ALAC Correspondence: AL/ALAC/CO/0912/2

Dear Steve,

I am writing to you as a follow-up to the ALAC's statement on the ICANN Board's Closed Session on 23 June 2012 to adopt the Draft .com Renewal Agreement, read to the Board in the public forum on 28 June 2012 and a copy of which was emailed to you on 10 July 2012. http://www.atlarge.icann.org/correspondence/correspondence-28jun12-en.htm

Since our Statement, the matter of Board transparency has been discussed on the 24 July 2012 monthly ALAC conference call, the 25 July 2012 ALAC Executive Committee conference call as well as the 7 August 2012 ALAC Executive Committee conference call, all records of which are available publicly. (Agenda; Material; Summary Minutes; Actions Items; Recordings; Transcripts to arrive)

We note that more than two months on, the ALAC is still awaiting a formal reply from the Board on the matters raised in our Statement. Furthermore, my colleagues and I are deeply concerned by several steps taken this summer which contradict the requirements of the ICANN Board to operate transparently. We are of the opinion that this is significant reduction of transparency weakens the accountability of the Board and of ICANN considerably.

More specifically, we deplore the following:

(a) Absence of advance notice for scheduled Board conference calls In past years, several Board conference calls were scheduled for regular business. This year, it has been very difficult to track the progress of the Board's work since conference calls were not advertised in advance.

(b) Delay of Board Agenda publication after written consent With the adoption of the system of "Written Consent Actions of the Board", neither the agenda items nor the briefing materials are made public until several weeks after the consent has been passed.

(c) Delay of Board Briefing Materials publication In June 2010, ICANN began public posting of "Board Briefing Materials". http://www.icann.org/en/groups/board/documents/briefing-materials-guidelines-21mar11-en.htm

The ALAC applauded this move which we had asked for in a joint ALAC Statement with the NCSG:
http://www.atlarge.icann.org/correspondence/correspondence-4-20may10-en.htm

This summer, a time lag of several weeks, sometimes exceeding a month, affected the publishing of Board Briefing Materials.

(d) Inadequate meeting Record and Transcript publication. All public Board meetings were transcribed thus providing an exact record of Board deliberations and statements by individual

Board members, as required by the Affirmation of Commitments.

The scrapping of the Public Board Meeting means that the last transcribed Board meeting dates from 16 March 2012 in San José, Costa Rica. This is proving to disconnect the community from the Board.

If the new format for ICANN meetings is retained, whereas the Board does not stage a Board Meeting in front of the community, the records of the meeting of the ICANN Board prior to an ICANN meeting should also include a transcript of that meeting which would allow for Board members to make statements, for the community to better gauge the level of support for a resolution. Final Vote tallies are definitely not enough.

All voting results should provide a record of the names of the voters and their vote

(e) Lack of responsiveness to issues brought forward by the community While my colleagues on the ALAC understand that some measures taken are aiming at streamlining Board work, thus reducing the staging of Board conference calls except when an important subject needs discussion, we are concerned that:
- No process has been designed to decide what an "important" subject is;
- Important matters which are brought forth to the Board's attention by the community appear not to be discussed or treated in depth apart from the Board mailing list - and appear to be failing to provide a reply in a satisfactory time.

This results in the Board's business being conducted in an unacceptable opaque way directly contravening Accountability and Transparency Review Team (ATRT) recommendations.

We would therefore make the following recommendations:

- When formal monthly Board Conference calls are held, they should be listed on the ICANN Board meetings page: http://www.icann.org/en/groups/board/meetings
- The monthly Board Conference call records should include:
  - Adopted resolutions
  - Minutes
  - Board Briefing Materials

While we fully support streamlining of the Board's work, we urge the Board to consider each option in the light of the accountability and transparency required by the Affirmation of Commitments and look forward to receiving a formal response from the Board on this important matter.

Yours sincerely,

Olivier MJ Crépin-Leblond
ALAC Chair