AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Recommendations to Improve ICANN's Transparency

Introduction

Alan Greenberg, ALAC Member of the North American Regional At-Large Organization (NARALO) and the ALAC Chair, developed an initial draft of the Statement on behalf of the ALAC in consolation with Cheryl Langdon-Orr, ALAC Liaison to the GNSO and Ricardo Holmquist, Member of the Latin American and Caribbean Islands Regional At-Large Organization (LACRALO). All three members are active participants in the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) Work Stream 2 Subgroup on ICANN Transparency.

On 20 April 2017, the first draft of the Statement was posted on the At-Large Workspace: Recommendations to Improve ICANN's Transparency.

On that same date, Alan Greenberg sent a Call for Comments on the Statement to the At-Large Community via the ALAC Announce Mailing List.

On 24 April 2017, a version incorporating the comments received was posted on the aforementioned workspace and the Chair requested that Staff open an ALAC ratification vote.

In the interest of time, the Chair requested that the Statement be transmitted to the ICANN public comment process, copying the ICANN Staff member responsible for this topic, with a note that the Statement is pending ALAC ratification.

Once ratified, this Statement will be resubmitted incorporating updated ratification information in the introduction section.

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ALAC and At-Large Members participated in the CCWG-Accountability Work Stream 2 Subgroup on ICANN Transparency and the ALAC supports the recommendations in their entirety.

The ALAC does have three additional comments though.

1. The Second Accountability and Transparency Review Team (ATRT2) report included: "Importantly, the assessments and recommendations made in this document presume the default condition of transparency as a basis for all ICANN activities." In formally within the ATRT2, the expression that was used was that "transparency should be in the DNA of ICANN". The relevancy here is that if this is the case, the use of tools such as the Documentary Information Disclosure Policy (DIDP) would be significantly reduced. As part of the DIDP process, ICANN must assess and publish why the information being produced had not been initially released, and this should form part of the ongoing monitoring and reporting on the DIDP. The intended result is that ICANN should move towards not needing the DIDP in the vast number of instances.

2. During the Subgroup discussions, there was a concern raised on the possible cost of implementing the recommendations, and in particular the DIDP. The ALAC agrees with the subgroup that at a policy level, cost should not be an issue. However, the cost of the DIDP must be reported and tracked. This will ensure that the community and the ICANN Board and management understand the cost of the DIDP, and implicitly the cost of being less transparent that it might have been.

   The ALAC notes that if ICANN were to adopt a stance where transparency IS the default as recommended above, the cost of the DIDP would likely not be an issue.

3. The ALAC questions to what extent ICANN's discussions, meetings, and draft documents with its contracted parties (Registrars, Registries and their representatives) will be deemed to be commercial interactions and therefore not be subject to routine disclosure or the DIDP. At the moment, such discussions are often held behind closed doors without other parties even knowing that the discussions are ongoing. An example is the proposed amendments to the registry agreement which was discussed in private for nearly two years before any announcement was made (https://www.icann.org/public-comments/proposed-amend-new-gtld-agreement-2016-05-31-en).