

## Response to ICANN call for comments on IANA transition

7 May 2014

This paper<sup>1</sup> sets out InternetNZ's response to ICANN's call<sup>2</sup> for comments on the process, mechanisms, principles and scope of work to transition NTIA's stewardship of the IANA functions to the global multistakeholder community. Our comments are brief.

### Overarching points:

- It is unfortunate that two separate processes – for accountability of ICANN broadly, and for the IANA transition – are being undertaken separately and not in a coordinated way.
- A successful IANA transition depends on appropriate accountability for IANA functions, but a critical method for achieving such accountability – the structure of IANA operations – is deemed out of scope within this IANA transition process, without any firm commitment that it will be tackled through the ICANN accountability process.
- ICANN and the NTIA must agree – and state publicly – that without appropriate accountability arrangements, no transition can proceed.
- We agree with and endorse the ccNSO Council's contribution<sup>3</sup> to this discussion.

### On the Scope document:

- We agree with the calls by regional organisations (for example APTLD) and ICANN SOs (for example the ccNSO) for the scope of the IANA transition to include discussion of how to deal with NTIA no longer being the party that specifies the IANA and RZM functions or contracts for them.
- Currently the scope rules this out by ruling out matters related to the structure of the IANA operation. It must be possible to discuss these issues in this transition discussion, independent of broader discussions of ICANN's accountability.
- Aside from this glaring exception, the rest of the scope document is reasonable.

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<sup>1</sup> Archived on our website at <https://internetnz.net.nz/content/the-dns-transition>

<sup>2</sup> Available at <http://www.icann.org/en/about/agreements/iana/transition/draft-proposal-08apr14-en.htm>

<sup>3</sup> Available at <http://www.icann.org/en/about/agreements/iana/transition/ccnso-council-interim-comments-28apr14-en.pdf>

## On the Process document:

### Governance:

- The IAB's suggestion<sup>4</sup> of a smaller, light-weight coordination group to manage the whole transition, and separate Steering Groups or other community-relevant approaches to develop the detail within each customer segment, has some merit – as long as there is capacity to ensure the plans are able to be implemented together.
- The domain names element of the transition would then be managed by a larger Steering Group composed more narrowly of relevant parties.
- There is also the concern that the same people are appearing in all sorts of 'coordination' groups, largely as ex-officio appointments, and we are therefore reducing the breadth of input and increasing the already powerful influence of a few.
- Registry customers – in the case of domain names gTLD and ccTLD operators – are affected parties and need to be represented directly in the names Steering Group. Any group which fails to include them will lack legitimacy. It is not appropriate to separate the concerns of the customers of the IANA service from the concerns of the provider/s of that service.
- Groups (SOs, ACs, customers) represented on the Steering Group must be selected by their own communities, not by the ICANN Chair and GAC Chair. Such representatives must be actively selected by their groups, not appointed ex-officio.
- Staffing resources should be independent of ICANN and procured by the Steering Group, financed by ICANN.

### Process to develop the transition plan:

- There must be sufficient rounds of community engagement to allow the right plan to be built. At a minimum this will involve engagement rounds on:
  - The issues set – what needs to be covered by the transition plan
  - Options or approaches to deal with the issues set
  - Development of a strawman plan
  - Scenario or stress-testing the strawman
  - Development of the final plan, including implementation planning.
- This process cannot be completed before mid-2015. Rushing to meet non-relevant deadlines (e.g. the ITU Plenipotentiary, ICANN 51 in Los Angeles) is not appropriate.
- There must be cross-linkages with the Accountability work (announced as this document was being finalised) to avoid incompatible accountability approaches being developed in

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<sup>4</sup> Available at <http://www.iab.org/wp-content/IAB-uploads/2014/04/iab-response-to-20140408-20140428a.pdf>

respect of NTIA's stewardship of the IANA functions (which must be part of this process), and in respect of broader ICANN accountability.

- The transition plan cannot be finalised before, and must include a summary of, agreed changes to accountability arrangements to ensure that the full picture is taken into account and signed off.

#### Other matters:

- A crucial initiative for the Steering Group is to commission independent external advice on the transition from knowledgeable advisors on issues such as e.g. IANA governance, and to publish these for community input. Those providing such advice must be of a calibre and reputation that the community can be confident they are providing truly independent advice, not affected by client pre-conceptions or ICANN interests. Advisors for this purpose should come from both the U.S. and from other jurisdictions.
- ICANN must carefully manage perceptions of self-dealing in developing the transition plan through careful and appropriate use of language, and resisting the temptation to interfere in the work of the Steering Group.

With many thanks for your consideration,

## InternetNZ

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