

**Our Ref.:** KENIC/2008/01/012

28th January 2008

**Suzanne R. Sene,  
Office of International Affairs,  
National Telecommunications and Information Administration  
1401 Constitution Avenue, N.W., Room 4701  
Washington, DC 20230  
(MS Word copy via 3.5" floppy disk and via email to  
JPAMidTermReview@ntia.doc.gov)**

Dear Ms. Sene,

**RE: Midterm Review of the Joint Project Agreement**

Besides managing the .KE country code Top Level Domain (ccTLD), the Kenya Network Information Centre (KENIC) is the representative of the Kenyan Internet community.

Kindly consider this as a formal response from the Kenyan Internet community to the Request for Comment (RFC) announced by the National Telecommunications and Information Administration (NTIA) with regards to the progress ICANN has achieved on the Responsibilities included in the Joint Project Agreement (JPA). As a prelude to the specific questions raised in the RFC, let me take this opportunity to note that the Kenyan Internet community truly recognizes, appreciates and strongly supports the excellent work that ICANN has been doing over the years. Despite limited resources, ICANN has strived towards becoming the organisation that the Internet community has hoped for. Of course, we are not asking ICANN to rest on its laurels. On the contrary, we as the stakeholders believe that more can be done and we look forward to working with ICANN and the Internet community at large to realise the goals set out in the ICANN strategic plan.

ICANN's achievements can be brought out by giving a synopsis of its past, current and future (planned) projects and activities. **In particular**, ICANN has among other things:

- enhanced its mission to be a global/international organisation seen through the opening of regional offices and the appointment of regional relations managers, the development and progressive deployment of a translation policy and the introduction of Internationalised Domain Names (IDNs) which is currently in progress.

- enhanced support for upcoming country code Top Level Domain (ccTLD) Registries
- enhanced capacity building especially in developing regions
- enhanced participation of the global Internet community in the Internet policy development process through all-inclusive ICANN public meetings, instituting a fellowship program that has enabled participants from developing regions attend ICANN public meetings as well as through the deployment of more efficient online participation tools and translation facilities.

In addition to this, we wanted to highlight some of the achievements under the affirmation of responsibilities.

**RESPONSE TO THE REQUEST FOR COMMENTS:**

1. *In the JPA, ICANN agreed to undertake the following with respect to security and stability: "ICANN shall coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems."*

- ICANN has signed a Memorandum of Understanding (MOU) with all the 5 established Regional Internet Registries through the ASO/NRO MOU
- Further, ICANN plans to formalise legal arrangements between them and all the 5 RIR (through the NRO) within one (1) year.
- IANA function is efficient and reliable with an enhanced root zone management procedure.
- ICANN has deployed a state of the art L-Root server and as well as mirrors for the same.

2. *In the JPA, ICANN agreed to undertake the following with respect to transparency: "ICANN shall continue to develop, test and improve processes and procedures to encourage improved transparency, accessibility, efficiency, and timeliness in the consideration and adoption of policies related to technical coordination of the Internet DNS, and funding for ICANN operations. ICANN will innovate and aspire to be a leader in the area of transparency for organizations involved in private sector management."*

- ICANN has developed a Strategic Plan that puts in place strategies for realising operations excellence, excellence in the policy development process, increased participation in ICANN meetings and the increased use of the Internet system of unique identifiers, an increase in the participation in and efficiency of the ICANN multi-stakeholder environment and ultimately the complete transition of the technical coordination of the Internet's system of unique identifiers to the private sector.

(<http://www.icann.org/strategic-plan/>)

- ICANN has developed a Transparency and Accountability framework that addresses accountability in three(3) ways:
  - o Public sphere accountability which deals with mechanisms for assuring stakeholders that ICANN has behaved responsibly
  - o Corporate and legal accountability which covers the obligations that ICANN has through the legal system and under its by laws; and
  - o Participating community accountability that ensures that the Board and executive perform functions in line with the wishes and expectations of the ICANN community.

(<http://www.icann.org/transparency/acct-trans-frameworksprinciples-23jun07.pdf>)

- ICANN has also released the first version of a new 'Dashboard' that offers measurements of ICANN's performance in numerous areas across the organization. Currently, the 'Dashboard' has reports from Finance, IANA, and IETF request queue.
- ICANN has enhanced participation at the open public ICANN public meeting, held three times in a year. These meetings present a platform for the Internet community and the public at large to participate in the management of the Internet.
- ICANN's Translation framework has enhanced global participation in ICANN activities.

