

The Latin American and Caribbean Regional At-Large Organisation (LACRALO) has recently experienced serious issues which center on a lack of adherence to process. The issue came to a head with the recent 2015 election process for a representative to the ALAC from 2015-2017.

In the recent election, the process as laid out in the Rules of Procedure for the LACRALO, (the rules that all At-Large Structures (ALSes) agree to follow) have been ignored, misapplied and misunderstood by the LACRALO leadership. Efforts to resolve these issues have met with very negative results. This has led to a rift in the membership, a lack of ongoing policy work, and much acrimony among LACRALO members.

Considering that ICANN is undergoing a process of upgrading its processes to ensure accountability and transparency in ICANN and its multi-stakeholder community, the LACRALO situation raises serious questions about the ability of ICANN to properly manage its multi-stakeholder process to ensure that the views, comments and opinions of the many stakeholders are all taken into account.

We call on ICANN to take steps to rectify these serious mistakes by the LACRALO leadership. Specifically:

- **ICANN should retain persons with working knowledge of United Nations Rules of Procedures to advise At-Large and LACRALO**

LACRALO's Rules of Procedure ("Rules") are based on the United Nations General Assembly Rules of Procedure. There seems to be a lack of familiarity in ICANN with these Rules. This needs to be **URGENTLY** addressed. We call upon ICANN to retain independent, professional, multilingual legal resources to review the interpretation of the Rules. We further recommend that online and F2F workshops be facilitated by these independent legal professionals on the Rules with supporting materials in multiple languages.

- **Lack of mechanism for redress whenever there is a dispute**

The actions by the LACRALO leadership leading to the motion of no confidence in the LACRALO leadership (and how this motion was dealt with by the LACRALO leadership) underscores the lack of a mechanism to resolve disputes. Some form of arbitration should be established at the ALAC level to resolve any disputes within the At-Large Community.

- **ICANN Ombudsman should investigate the nature of the disputes within LACRALO.**

Assistance and resources should be given to the ICANN Ombudsman to investigate the conditions in LACRALO. This should include a person with a strong proficiency in Spanish which allows the Ombudsman to properly understand the various positions being articulated.

In bringing this matter to the attention of ICANN, it is necessary to analyse the root causes of the problems in order to understand the source of frustration. This is not intended to be a personal criticism, but an insight into why and how this situation has arisen.

LACRALO consists of 47 ALSes from 20 countries in the Caribbean and Latin America region. Several of these member organisations are unhappy with the way things have been going in LACRALO, from both Caribbean and Latin American sub-regions.

The Chair and Secretariat have, for quite a while, been operating as an Executive, making decisions that have not been properly ratified by the membership. The RoP have been misapplied, misunderstood, and often ignored in the day to day activities of the LACRALO. The most egregious example is that of the recent 2015 election of the LACRALO member to sit on the ALAC.

In summary, there was a process to elect the LACRALO member to sit on the ALAC. There was a nomination period, only one person was nominated. At the end of that process, that single candidate was announced as the winner, unopposed. Weeks later, after the elected candidate had begun getting ready to take up his seat at ICANN 54, now ongoing in Dublin, there was an apparent challenge to his nomination. Note that the Nomination, Election, Announcement and Acceptance had all already been completed. Hence there was not a “candidate” but rather, a properly elected member of ALAC. Subsequently, the Secretariat and President determined, from no part of the RoP, that a “confirmation vote” should be held. The properly elected member of the ALAC was deposed and a new election begun.

A Motion of No Confidence was raised immediately upon the convening of the General Assembly to vote. This should have paused the new election while that Motion was debated and voted. This did not occur. The Motion was held in abeyance while the new, illegal, election process was carried through to its conclusion. During this process, the ICANN Ombudsman was appealed to by several parties. His “judgement” was not at all satisfactory, as it spoke not at all to the errors in process, but rather suggested that the aggrieved parties simply put their grievances aside and go along with the hijacked process. The details surrounding this process (or lack thereof) can be found in the motion of no confidence in Appendices 1-6 attached.

