

Tucows public comment: ICANN Community Participant Code of Conduct on SOIs and General Ethics Policy

2 December 2024

Tucows appreciates the opportunity to comment on the [draft ICANN Community Participant Code of Conduct Concerning Statements of Interest](#) ("Code") and commends ICANN Org for taking steps to ensure that transparency of interests is formally codified as part of a new ICANN Community Ethics Policy.

Tucows has long held that **participants in the ICANN multistakeholder model of Internet governance must be required to disclose who they represent or what interests they are advancing**. Until now, the option to omit this information has created a sense of mistrust or discomfort due to potential undisclosed conflicts of interest. When one can work towards undisclosed goals or to advance the interests of unknown other actors, one erodes trust in the process and in the outcome. ICANN is currently facing a crisis of legitimacy and a robust Statements of Interest Code is the antidote.

Setting clear expectations for community disclosures of interests

Tucows agrees that *"withholding relevant information about the interests involved in the deliberations could impair the legitimacy of ICANN's processes,"* and strongly supports the Code's clear statement: *"When disclosure cannot be made, the*

participant must not participate in ICANN processes on that issue.” The updated Code sets clear and manageable standards for the Community and we applaud it.

Areas missing from the Code

Tucows is concerned that enforcement is unclear and there may not be appropriate escalation paths laid out for situations where a conflict is not disclosed or where someone disagrees with a decision made relating to the Code.

Although the Code confirms that consequences for noncompliance can include prohibition from participation in the ICANN Community, there is no consideration of how to address issues beyond notifying the relevant group’s chair or leadership team.

What happens if the conflict lies with that chair, or if the chair has indicated they will not further address a concern raised by a Community member? What happens if a person disagrees with a chair’s decision?

Tucows encourages the ICANN Board to further flesh out these areas.

We also support the suggestion from [Identity Digital in their Public Comment](#) “to conduct a review of the Code of Conduct after one year aimed at assessing and closing any gaps in Code of Conduct application and enforcement.”

Tucows again expresses our support for this Code and its inclusion in a broader Ethics Policy. Transparency of interests is a crucial pillar of the Multistakeholder Model of Internet Governance and this Code closes a gap in requirements that has, until now, weakened our Community.

Thank you,
Sarah Wyld