

I have been trying to understand how the Sole Member model would improve the community's control over the policy and strategy pursued by ICANN's Board and staff.

As far as I can see, the Sole Member has only two significant powers:

1. A veto over by-law changes.
2. The ability to fire ("recall") Board members.

Given that, what is the Sole Member? Paragraph 306 tells us:  
"..the Sole Member ... would be a legal person created through the ICANN Bylaws as an unincorporated association. The Community Mechanism as Sole Member Model would rely on direct participation by SOs and ACs in this sole member for exercise of community powers but would not require any of them to have legal personhood. The Sole Member would have no officers or directors and no assets."

This does raise a real concern. Given that the names community has had since 1998 to form itself into a consensus-based group of people and organisations able to reach stable conclusions, and has failed to do so, what reason is there to suppose it can do so now? What therefore prevents the sole member being captured by the ICANN Board and staff, since it actually has no real existence beyond a legal fiction?

(This question does not arise for the numbers and protocol parameters communities, which are long-established open consensus communities.)

Frankly I don't trust the names community, on its record, to work smoothly to form the suggested Sole Member in a way that will benefit the Internet as a whole rather than the vested interests that have already brought the gTLDs to their current chaos.

I would need a lot more concrete evidence that the names community can actually behave like a \*community\* instead of a greedy rabble before giving this proposal the green light. Rather than writing long reports and paying lots of money to lawyers, form the community already!

I like the IAB's suggestion that the communities that currently appoint ICANN

Board

members should all have a straightforward recall mechanism (and probably some of them should use it). That alone would be a big step forward and could be done in a month, quite separately from any discussion of the transition. Not only would it enhance community control of the Board, it would also provide indirect community control of the by-laws at no extra cost.

Regards

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