



Response to ICANN's "Improving Institutional Confidence" consultation

Submitted by the Internet Society

The Internet Society is pleased to respond to the second iteration of ICANN's consultation on improving institutional confidence. ISOC continues to be a strong supporter of ICANN and its multi-stakeholder model, and we believe that the September 2008 versions of the President's Strategy Committee's papers *Implementing Institutional Confidence in ICANN* and *Transition Action Plan* show improvement. However, the proposals still lack the appropriate level of detail to assist ICANN stakeholders and the Board to come to an informed conclusion about the way forward. The following comments are intended to assist in its further evolution, and should be read as an elaboration on the comments ISOC submitted on 31 July 2008. ISOC's comments focus on three substantive areas:

1. **Safeguarding against capture:** In our July 31 comments on the first draft of the PSC papers, ISOC highlighted the necessity for ICANN to broaden participation and to address its communities' stated need for broader involvement. The current draft has made improvements, but still does not provide sufficient clarity about the full range of mechanisms proposed, particularly to recruit, maintain and address the concerns of all constituencies.
2. **Further internationalization of ICANN:** While ISOC continues to agree strongly that ICANN should continue its internationalization, we do not believe that the PSC document has yet fully explained the steps it will take to answer the uncertainty and confusion expressed during recent public consultations. In the current draft document, some clarification has been provided, but it remains to be seen how ICANN would deal with legal requirements in a range of different jurisdictions. This could be assisted by clarifying the precise roles to be played by the proposed new offices around the world. The PSC should also specify for the community the precise reasons for considering different jurisdictions, and the impacts in terms of ICANN's existing contracts, its obligations, and the rule of law that ICANN would have to abide by in each jurisdiction, and propose concrete measures to deal with potential conflicts or inconsistencies.
3. **Exploring alternative sources of funding:** The September PSC paper proposes a discussion of finding ways to seek diversification to lessen dependence on funding "channeled through registries and registrars." ISOC believes this is a sensible goal and a mechanism that will help to address the threat of capture. But ISOC believes the PSC

should affirm that while seeking alternative funding, ICANN must not lose sight of its specific focused technical mission and mandate.

Turning briefly to matters of process, while recognizing the effort to provide ample opportunity for comment on the PSC report, ISOC believes that the time between posting documents and the deadlines for comment is simply too short. This is especially true for organizations needing time to seek their members' views and to prepare responses drawing on this collective wisdom. For that reason, we encourage ICANN to provide a longer period for consideration following the next draft of the report. Finally, noting that the PSC intends to continue exploring the potential formation of an Expert Advisory Group to assist with consultations on the analysis and design project, ISOC reiterates its willingness to assist by participating in the group, should one be formed, and by making recommendations of possible members from the ISOC community.

Thank you again for this opportunity to comment. ISOC is always available to provide additional clarification on these comments, or to assist ICANN as it works to define the way forward for this important organization.

For additional information, contact:

Bill Graham
Strategic Global Engagement
Office of the President
The Internet Society
graham@isoc.org

20 October 2008