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To: <JPAMidTermReview@ntia.doc.gov>
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Subject: JPA Mid Term Review

February 14, 2008

Suzanne R. Sene
Office of International Affairs,
National telecommunications and Information Administration
1401 Constitution Avenue, N.W., Room 4701
Washington DC 20230

Reference: Midterm Review of the Joint Project Agreement

Dear Ms. Sene:

We offer the comments hereunder as pertinent to NTIA's assessment as to whether ICANN has made sufficient progress in the 10 responsibilities

under the JPA which would lead to relieve it of further oversight under the JPA. We are in support of the JPA running its course because we feel

it would give time for ICANN to clarify the transitional arrangements with regard to accountability and transparency as well as to allow further

definition and evolution of the multi-stakeholder model of governance under which it operates.

It is inarguably true that whatever its imperfections, the JPA serves as a kind of framework for oversight of the ICANN enterprise, demanding

certain accountability of both the board and Administration. In its operational space, ICANN, like the Internet, is a different, even

unique organization and remains a work in progress. And we are concerned that the successor oversight framework is still not clear. We believe

that the time between now and the projected end of JPA will give ICANN an opportunity to more clearly define that framework, especially with respect to the contractual

obligations under the IANA agreement.

The ICANN enterprise has made significant strides in its quest to become a truly global, multi-stakeholder, diverse and multi-cultural

organization but we are not yet in the end game; much more is left to be done. It is indeed arguable that the JPA and the timeline it imposes has

spurred these felicitous developments but the uncertainty surrounding the

transitional arrangements and the demonstrable gap in cultural sensitivity are factors in this assessment.

ICANN has not done a good job in messaging the user constituency and we believe that it has a duty of care to tell its own story and explain its role to ordinary Internet users and potential users everywhere; users just happens to be the largest stakeholder group and ultimately the source of funding for ICANN itself. We acknowledge that multi-language support is an expensive proposition but it is necessary for the work of ICANN. We acknowledge that fellowships that encourage participation of Third World users and the recent

embrace of the necessity for translation of ICANN content and multi-language support for official meetings are arbiters of progress in realizing

a more multi-cultural ICANN. However, there is a need to go beyond the "UN languages" and that, in my opinion, is yet to be embraced. This is

especially troubling, especially in the context of where Internet growth is happening; the next billion count of Internet users - and the several

potential billions thereafter - would likely come from the developing and underdeveloped world and from "Non-UN" language groups.

ICANN continues to misunderstand that it has a role to play in messaging those world citizens not yet a part of the Internet mainstream and its

spokespersons do so with a reasoning that is as specious as it is ahistorical. [ICANN's standard explanation is that it is restricting itself to

its "narrow" technical remit!] We believe that "old" technologies like radio is an efficient and effective modality to be used in disseminating

information on ICANN and its role in internet administration in the public interest and should be seized by the organisation. We continue to

believe this is a necessary complementary activity to the role of governments, civil society and NGOs in creating internet access centres or

building the telecommunications networks that form the enabling infrastructure for internet access. ICANN would have shirked its responsibilities

to ordinary Internet users and potential users if it did not engage in messaging this constituency.

Finally, we are concerned that ICANN policy-making process seems to tilt in favour of one of its constituent stakeholder group; the GAC.

Specifically, the role of the GAC is enshrined in Responsibility #7 of JPA. This responsibility explicitly acknowledges the existence of "public

policy aspects of the technical coordination of the Internet". The reasonable inference then is that ICANN has acknowledged both socio-political

and socio-cultural implications to its actions but in other areas of its work, is less forthcoming about these impacts. This disconnect is a

source of anxiety and disquiet, especially in the absence of a governance framework that clearly articulates the limits of action.

Warm regards,

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