

ICANN Board Comments on Cross Community Working Group (CWG) Draft Transition Proposal for Naming Related Functions

The ICANN Board has been observing the development of the proposal within the Cross Community Working Group (CWG) on Naming Related Functions. We thank the CWG for the work that has gone into the development of its draft proposal and the opportunity to participate in the public dialogue.

We have been conscious of two guideposts during this process: to remain fairly silent so as not to attempt or seem to be attempting to inappropriately influence the process, and, at the same time to share our thinking with the community. The latter is particularly important since we will be called upon to do so when the final proposal emerges from the ICG. The final proposal will be forwarded to NTIA without modification but with our comments and recommendations, and NTIA has made it clear that consensus from the community includes the ICANN Board. We are in full support of the consultative process, and we have committed to share our views with the community in a timely fashion. More specifically, we appreciate that we should try to avoid introducing new issues after the ICG has coordinated the inputs it receives.

In this regard:

- Members of the Board are active participants in the work of the IETF, the Regional Internet Registries, the ccTLDs, ccNSO, and GNSO. We expect to be active within these stakeholder groups in providing input on the IANA Stewardship transition.
- We expect that any issues that the Board may identify will be raised early and dealt with during the process of formulating the final proposal.

The work in front of us is how to ensure the IANA function continues to be performed in a stable, secure, and transparent manner, how to make sure all policy related matters are handled outside of the IANA function operation, and how to enhance ICANN's accountability towards all stakeholders.

Accountability

We appreciate there are concerns about how to improve ICANN's accountability. This is the explicit purpose of the Cross Community Working Group (CCWG) on Enhancing ICANN Accountability. The work of the CCWG has started, and the output of Workstream 1 – that is Accountability in relation to ICANN's changing historical relationship with the US, is directly linked to the transition. As also stated by NTIA, "The two work streams on the IANA transition and enhanced accountability are directly linked and NTIA has repeatedly said that both issues must be addressed before any transition takes place.¹ The topic of broader accountability, and sub-topics such as capture, or checks and balances, or oversight, or backstop, are important and need to be appropriately addressed in Workstream 1 of the Enhancing ICANN Accountability process. The ICANN Board agrees that there is inherently an important linkage between the evaluation of the transition proposals arising out of the IANA Stewardship Coordination Group and the outcomes of that Workstream 1, and we stress that we acknowledge that ICANN accountability is a fundamental concern of the community. We are not seeking to make light of it or dismiss it, but ask the CWG to distinguish the broader accountability questions from the issues of the performance of the IANA Functions and concerns about addressing the possibility of improper activity within the performance of the IANA Functions.

IANA functions

With respect to operation of the IANA functions, we believe that the creation of a separate 'contracting' entity not only poses risks when weighed against the NTIA Criteria, including potential future DNS security and stability risks, it also overreaches. The operationalization of multiple entities would raise questions about the accountability and transparency of each, as well as possible duplication of existing mechanisms and the imposition of cost and complexity on necessary processes. More to the point, however, is that ICANN was created and purpose-built to be the permanent and robust home of the IANA functions. Additionally, ICANN was structured from its inception to be

¹ <http://www.ntia.doc.gov/speechtestimony/2014/remarks-assistant-secretary-strickling-plifcba-telecommunications-policy-regula>

inclusive, transparent and accountable.

The ICANN Board is both open to and encouraging of any improvements that bring greater visibility and understanding and greater assurance to the broad community that the IANA functions are performed in an absolutely reliable and accurate fashion for the benefit of all Internet users.

It has taken since 1998 to bring ICANN to a place where the NTIA was prepared to announce an intention to transfer the stewardship of the IANA Functions – a transition that was initially anticipated to occur in 2000. This is, in large part, what ICANN was designed to do, and we believe the considerable effort to date has yielded compelling results. Through this transition work, we have the opportunity to consider how to make the processes continue to work in an integrated fashion, as well as having the opportunity to establish and enhance mechanisms to hold the ICANN Board accountable if it were ever to interfere with the IANA Functions' operational role in performing actions based on policies developed by the community.

It is useful here to define the essential "IANA function," as distinct from ICANN's policy responsibilities. It is fundamentally clerical in nature. It is the publication of information provided by the creators of the information, with strong emphasis on accuracy, timeliness, and global availability.

- For the protocol parameters, the information is created by the IETF community.
- For numbers, the RIRs, in conjunction with their communities, determine the policies related to allocation of address blocks and autonomous system numbers.
- For names in the DNS root zone, the gTLD and ccTLD managers provide information about their TLD to IANA for either publication as WHOIS information, or for entry into the root of the DNS. Decisions about allocation of generic top-level domains (gTLDs) are managed by the Global Domains Division of ICANN executing policies determined by the GNSO. Decisions about allocation of country

code top-level domains (ccTLDs) are documented in <http://www.iana.org/domains/root>.

While we have identified these concerns for CWG consideration in the next iteration of the proposal, the Board is supportive of many of the principles within the CWG proposal. For example, clear performance metrics and expectations are necessary for the proper operation of the IANA Functions operation, and the CWG proposal is impressive in its comprehensive identification of the services that are now housed within the IANA Functions Contract. As stated above, we agree with the principle of the functional separation between policy development and the execution of the IANA Functions Contract and we agree that a committee should be established to evaluate on an ongoing basis how the naming aspects of the IANA Function are being performed. This committee should be composed of people who understand the technical and operational issues across the ICANN community, with an emphasis on maintaining the security, stability, and resiliency of IANA operations and oversight.

Again, we look forward to the continued dialogue, and appreciate all the work and efforts undertaken by the community.