

# GNSO's Approach to Conflict of Interest



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# GNSO Statement of Interest

Developed in the context of the 2008 GNSO Review

Board Governance Committee noted:

- *“The traditional concept of conflict of interest test may be difficult to apply in some of these circumstances. Rather than a conflict of interest policy (which might preclude an individual from taking part in a policy process because they stand to gain from the outcome – which is exactly the reason why most participants in the GNSO policy development process do take part), what is needed is a “Statement of Interest” approach that allows the interests of participants to be declared publicly”.*

Now SOIs required for basically all GNSO efforts and even beyond – currently 1158 on file

# From the GNSO Operating Procedures



**“What conflict of interest?!  
I work here in my spare time.”**

*“It is understood that Councilors are often employed by or represent those affected parties and such relationships could engender subsequent benefit to Councilors as individuals. As a result of these special circumstances and to avoid confusion with ICANN’s Conflict of Interest Policy, which does not pertain to GNSO Council matters, the term “Conflict of Interest” will not pertain when a GNSO Councilor argues for and votes “Yes” or “No” on a matter which, by virtue of that action, directly or indirectly benefits that individual financially or economically.”*



- Most Council members serve in a representative function;
- Voting for most Council members is directed by their appointing groups;
- It is expected that participants have an interest – why would they otherwise choose to participate?
- What IS important is that those interests are declared and known to others.



## GNSO Statement of Interest (SOI)

- “A written statement made by a Relevant Party that provides a declaration of interests that may affect the Relevant Party's judgment, on any matters to be considered by the GNSO Group”
- “Material Interest: A material interest is an important interest and is generally, but not always, financial in nature. However, in the legal sense, the interest needs to be substantial or of consequence”.

# GNSO SOI Content

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1. Please identify your current employer(s) and position(s).
  2. Please identify your declared country of primary residence (which may be the country to which you pay taxes).
  3. Please identify the type(s) of work performed at #1 above.
  4. Please list any financial relationship beyond *de minimus* stock ownership you may have with any company that to your knowledge has a financial relationship or contract with ICANN.
  5. Do you believe you are participating in the GNSO policy process as a representative of any individual or entity, whether paid or unpaid? Please answer “yes” or “no.” If the answer is “yes,” please provide the name of the represented individual or entity. If professional ethical obligations prevent you from disclosing this information, please so state.
  6. Please identify any other relevant arrangements, interests, or benefits as requested in the following two questions:
    - i. Do you have any type of material interest in ICANN GNSO policy development processes and outcomes? Please answer “yes” or “no.” If the answer is “yes,” please describe the material interest in ICANN GNSO policy development processes and outcomes.
    - ii. Are there any arrangements/agreements between you and any other group, constituency or person(s) regarding your participation as a work team member? Please answer “yes” or “no.” If the answer is “yes,” please describe the arrangements/agreements and the name of the group, constituency, or person(s).
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# Review of GNSO SOI



- Nothing is perfect
- Review has recently commenced of GNSO SOI requirements
- Are these still useful and effective in highlighting potential interests?
- Are these procedures still relevant in the current environment?

# Do's – Suggestions for your consideration

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- Don't overcomplicate;
- Consider focusing on stating interests and being transparent about those, instead of viewing those always as a conflict;
- Compare how other similar organizations outside of ICANN deal with this.

# Dont's – Suggestions for your consideration

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- Do not exclude those with relevant expertise and knowledge from contributing

