

Accountability in the Integrated Post Transition IANA model

A belt with double buckles, suspenders and an elastic waistband.

In addition to the initial NTIA requirements, Under Sec. Strickling has asked for description of the accountability mechanisms for anything new that was created.

And the last one I would just mention is the concern that whether the proposal can avoid recreating existing concerns in a new form or creating new concerns. It is pretty clear that there is concern about the accountability, the existing system. And, again, we ask: Does creating new committees or structures simply create a new set of accountability questions? And we do expect that these and similar questions will be addressed and resolved prior to the presentation of any transition plan to the U.S. government. (Strickling, Singapore 8 February 2015)

We believe that all of the configurations of the Integrated IANA model meet the accountability tests, especially the fully owned subsidiary (which really isn't something all that new) and the Shared Service Arrangement. The Shared Service Arrangement, in the opinion of the authors meets the requirements best.

At one level, each of the 3 operational communities participates in the controlling Community Board of the Post Transition IANA, and each brings its own full flavored multistakeholder accountability solution to its decisions by the IANA Community Board. Each of the three operational communities has its own multistakeholder derived processes

- IETF as defined in [RFC 2026](#)
- ICANN as defined in bylaws, the AOC and the improvements to be determined in CCWG accountability
- The RIRs each in their own definitions as well as in the NRO structure as shown in the CRISP work? [need references](#)

Another layer of accountability is achieved by requiring the Post Transition IANA bylaws to require that all, or at least 2/3, of the Community Board agrees to any substantive decisions. This creates the sort of checks and balances in that Board that we see in the ICG.

Beyond this, in the Shared Service Arrangement configuration, the joint ownership by the three operational communities provides a strong degree of stability since by-laws changes could need the approval of the three owners, depending on how the articles of incorporation were crafted, i.e in terms of the powers and responsibilities of the owners.

A third layer of accountability is achieved by giving the IAP, the responsibility/capabilities of binding arbitration

Additionally an AOC like review, organized by the 3 operational communities, could be added to the accountability package as could an ombudsman function specifically focused on dealing with IANA customer issues.

Accountability and the 3 configurations

The Shared Service Arrangement is a bit more accountable in that it is a membership organization owned by the the 3 operational communities. That is a pretty solid anchor for a tent even in the worst of storms.

The Free standing may be a bit less accountable as it might have more degrees of freedom though its Community Board has the same constraints as the other configurations. It may, therefore need, some additional mechanisms to keep its Board from expanding its scope and authority.

The Fully owned subsidiary may be a little weaker in terms of accountability as well because it relies on ICANN accountability as the sole owner. While ICANN may have a strong underlying structure for accountability already, it is far from trusted. The CCWG Accountability will have difficulty creating a solution in stream 1 that will be trusted in time, though the solution could well be completed. There will be those who argue that “we have been here many times before, but in the end it never quite worked out as planned.” It will take time for stream 1 solutions to be deployed and experienced and thus for ICANN to be seen as trustworthy. One advantage that the fully owned subsidiary would have over the other configurations is that it would have access to the services of the ICANN Ombudsman. (In the other configurations, one of the decisions that could be made was on a requirements for an Ombudsman function specific to the PTI.)

Other configurations are possible in this model, we have only explored three clearly differentiated examples:

- Full ICANN subsidiary
- Joint owned Share Service Arrangement
- Free Standing Post Transition IANA with a Community Board

Transparency

The bylaws of Post Transition IANA would need to include the default transparency clauses that ATRT has developed and been trying to convince ICANN of. Default Transparency is

defined as everything is made transparent except for things which meet a certain pre defined set of conditions to be established in the bylaws. The only exception to default transparency are subject to a specific decision to either make confidential or to subject to the Chatham House rule. In each case, these would need to be documented separately and would need to time out some number of years later.

Board Composition

Many different arrangements are possible and as was shown in the discussions on the MRT and its variations. The key principle that stems from the Integrated IANA model, however, is parity among the operational community. It is also important to remember that this not a policy making board and that there are only 12 employees currently on IANA staff at ICANN.

Our recommendation:

Each of the operational organizations picks the number of people they think are required but any decision making, i.e voting when necessary and as defined in the bylaws, is normalized giving 3-5 for each operational community. This allows for each of the communities to picks its participants according to the dictates of their own multistakeholder model.

External Oversight and the Integrated IANA model

This model does not create a new external oversight. Instead, the function of external oversight in this distributed governance model, is provided by three possible mechanisms:

- That the Community Board of the Post Transition IANA is composed of representatives from the 3 multistakeholder operational communities
- That the IAP be given the power of binding arbitration
- That any bylaws changes made are subject to the owners in the Subsidiary and Shared Services Arrangement configurations.
 - In the Shared Service Arrangement, the shared ownership provides an example of distributed governance
 - In the free standing model, further oversight would be provided by the owners/investors in the Free Standing configuration and would need to be included in its founding documents.