

## The Multilingual Internet Group



Miss Fiona M. Alexander  
Associate Administrator Office of International Affairs  
National Telecommunications and Information Administration  
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By electronic mail: [IANAFunctions@ntia.doc.gov](mailto:IANAFunctions@ntia.doc.gov)

March 31, 2011

### **Response by The Multilingual Internet Group to the National Telecommunications and Information Administration [Docket No. 110207099-1099-01] RIN 0660-XA23: Request for Comments on the Internet Assigned Numbers Authority (IANA) Functions**

Dear Ms Alexander,

The Multilingual Internet Group is pleased to submit the following comments to the National Telecommunications and Information Administration process on the Internet Assigned Numbers Authority functions.

#### **OUR COMMENTS**

We welcome this NOI by the NTIA as an opportunity for the Internet community to express itself on the issue of the IANA function.

We also wish to start by pointing out that the many questions that the NTIA had requested feedback on can and will help it making a good determination on what to do with IANA on predominately technical and operational merits. And in reading some of the feedback to date the NTIA will find many worth following.

However, and more relevantly, none of the questions the NTIA asked of the Internet community truly address the overarching issues facing NTIA and USG Vis a Vis ICANN, IANA, or GAC and which go to the heart of the NTIA – ICANN strained relations of late. Yet we note from ICANN President and CEO Mr. Rod Beckstrom letter to the NTIA in which he suggests that a “Mutual Cooperation”<sup>1</sup> agreement is the way forward

So we feel that some of the questions that the NTIA could have asked the Internet community which would help it significantly decide on IANA and its options would read like this:

- 1- Would the re-awarding ICANN the IANA contract be seen as the NTIA’s approval of the ICANN performance per the AOC and that of its IANA management to date?
- 2- Would a splitting of the IANA contract between ICANN and other bodies be seen as a disapproval of ICANN performance in its administration of IANA?
- 3- Can the US government immune itself from international criticism for ICANN failures on the new gTLDs which are part f its AOC agreement and still award IANA to ICANN?
- 4- As the sole controller of the net, can the USG reward ICANN the IANA contract or even turn it into a cooperation agreement between equals despite its public displeasure with ICANN performance per the AOC, and its displeasure and that of many governments of ICANN’s Board recent approval of .xxx?
- 5- Can the US government afford to release IANA to ICANN on mutual cooperation basis without taking future heat from the international community?
- 6- Last but not least, does the US Government see the IANA contract as an incentive to ICANN to ensure that governments find or make the GAC, not elsewhere, as their home to voice their positions as part of the multistakeholder model? And if so, was ICANN reading from that same script when it passed .xxx?
- 7- And since it has passed .xxx, can the USG afford to award ICANN the IANA contract, let alone a cooperation agreement, with all the pending law suits that are recognized as acceptable consequence by ICANN of the New gTLDs?

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We believe that at the heart of this NOI is not only the USG's desire to learn from the community the technical and operational issues to be aware of but more valuably are the political ramifications of the US decision of what it does with IANA and to whom it should award it, and how?

### PUTTING ALL THIS INTO PERSPECTIVE

To put all this in perspective a clear distinction must be made from the beginning between the Multi stake holder model, which we fully support, and ICANN as these two terms are neither synonymous nor mutually equivalent as many would like us to conclude.

Furthermore, we support the US government's aim to make the role of the GAC a significant one as we believe isolating or ignoring the governments of the world during the Bush administration was the wrong policy internationally and which was not in the best interest of all stakeholders nor of the US. We also take note of recent NTIA positions<sup>ii</sup> regarding ICANN's performance per the Affirmation of commitments (AOC).

### ICANN'S CHALLENGES

We believe ICANN still lacks the maturity to be able to reconcile fairly and effectively the different interests (and special interests) and the influences of these interests and be able to serve the Global Public Interest (GPI) equitably, fairly and effectively. Furthermore, we believe ICANN had overstepped its administrative oversight role of IANA and assumed new roles beyond its IANA contract with the US Government.

