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From: Andrew Mack <amack@amglobal.com>  
To: JPAMIDTERMREVIEW JPAMIDTERMREVIEW  
Date: Friday - January 11, 2008  
Subject: Andrew Mack JPA Comment

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Please find attached my comment on the JPA. Do tell me if you have any probs with the document or need it in another format.

Thank you,  
Andrew Mack

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I am writing express my concern about the current agreement (JPA) between ICANN and the Department of Commerce. ICANN is claiming that the JPA is no longer needed, as they have completely achieved a list of ten responsibilities. While I believe progress has been made, in at least two areas that affect Emerging Markets where I work, ICANN is far short of achieving these responsibilities.

Specifically, in Responsibility #5 (Top-Level Domain Management), ICANN talks about its success in addressing the issue of Internationalized Domain Names (IDNs), effectively saying that the issue is behind us. However, having just gone to the recent Los Angeles meeting and listening to the presentations there, I cannot see how this is the case. By ICANN's own account they have begun the testing on a dozen sample scripts. Begun, yes. But this issue is far from settled. In the meeting I heard a number of policy concerns relating to IDNs to which the response was, essentially, "that's a good question..."

At the Los Angeles meeting we weren't given a clear timetable for when these issues would be addressed, nor were we given any real sense of when IDNs would be rolled out to wider markets. In fact, the way it sounded in Los Angeles, ICANN is really just getting to the heavy lifting on most important IDN issues. On that basis, there's no way I'd agree that the issue of IDNs has been "achieved". It just isn't true, and I think risks undermining ICANN in the eyes of the billions of people who don't use Latin script.

At the same time, in JPA Responsibility #6 (Multi-Stakeholder Model), ICANN talks about its intensive efforts at increasing outreach and cites progress in this area as another proof of their readiness for independence from DOC. However, I have heard consistent complaints from my friends from Africa, Latin America and other areas about their under-representation, and about the fact that ICANN really doesn't seem serious about creating real representation from the Emerging Markets where the next billion Internet users will come from.

The organization points to 23 "fellowship program" representatives from Emerging Markets whose travel was being subsidized to attend the Los Angeles meeting. 23 out of hundreds of total attendees – almost all from Europe and the US – is hardly strong representation. Also, at nearly every meeting I hear complaints that the meetings fail to truly facilitate multi-lingual participation, complaints that nearly all the big documents are written in English, that there are very few summaries in other languages, and that translation is available in some but not all sessions. These are real concerns if ICANN is truly to address its multi-stakeholder mandate. Offering persons from the "low-bandwidth" parts of the world the opportunity to log on and ask questions in English, questions that might or might not be addressed in a session, is hardly a solution. Based on my experience, ICANN does not yet pass its own multi-stakeholder test – especially considering that "outreach" consumes 28% of ICANN's expenses in the current budget.

I believe that ICANN needs to do more to say it has "achieved" its responsibilities in work with new TLDs and outreach to Emerging Markets. Before they do, I can't see how the organization qualifies to "graduate" from the JPA.