

**Comments from the ISPCP  
On CCWG-Accountability WS2 Jurisdiction Sub-group Recommendations  
November 2017**

The Internet Service Providers and Connectivity Providers (ISPCP) appreciates the opportunity to comment on Cross Community Working Group on Enhancing ICANN Accountability (Work Stream 2) Sub-group Recommendations. The ISPCP appreciates the work of the sub-group, and we broadly support the proposal's direction.

Our role is to support the global ISP community. ISPs must respect local laws, and must rely upon global standards bodies. Navigating conflicts between the two is of particular interest to us.

The ISPCP understands that the United States will remain the jurisdictional home of ICANN, and we see this as preferable to the alternatives of either moving jurisdiction, for which there is no public will, or becoming an NGO. ICANN only works if it has accountability, including legal accountability, and this runs counter to the role of an NGO. Therefore, this was the proper and just conclusion.

It is with that in mind that we wish to respectfully disagree with the comments of Brazil and other dissenters when they expressed frustration that a new path was not forged on jurisdiction. We believe that it is not the time to attempt a change of jurisdiction, and that the stasis of ICANN's residence in the State of California, on which the IANA transition was predicated and passed, should remain.

The jurisdiction group has done an excellent job of dealing with some of the challenges that come from U.S. jurisdiction. ICANN must maintain its global mission above all else. U.S. law makes that difficult in some circumstances, by placing sanctions on certain foreign governments, which ICANN is required to obey.

The sub-group has offered a set of recommendations are sensible ways of approaching that difficult set of circumstances, and we support them. In particular, we are supportive of ICANN actively engaging in the process of assisting contracted parties in seeking waivers from the U.S. Treasury's Office of Foreign Assets Control (OFAC). This seems to be a sensible way to uphold ICANN's mission despite the requirements of the United States government.

We appreciate the work of the sub-group and believe it continues to build towards strong conclusions on jurisdiction that will significantly improve ICANN's accountability. We look forward to continuing to work with the group as it moves toward finalizing its work.