*3. In the JPA, ICANN agreed to undertake the following with respect to accountability: "ICANN shall continue to develop, test, maintain, and improve on accountability mechanisms to be responsive to global Internet stakeholders in the consideration and adoption of policies related to the technical coordination of the Internet DNS, including continuing to improve openness and accessibility for enhanced participation in ICANN's bottom-up participatory policy development processes."*

- ICANN has developed a Strategic Plan that puts in place strategies for realising excellence in the policy development process, increased participation in ICANN meetings and the increased use of the Internet system of unique identifiers as well as an increase in the participation in and efficiency of the ICANN multi-stakeholder environment.

(<http://www.icann.org/strategic-plan/>)

- Again, ICANN has developed a Transparency and Accountability framework that addresses accountability

(<http://www.icann.org/transparency/acct-trans-frameworksprinciples-23jun07.pdf>)

- ICANN's bottom-up policy development process has also been adopted by RIR's and some TLD registries, especially ccTLD's, thus enhancing global stakeholder participation in Internet policy development.

- The open public ICANN meeting, held three times in a year, present a platform for the Internet community and the public at large to participate in the management of the Internet.
- ICANN's translation policy: ICANN open public meetings are now being translated into 6 languages. The ICANN translation team is planning to move a notch higher and offer public documentation in various languages.
- ICANN has also doubled the budget for translation this year, a clear indication of its endeavour to fully implement the translation policy within the shortest time possible.

(<http://public.icann.org/translation/principles-policy>)

4. *In the JPA, ICANN agreed to undertake the following with respect to root server security and relationships: "ICANN shall continue to coordinate with the operators of root name servers and other appropriate experts with respect to the operational and security matters, both physical and network, relating to the secure and stable coordination of the root zone; ensure appropriate contingency planning; maintain clear processes in root zone changes. ICANN will work to formalize relationships with root name server operators."*

- ICANN's Operating Plan contains contingency plans that define measures to be taken in the event of financial, technical or business failure of the organisation and its constituent bodies.

(<http://www.icann.org/planning/>)

- The IANA Root Zone Management function is now efficient and effective. IANA has also put in place policies and procedures to expedite root server management.
- ICANN has formalized its relationship with all root name server operators.
- ICANN has deployed a state of the art L-Root server and as well as highly distributed mirrors of the same.

5. *In the JPA, ICANN agreed to undertake the following with respect to TLD management: ICANN shall maintain and build on processes to ensure that competition, consumer interests, and Internet DNS stability and security issues are identified and considered in TLD management decisions, including the consideration and implementation of new TLDs and the introduction of IDNs. ICANN will continue to develop its policy development processes, and will further develop processes for taking into account recommendations from ICANN's advisory committees and supporting organizations and other relevant expert advisory panels and organizations. ICANN shall continue to enforce existing policy relating to WHOIS, such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing and administrative contact information. ICANN shall continue its efforts to achieve stable agreements with country-code top-level domain (ccTLD) operators."*

- ICANN is taking due caution and consideration to the stability of the DNS as seen through the elaborate approach it has taken in developing policies for the growth of the DNS through the introduction of new TLDs. The extensive on-going discussions on the introduction of new TLD are a reflection of this endeavour.
- ICANN has deployed a state of the art L-Root server and as well as mirrors for the same.
- The process of developing a policy for the introduction of IDN's is at an advanced stage. Further, a fast-track approach is being developed for the allocation of a limited number of IDN TLDs representing territories designated in the ISO 3166-2 that may have a pressing need.
- ICANN undertakes periodic reviews of policies relating to WHOIS through its bottom-up, consensus-seeking policy development process (PDP)
- ICANN has signed formal agreements with about 60% of ccTLDs and plans are at an advanced stage to formalize legal arrangements with RIR's.

*6. In the JPA, ICANN agreed to undertake the following with respect to the multi-stakeholder model: "ICANN shall maintain and improve multistakeholder model and the global participation of all stakeholders, including conducting reviews of its existing advisory committees and supporting organizations, and will continue to further the effectiveness of the bottom-up policy development processes. ICANN will strive to increase engagement with the Private Sector by developing additional mechanisms for involvement of those affected by the ICANN policies."*

- ICANN has strengthened its constituent organisations by continuously redefining the terms of reference for each, as well as enhancing their involvement in ICANN's policy development process.
- ICANN fellowship program has enhanced participation in ICANN public meetings especially from developing regions.
- ICANN has strengthened the bottom-up Policy Development Process through enhanced stakeholder participation. This has been realised through the deployment of enhanced online discussion/communication tools as well as increasing public participation at the ICANN meetings through the ICANN fellowship program.
- Instituting the Commercial and Business Users Constituency has enhanced participation and representation of the business community.

