

Finding a Path Forward for LACRALO:

Initial Draft Report of the Mediation Process

October 2016

Overview

This initial draft report synthesizes key ideas that have emerged from 16 interviews conducted as a first step in a mediation process underway in the LACRALO community.

An independent mediation team¹ conducted the interviews and prepared this draft report. ICANN convened the team to work with LACRALO members to explore ideas and options to address the serious obstacles that are limiting its effectiveness as a Regional At-Large Organization (RALO).

To select interviewees, the mediation team developed an initial list with ICANN staff representing the range of viewpoints within the LACRALO community. In addition, each interview concluded by asking with whom else we should speak in order to capture all perspectives on the core issues. The interviewees are listed at the end of this report. As part of this process, the team also interviewed ICANN staff working with the region.

Interviews provided a rich view of the context and history of LACRALO, priority issues, underlying concerns, and ideas that community members have to help the organization move forward constructively.

The mediation team is sharing this report in draft form to stimulate feedback from the entire LACRALO community, to ensure the report captures the range of views and ideas, to obtain everyone's input and to clarify how it may be improved.

To facilitate feedback, the mediation team is sending out a 3-question survey alongside this draft report. The team will provide an updated version of the report, with more detailed suggestions on next steps, based on feedback received. Regarding next steps, the mediation process will likely include an in-person workshop in late January 2017.

The mediation team is very grateful to everyone who took time to speak with us about these important issues. Thank you, and we look forward to continue

¹ The mediation team consists of Horacio Falcão, Rodrigo Gouveia, Merrick Hoben and David Plumb from Value Negotiation (www.valuenegotiation.com) and the Consensus Building Institute (www.cbuilt.org).

working with LACRALO members to build a more constructive path forward for the community.

Sincerely, The Value Negotiation – CBI Team
David Plumb / Horacio Falcão / Rodrigo Gouveia / Merrick Hoben

Emerging Key Ideas

This summary describes key ideas expressed in the interviews, including common views held by a wide range of actors, drivers of conflict inside the community, and suggestions for how to move forward.

The summary is intentionally synthesized to make this report brief and readable. Interviewees provided additional depth in their comments.

Common threads

People on different sides of the tensions in LACRALO expressed similar views about feeling wounded by the conflicts that have occurred, exhausted with the status quo, and frustrated that the community seems unable to realize a shared purpose.

- *Palpable, universal frustration:* All interviewees expressed frustration and a sense of exhaustion with the status quo of LACRALO.
- *Difficulty acting with joint purpose:* All interviewees said they felt LACRALO today was struggling to act on a motivating, shared mission that could orient the work of its diverse members.²
- *Perception of unfair behavior, leading to defensiveness:* The majority of members interviewed felt that, despite a collaborative past, at a certain moment many LACRALO participants began behaving in a dismissive and unfair manner, leading to increasingly defensive behaviors.
- *Past conflicts have been painful:* Several interviewees described how personally difficult past conflicts have been.

² ICANN describes a mandate for RALOS in its bylaws: “Each RALO shall serve as the main forum and coordination point for public input to ICANN in its Geographic Region.” Interviews said LACRALO was struggling to implement this high-level mandate with a set of goals and actions that were mutually motivating for members.

- *Interest in seeing a successful mediation process:* All interviewees expressed interest in participating in this process and hope for a meaningful outcome.

Drivers of conflict:

Interviewees described a number of drivers that have created and maintained tensions and conflicts in the region.

