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Via e-mail to: JPAMidTermReview@ntia.doc.gov

Suzanne R. Sene

Office of International Affairs,

National telecommunications and Information Administration

1401 Constitution Avenue, N.W., Room 4701

Washington DC 20230

The At-Large Advisory Committee (ALAC), of ICANN statement, regarding the Midterm Review of the ICANN Joint Project Agreement.

Dear Ms. Sene,

As the JPA (between the US Government and ICANN) is under Review, the At-Large Advisory Committee (ALAC) of ICANN wishes to underline the unique opportunity this occasion offers to realize the original goals that led to the formation of ICANN.

These include, inter alia, acknowledgement of the international nature of ICANN, support of the multi-stakeholder bottom-up approach to the management of ICANN, and the provision of viable and stable channels for the involvement of individual Internet users in the ICANN policy formation process.

ALAC believes that measures must be implemented to ensure non-discriminatory availability of ICANN/IANA services as well as the opportunity for the involvement of global individual users in the ICANN process.

ALAC is responsible for considering and providing advice on the activities of the Internet Corporation for Assigned Names and Numbers (ICANN), as they relate to the interests of individual Internet users (the "At-Large" community). ICANN, relies on the ALAC and its supporting infrastructure (At-Large groups all over the world) to involve and represent in ICANN a broad set of individual user interests.

Whilst this document is not tendered to you as formally constituted consensus of the views of all of the At-Large community on this important matter, it is a true representation of specific points of agreement, comment and concern that was discussed by the participants of ALAC and the wider At-Large Community, including the representatives of our 5 global Regional At-Large Organizations (RALOs), who have been in attendance at the 31st ICANN meeting in New Delhi.

In its role as the voice of the individual Internet users, ALAC firmly believes that the current multi-stakeholder framework at ICANN should be further strengthened to allow more effective involvement of end-users. The process to full participation of individual users through the ALAC and its RALOs is being undertaken at this moment. There is, we note a few incentives for the participants, especially due to a lack of direct involvement at the decision-making levels of ICANN.

As you will note from the direct representations you receive from our community of the Internet Users; individuals, RALO's, and organisations who are amongst other things At Large Structures (ALS's) of those RALO's, a diversity of opinion (often regionally based) on how well ICANN has progressed in the 10 responsibilities, and therefore a variance in how they view the end date for the JPA, this document will not address the issues of either the attainment (or to what level they have been attained) of the responsibilities ICANN has under JPA oversight, nor will it discuss or suggest when it should end, but rather list those identified principles and point that must in our opinion be properly addressed and attended to as ICANN prepares for the time where it will operate without the JPA, in other words what must happen in this from Midterm to End Point transition.

Therefore, the following information (ALAC statement) is provided to you for consideration in this particular point of the ICANN JPA review:

- It is our belief that ICANN must ensure and implement mechanisms for adequate representation of individual users at the policy formulation and decision-making levels of ICANN, so that a genuine multi-stakeholder framework is both achieved and maintained.
- In addition, we believe no particular government or group of governments should have a pre-eminent role in DNS management and exercise power over database changes and root-server data.
- We suggest that in preparation for the final transition of ICANN away from the JPA, an institutional form should be found that ensures that ICANN does not lie under the authority of any single national legislation.
- We also strongly advocate transparency and openness in a stakeholder inclusive process in the making of any structural change in the ICANN framework.
- We are concerned that the successor oversight framework is still not clear and ICANN needs to clarify the transitional arrangements with regard to accountability and transparency.

The JPA, refers to "the global participation of all stakeholders" and "mechanisms for involvement of those affected by the ICANN policies", it is essential that all aspects of the non-JPA ICANN be understood ahead of time, to ensure that it will be able to fulfil its responsibilities to all stakeholders and that it can remain an independent and effective manager of critical Internet policy and infrastructure.

In closing, I include below a quote from one of our participants in our JPA Midterm Review session(s), as many of us believe it holds an important message to be considered.

"If the stakeholders in ICANN cannot come up with a formula we all agree with then we are not ready for independence. The JPA will not end early – but there's no reason it cannot terminate at that point if we do our job. The important concept to remember is capture. **We have to ensure that the governance system is as resilient as the Internet itself.**"

Respectfully submitted for your consideration,



Cheryl Langdon-Orr
Chair

At-Large Advisory Committee
Internet Corporation for Assigned Names and Numbers