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Our Comments on ICANN's Discussions Drafts: Affirmation Reviews.

ICANN posted on its website the **Explanation/Background** and The paper for public consultation for the reviews of the Affirmation of Commitments (AOC) highlighting the following key objectives:

- The Affirmation requirements for reviews
- The proposed methodology for conducting the reviews
- The preliminary activities (such as the establishment of the review Teams and others)
- The timeline of the preparatory activities and of the first review
- A draft Terms of Reference for the first review

CREDIBILITY AND LEGITIMACY

We believe **"Credibility and Legitimacy"** should be made as strategic goals that sit above all the above listed highly valid objectives of the reviews of the Affirmation of Commitments. As mandated in the AOC, future conclusions and recommendations to be made by the review teams will measure ICANN's performance in delivering on these mandates. This must be seen as "Credible and Legitimate" by the global community overall but especially by the non English speaking stakeholders in the IDN communities and countries around the world without a voice to be heard or money to make their voices "travel" to ICANN meetings in order to be heard.

AOC, IANA AND USG CONTROL

While the AOC signaled a new era in non US control of ICANN, it lacks any corrective measures or enforcement clauses should ICANN fail on any of its key commitments. This makes delivering on **"Credibility and Legitimacy"** all the more critical.

However, the AOC does not pertain to **IANA, the Internet Assigned Numbers Authority**. After all IANA is the critical component of managing the internet, not ICANN. IANA is responsible for the global coordination of the DNS Root, IP addressing, and other Internet protocol resources and which ICANN manages under contract on behalf of the US Government and which is set to expire in 2011.

If ICANN is unable to deliver **Credibility and Legitimacy** as strategic goals it will deal a serious blow to any ICANN aspiration to replace the IANA management contract by the USG with something similar to the ICANN's AOC. In fact it would be fair to say that the more credible and legitimate the review process and the selection of the team members is seen globally the more seriously the USG will consider replacing its ICANN contract to manage IANA with an IANA AOC like agreement when it expires next year. This will go a long way to vindicate the US decision on the AOC to doubters and prove that ICANN can be entrusted with the IANA function in due course, perhaps without continued US controls.

SELECTION OF MEMBERS OF REVIEW TEAMS

This "**Credibility and Legitimacy**" will only be achieved if the review members selected are TRULY INDEPENDENT AND CREDIBLE in the eyes of the global community not just in the eyes of the ICANN insiders' community. Also, what should not happen is for the review process and teams to be treated or seen as ICANN processes like the ICANN Nominating Committee or its Supporting Organizations. It is vital the review process is seen as an Independent and Representative Process that exists outside of the ICANN structure and political influences.

ICANN's ROLE AS A "GLOBAL PUBLIC SERVICE PROVIDER" DELIVERING FAIRNESS & EQUALITY TO ALL

Equally critical is ICANN's recognition of its new role as a "Global Public Service Provider" now that it functions under the AOC with mandates to Accountability and Transparency towards the interests of all global Internet users, as well as, competition and fair play to all its constituents.

As I wrote to ICANN in my letter to ICANN on the Expression of interests last month http://forum.icann.org/lists/draft-eoi-model/msg00188.html I wish to partially quote and reemphasize the following:

"The review process needs to be representative of and to all its stakeholders from Akron to Afghanistan, from DC to Damascus, from Beijing to Bangalore, and delivering on its Affirmation of Commitments (AOC) mandates http://www.icann.org/en/documents/affirmation-of-commitments-30sep09-en.htm of ensuring accountability, transparency and preserving security, stability and resiliency of the DNS and the interests of all global Internet users in promoting competition, consumer trust and consumer choice as mandated by the AOC."

Warmest Regards,

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