



AT-LARGE ADVISORY  
COMMITTEE

AL.ALAC/ST.0309/4  
ORIGINAL: English  
DATE: 16<sup>th</sup> May 2009  
STATUS: FINAL

**Statement on ICANN Transparency and Accountability**

At-Large Advisory Committee Statement

*Introductory Statement  
By the Staff of ICANN*

This statement is the result of a process begun when representatives of eighty-eight (88) At-Large Structures (“ALSes”) from five Regional At-Large Organizations (“RALOs”) representing ICANN’s global At-Large community met in the At-Large Summit (ATLAS) as a part of the 34th International ICANN meeting in Mexico City.

Amongst the various activities of the Summit were five working groups on issues of concern to the At-Large community. One of the five was devoted to ICANN Transparency and Accountability.

The final statements of all five working groups was compiled into the [Declaration of the At-Large Summit](#), presented to the Board of ICANN at the Public Board Meeting in Mexico City.

In order to ensure that the entire At-Large community had the opportunity to review the five statements, and for their perspectives to be taken into account, the ALAC resolved upon a process of consultation and amendment for the statements [by resolution](#) at its 24<sup>th</sup> March 2009 teleconference. As a result, the Summit Working Group statement was [opened for public comments](#) by the At-Large community on 1<sup>st</sup> April, closing on 1<sup>st</sup> May. The Chair of the ALAC then requested the Staff to open a vote on the document, said vote opening on 8<sup>th</sup> May and closing on 15<sup>th</sup> May.

The results [were announced](#) on 16<sup>th</sup> May by the Staff, said result being that the Statement was endorsed by a vote of 11-0-0. The result may be verified under the following URL: <https://www.bigpulse.com/pollresults?code=jQmtjVrePkpDYQELXHg9>

This document has been translated from English in order to reach a wider audience. While the Internet Corporation for Assigned Names and Numbers (ICANN) has made efforts to verify the accuracy of the translation, English is the working language of ICANN and the English original of this document is the only official and authoritative text. You may find the English original at: <http://www.atlarge.icann.org/correspondence>

## ***I. Transparency:***

The At-Large Community is encouraged by ICANN's efforts to achieve a high level of transparency in all its operations and to implement its bylaws accordingly. To an outside Internet user, ICANN presents a high degree of transparency and accountability. ICANN should be commended for its efforts in setting a standard for other organizations to aspire to. However, for Internet users who wish to contribute directly to ICANN's policy development, the At-Large Community identifies several areas where transparency should be further improved.

### **1. Timing of Major Documents**

#### **Rationale:**

Documents are often presented late, thus At Large members have difficulty providing timely input to the policy development process and in understanding how community input has been used.

#### **Recommendations:**

- Bring more transparency into how staff deals with input from constituencies, in developing documents for the Board, and;
- Reconsider the schedule for documents and Executive Summaries, in various languages, which would allow enough time for discussion and to make comments.

### **2. Finance**

#### **Rationale**

To date, ICANN has not been able to provide financial information about the costs of each ICANN entity, including ALAC itself, or for specific At-Large projects. Consequently ALAC has not been able to undertake its own cost-benefit analysis and budgetary planning. Indeed, At-Large is not yet included explicitly in the ICANN's FY2010 Operating Plan and Budget.

#### **Recommendations:**

- Develop a budget for each ICANN entity (including At-Large) according to their mandates including staff costs, and make it public;
- Define the responsibilities for executing these budgets;
- Institute a periodic public evaluation of each entity's budgetary execution.

### **3. Budget**

#### **Rationale:**

Transparency of the budget as it affects ALAC and its constituent ALS could be improved. We need clear financial allocation and expenditure procedures. ALAC supports Recommendations 1.13 and 2.4 of the Draft Implementation Plan for Improving Institutional Confidence.

## **Recommendations:**

- Create budgetary allocation for expenditure by ALAC and its constituent RALOs, for agreed activities, including accountability;
- Account for expenditures made by, or on behalf of, ALAC and its constituent members.