It behooves ICANN, its management and staff, to intervene at this point in order to ensure that the LACRALO holds to the standards of Accountability and Transparency that ICANN has set for itself, and by extension, for all of its sub-groups. If the LACRALO leadership is allowed to continue to blithely carry on ignoring rules, making up processes as it goes along, and chopping and changing, even in mid-stream, it will bring disgrace on to ICANN and the ICANN At-Large Community, and at a time when the organisation can least afford it.

In 2016, ICANN will hold its Meeting in Panama, in the LACRALO region. This issue of lack of adherence to the Rules, the lack of attention to proper process, and the rift between members of the LACRALO has effectively stopped all substantive work by the LACRALO for almost half of this year. It needs to be resolved properly and soon, so that the members from the region can return to the work of ICANN with light hearts and strong motivation.

Submitted by: (in alphabetical order)
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Appendix 1. Motion of No Confidence in LACRALO Leadership

Now that a LACRALO general assembly is in session, The University of the West Indies At-Large Structure (hereafter the UWI ALS) in accordance with LACRALO Rules of Procedure, raise a Point of Order and offer this motion of NO CONFIDENCE in the LACRALO leadership.

MOTION OF NO CONFIDENCE

Humberto Carrasco, the member representative from “Asociación de Derecho e Informática de Chile”, an At-Large Structure mutually connected to LACRALO and the ICANN community was elected Secretariat in February 2015.

Alberto Soto, the member representative from “Instituto Iberoamericano de Investigacion para la Sociedad de la Informacion”, an At-Large Structure mutually connected to LACRALO and the ICANN Community was elected Chair of LACRALO in February 2015.

Both are responsible under the ordinary LACRALO Rules of Procedure to conduct the business of LACRALO honestly and with integrity.

By their actions, the following have transpired:

That this general assembly is incompetent to make a decision on the question of electing a representative from LACRALO to the ALAC for the period 2015-2017;

That the question before the assembly is improper and misplaced because Lance Hinds, the member from Devnet is the one true and s[elected] member to the At-Large Advisory Committee (ALAC) from LACRALO for the period 2015-2017;

That the nomination of Lance Hinds, the member from Devnet to the ALAC was illegally and maliciously subverted by the actions of the elected Chair of LACRALO in conspiracy with others, known and unknown;

That the elected Secretariat of LACRALO wittingly and unwittingly and in abdication of his sworn duties assisted and enabled the conspiracy to subvert the [s]election of Lance Hinds, the member from Devnet, to the ALAC for the period 2015-2017;

That this assembly is corruptly spawned and in furtherance of the conspiracy to legalize a corrupted LACRALO election process;

That the Chair and Secretariat of LACRALO have corruptly and illegally voided the vote of the UWI ALS and by doing so, denied the UWI ALS our choice of representation to the ALAC;

That the Chair and Secretariat of LACRALO have corruptly restricted the voice and influence of Jamaican Internet end users in the ICANN policy development process.

On the balance of these facts, the UWI ALS charge the Chair and Secretariat of LACRALO with

1. Inattention to duty
2. Failure to act in accordance with LACRALO Rules of Procedure and the ordinary rules of order pertaining democratic institutions
3. Conspired with one and each other and with others unknown to hijack the electoral process of LACRALO
4. Bringing LACRALO in further disrepute in the ICANN community
5. Impeded the efforts of the UWI ALS to pursue its role in the ICANN policy development process.

Resolved:

That the general assembly demonstrate its lack of confidence in the LACRALO leadership and vote on this motion.

