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AT-LARGE ADVISORY COMMITTEE
ICANN Community Participant Code of Conduct on SOIs and General Ethics Policy

Preamble

On 16 October 2024, the Public Comment proceeding opened for the [At-Large Workspace: ICANN Community Participant Code of Conduct on SOIs and General Ethics Policy](#). An At-Large workspace was created in preparation for this Public Comment submission. The At-Large [Operations, Finance, and Budget Working Group](#) (OFB-WG) reviewed the ICANN Community Participant Code of Conduct on SOIs and General Ethics Policy and decided it would be in the interest of end users to develop and submit an ALAC Public Comment Statement.

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Ratification Record

On 16 October, the Public Comment proceeding opened for the ICANN Community Participant Code of Conduct on SOIs and General Ethics Policy. The At-Large Operations, Finance and Budget working group (OFB-WG) decided it would be in the interest of end users to develop and submit an ALAC statement for this Public Comment proceeding. Pari Esfandari, Claire Craig, Cheryl Langdon - Orr, Judith Hellerstein, Marita Moll, Nkro Essang, Muriel Alapini, Shah Zahidur Rahman, and Eunice Alejandra Perez Coello volunteered to draft the initial ALAC statement.

On 25 November, the initial draft statement was shared with the Operations, Finance and Budget working group (OFB WG) for review and input. The statement was discussed online via the OFB WG and ALAC mailing lists. On 28 November, the At-Large Public Comment Statement was finalized. The ALAC Chair, Jonathan Zuck, requested that the ALAC ratify the Public Comment Statement before submission to the ICANN Public Comment feature.

On 02 December, staff confirmed the online vote resulted in the ALAC endorsing the statement with 15 out of 15 votes in favor. 0 votes against, and 0 abstentions. Please note that 100 % of ALAC members participated in the poll. The ALAC members who participated in the poll are :

Aziz Hilali, Bukola Oronti, Claire Craig, Eunice Alejandra Perez Coello, Emilia Zalewska-Czajczynska, Jonathan Zuck, Kathleen Scoggin, Natalie Tercova, Judith Hellerstein, Justine Chew, Lilian Ivette De Luque, Pari Esfandiari, Raihanath Gbadamassi, Satish Babu, Shah Zahidur Rahman.

You may view the results here: <https://tally.icann.org/cgi/results?e=13b56af07dd>

ALAC and At-Large Community Comments

As outlined in the discussion draft, the revised ICANN Community Participant Code of Conduct Concerning Statements of Interest is an important step toward fostering transparency, trust, and ethical conduct within the ICANN community. The ALAC is pleased to see that the Code of Conduct proposes to close the extensive period in which participants in ICANN processes could choose to withhold the identities of their clients under the guise of confidentiality, while trying to influence ICANN policy making.

Nevertheless, several aspects must be considered regarding whether the draft adequately addresses expectations for disclosures, potential gaps, and other ethical considerations.

1. Setting Clear Expectations

- The current Code of Conduct provides a baseline for transparency but could benefit from enhanced specificity regarding “Statements of Interest”. More detailed guidance on required disclosures, such as examples of relevant financial interests or affiliations, would improve consistency across the community.
- At the beginning of each meeting, the chair should remind attendees to disclose any conflicts of interest. Provisions should also be made to obtain the information from persons who arrive late.
- Additionally, periodic updates or reaffirmations of Statements of Interest would help maintain relevance and accuracy.

2. Suggested Additions

- **Enhanced Disclosure Requirements:** Expanding the code to cover disclosure of any financial interests and affiliations (e.g., within the last two years) would be a better way to capture potential conflicts.
- **Enforcement Mechanisms:** Including clearer consequences for non-disclosure or incomplete disclosure encourages compliance and promotes transparency.
- **Relevant Family Interests:** Requiring disclosure of interests held by close family members or partners where relevant would provide a fuller picture of potential conflicts.

- **Deadline for disclosure of conflicts:** Include a deadline for disclosure of conflicts in case of acquisition after related events where no conflicts previously existed and/or a clear explanation of the consequences of non-disclosure. (Conflicts of Interest Policy art.II. section 2.1 and article V).
- **Transparency:** Clear guidelines on confidentiality and controlled access to records should be established. These could include a framework to ensure accessibility and confidentiality of records, defining who is authorized to review these records, and clearly stating under what circumstances these records can be accessed helps to improve transparency (in accordance with Article III).
- **Monetary Limit:** While every small disclosure might not be practical, mandatory monetary limits should be set for both individual and group transactions that should be disclosed. Care and consideration should be taken in setting these limits to avoid attempts to escape such disclosure by splitting the transactions into smaller amounts.

3. Additional Ethical Considerations for the Broader ICANN Community

- **Gift and Benefit Disclosure:** The Ethics Policy should set clear thresholds and disclosure processes for gifts or benefits received from entities with potential influence over ICANN, helping prevent conflicts of interest. The amount of the gift should be stated.
- **Social Media Conduct:** There should be standard guidelines on appropriate conduct when discussing ICANN-related issues.
- **Whistleblower Protections:** Introducing strong protections for individuals reporting ethical concerns would foster a culture of accountability.
- **Post-Engagement Restrictions:** Implementing a “cooling-off” period for former participants to refrain from lobbying for ICANN-related organizations could help mitigate conflicts tied to recent insider knowledge.
- **Intercommunity activities:** Clarify expectations regarding transparency for participants who are members of and engage on behalf of more than one constituency/stakeholder group.

These enhancements strengthen the Code of Conduct by clarifying disclosure expectations, addressing gaps, and reinforcing transparency, integrity, and accountability within the ICANN community.

Summary

The ALAC commends ICANN for its publication of the draft Community Participation Code of Conduct Concerning Statements of Interest, and recognises this document as an important step toward fostering transparency, trust, and ethical conduct within the ICANN community. As such The ALAC is pleased to provide input to this document via the Public Comment process.