

Reconsideration Request Form

1. Requestor Information

Name: Sergio Walter Salinas Porto

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional): Contact Information Redacted

2. Request for Reconsideration of:

Board action/inaction

Staff action/inaction

3. Description of specific action you are seeking to have reconsidered:

We request the reconsideration of the action taken by ICANN Staff in facilitating the implementation of a new travel policy for ICANN 80, communicated to the community prior to April 4, 2024, without properly warning about potential conflicts with ICANN's mission and the omission to properly involve the community in the decision-making process. This action contradicts ICANN's established policy development principles of consensus, transparency, and inclusiveness, setting a concerning precedent for resource management and decision-making within ICANN.

This action by the ICANN Staff appears to violate specific provisions of ICANN's Bylaws that underscore the organization's commitment to a multi-stakeholder, consensus-driven approach to policy development, specifically:

- **Violation of ICANN's Mission and Core Values:** According to Section 1.1(a) of the ICANN Bylaws, ICANN's mission is to ensure the stable and secure operation of the Internet's unique identifier systems. Part of fulfilling this mission involves coordinating the development and implementation of policies through a bottom-up, consensus-based multi-stakeholder model. The unilateral implementation of the travel policy, without adequate community involvement, directly contravenes this mission and the core value of "seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making."

- **Bypassing Established Policy Development Processes:** As outlined in Article 3, Section 3.1 of the ICANN Bylaws, all policy

development processes must be transparent, inclusive, and aim to achieve consensus across the different stakeholders of the ICANN community. The manner in which the new travel policy was introduced and decided upon did not adhere to these procedural norms, thereby bypassing the structured processes intended to safeguard the integrity and inclusiveness of policy-making within ICANN.

Therefore, we request that the Board reconsider the staff's actions regarding the new travel policy's introduction and implementation for ICANN 80, ensuring that any policy alterations align with ICANN's mission, commitments, and core values as stipulated in the Bylaws, and uphold the multi-stakeholder model's principles of consensus, transparency, and inclusivity.

This request not only seeks to address the specific instance of the travel policy but also to reinforce the importance of adhering to ICANN's foundational principles in all aspects of its operation and decision-making processes.

4. Date of action/inaction:

Awareness of this situation was raised on April 5, 2024, marking the commencement of the voting process regarding changes to the travel policy.

5. On what date did you become aware of the action or that action would not be taken?

On April 5, 2024, immediately following the communication of the issue to the LACRALO mailing list by Sergio Salinas Porto, indicating a clear lack of an inclusive and transparent process.

6. Describe how you believe you are materially and adversely affected by the action or inaction:

The newly implemented travel policy significantly constrains our ability to participate equitably in ICANN meetings by relying on the discretion of ALAC leadership to decide who gets to travel to these meetings. This approach undermines the foundational principle of inclusivity and equal participation, consequently affecting our representation and voice in critical decision-making processes.

This situation appears to contravene specific provisions within ICANN's Bylaws, particularly those emphasizing the organization's commitment to a multi-stakeholder model that promotes broad, inclusive participation. According to Section 1.2(b) of the ICANN Bylaws, one of

ICANN's core values is employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process. The exclusionary impact of the travel policy, predicated on a lack of transparent and inclusive decision-making, directly conflicts with this core value by limiting the ability of affected parties to contribute effectively to the policy development process.

Furthermore, Article 3, Section 3.1 of the Bylaws states that ICANN should "operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness." The discretionary nature of the travel policy, as implemented, challenges this stipulation by introducing a level of opacity and potential unfairness into the process of determining who can contribute to meetings in person, which is pivotal for a robust and equitable policy development process.

In essence, the travel policy, as it currently stands and has been executed, materially and adversely impacts our ability to engage on an equal footing within the ICANN community, thereby diminishing the effectiveness and legitimacy of the multi-stakeholder model enshrined in ICANN's Bylaws. This not only affects our individual and collective capacities to contribute to the policy dialogue but also poses a broader risk to the integrity and inclusivity of ICANN's decision-making and policy development processes.

7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern:

The entire community stands adversely affected by the action or inaction regarding the new travel policy, as it sets a precedent for future decision-making processes that may circumvent ICANN's principles of transparency, inclusivity, and consensus-based policy development. This situation directly impacts At-Large, the community of individual Internet users actively involved in ICANN's policy development work. At-Large, with its over 140 active At-Large Structures (ALSes) representing individual Internet user opinions worldwide, is a critical component in promoting global participation in ICANN's policy development.

