two-tiered structure in which stakeholder groups are composed of multiple constituencies is unworkable and will generate unending political conflict and organizational overhead. They propose a simpler, integrated structure. They immediately discover that while no one can refute their analysis of the flaws in the Board's proposed structure, no one likes what they are proposing. Why? The answer will surprise you.

5. ALAC and the problem individual representation in the GNSO

It becomes apparent that the GNSO reforms are inextricably linked to the crisis of confidence facing the whole system of At Large representation in ICANN. One key aspect of the GNSO reforms is to make it possible for individual Internet users to participate in the GNSO. But wait – didn't ICANN just spend several million dollars building up a huge and complicated structure known as the At Large which supposedly represents individual users? And so as GNSO constituencies start to open their doors to individuals a number of uncomfortable questions are raised. How do we get individuals into the GNSO without competing or confusing them with the At Large? If ALAC or the At Large become represented in GNSO, don't they get double representation?

6. Does it all matter?

How the rising power of the Governmental Advisory Committee and the Country Code TLD registries may make the squabbles over the GNSO moot anyway. Stay tuned for the first installment, next week.