- *Different perceptions* of what has actually happened and who is “right.”
- *Mistrustful interpretations* of the motivations and ethics of others.
- *Different backgrounds and agendas:* People have come to the ICANN At-Large community with different agendas and backgrounds. Broadly speaking, there is a more academic/business group interested in the technical and legal issues, another more political/activist group interested in policy objectives; as well as an additional group of professionals that find contributing ICANN rewarding both personally and professionally. The issue of who actually provides useful expert opinion and who actually represents the interests of end users remains contested. Relatedly, nearly all interviewees expressed concern about a proliferation of ALSs that aren’t active participants, yet form voting blocks inside the community.
- *Competition for resources:* LACRALO is a vehicle for participating in ICANN committees and meetings. In particular, serving in a leadership role in LACRALO gives access to resources to travel and to attend these meetings.³ Also, participation in these ICANN/At-Large structures is personally and professionally rewarding for people in the region. Several interviewees described this reality in a negative light (i.e. people looking to pad their CVs, get into networks, etc.). Still, this is an understandable component of a volunteer organization, particularly an At-large Structure that reaches out to people who might otherwise not have the opportunity to participate in this way.
- *Regional identity and language:* Interviewees described a weak shared regional identity unifying the Caribbean and Latin America, despite many common challenges. While interviewees applauded the efforts to address language barriers in LACRALO, they also said language barriers continue to be a point of frustration (in different ways). Community members also noted cultural differences inside the region that lead to tensions and

³ There are a few other sources of travel funding as well, such as the CROPP Program.

misunderstandings.

- *Divisive governance system:* The governance system in LACRALO, and the way it is used to elect leadership and nominate people to ICANN positions, today lacks perceived legitimacy on all sides -- in part because of the emblematic controversies (e.g. the vote miscount in 2009, the 2015 process, etc.); and in part because people disagree over the principles that should guide it (for example: direct vote vs. guaranteed representation for areas (i.e. the Caribbean) that feel they could be permanently overshadowed by majority block of other countries.)
- *Aggressive, even hostile, communication:* The main communication pathways for LACRALO, in particular the LACRALO Mailing list [both lac-discuss-en@atlarge-lists.icann.org and lac-discuss-es-bounces@atlarge-lists.icann.org] frequently take on an aggressive, even hostile, tone that doesn't support constructive communication, engagement or recruitment of new people. Efforts to achieve a more constructive tone have not been successful.⁴
- *Cumbersome, bureaucratic deliberation on issues:* The process for deliberating issues and attempting to formulate a regional opinion is perceived as often cumbersome, bureaucratic and ineffective. LACRALO has struggled to find a process that allows the region to debate and express its different views.

Core interests:

The mediation team asked interviewees about the underlying interests that would be important to them and continued to motivate them to volunteer time and energy in LACRALO.

- *Voice in ICANN:* Latin America and the Caribbean should have a voice in shaping ICANN decision-making. LACRALO is the primary space that ICANN has created for this purpose.
- *Three key functions:* Many participants described three inter-related functions that LACRALO should play: 1) developing regional input and opinions about ICANN policies, 2) educating interested parties in the region about these policy issues, and 3) outreach to additional individuals and organizations that could contribute to the At-large community.

⁴ ICANN organizationally has a Standard of Behavior that includes a section on "respect" and appropriate behavior.

- *“Fair” governance*: LACRALO’s governance system should be “fair,” democratic and promote diverse participation. However, as mentioned above, principles to guide this fairness are disputed.
- *Rewarding participation*: Investing time in a volunteer organization is sustainable when the time feels compelling in some way. Helping a region express itself in ICANN’s decision-making creates a sense of reward for some community members, as well as the opportunity to be involved in interesting conversations and global networks. As mentioned above, several interviewees painted some of these motivations in a negative light, also mentioning that it appeared to them that some LACRALO participants were mainly seeking to promote their own agendas or careers, which might only be loosely connected to ICANN. Interviews also showed that providing personally and professionally rewarding experiences was a legitimate part of convening people in a volunteer capacity and, per se, was not incompatible with helping LACRALO achieve its mission.

Initial reflections on how to move forward:

Interviewees themselves provided ideas about how to construct a more effective LACRALO. As the interviews progressed, the mediation team began to test these ideas along two themes: first, helping LACRALO re-establish a shared sense of purpose, and second, creating a less divisive governance system.

- *Finding (or re-establishing) a shared mission*: LACRALO today has become largely consumed by conversation and conflict over its own governance, its own processes and how nominations and leadership positions are filled. Without a clear and functioning mission as an organization, people don’t have a sense of shared, collective purpose that could unite action among diverse participants. Interviewees had different ideas about how to create this sense of shared purpose. For example:
 - *Create regional input to ALAC*: Emphasize its role as creating a regional view (or views) on the most relevant ICANN policy issues. In practice this would mean creating the *spaces and processes for LACRALO members to better inform themselves on the most relevant ICANN issues, discuss and debate them, and seek to distill key viewpoints that the region would like to transmit*. The region need not express a consensus view on the issues, but it should be able to articulate key points of view. The current processes used to achieve this deliberation feel too bureaucratic to many participants,

and also have too often devolved into re-hashing of previous disputes.

