



The Internet Society’s contribution to ICANN’s “President's Strategy Committee Consultation with the ICANN Community Improving the Inherent Strength of the Multi-stakeholder Model”

The Internet Society (ISOC) is pleased to contribute these comments in response to the question “how can the ICANN model be strengthened in the context of the evolution and growth of the Internet?” These comments draw on our submission to the NTIA Notice of Inquiry (NoI) on the transition of the DNS to the private sector (http://www.isoc.org/pubpolpillar/ISOC_NTIA_response_060707.pdf) and on ISOC President and CEO Lynn St.Amour’s comments in the NTIA’s related Public Hearing (http://www.isoc.org/pubpolpillar/ISOC_NTIA_statement_060726.pdf).

We have chosen to address a limited number of key issues rather than respond to the specific questions listed in the President’s Strategy Committee Consultation, as ISOC has addressed a number of those questions in the submissions listed above.

As a point of departure we echo our comments in the above Hearing and restate that ISOC “strongly supports ICANN and the role it plays in coordinating certain aspects of the “collaborative” Internet management model.” We also noted in that Hearing that we believe that ICANN has made progress in meeting the milestones in the US DoC-ICANN MoU and that its operations are sufficient to move to the next stage of the transition. This being said we noted that there is always room for improvement in any organization and we commend ICANN for establishing the President’s Strategy Committee (PSC) to explore ways for further strengthening its operations and processes.

ISOC believes that the ICANN model needs to be strengthened to address a number of challenges that will become more acute as the Internet evolves and grows. We choose to focus here on some of the issues we touched upon during the NTIA’s NoI and Public Hearing, including:

- the challenge of managing and balancing stakeholder interests for the public good
- the effectiveness of ICANN’s representational model
- the need for operational flexibility to respond to evolutionary change, and
- the politicization of the Internet internationally.

ISOC believes that the greatest challenge for ICANN with regard to the multi-stakeholder model will be in managing and balancing stakeholder interests. As mentioned during the NTIA hearing, ISOC encourages ICANN not only to focus on strengthening its model, but also to focus on preserving balance across stakeholders so as to avoid capture by individual constituencies on any one set of issues. We believe that ensuring this balance is critical to ICANN's success. When ICANN was set up there was significant concern that neither ICANN nor its constituencies or support organizations be "captureable" by narrow or self-serving interests. ISOC suggests that it is useful for ICANN to assess the current and future capture risk on an ongoing basis, and, if necessary, to take steps accordingly. For example, one important element of maintaining a balance among stakeholders is to ensure that the financing and representation models do not enable one constituency, organization or group of interests to imperil the functioning of the organization. Clearly, an ICANN that is multi-stakeholder and yet suffers from capture would not be in the public interest nor would it be conducive to the successful evolution of the Internet. We would also suggest that managing and balancing stakeholder interests is essential to avoiding lock-up on key issues due to permanently divergent views. ICANN has in fact seen this situation arise already, for example in the WHOIS/privacy area.

We believe that ICANN's stakeholder representation model will require further change and evolution to ensure that the broad interests of all stakeholders that depend upon the stability of the Internet are more effectively addressed. For example, we believe that ICANN has yet to find a truly effective end-user representation model, and we encourage ICANN to work more closely with existing structures and organizations, for example through the many Internet community organizations which already work with and represent end-users nationally and regionally, rather than creating what are potentially redundant structures. We encourage the ongoing discussion between ICANN and the Governmental Advisory Committee (GAC) to address the role the GAC can and should have in ICANN. As ICANN's representational model evolves it will enable ICANN to better address WSIS and Internet governance related matters.

Another significant challenge relates to ICANN's operational flexibility when faced with technology, policy and business-related change. In our NTIA Hearing comments we called for ICANN to have enough autonomy (and flexibility) to respond appropriately to future challenges. As the PSC deliberates we would caution against the consideration or implementation of organizational or operational processes that might risk locking in approaches and constraining the ability of ICANN, and the Internet community, to develop responses to complex and evolving issues. The allure of more structured processes and relationships within ICANN and between ICANN and its constituencies and other organizations should be considered against the continued need for flexibility across the community as a whole in addressing change and the overall evolution of the Internet.

Finally, the politicization of issues related to the DNS remains a concern to the Internet community. As we said in the NTIA Hearing, we believe the calls for greater multi-lateral government control over ICANN are, to a significant extent, motivated by the current geo-political situation, and in order to minimize future politicization, we have and will continue to encourage the US Government to take a more hands-off approach in its relationship with ICANN. We suggest that as the US government

plays less and less of an oversight role, other governments around the world commit to support and protect a truly independent, non-governmental ICANN, as many did during ICANN's formation.

We believe that concerns related to the role of the US Government are but one facet of this issue. ICANN should also consider what other measures could be taken, including internal, procedural and representational measures, to further diminish this politicization. In this regard, we do not believe that the legal personality of the specific jurisdiction ICANN is based in has any real impact on ICANN's ability to perform its specific, largely technical mandate.

We are please to provide these brief comments in response to the President's Strategy Committee consultation. As mentioned above, we encourage you to also consider ISOC's contributions to the NTIA NoI and Public Hearing.
