



Comments submitted to the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) regarding the upcoming expiration of the Joint Project Agreement (JPA) with the Internet Corporation for Assigned Names and Numbers (ICANN)

Speaking as a civil society organization from a developing country, we are impressed by the stance taken by the present US administration on issues related to perceptions as well as facts of US hegemony in various global affairs. The most recent pronouncement by President Obama in his address at the Cairo University attests to this refreshing approach which promises a new role for the US in managing our collective global affairs, and a new perception of the US among other countries and people.

“No single nation should pick and choose which nations hold nuclear weapons. That is why I strongly reaffirmed America's commitment to seek a world in which no nations hold nuclear weapons.”

It is, in this context, important that the US government recognizes that a unilateral control of critical Internet resources exercised by the US is not tenable, and greatly contributes to the 'hegemonistic' image of the US, and its pursuance of what President Obama rightly called as 'double standards'. The outcome documents of the World Summit on the Information Society (WSIS), to which US government is a signatory, recognized this as the application of 'principle of universality' for Internet governance. The summit asserted that that 'all governments should have an equal role and responsibility for international Internet governance'. 'The international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations'.

The WSIS also called for a process of 'enhanced cooperation' to be initiated, *inter alia*, to deal with the issue of legitimate oversight mechanisms for critical Internet resources. This process should have been initiated by the UN Secretary General in early 2006. Apparently, it is difficult to get on with this process without some clear helpful signs from the US government which holds the oversight power at present, including through the JPA. It will be most befitting the new approach of Obama administration for it to signal its desire to begin the process of 'enhanced cooperation' towards developing legitimate oversight mechanisms as per WSIS principles, and in a manner that address the legitimate interests of all countries and people, including of the US.

As for the possibility of allowing ICANN to subsist without any oversight mechanism, we are strongly against any industry-led regulatory system which, in our view, is an oxymoron. The limits of self-regulation in areas of key public interest have been shown by the recent banking fiasco which is bringing untold miseries all over the world. We are therefore of the firm view that ICANN does require external oversight.

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The best way forward therefore is to annul the current JPA, and enter into a new trilateral agreement between ICANN, US and the UN system to start a process towards 'development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources' (as agreed at the WSIS) and also developing appropriate institutional mechanisms of oversight over ICANN, in its tasks of technical management of critical Internet resources. This process, as called for by the WSIS, should be, to repeat, 'multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations'.

It is also important that both in terms of the language used and the perspective applied, 'private sector or industry-led' should be replaced by 'a multistakeholder model' in describing ICANN as it performs its task of technical management of critical Internet resources under suitable oversight mechanisms.

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on the behalf of 'IT for Change'