- *Clarify the representative role of LACRALO members in ALAC:* If the region is better able to articulate its views, then LACRALO members on the ALAC and other ICANN committees can exercise a more representative role and less of a personal one, with explicit expectations and accountability to represent the range of views coming out of the region.
 - *Start with a pilot activity:* One interviewee suggested creating right away (prior to any in-person component of the mediation process) a pilot initiative with a diverse group of participants who would dive into the substance of a handful of priority issues, and attempt to develop some key messages from the region on those issues.
 - *Recent advances in this direction:* LACRALO has taken some steps in this direction in September with efforts by its leadership to prioritize issues and ensure those issues are explicitly connected to the priority topics facing ICANN and the ALAC. Since ICANN is a technical organization in many ways, participants will need some technical capacity to participate meaningfully on many issues. However, other issues are less technical and more oriented towards public policy, providing an opportunity for other groups to participate.⁵
- *Less divisive governance system:* Interviewees also offered a variety of ideas about reforming the governance system.
 - *Increase the number of relevant positions (perhaps though a Board-type system).* LACRALO could consider ways to ensure diverse representation and rotation on this board.⁶
 - *Assign different people to lead different areas of the work – sharing leadership responsibility among more people.* This approach connects with the idea of a board-type leadership structure.
 - *Shift the focus (and title) of the “President”,* to reflect a role as facilitator of the network’s work and representative of its multiple views, rather than a “leader”.
 - *Encourage / require active participation:* Reduce the situation of ALSs that only vote in elections while not providing input.
 - *Create or strengthen avenues (such as the CROPP Program) for travel budget:* So that more participants can attend meetings and leadership positions aren’t the principal pathway.

⁵ LACRALO could look at the efforts of other RALOS to prioritize issues, such as EURALO’s Hot Topics list: <https://community.icann.org/display/alacpolicydev/At-Large+EURALO+Hot+Topics+Workspace>

⁶ At least one other RALO (EURALO) has a board.

- *Have quotas:* A mutually acceptable minimum representation per sub-region, in order to reduce tension on one of the key conflict drivers in LACRALO.

Next Steps

The mediation team will revise this draft report based on feedback from the entire LACRALO community. This revised version will contain more specific recommendations about next steps, including an agenda for a planned in-person workshop in early 2017.

The in-person mediation workshop will focus on the three components: 1) the Substance, 2) the Process/Communication (including our rules of procedure) and 3) the Relationship.

The Substance is what LACRALO will be doing in the future; the Process/Communication is how it will be doing it; and the Relationship is to ensure that the sides can understand (not necessarily agree with) the perceptions and fears of others, so that they more easily leave the defensive state of mind typical of people involved in a conflict -- thus becoming more productive in building a solution for the Substance and Process/Communication.

Given what the mediation team has heard so far, and within this framework, we believe the in-person workshop will focus on the following guiding questions:

- ❖ *How do we acknowledge the past (i.e. the perspectives and actions driving the conflict) so that we become ready to move forward?*
- ❖ *How could we create and strengthen a joint purpose in LACRALO, and have internal processes that let us act efficiently and constructively on that purpose?*
- ❖ *How might we enhance our governance system in ways that are less divisive and more inclusive?*

The mediation team will work with members of the LACRALO community prior to the in-person workshop to develop inputs and ideas that help participants generate shared answers to these questions.

List of Interviewees

1. Alberto Soto
2. Alejandro Pisanty
3. Bartlett Morgan
4. Carlos Aguirre
5. Carlos Raul Gutierrez
6. Carlton Samuels
7. Dev Anand
8. Fatima Cambroner
9. Humberto Carrasco
10. Jason Hynds
11. Jose Arce
12. Leon Sanchez
13. Maritza Agüero
14. Sergio Salinas Porto
15. Sylvia Herlein Leite
16. Vanda Scartezini