## **4. Accounting for Public Input**

### **Rationale:**

ALAC encourages ICANN to continue to improve the transparency of the way in which public input has been taken into account.

### **Recommendations:**

- Act upon the PSC Recommendation 2.4.1 to this effect; and
- Appropriately annotate substantive ICANN documents under consultation to indicate the origin of support or dissent for specific proposals.

## **5. Contractual Compliance and Process**

### **Rationale:**

An important mission of a contract-based organization is ensuring contractual compliance. Without consistent and clearly defined process for monitoring and where necessary, enforcing implementation, the objective of policy development may be undermined. A transparent end-to-end compliance and remedy process should complete the contractual cycle.

### **Recommendations:**

- Document the life cycle of compliance procedures, requirements, metrics, follow-up, enforcement and appeals;
- Make available for public review what is required of the contracting parties, including the timeline for compliance, related correspondence and statistics;
- Periodically audit and improve goals to help this effort with the result of allocating additional resources should ICANN staff be unable to cope with the resultant high volume of complaints.

## **6. ICANN's Public Service Role**

### **Rationale:**

Enhancing ICANN's public service role would be facilitated by improved opportunities for participation by representatives of Internet users, consumers and civil society.

## **Recommendations:**

- Annually orient one ICANN meeting towards issues relating to non-commercial, commercial and individual users; and
- Opening up the periodic ICANN regional meetings to participants concerned with the public interest from the region concerned.

## **7. Conflicts of Interest**

### **Rationale:**

The existing conflict of interest policy is today inadequate, in view of the extensive roles of ICANN participants in decision-making processes.

### **Recommendation**

Review and update conflict-of-interest policies as they apply to Supporting Organizations, Advisory Committees and other relevant entities.

## ***II. Accountability:***

ICANN is accountable to the global Internet community and the public at large. In the event of a conflict between the interests of individual ICANN constituencies and the interests of the public at large, the latter should have priority. ICANN directors serve the interests of the public at large rather than those of the constituencies which appointed them. To this effect, At-Large welcomes improvements to existing accountability mechanisms such as reconsideration policy, the review process, the Ombudsman and other provisions of the Bylaws which ensure accountability in its day-to-day operations.

The At-Large community has several concerns regarding the implementation of accountability in the future, particularly in a post-JPA phase. ICANN needs to re-think its procedures for interacting with stakeholders, supporting organizations and advisory committees.

### **1. Joint Project Agreement**

#### **Rationale:**

The Joint Project Agreement (JPA) acts as an external accountability check on ICANN's policies, progress and processes. After the conclusion of the JPA, there may be a need to present alternative mechanisms to achieve analogous objectives.

#### **Recommendation:**

- To sustain its public interest credentials in the future post-JPA period, ICANN should improve the balance between operator and business interest on the one hand and ALAC and GAC on the other hand.

## **2. Procedures for Addressing ALAC Advice**

### **Rationale**

There is no formal procedure in place for the interaction between ALAC and the Board, and how the Board treats ALAC Advice. Furthermore, the At-Large community is under-represented in the Board.

### **Recommendations**

- ALAC proposes a procedure for the interaction between ALAC and the Board which would include an obligation for the Board to react formally to advice from ALAC and, in case the Board decides not to adopt ALAC advice, to enter into formal consultations to discuss the disagreement. In the event that this does not produce any results, the Board should explain why it has rejected ALAC's advice.
- ALAC also envisages that in order to give ICANN a clearer image of a multi-stakeholder organisation, including Civil Society, the composition of the Board should be re-balanced to afford greater visibility and representation of Civil Society as represented by the At Large Community. ALAC proposes that the ICANN Board should include two voting Directors nominated by the At Large Community.

ICANN's legitimacy in the eyes of the global Internet community, depends on improved transparency and accountability.

We look forward to moving ahead in this direction.