Appendix 2. Comparing Two Timelines Of Past Elections

Timeline for LACRALO Chair and Secretariat Election 2015 – 2016

December 8, 2014	Timeline for LACRALO Chair and Secretariat Election 2015 – 2016 posted http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2014-December/011827.html <ul style="list-style-type: none">• Nominations and self-nominations: 09 DEC 2014 - 09 JAN 2015• Nomination acceptance: Ends 16 JAN 2015• Teleconference for the candidates and Q&A: 20 JAN 2015• Online vote: 26 JAN 2015 - 01 FEB 2015
December 26, 2014	Humberto Carrasco nominated by Alberto Soto http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2014-December/011901.html
December 26, 2014	Humberto Carrasco accepted nomination http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2014-December/011902.html
December 26, 2014	Alberto Soto nominated by Humberto Carrasco http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2014-December/011902.html
December 26, 2014	Alberto Soto accepted nomination http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2014-December/011908.html
January 26 2015	Vote begins for LACRALO Chair 2015 - 2016 http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-January/012033.html

February 1, 2015	Vote ends for LACRALO Chair and Secretariat election http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-February/012077.html
Duration of election cycle	56 days

ALAC Call for Nominations *for ALAC Members and Voting Delegates to the NomCom*

April 30, 2015	ALAC timeline for Election of ALAC representatives and ALAC delegates to the Nomcom for period 2015-2017 posted http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-April/012377.htm ! * 30 April - Announcement of call for nominations and Nominee's Statement. * 30 April - 9 May - Nomination period (nominations accepted for 10 working days). * 16 May - Deadline for nomination acceptances * 18 May - 25 May 2015 – Elections (If required, elections will begin no later than one week after the deadline for nomination acceptances and end no later than two weeks after that deadline)
May 3, 2015	Sylvia Leite Herlein nominated as NomCom Delegate from LACRALO http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-May/012388.htm !
May 4, 2015	Sylvia Herlein Leite accepted nomination as NomCom Delegate http://atlarge-lists.icann.org/pipermail/lac-discuss-es/2015-May/028370.htm !
May 8, 2015	Lance Hinds nominated as ALAC delegate from LACRALO http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-May/012456.htm !

May 8, 2015	Lance Hinds accepted nomination http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-May/012463.html
June 21-25, 2015	ICANN 53 Buenos Aires
June 24, 2015	LACRALO Monthly meeting at ICANN 53
July 17, 2015	Announcement of a 'confirmation vote' for Lance Hinds as ALAC delegate http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-July/012774.html
July 19, 2015	First appearance of Harold Arcos on LACRALO email list http://atlarge-lists.icann.org/pipermail/lac-discuss-en/2015-July/012777.html
July 20, 2015	LACRALO Call for presentation of Lance Hinds, sole nominee for ALAC https://community.icann.org/display/LACRALO/LACRALO+Monthly+Teleconference+2015-07-20
July 21, 2015	Confirmation vote started
July 21, 2015	Harold Arcos is listed as representative to LACRALO from Internauta Venezuela
July 27, 2015	Confirmation vote ends
July 28, 2015	Results of confirmation vote published
Duration of election cycle	89 DAYS

Appendix 3. Motion of No Confidence - Substantiating the charge of Inattention to Duty

Pursuant to the motion, I wish to substantiate the charge of "Inattention to Duty".

By now the timeline comparing election cycles should be with all of you. I am unanimous that LACRALO leadership was inattentive to their duty freely entered with LACRALO.

If the usual claim of ignorance of the LACRALO Rules of Procedure is to be sustained, then it is reasonable to conclude that acceptance of the nominations was deceptive, even fraudulent acts.

If the claim is inability to access the meaning of LACRALO organising instruments after time in office, then inattention is proved. Otherwise, it is reasonable to conclude incompetence.

If the leadership knowingly made decisions and failed to acknowledge the LACRALO Rules of Procedure or seek guidance from those knowledgeable of the Rules of Procedure, it is reasonable to conclude gross irresponsibility and recklessness.