This Global Public Interest needs to be served equitably, fairly but above all soft handedly to be effective. IANA affects more than 250 ccTLDs in ASCII and IDNs and 22 gTLDs so the majority of those that IANA serve regularly are ccTLDs. Many feel they were mistreated in their IDN string evaluation. One example which has outraged many ccTLDs and their respective governments is ICANN requesting from ccTLD operators who are submitting their own country's IDN string for evaluation and who would accompany their submission with signed documents from either ministers, Prime Ministers, or even in some instances bills passed by their local parliament or authorities only to be asked by ICANN/ IANA administrative staff to submit that the IDN string being submitted by that ccTLD has community support.

Despite the rules and requirements posted by IANA are unclear and ambiguous to many, but requesting from a government and local authorities to prove they have community support is a stretch, and to some is an insult. More importantly this showed a clear indicator that ICANN had not only over stepped its role in the management of IANA, but many saw this as a reminder by ICANN telling them "we are in charge" adding more to the concerns by GAC and non GAC governments and to their distrust. One would be hard pressed to think this kind of action would endear a government to come join this multistakeholder process or the GAC. Instead they observed a body acting like the monopoly and incidentally by a US Government decree, and not one serving Global Public Interest.

We believe the challenge ICANN faces is not only in its management and in its internal structures to date but in its lack of maturity as an organization. ICANN has seen its responsibilities onto the global Internet and its public interest go far beyond its operational, board, supporting organizations, and internal processes abilities, or its byelaws, some of which were created more than decade ago which in Internet years dates to dinosaur era, to handle tasks and objectives of global proportions and ramifications. This we feel is pushing ICANN beyond its limits and assuming new roles in its management of IANA that are beyond the scope of its IANA contract. This is not a criticism of Multi stake holder principle but a reality check of ICANN and its challenges to perform per its contracts with the US governments.

ICANN lack of maturity makes it very challenging to reconcile effectively the different forces it wants to serve and/or please including those of governments thru the GAC, as the USG has strongly pointed out. Although many including the NTIA believe ICANN has fallen significantly short of its affirmation of commitments (AOC) mandate it is further alarming to discover that ICANN as a management, board, and staff are accepting that many law suits will come with the new gTLDs and IDN gTLDs and see them as an acceptable consequence of the New gTLDs.

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Therefore keeping the status quo for IANA will mean that the USG approves of the New gTLDs program and its current direction, which continues to be swamped with pitfalls on international scale, with domestic and international law suits to follow, and all this the USG finds very acceptable. Is this the message the USG want to give to the world? Can the USG justify to the world rewarding ICANN for this underachievement with a renewal of the IANA contract as is, or worse still, bestowing upon ICANN a cooperation agreement befitting of equals?

The most recent display of ICANN immaturity as an organization is its Board approval of .xxx at the ICANN San Francisco meeting this month and the ramifications this brings to its role on the Global Public Interest and the international community and Governments around the world to the detriment of the US government.

### CONCLUSION

In conclusion, we believe that the NTIA having taken the great initiative to go to the people in asking for feedback on what to do with IANA can now proceed in doing what it deems most appropriate that serves the Global Public Interest and not just US centric interests or special interests.

Time will tell whether it will be applauded or booed for this decision as the single controller of the Internet with all the Global Public Responsibilities (GPR) this comes with.

Whether the final decision on IANA will encourage or discourage other major governments to decide to create their own global Internet roots to rival the current global American one will be the thing to watch out for after the NTIA / USG decision is taken this September.

Warmest Regards,

Khaled Fattal,

### **\*Group Chairman, The Multilingual Internet Group**

- \* Ankaboot Global Social Network, <http://Ankaboot.com>
- \* Live Multilingual Translator, <http://LMTranslator.com>
- \* WebSynergys Inc. <http://WebSynergys.com>
- \* ArabicSSL Certification <http://ArabicSSL.net>
- \* Ankaboot Domains and Web Services <http://domains.ankaboot.net>
- \* Multilingual Internet Names Consortium, (MINC) <http://minc.org>

### **\*ICANN President Advisory Committee Member on IDNs [www.icann.org](http://www.icann.org)**

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i Rod Beckstrom letter to NTIA on IANA <http://www.ntia.doc.gov/comments/110207099-1099-01/comment.cfm?e=273CB4D8-1EF6-4172-B96E-EF609E04F8BE>

ii NTIA's Lawrence Strickling letter to ICANN December 5, 2010. <http://forum.icann.org/lists/5gtld-guide/pdf4SSmb5oOd5.pdf>

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