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To: Suzanne R. Sene, Office of International Affairs, National Telecommunications and Information Administration
Via email: JPAMidTermReview@ntia.doc.gov

ISOC-AU SUBMISSON: in response to the Department of Commerce, National Telecommunications and Information Administration Inquiry: *The Continued Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System: Midterm Review of the Joint Project Agreement*

The Internet Society of Australia (ISOC-AU) welcomes this opportunity to provide comments for this Department of Commerce Review on the Transition of the Joint Project Agreement.

The Internet Society of Australia (ISOC-AU) is a non-profit society founded in 1996 which promotes the Internet development in Australia for the whole community – private, academic and business users: the Internet is for everyone! ISOC-AU is a chapter of the worldwide Internet Society and is a peak body organisation, representing the interests of Internet users in this country. We have a longstanding and ongoing commitment to the effective representation of these interests in code development and self-regulatory processes in the telecommunications, domain name and Internet-related services industries.

In 1997, The US Department of Commerce (DOC) White Paper on the domain name system (DNS) set out primary functions for DNS coordination and management to achieve US government goals of increased competition and the facilitation of international participation in the management of the DNS. Significantly, the White Paper included the statement that the US Government

> *... is committed to a transition that will allow the private sector to take leadership for DNS management.*

The 1998 Memorandum of Understanding (MOU) between the DOC and ICANN was signed with the objective of transitioning technical DNS coordination and management functions to the private sector.

In September 2006, the US National Telecommunications and Information Administration (NTIA) signed a Joint Project Agreement (JPA) with ICANN that extended the MOU between the DOC and ICANN. The JPA set out ten 'responsibilities" that ICANN was to achieve in the transition period including such issues as security and stability, transparency, accountability, root server security, top level domain management and multi stakeholder model.   The JPA also called for a midpoint review of ICANN's progress towards achieving those responsibilities, This NTIA Inquiry is that midpoint review.

ISOC-AU does not wish to comment in detail against each of the ten responsibilities. It will, ultimately, be a matter for both ICANN and DOC to determine their achievement. We do note ICANN's fulsome response to this inquiry, including a matrix that lists ICANN achievements against each of their responsibilities.

We support ICANN's statement that the responsibilities are not written in a way that allows ICANN to say they have been 'achieved'. They are largely goals of open and transparent governance that are and should be ongoing.

For example, there are a number of achievements that could be listed under the responsibility of a multi-stakeholder model. They would include the establishment of various committees, particularly the At-Large Advisory Committee (ALAC) and the various Regional At Large Organisations (RALOs). Other achievements would include ICANN's fellowship and outreach programs and its use of collaborative tools to facilitate widespread participation.

In one sense, therefore, the responsibility of multi-stakeholder model has been achieved. ICANN's latest Operating Plan suggests, however, further projects that will enable much greater global Internet stakeholder participation through the planned introduction of internationalised Domain Names and translation of ICANN documents.

The questions for this inquiry, therefore, should not about the 'achievement' of each of the responsibilities. They should be about whether ICANN has adopted structures and processes that will ensure, as far as possible, that the policy goals of the responsibilities are continually addressed.

The other issue for this Inquiry is the next step in the transition to a private sector ICANN, independent of the US Government (USG).

If, as appears to be the case, ICANN has adopted structures and processes for ongoing achievement of its responsibilities, the question is whether there is a continuing role for the USG in the management of the DNS, apart from its participation at board level and as a participant in the various ICANN committees.

In its submission to this Inquiry, ICANN notes that if the possibility of USG intervention in the operation of the ICANN board ends, it still

> *... will not change arrangements under the IANA contract, through which ICANN staff are authorized to insert domain names to the root zone. It will not change the cooperative arrangement that the USG has with Verisign Corporation to manage the 'A' root server. It will not end the USG's participation in ICANN through the Governmental Advisory Committee.*

The next question is whether the USG plays any additional role in the management of the DNS, apart from its role as contracting party with ICANN. If not, there does not appear to be any reason why ICANN's transition to the private sector should not be completed as a consequence of this review.

If the USG does play some sort of additional role in the management of the DNS (apart from its participation at both Board and committee level), the question becomes whether that role and with it, the perception of US presence in the management of the DNS, detracts from the agreed goal of all parties – that ICANN should be a global, multi stakeholder private organisation managed by and for the interests of all Internet users.