Appendix 4. Motion of No Confidence - The Evidence of Failure to Uphold the Rules and Conspiracy to Deny the UWI ALS of its choice of representation.

The facts are as follows:

LACRALO was instituted as a meta-organisation to be run on principles of consensus decision-making and on democratic principles of governance. These ideals are documented in LACRALO organising instruments.

Nomination period for the post of LACRALO Delegate to ALAC for the period 2015-2017 was established as 30 April, 2015 - 9 May, 2015

Lance Hinds, the representative member from DevNet, is the nominee for the post of LACRALO Delegate to the ALAC for the period 2015-2017

Jose Arce, the representative member from 'Asociacion para las Mejoras de las Tecnologias de la Informacion y Comunicacion' (AMTICs) nominated Lance Hinds on 8 May, 2015

Cintra Sooknanan, the representative member from ISOC-TT, seconded the nomination of Lance Hinds on 8 May, 2015

Several other At-Large Structures, including ACUI, UWI, and TTCS supported the nomination of Lance Hinds

Lance Hinds accepted the nomination on 8 May 2015.

Lance Hinds is the sole nominee for the post of LACRALO Delegate to ALAC 2015-2017 when the nomination period closed on 9 May 2015

The membership of LACRALO is 47

The clear majority of LACRALO members on a procedural poll - country coefficient excepted - is 24.5

In our part of the world where the liberal democratic tradition and the practice of democratic principles are long and deep, a sole nominee to any post in a legal nomination process is duly elected to the post.

Under normal circumstances the election of Lance Hinds would have been acknowledged at the close of the nomination period but no later than 2 days after close.

Lance Hinds [s]election should have been messaged by the presiding officer on or around 11 May, 2015.

In respect of LACRALO where consensus decision-making is the first principle, a sole nomination is evidence of consensus.

Any member has the right to challenge the 'sense of the room' but must publicly declare, that is to say, message the entire membership, of intention to challenge the consensus.

The said member may also privately advise the Secretariat of intent and the Secretariat is duty-bound to advise ALL members of this member's intent. That is to say, the challenging member MUST be identified for the membership.

When the consensus is challenged, the Secretariat must immediately call for a consensus poll that must be open for at least 3 days but no longer than 7 days.

Credentials for the poll is circulated to the ENTIRE membership, meaning ALL are present.

For the challenge to the consensus to be sustained, a clear majority of the MEMBERSHIP, that is to say 50% + 1, must agree with the member challenging the consensus.

The UWI ALS is unanimous that:

The nomination of Lance Hinds was, is and remains valid;

That there is no public record of a challenge to the consensus emanating from his sole nomination;

That the consensus poll was improperly invoked and further, the conduct of the poll was flawed;

The motion for a new nomination process was improper;

The motion for general assembly to consider the election of LACRALO delegate to the ALAC 2015-2017 is improper;

This general assembly is an illegal assembly and is not competent to consider the motion for a vote for LACRALO delegate to the ALAC 2015-2017.

On these bases, the UWI ALS has charged the LACRALO leadership with:

Failure to act in accordance with LACRALO Rules of Procedure and the ordinary rules of order pertaining democratic institutions

That they conspired with one and each other and with others unknown to hijack the electoral process of LACRALO.

Appendix 5. LACRALO Election of Single Candidate Precedent - The Case of the Member from APADIT

I know ignorance loves company, often mistakenly believing it bliss.

So before we have anyone invoking the precedent for Natalia Enciso, representative member to LACRALO from 'Asociación Paraguaya de Derecho Informático y Tecnológico' (APADIT) and sole nominee for LACRALO delegate to the ALAC 2011-2013, here are the facts:

Fatima Cambroner, representative member from 'Asociación Grupo de Estudio e Investigación Académica en Derecho, Economía y Negocios en la Sociedad de la Información' (AGEIA DENSI Argentina) nominated Natalia Enciso

Sylvia Herlein Leite, the representative member from Internauta Brasil, seconded the nomination

Several member ALS, including the UWI, TTCS and ACUI, supported the nomination

At close of nomination, Natalia Enciso was the sole nominee. The call to affirm Natalia Enciso's [s]election was NOT quorate.

