

**TechAmerica
Comments on “ICANN Draft Proposal for Affirmation Reviews”
February 10, 2010**

TechAmerica appreciates the opportunity to comment on the draft proposal for Affirmation Reviews. The Review process, created by the Affirmation of Commitments (AoC) will contribute to a critical stage in ICANN's development into a globally respected organization. While we appreciate that the goal of the first Review process addresses accountability, transparency, and the interests of global Internet users, we would like to highlight several areas where further detail or explanation is necessary to address key elements to the organization's operations and community.

First, we note that the Review process is not a substitute for the creation of accountability mechanisms. Rather, it merely provides a forum for ongoing examination of a variety of issues related to ICANN. In previous public comments regarding ICANN, we have called upon ICANN to move quickly to develop and implement meaningful and responsible accountability mechanisms.¹ We also pointed out that transparency and accountability are not synonymous, but they are mutually reinforcing. We note that the first Review process addresses accountability, transparency, and the interests of global Internet users; however, the process itself does not provide organizational accountability and transparency mechanisms. We fully support the importance of the review processes; we suggest that ICANN move forward on the development of the new and improved accountability mechanisms, while also developing the required Review process/panels.

Second, we agree that the Review processes should focus on the core issues before each Review panel. For that reason it is important that the panels be presented with guidelines that establish clear objectives and, importantly, a specified and defined purpose for each and every review team so the reviews are efficient and productive. However, it is important to note that terms of reference should not be so restrictive that they prohibit the examination of key factors of concern to ICANN's core mission and the stability of the Internet and DNS. Information from one Review panel may be relevant to the other Review panels, and it should be possible to retain relevant information and share it across Review panels so that as improvements are proposed there is a coherent approach that reflects any synergetic implications for the next Review Panel.

Third, TechAmerica welcomed the AoC's acknowledgement of ICANN's responsibility to act in the public interest. We have emphasized the importance of acknowledging this responsibility for ICANN in its role as a technical coordinating and policy making body in many of our public comments in the past. It is important that the term “public interest” is defined at the overall contextual level for ICANN so that it is used consistently across the review teams and in ICANN's functions and activities.

¹ See TechAmerica response to NTIA Notice of Inquiry regarding “Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System,” <http://www.ntia.doc.gov/comments/2009/dnstransition/084.pdf>

Business has an interest in all of the planned reviews; its broad expertise in a range of sectors and the significant impact of the reviews on a wide-range of business interests means that meaningful business participation is indispensable to all reviews. Therefore, to ensure balanced and effective business participation, more than one business representative may be necessary on the different review teams. Further, diversity in gender, geography, experience, and expertise must also be incorporated in the composition of the review teams, thereby adding to the complexity of convening a review panel. We believe that it is too narrow and restrictive to limit the Review Panels to a finite number of members, such as the proposal for 7-8 members. Many groups who do similar, collaborative work have larger numbers; we would propose that Review panels could have up to 11-13 members, thus enabling geographic and other key elements of diversity from among the ICANN stakeholders. While there may be a need to establish a finite total number of members for the review teams, the objective should be to ensure the expertise and gender/geographic diversity to fulfill the skill set needed to undertake each of the reviews. In order to ensure these needs are met in the review panels, we propose that each Supporting Organization must submit multiple candidates for nomination to each of the review panels. Further, Supporting Organizations should be open and welcoming to the identification of experts who are not from within the specific SO but who are broadly from within the stakeholder community that SO represents.

Finally, we strongly encourage ICANN to implement and follow a transparent process by which the global stakeholder community can understand how findings are developed by the Review panel. The public comment processes for the various stages of work of the Review panels are especially tight in the Accountability Review Panel, and extra mechanisms to take community input will be needed. The final findings of the Review panel and any recommendations should be accompanied by an explanatory document describing recommendations for how ICANN will accept or reject the findings of the Review panel. This process would go a long way toward establishing and maintaining meaningful accountability mechanisms in the organization.

Thank you for the opportunity to provide the technology industry's comments on this important issue. We look forward to continuing to provide our input into the review process.

Sincerely yours,



Phillip J. Bond
President and CEO

TechAmerica is the leading voice for the U.S. technology industry, representing approximately 1,200 member companies of all sizes in offices in state capitals around the United States, Washington, D.C., Europe (Brussels) and Asia (Beijing). TechAmerica was formed by the merger of AeA (formerly the American Electronics Association), the Cyber Security Industry Alliance (CSIA), the Information Technology Association of America (ITAA) and the Government Electronics & Information Technology Association (GEIA).