*7. In the JPA, ICANN agreed to undertake the following with respect to the role of governments: "ICANN shall work with the Government Advisory Committee Members to review the GAC's role within ICANN so as to facilitate effective consideration of GAC advice on the public policy aspects of the technical coordination of the Internet."*

Due to the different laws, attitudes, and policies in the different countries and distinct economies in the world represented in ICANN through their representation in GAC, ICANN has enhanced GAC's role in the Internet policy development process in order to incorporate these diverse and vital views. As a result and through their membership in GAC, these countries and distinct economies have been able to influence policies concerning the management of the DNS and related functions, which are important to the overall operation of the Internet.

The GAC has considered and provided advice on a variety of vital issues, including:

- what issues and public policy considerations ICANN should take into account when selecting new generic top level domains;
- guidance on matters related to the development of multilingual domain names;
- principles for guidelines aimed at co-ordinating future domain name testbed environments, consistent with the need to foster innovation and creative experimentation; and
- principles for the sound management and administration of ccTLDs, including the development of the GAC document Principles for the Delegation and Management of Country Code Top Level Domains, which gives guidance on the roles of ICANN, governments, and registries in the operation of ccTLDs

*8. In the JPA, ICANN agreed to undertake the following with respect to IP addressing: "ICANN shall continue to work collaboratively on a global and regional level so as to incorporate Regional Internet Registries' policy-making activities into the ICANN processes while allowing them to continue their technical work. ICANN shall continue to maintain legal agreements with the RIRs (and such other appropriate organizations) reflecting this work."*

- ICANN has signed a memorandum of Understanding with all the 5 established Regional Internet Registries through the ASO /NRO MOU
- In addition, ICANN plans to formalize legal arrangements between them and all the 5 RIR (through the NRO) within one (1) year.
- Further, ICANN has signed formal agreements with about 60% of ccTLD and plans are at an advanced stage to formalize legal arrangements with RIR's.

*9. In the JPA, ICANN agreed to undertake the following with respect to corporate responsibility: "ICANN shall maintain excellence and efficiency in operations, including good governance, organizational measures to maintain stable, international private sector organization, and shall maintain relevant technical and business experience for members of the Board of Directors, executive management, and staff.*

*ICANN will implement appropriate mechanisms that foster participation in ICANN by global Internet stakeholders, such as providing educational services and fostering information sharing for constituents and promoting best practices among industry segments."*

- Again, ICANN has developed a Strategic Plan that puts in place strategies for realising operations excellence, good governance, excellence in the policy development process, increased participation in ICANN meetings and the increased use of the Internet system of unique identifiers, an increase in the participation in and efficiency of the ICANN multi-stakeholder environment and ultimately the complete transition of the technical coordination of the Internet's system of unique identifiers to the private sector.

(<http://www.icann.org/strategic-plan/>)

- ICANN has enhanced participation at the open public ICANN public meeting, held three times in a year. These meetings present a platform for the Internet community and the public at large to participate in the management of the Internet.

- ICANN's Translation framework has enhanced global participation in ICANN activities.

(<http://public.icann.org/translation/principles-policy>)

- In its strategic plan, ICANN plans to develop and implement a workforce planning methodology for its staff to attract and retain high quality staff through performance management, enhanced employee relations and enhancing employee compliance

- ICANN has also released the first version of a new 'Dashboard' that offers measurements of ICANN's performance

*10. In the JPA, ICANN agreed to undertake the following with respect to its corporate administrative structure: "ICANN shall conduct a review of, and shall make necessary changes in, corporate administrative structure to ensure stability, including devoting adequate resources to contract enforcement, taking into account organizational and corporate governance 'best practices.'"*

- ICANN has developed a Strategic plan as well as a Transparency and Accountability framework that is in line with Corporate "best practices"

### **Could ICANN Do More?**

Being a dynamic organisation and operating in a dynamic environment, ICANN can't help but continuously review its plans in line with changes in its environment.

## **Conclusion**

It is our opinion that ICANN is living up to its mandate and that the endeavor of transitioning ICANN into a private sector entity is taking shape. Conclusion of the JPA would however provide the next logical step toward full transition some time in the future. It will produce the right environment to commence the debate about what should happen to ensure transition finally occurs. KENIC therefore supports the conclusion of the JPA.

Let me also take this opportunity to reiterate our continued support to ICANN and its activities and wish ICANN all the best this year and the years to come.

Kind Regards,



*Anthony K. Mugambi*  
*Chairman*

Email: [amugambi@jambo.co.ke](mailto:amugambi@jambo.co.ke)

Cell: +254 722 725775

CDMA: +254 2059500