

## Comments on proposal

- *From: Nell Minow*

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I first want to endorse the comments from Jan Aart Scholte, which are thoughtful and detailed. My own comments are more general and concern our process as well as the proposed structure.

My primary overall concern is that for an enterprise at the heart of the internet, it is disappointing that our process operates almost without any regard for the opportunities created by the world wide web and social media. The small number of comments is evident that our proposals have not been seen,

much less reviewed by many people who are among those best situated to participate. It is simply not enough to make these proposals available on our own website. The CCWG, ICANN itself, and all of the other constituency and stakeholder groups must make a concerted effort with a specific goal of page views and comments, making use of whatever viral systems are available to make

sure that the vitally important issues raised by these proposals are thoroughly

reviewed and extensively commented on. The very system in question here is ideally set up for allowing constituency and stakeholder groups to comment on their own behalf and we should take advantage of and encourage it.

In a related point, it is the nature of governance structures that they become

entrenched, compromised, and insulated, even with a constituency-based collection of advisory groups. The groups themselves will inevitably be hidebound by bureaucracy and structure over substance without a robust system for renewal. This is even more important given the pace of technological change. The system has to provide for a regular (perhaps every five years) zero-based, independent outside analysis of the effectiveness of the ICANN and

advisory group system, again with a massive social media outreach to ensure that as many users as possible, not just corporate or government but individuals can participate.

I concur with the comments made by Google, which would refine the proposal's checks and balances to make them more effective and equitable, and ALAC's comments on the sole member model, which is an example of my more pervasive concern that in many places the current proposal is explicit where it should be

flexible and vague where it should be specific.

I am also concerned that we are expecting too much from volunteers. If we expect to get the most qualified representatives of stakeholders involved, we have to be willing to pay the participants. It does not have to be a lot, but

it does have to be enough to attract busy people who have many other opportunities and to let them know that we expect a significant commitment of time.

We have extensive and details goals, principles, and deadlines but we do not

have clear consequences for failure to meet them. There is a labyrinthine and cumbersome process for removing or replacing members of the board, but since the review board members are approved by the board itself, that compromises the independence and effectiveness of the IR. If deadlines are not met, an automatic review should be triggered. If it is more than a year late, the tenure of board members should be automatically put to an IR vote. And if the IR does not agree with the response of the ICANN board to the nominees it provides, it should be able to overrule a decision not to place a proposed nominee on the IR by a vote of 2/3.

The proposals as currently constituted are complicated and arcane, as is to be expected from so many committees and constituencies, coming from so many countries and cultures. This underscores the importance of far wider participation and regularly scheduled reviews to make sure that ICANN keeps up with changing needs and technologies.