There was a concern that technical issues on the digital platform supporting the mailing list may have interfered with the processing of the message announcing the call for the meeting

Given the lack of a quorum, any decision of the meeting is negated and invalid

The presiding officer ruled that a consensus poll be executed.

Now, what is the difference, this case to current one?

Jose Arce - the representative member from Amtics, a sensible fellow, an obviously competent attorney and instinctly democratic in his personal value - was the presiding officer.

Dev Anand Teelucksingh, the representative member from TTCS - another sensible fellow, instincively democratic, steeped in democratic principles and whose many bona fides cannot be successfully denied - was the Secretariat.

One could look at the election timetable. But one would not discern intent to deceive, to derail Natalia Enciso's [s]election or deny AGEAI DENSI Argentina, Internauta Brazil, ACUI, TTCS or indeed the UWI their choice for representation.

The UWI ALS,
Carlton Samuels

Appendix 6. LACRALO Elections - The Matter of Bigotry

It is really irritating to hear about and see Caribbean efforts described - in face-to-face conversions as well as intimidated online - as one looking for handouts.

This is about the rules. And respect for the rules. And by so doing, respecting all of us. And when our rights are abridged, we shall respond. Fiercely too, if we must.

I see one of our colleagues under attack for calling these attacks plainly, bigotry (<https://en.wikipedia.org/wiki/Bigotry>). That is his judgment and he has an absolute right to discomfit those who carry that seed. We are different people with different styles of engagement. But make no mistake, we know when a hand is raised against us. And, what we must do.

There are no sacred cows. At least not where reason lives.

It was a watershed moment for me when one of my longtime colleagues, the hardest worker among Caribbean ALS representatives, one who is slow to anger, describe the situation as us being treated as if we were, literally and figuratively, slaves!

I am responsible for the original draft of the LACRALO Principles and the Rules of Procedure.

The original version of the Principles and Rules of Procedure were finalized with the assistance of Nick Ashton-Hart, then [ICANN] Director of At-Large.

Ditto the revised 2008 version that created the role for a permanent Chair.

This narrative that claims 'we do not understand the rules' is as long-running as it is incredible. The ONLY suggestions for change from those who claim lack of understanding was an attempt at Costa Rica to create more LACRALO posts with titles and to discriminate against Internet users depending on where they live.

One or other of us have been involved in all the heavy lifting. There was a time when the only ones we could call on to do real work were Andres Piazza and Carlos Dionisio Aguirre. Add Fatima Cambronerero to that list. Those were the days Carlos was just learning English. We saw the struggle and how determined he was to participate. So we formed a principle; we will never support discrimination based on language or language proficiency. People will grow.

Contrary to what the bigots would say, the UWI ALS and other Caribbean ALS have supported and voted many Latins as representatives and leaders.

I have voted and supported, among others, the following persons:

Carlos Dionisio Aguirre, Jose Ovidio Salgueiro, Sergio Salinas Porto, Fatima Cambroner, Natalia Enciso, Sylvia Herlein Leite, Jose Arce, and Juan Manuel Rojas. Yes, some more enthusiastically than for others.

At that much maligned and fabricated Mexico City GA, the UWI ALS cast its vote for one Sergio Salinas Porto.

The record will show the UWI ALS is the only Caribbean ALS to ever vote for FLUI-associated members for leadership, despite their seeming gut-level opposition to Caribbean representation. We always look for the redeeming attributes.

I have gone against the advice of my Caribbean peers, even my own business partner, to vote for candidates who did not speak English as representatives. That was on principle.

My principles do not operate on a sliding scale. My principles cannot be situational.

-Carlton Samuels