At-Large's role in providing essential policy advice to ICANN, including guidance on ensuring changes in the Internet's address system maintain the Internet as a reliable and secure space, implementing Internationalized Domain Names (IDNs), and introducing new top-level domains (TLDs), is paramount. The policy significantly undermines At-

Large's ability to fulfill this role effectively. By limiting equitable participation in ICANN meetings, where critical decisions affecting the DNS and other unique identifiers are made, the policy potentially diminishes the collective voice and representation of individual Internet users in crucial policy discussions.

Moreover, the travel policy's lack of transparency and inclusivity in its development and implementation process contradicts the ethos of At-Large, which aims to promote the active and informed engagement of individual users in ICANN's policy-making. This not only affects the individuals and ALSes within At-Large but also sets a dangerous precedent for the broader ICANN community. It signals a shift towards decision-making processes that might not fully consider the wide-ranging implications and concerns of the global Internet user community.

Such a move away from ICANN's established principles could result in policies that are less reflective of the diverse needs and opinions of the global Internet community, ultimately impacting the legitimacy and effectiveness of ICANN's multi-stakeholder model of governance. It is crucial for the integrity of the Internet's governance that policies, especially those as impactful as the travel policy, are developed and implemented in a manner that is transparent, inclusive, and rooted in consensus, ensuring that all voices, especially those of individual Internet users represented by At-Large, are heard and considered.

8. Detail of Board or Staff Action/Inaction - Required Information:

The ICANN Staff facilitated the adoption of a new travel policy that stands in direct contradiction to ICANN's mission, particularly by preparing and pushing forward a vote on this critical issue. A significant omission on the part of the staff was the lack of a proper warning to the ALAC leadership and the entire At-Large community about the decision-making process for the new travel policy and its potential to directly undermine the principles upon which ICANN operates. This omission represents a failure to fulfill their duty to ensure all actions and policies are in alignment with ICANN's mission and core values.

In facilitating this policy change without adequate community consultation or transparent decision-making processes, the staff bypassed the established ICANN ethos of consensus-driven, transparent, and inclusive policy development. This approach not only contradicted the expectations set forth in ICANN's governing documents but also disregarded the need for a robust dialogue with the community, especially considering the policy's wide-reaching implications.

The process and its facilitation by the ICANN staff raise concerns about the commitment to ICANN's core values of transparency, accountability, and inclusivity in policy formulation. By moving forward with the vote without sufficient warning or discussion, the staff overlooked an essential opportunity to engage the community in a meaningful dialogue about the travel policy's potential impacts and alternatives that could have been more in line with ICANN's overarching goals.

Moreover, the lack of a preemptive warning to the ALAC leadership and the broader At-Large community about the adverse effects of the decision-making process on ICANN's operating principles suggests a gap in the staff's commitment to upholding ICANN's mission. This action, coupled with the omission of a duty to alert the community, materially impacts not only the parties directly involved in the travel policy's implementation but also sets a concerning precedent for future policy developments within the ICANN ecosystem.

The detailed results of the voting, available at <https://tally.icann.org/cgi/results?a=pr&e=55727e25742>, further underscore the contentious nature of the policy change and highlight the division within the community regarding this significant shift. The results reflect a need for a more thoughtful, community-centric approach to policy changes, ensuring alignment with ICANN's stated mission and adherence to its foundational values of openness, transparency, and community participation.

9. What are you asking ICANN to do now?

We request that ICANN either annul or suspend the implementation of the new travel policy until a decision is reached through a consensus-based, bottom-up, multi-stakeholder process. This is to ensure that such a decision is made through a more transparent, inclusive, and consensus-driven process that fully engages the ICANN community. It is vital that ICANN reconsiders its approach to policy changes, particularly those with far-reaching implications for community participation and representation. By adopting a process that aligns with ICANN's core values and procedural expectations, we can safeguard the integrity of decision-making within ICANN and reinforce our collective commitment to a truly global, open, and participatory Internet governance ecosystem.

10. Please state specifically the grounds under which you have the standing and the right to assert this Reconsideration Request, and the grounds or justifications that support your request:

As the Secretary of the Latin American and Caribbean Islands Regional At-Large Organization (LACRALO), I, Sergio Salinas Porto, possess the standing and the right to assert this Reconsideration Request on behalf of our members and the broader LACRALO community. My role within LACRALO, an essential part of the ICANN At-Large community, positions me to represent the interests and concerns of Internet users across Latin America and the Caribbean. The action and inaction by the ICANN staff regarding the implementation of a new travel policy for ICANN 80, without adequate community consultation or consideration of its impact, have materially harmed our community by undermining principles of equitable and inclusive participation. This policy change, introduced and facilitated without transparent and inclusive deliberation, directly impacts LACRALO's ability to effectively participate in and contribute to ICANN's policy development processes. As such, this matter not only affects me in my capacity to represent LACRALO's interests but also poses a significant concern for the representation and voice of our regional community within ICANN's multi-stakeholder, consensus-based model. Our request for reconsideration is grounded in the necessity to ensure that ICANN's actions remain aligned with its mission and core values, particularly the commitments to openness, inclusivity, and equitable participation.

