

Thomas and Mathieu:

Thanks for taking the time to talk with me. I found our conversation to be very enlightening. I am writing this informal note in my role as an advisor to the working group. It is not intended to be formally posted.

I am very impressed with both the quality and thoughtful nature of the document that you have produced. You and your colleagues have clearly put a great amount of effort and intelligence into the work that you have done.

Even though I have not spent near as much time as you all in thinking about this, I hope that you do not mind that I have a few suggestions to make.

1. I think it is important that the final document start with an affirmation that the multi-stakeholder model as it has been carried out by ICANN, while not perfect, has worked well, and that it is not the intent of the working group to change this model in any significant way.

If the report gives the impression that the ICANN model is seriously flawed and/or that those responsible for running ICANN cannot be trusted, then people who are less familiar with internet coordination will naturally ask the question of why you are proposing to continue with this model and take US Government oversight away.

As you mentioned on our call, the reason for the accountability mechanism and process that you are suggesting is that the community believes that having a multi-stakeholder backstop to ensure that those entrusted to run ICANN stick to its principles, act in a responsible manner and are not captured by special interests, is better than having the US Government continue to be the backstop.

ICANN is a good organization. You are just trying, for a variety of good reasons, to substitute multi stakeholder community backstop for US Government backstop.

2. As you mentioned on our call, the suggestions of how to accomplish this change should be as simple and straightforward as possible, should be rooted in existing practice and should be enforceable.

If your proposals are viewed as setting up a radically new, complicated model rather than being simple and rooted in existing practice or if the proposals are viewed as too vague, there will be a risk that they will not be accepted.

The document as it exists now can be interpreted to have these problems. On our call I was reassured about your intentions and your clarifications were very helpful. But I do think there is work to do to improve the way the document is currently written.

For example, I am not sure that it is advisable to imply that a "single membership model" is something that is fundamentally new and different. If I understood you correctly on our call, what you are really trying to do is to formalize somewhat and make clearer how the community can have an enforceable way to prevent the board of ICANN from violating its principles or acting against the wishes of the broader community. Your proposal is intended to be rooted in the way

that the multi-stakeholder model functions now but to be more precise on roles and functions and to specify how and when the back stop can be triggered and made enforceable on the rare occasions when it might be necessary to do so.

Whether this is best done in the way you have proposed or through some arbitration mechanism as others have proposed can and should be discussed. But either way, the proposal should be constructed and presented as an extension of what exists today so that it does not seem that something radical and untested is being proposed. And there must be enough detail about how it will all work so that those considering the proposal can fully understand what they are approving and have confidence in it.

3. It is important that what you establish is not in reality or perception too bureaucratic and it is important that the proposal does not tilt the balance of the multi-stakeholder model towards control by governments. Part of the original motivation in establishing the multi-stakeholder model instead of turning over coordination of the internet to the International Telecommunications Union as some proposed, was because we feared that intergovernmental bodies were prone to be too bureaucratic and slow-moving. We also recognized that the internet belongs to all users and participants not just to governments and that therefore while governments are an important stakeholder, they should not be a dominant stakeholder.

Therefore, the ultimate proposal should be one that does not create too many burdensome processes that would hinder the internet and its users. And the ultimate proposal needs to preserve the current balance among stakeholders.

4. Finally, I think that it is very important that the community achieve consensus on a proposal. If there is discord, particularly between the CCWG and the ICANN board, it will doom any proposal to failure. Having talked with members of the ICANN board and management and with you, I think that with some effort, this consensus can be reached in the coming weeks.

Overall, I think that through the extraordinary effort of you and your colleagues, you are 90% of the way towards having a consensus on a good set of proposals that will win adoption. I urge you to continue the excellent work.

If you think I can be useful, I look forward to working with you in my role as advisor to help craft a final proposal that will achieve consensus and be acceptable to the US Government and the broader internet community. I believe that the work you are doing is very important, so please feel free to reach out to me at any time. I can also attend the Dublin meeting for a few days if you think that I can be helpful.

Thanks for all of your efforts. You and your colleagues have done a heroic job over the past year.

Best Wishes,

Ira