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AL/ALAC/ST/0412/1
ORIGINAL: English
DATE: 02 Apr 2012
STATUS: Final

AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the ICANN Board Conflicts of Interest Review - Revised Conflicts of Interest Policy and Related Governance Documents

Introduction

By the Staff of ICANN

Beau Brendler, Chair of the North American Regional At-Large Organization (NARALO), and Carlton Samuels, ALAC Executive Committee Vice-Chair and Latin American and Caribbean Islands Regional At-Large Organization (LACRALO) member, composed an initial draft of this Statement after discussion of the topic within At-Large.

On 24 March 2012, the Statement was posted on the [At-Large ICANN Board Conflicts of Interest Review - Revised Conflicts of Interest Policy and Related Governance Documents Workspace](#) and comments were made by At-Large members.

On 28 March 2012, Olivier Crépin-Leblond, Chair of the ALAC, requested At-Large Staff to send a reminder for comments on the draft Statement to all At-Large members via the ALAC-Announce Mailing List.

On 2 April 2012, the Chair of the ALAC requested that Staff open a five-day ALAC ratification vote on the Statement. The Chair also requested that the Statement be transmitted to the public comment process, copying the ICANN Staff member responsible for this public comment topic, along with a note saying that the document was currently undergoing ALAC ratification with a vote to start shortly.

On 9 April 2012, the online vote resulted in the ALAC endorsing the statement with 11 votes in favor, 0 against, and 1 abstention. The results may be reviewed independently under:

<http://www.bigpulse.com/pollresults?code=2317nXaYEXtzMm2LC7zWg9zj>

[End of Introduction]

The original version of this document is the English text available at <http://www.atlarge.icann.org/correspondence>. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

ALAC Statement on the ICANN Board Conflicts of Interest Review - Revised Conflicts of Interest Policy and Related Governance Documents

The At-Large Advisory Committee is concerned by the Board's response to the rising levels of attention given to Conflict of Interest matters both inside and outside of the ICANN community. We are troubled by the possible impacts on ICANN's credibility as a steward of the multi-stakeholder model of Internet governance and the sustainability of that model in the global environment, especially in light of clear and present threats.

In our view, ICANN must seize this moment to right itself by adopting and applying the language of the Affirmation of Commitments with respect to Conflict of Interest. Indeed, in its explanatory text for rejecting all of the proposals - including one from ICANN - for managing IANA affairs, the United States Department of Commerce describes a "need for structural separation of policy-making from implementation, a robust companywide conflict of interest policy, provisions reflecting heightened respect for local country laws and a series of consultation and reporting requirements to increase transparency and accountability to the international community."¹ Their message is unmistakable and we believe this warning should be heeded by ICANN.

While recently attracting widespread attention, this issue of Conflict of Interest is not new to the At-Large Community, where it has been extensively discussed. As a reminder, the ALAC's previous advice regarding this matter is detailed in Statement AL/ALAC/ST/0911/3, found at:

<https://community.icann.org/download/attachments/27852981/Revisions+to+Conflicts+of+Interest+Policy+and+Bylaws+to+Allow+Board+to+Consider+Compensation+for+Director+Services.pdf?version=3&modificationDate=1317694494000>

While many in our community appreciate the urgency and importance of the issue as expressed in ICANN CEO Rod Beckstrom's recent speech in San José, there is concern that an extreme application of his proposed remedies would cause serious damage to ICANN's carefully designed multi-stakeholder model. We believe that all stakeholders indeed have a place in ICANN decision-making, but that the current implementation has led to serious imbalances that lead to a situation which, today, falls well below the standards which the Internet user community expects from ICANN.

The ALAC therefore files this present Statement as an "advance notice" that a fuller, more extensive Statement will be filed prior to the end of the comment period incorporating the "reply" period, with the

¹ Notice - Cancelled Internet Assigned Numbers Authority (IANA) Functions - Request for Proposal (RFP) SA1301-12-RP-IANA. National Telecommunications and Information Administration. March 10 2012. < <http://ntia.doc.gov/other-publication/2012/notice-internet-assigned-numbers-authority-iana-functions-request-proposal-rf> >

advance proviso that the current documents under scrutiny constitute a mild improvement on prior Conflict of Interest documents, but are far from satisfactory in view of other industry common practice.