

OSC GNSO OPERATIONS WORK TEAM
Suggestions for Statement of Interest/Declaration of Interest
Draft Definitions, Requirements, and Policy

Definitions:

Relevant Party: An individual who participates as a member of a work team, working group, committee member or other such policy development bodies formed by, and under the supervision of, the GNSO, as well as all elected and appointed members of the GNSO Policy Council.

Statement of Interest: A statement made by Relevant Parties involved in policy development or other relevant processes, not less frequently than once a year and updated whenever there is a material change, that provides a declaration of direct or indirect interests that may affect a Relevant Party's/GNSO Policy Councilor's judgment, or be perceived to affect that individual's judgment on all matters to be considered by GNSO Policy Council, members of Working Groups, or other relevant policy development bodies.

Disclosure of Interest: A disclosure made by Relevant Parties of direct or indirect interests that may be commercially or non-commercially oriented (e.g., commercial benefit such as payment; non-commercial or non-tangible forms of benefit such as publicity, political or academic visibility) that may affect judgment, or be perceived to affect a Relevant Party's judgment on a particular issue.

Draft Policy Recommendation

1. Purpose

1.1 The purpose of this policy is to set forth the procedures that Relevant Parties will follow to state not less frequently than once a year and updated whenever there is a material change, that provides for all business and other direct and indirect relationships or affiliations that relate in any way to the business and other affiliations of ICANN and to disclose any direct or indirect interests that may affect a Relevant Party's judgment, or be perceived to affect a Relevant Party's judgment.

2. Status of Policy

2.1 Each Relevant Party is responsible for ensuring that he or she complies with this policy.

2.2 The execution of this policy is controlled by ICANN staff.

3. Statement of Interest

3.1 Relevant parties shall provide to the GNSO Secretariat a Statement of Interest not less frequently than once a year and updated whenever there is a material change, setting forth all business and other affiliations that relate in any way to the business and other affiliations of ICANN. Acknowledgement of receipt of Statement of Interest is a general precondition for Relevant Parties to participate in the GNSO.

3.2 To ensure consistency, ICANN staff shall develop and provide to Relevant Parties an electronic form that they will use to provide their Statements of Interest. ICANN staff shall post the completed Statements of Interest in the relevant section on the ICANN web site prior to Relevant Parties undertaking any activity and at least annually in the case of GNSO Policy Councilors.

3.3 Relevant Parties shall disclose any changes to the Statement of Interest as soon as practicable. Such changes shall be recorded in the minutes of the meeting at which Relevant Parties are advised of the change.

3.4 Relevant Parties shall provide the following information in their Statements of Interest:

1. Current vocation, employer and position
2. Type of work performed in #1 above
3. Identify any financial ownership or senior management/leadership interest in registries, registrars or other firms that are interested parties in ICANN policy or any entity with which ICANN has a transaction, contract, or other arrangement.
4. Identify any type of commercial or non-commercial interest in ICANN GNSO policy development processes and outcomes. Are you representing other parties? Describe any arrangements/agreements between you and any other group, constituency or person(s) regarding your nomination/selection as a work team member. Describe any tangible or intangible benefit that you receive from participation in such processes. For example, if you are an academic or NGO and use your position to advance your ability to participate, this should be a part of the statement of interest, just as should employment by a contracted party, or a business relationship with a non- contracted party who has an interest in policy outcomes.

4. Disclosure of Interest

4.1 Relevant Parties shall provide a Disclosure of Interest setting forth any direct or indirect interests that may affect a Relevant Party's judgment, or be perceived to affect a Relevant Party's judgment on an issue that is under review, consideration or discussion.

4.2 The GNSO Policy Council Chair or Vice-Chair, Working Group Chairs, Work Team chairs, Committee Chairs, and chairs of any other organizations formed by the GNSO shall make a request for updates to current Statements of Interest and remind people to provide all Disclosures of Interest at the beginning of each meeting during which the Relevant Parties will discuss or act upon the specific matter(s) to which the disclosure pertains and this disclosure shall be recorded

in the minutes of that meeting. All parties should be polled for an affirmation that there is no change and the responses recorded in all minutes.

4.3 At the beginning of any ICANN public meeting, forum, or discussion, the person acting as Chair or coordinator of the public meeting, forum, or discussion shall encourage all speakers to provide all Disclosures of Interest prior to beginning their remarks.

4.4 If it is determined that Relevant Parties did not disclose any direct or indirect interests that may affect Relevant Parties' judgment, or be perceived to affect Relevant Parties' judgment with respect to any matter pending before the GNSO Policy Council or other policy development body prior to any action by the GNSO Policy Council on that matter, the GNSO Policy Council Chair, in consultation with the Vice-Chair, may ask that the 'non-disclosing' Relevant Party provide a disclosure prior to any further action on the related matter. If that Relevant Party refuses to provide a Disclosure of Interest as requested by the GNSO Policy Council Chair, the Chair, in consultation with the Vice-Chair, may suspend that Relevant Party's participation in GNSO Policy Council Meetings or other such policy development process until a full Disclosure of Interest is provided. The ICANN General Counsel will be notified when such actions are taken as a matter of protocol and the decision to take this step will be recorded in the minutes. If the complaint is about the Chair, the Vice Chair shall act after consulting with the ICANN Vice President, Policy Development. If the complaint is about the Vice Chair, the Chair shall act after consulting with the ICANN Vice President, Policy Development

5. Procedures to Ensure Truthfulness and Completeness of Statements of Interest and Disclosures of Interest

5.1 ICANN staff shall review Relevant Parties' Statements of Interest to ensure truthfulness and completeness. If ICANN staff determines that Relevant Parties' Statements of Interest or Disclosures of Interest are not truthful or complete, ICANN staff shall notify the GNSO Chair or Vice Chair of the situation, and address the areas of untruth or incompleteness with the Relevant Parties to correct the untruth or incompleteness.

5.2 If concerns about the truthfulness and completeness of Relevant Parties' Statements of Interest or Disclosure of Interest are raised by ICANN staff or members of the ICANN community that staff are unable to address according to 5.1 above, the GNSO Council Chair or Vice Chair shall call for volunteers from the stakeholder groups, with at least two Policy Council volunteers joining the ICANN Ombudsman (as a neutral observer participating in a non-binding way, in the determination of the resolution) to form an ad hoc five person Statement of Interest/Declaration of Interest Review Committee to address these concerns. The Review Committee shall investigate the nature of the concerns, address them with the Relevant Party, and recommend a resolution. During this review period, which shall be as soon as practicable, the affected Relevant Party will be suspended and thus will not be able to participate further on the Council or other such policy development body until such time as a final resolution has been established. ICANN staff support shall be available at all times to support the review process and document the steps and decisions taken in the interest of transparency.