14 February 2008

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

(via email to JPAMidTermReview@ntia.doc.gov)

Dear Ms. Sene,

I would like to thank the NTIA for holding this Notice Of Inquiry (NOI) regarding the Joint
Project Agreement (JPA) between ICANN and the US Department of Commerce. I hope my
comments are helpful and encourage others who have been a part of the Internet's evolution to
plainly state their views as well.

The views and comments contained herein are in my personal capacity as a contributor and
beneficiary of the Internet's growth since 1982, former director global IT policy at the US
Department of State, end user and private US citizen and based solely on public information.

It is important to occasionally step back and consider ICANN's role, as a whole, in the Internet
and how well it is performing this role – an occasional sanity check if you will. In doing so I
believe ICANN has made great progress on both the transparency and accountability fronts and it
is my view that ICANN is ready to move beyond the JPA. However, I worry that in its
enthusiastic embrace of multi-stakeholderism, ICANN may unintentionally end up overstepping
its critical but limited technical mission by trying to become "all things to all people".

The commendable effort to try to equitably represent all interests has unfortunately often resulted
in ineffective byzantine structures only understood by those with a major interest in ICANN
activities[1] and not the broader population of Internet taxpayers who fund ICANN through registry
and registrar fees.

What I believe is needed is the incorporation of some overall perspective in the form of external
oversight by those affected by ICANN policies but who are not part of the ICANN "machinery".
By this I mean those who do not derive any career benefit (directly or indirectly), funding,
contracting fees, or travel assistance from ICANN's existence but are affected by ICANN
policies. Such external oversight would be in addition to the internal oversight mechanisms that
ICANN has established through its accountability framework.

Calls for public input such as this NOI, the abstracted check-and-balance by the US government
and state government of California, as well as acceptance of some form of limited liability
provide opportunities for such external oversight but only serve limited constituencies of the
Internet universe.

A functional external oversight mechanism that incorporates the general views of the broader
public is a task for those who DO follow the intricacies of ICANN operations. As many have
suggested, direct public involvement in the disposition of Board members is one way of solving

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[1] http://weblog.johnlevine.com/ICANN/offalac.html

the broad user representation and external oversight problem. I would leave this to the many others that have spoken to this before.

Practically, a billion or so votes to qualify is difficult but it might be worth seeing how today's technology and simple verification approaches could be used to make up a part of, or at least an indicator for, elections and general policy decisions from "the viewers at home".

Questions (with many definitional hyperlinks) that come to mind:
- Do you believe you are getting your moneys worth from ICANN? (I believe so)
- How would you ensure it continues to do so or what would you fix? (external oversight)
- Are ICANN regulations a) overly burdensome; b) reasonable; or c) insufficient? (b)
- Candidate selection.

I do not think it would be too difficult or costly to consider this again.

Statements such as the one made by Peter Dengate Thrush at the ICANN Puerto Rico meeting give me great hope that a broader oversight mechanism, if not a public vote, as suggested above, will be found.

> "I don't think we should shrink from trying to develop, difficult as it might be, an international multistakeholder accountability solution…"[2]

The power of the Internet is still at the end points – in the end users - and ICANN should make direct use of this if only as a form of soft oversight or as another element to Board member selection and policy development.

Proposals to have other informally formed international groups act as external oversight for ICANN are intriguing and deserve more thought, however, they too suffer from lack of oversight over the intrinsic organizational traits of bureaucratic expansion and self-preservation that often do not serve the public good.

The ICANN experiment has been/continues to be a great one – I do not want to see it fail - but if the experiment is to continue to succeed, some form of broad based external oversight directly effecting ICANN's budget and mission, for example, should become part of the overall public oversight mechanism.

Let's make sure ICANN remains efficient and effective in its humble yet critical mission of coordinating the unique technical parameters of the Internet while continuing to foster innovation and encourage competition in its regulatory role.

Respectfully,
Dr. Richard Lamb
Internet end user

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[2] http://sanjuan2007.icann.org/files/sanjuan/SanJuan-WorkshopAccountabilityTransparency-27June07.txt