11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities?

Yes
 No

12. Are you bringing this Reconsideration Request on an urgent basis pursuant to Article 4, Section 4.2(s) of the Bylaws?

Yes
 No

12a. If yes, please explain why the matter is urgent for reconsideration.

This Reconsideration Request is submitted as urgent due to the fast-approaching ICANN80 Policy Forum, scheduled for June 10-13, 2024, in Kigali, Rwanda. The imminent occurrence of this pivotal event, serving as a critical platform for policy advancement, community engagement, and decision-making within ICANN's global ecosystem, underscores the imperative to promptly address concerns regarding the newly implemented travel policy. The policy, having been instituted without an

inclusive, transparent, and consensus-based process, threatens to significantly restrict equitable and representative community participation at a crucial juncture for international dialogue and collaboration. Therefore, it is essential that this reconsideration be treated with utmost priority to ensure that all ICANN stakeholders can fully and effectively engage in the ICANN80 Policy Forum, thereby upholding the integrity of the multi-stakeholder model and fostering an environment of inclusion and transparency. Moreover, adhering to the standard Reconsideration Process might result in a decision arriving too late, potentially after the ICANN80 Policy Forum, which would greatly diminish the effectiveness of any remedial action and compromise meaningful community participation in this significant event. Acting with urgency is paramount to avert these detrimental outcomes.

13. Do you have any documents you want to provide to ICANN?

Yes, we attach relevant communications, the communicated policy, and records of community responses that highlight concerns with the process.

Terms and Conditions for Submission of Reconsideration Requests

Reconsideration Requests from different Requestors may be considered in the same proceeding so long as: (i) the requests involve the same general action or inaction; and (ii) the Requestors are similarly affected by such action or inaction. In addition, consolidated filings may be appropriate if the alleged causal connection and the resulting harm is substantially the same for all of the Requestors. Every Requestor must be able to demonstrate that it has been materially harmed and adversely impacted by the action or inaction giving rise to the request.

The BAMC shall review each Reconsideration Request upon its receipt to determine if it is sufficiently stated. The BAMC may summarily dismiss a Reconsideration Request if: (i) the Requestor fails to meet the requirements for bringing a Reconsideration Request; or (ii) it is frivolous. The BAMC's summary dismissal of a Reconsideration Request shall be documented and promptly posted on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en>.

Hearings are not required in the Reconsideration Process; however, Requestors may ask for the opportunity to be heard. The BAMC retains the absolute discretion to determine whether a hearing is appropriate,

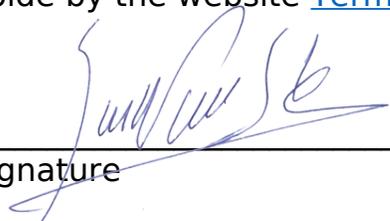
and to call people before it for a hearing. The BAMC's decision on any such request is final.

For all Reconsideration Requests that are not summarily dismissed, except where the Ombudsman is required to recuse himself or herself and Community Reconsideration Requests, the Reconsideration Request shall be sent to the Ombudsman, who shall promptly proceed to review and consider the Reconsideration Request. The BAMC shall make a final recommendation to the Board with respect to a Reconsideration Request following its receipt of the Ombudsman's evaluation (or following receipt of the Reconsideration Request involving those matters for which the Ombudsman recuses himself or herself or the receipt of the Community Reconsideration Request, if applicable).

The final recommendation of the BAMC shall be documented and promptly (i.e., as soon as practicable) posted on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en> and shall address each of the arguments raised in the Reconsideration Request. The Requestor may file a 10-page (double-spaced, 12-point font) document, not including exhibits, in rebuttal to the BAMC's recommendation within 15 days of receipt of the recommendation, which shall also be promptly (i.e., as soon as practicable) posted to the ICANN Reconsideration Website and provided to the Board for its evaluation; provided, that such rebuttal shall: (i) be limited to rebutting or contradicting the issues raised in the BAMC's final recommendation; and (ii) not offer new evidence to support an argument made in the Requestor's original Reconsideration Request that the Requestor could have provided when the Requestor initially submitted the Reconsideration Request.

The ICANN Board shall not be bound to follow the recommendations of the BAMC. The ICANN Board's decision on the BAMC's recommendation is final and not subject to a Reconsideration Request.

By submitting my personal data, I agree that my personal data will be processed in accordance with the ICANN [Privacy Policy](#), and agree to abide by the website [Terms of Service](#).



Signature

Date 04/09/2024

Sergio Walter Salinas Porto

Print Name