**Public Comment Review Tool Action Items – CWG-Stewardship 2nd Draft Proposal –** Version 26 May 2015

This document includes the action items identified in the public comment review tool (dated 26 May 2015).

**DISCLAIMER**: Submissions have been broken out into the relevant subject headings to facilitate review and discussion by the CWG-Stewardship. Note that in certain cases comments may have been summarized and/or references made to other comments from the same author to avoid duplication. You are encouraged to review the full submissions that can be found here: <http://forum.icann.org/lists/comments-cwg-stewardship-draft-proposal-22apr15/> and report any omissions or errors that may have unintentionally occurred.

**Color Code:**

Full CWG: Blue

DT-O: Light green

DT-N: Purple

DT-C: Orange

DT-A: Grey

DT-M: Yellow

DT-F: Pink

Quick links:

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| **#** | **Concerns/ considerations/ rationale/ new issues** | | **CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action** |  |
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| **206.** | We note that the CWG proposes a Customer Standing Committee to perform the operational responsibilities towards monitoring of performance of the IANA naming function, and the RIRs would be willing to provide a numbers community liaison for that Customer Standing  Committee in consideration of the dependency that the numbers community has on IANA naming services related to the global reverse DNS domains (IN-ADDR.ARPA, IP6.ARPA). | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-C) to factor in willingness of RIRs to provide a numbers community liaison to the CSC*** | **Also see #209**  CWG recognize and welcome interest of numbering community having a liason role in CSC.  We also notice that the numbering community proposed a process independent for numbers. CWG have no wish to interfere with that parallel proposal. |
| **209.** | \* Customer Standing Committee  - We understand the role of the CSC is to review the service level of the Names related IANA Functions. The Numbers community has proposed a separate mechanism for service level review of the IANA Numbering Services. We observe they are independent and do not see any issues so long as this independence is maintained, but we note the possibility of communication between the groups as needed. | | ***The CWG-Stewardship agrees with this perspective and is of the view that its proposal meets these criteria.***  ***Action: CWG-Stewardship (DT-C) to note observation on CSC coordination with (and independence from) Numbers mechanism.*** | **ALSO see #206**  Our proposed action following your remark is to amend the CWG proposal with an additional footnote, reminding ICG that there is a need for coordination of the two functions.  \*Footnote\*: ”CWG and CRISP proposals have each one similar function for service level review in numbers and names. There could be beneficial if ICG in final proposal will coordinate, two such similar functions into the same organization.” |
| **212.** | a) InternetNZ supports the role and composition proposed for the Customer Standing Committee. Day to day oversight of the IANA functions should predominantly be by the users of these functions.  b) The constitutional documents for the CSC must make clear how inappropriate ICANN influence on the CSC or its functions can be assured.  c) It should be noted for clarity that the GAC Liaison proposed for the CSC should not be from the same entity as a government-operated TLD. | | ***The CWG-Stewardship appreciates your feedback and will incorporate this feedback into subsequent work.***  ***Action: CWG-Stewardship (DT-C) to consider adjustments based on points b and c.*** | **b)** A CSC reporting direct to ccNSO and gNSO (potentially for further escalation of conflict) would make it external to ICANN, and thus relatively independent.  The charter for CSC is clear of the CSC role.  **c)** It is complicated to formally trying to separate GAC liason proposed for CSC from a government operated TLD. Such separation would probably be considered intermeddling in internal national affairs, and have poor prognosis for success. |
| **214.** | Section 1.4, on page 12 of the CCWG Accountability interim proposals, acknowledges the intention of the CWG Stewardship to create a Customer Standing Committee. The CCWG Accountability did not at this point consider specific Bylaw changes related to the CSC. It would however not contradict any of the CCWG Accountability proposal. It might therefore be more appropriate if this recommendation was drafted and specified directly as one of the CWG Stewardship recommendation. | | ***The CWG-Stewardship appreciates your feedback and will incorporate this feedback into subsequent work.***  ***Action: CWG-Stewardship (DT-C) to consider formal linking the CCWG-Accountability response on CSC in relevant section of draft.*** |  |
| **216.** | The dual structure that is expected to monitor (Customer Standing Committee - CSC) and review (IANA Functional Review Team - IFRT) the PTI replaces the role currently executed by the NTIA. It allows both customers and other stakeholders to oversee IANA’s performance and evolution. Considering the importance of such functions, we deem appropriate that further details be provided regarding where and how exactly these organisations are going to be established.  We would recommend further clarity on the organisational structure of the CSC, including its juridical profile – a Committee within the PTI or ICANN, and its funding mechanisms. | | ***The CWG-Stewardship appreciates your feedback and notes that some of this information concerning the CSC is already available in Annex G of the proposal. Nevertheless, the CWG-Stewardship will review your feedback and incorporate this feedback into subsequent work.***  ***Action: CWG-Stewardship (DT-C) to consider providing further details concerning where and how CSC will be established.*** | ***Also see 220***  how and when the CSC would be established:   * By ccNSO and GNSO, * through call for volonteers and nomination by founding org:s before transition (first 2-year period) * Financing: CSC to be financed by ICANN, and aided by PTI financed secretariat * Legally hosted by a secretariat in ICANN (something similar to the IETF role visavi ISOC) * Legally independent from ICANN in composition/nomination, aided by PTI secretariat (something similar to the IETF role visavi ISOC) * CSC role needs to be built into the contract between ICANN and the PTI and any subsequent IANA functions operator. |
| **220.** | The composition as well as the functions and responsibilities of the CSC are in line with Afnic’s expectations. However, we note that its secretariat would be provided by PTI. In order to guarantee the smooth and independent functioning of the CSC, Afnic would recommend that the budget allocated to it should include an independent secretariat. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-C) to consider feedback on secretariat provisions.*** | ***Also see 216***   * We believe that the CSC should be created as a **committee of ICANN** under a **bylaw** requirement.  The CSC would need to be referred to in ICANN’s contract with the PTI and the role of the ccNSO and GNSO in operational issues – the consideration of an escalation process – would also need to be amended under the ICANN bylaws. * The CSC should be in place **before** transition. * **Funding** for the CSC will be very limited (mainly secretariat requirements):  this should be provided by ICANN. * A fully **independent secretariat** has some advantages, but we believe that these can be met by specifying the obligation of the PTI to provide secretariat support to the CSC at its **request**.  A secretariat from the PTI (or subsequently to a new IANA functions operator contractor) provides a clear advantage in simplifying and enabling communications between the CSC and the PTI. * The role of the secretariat are expected to be limited:  organisational (setting up meeting calls and ensuring the timely provision of reports from the PTI); and (on the instruction and for the approval of the CSC) drafting any formal communications from the CSC to the PTI, the ICANN Board, the ccNSO & GNSO and (regularly) for publication to the wider community:  these reports would be signed off by the CSC. * A fully independent secretariat is not necessary or desirable.  However, PTI is obliged to provide a professional and impartial service to the CSC and that the CSC should have the right, should the secretariat fail to meet expectations, to request independent support from ICANN. * The performance of the secretariat could be monitored and evaluated by a periodic or special IFR. |
| **222.** | We agree that the multistakeholder community must assume NTIA’s stewardship role in monitoring ICANN’s performance to ensure that the IANA functions themselves are being carried out in an accurate and efficient ways. However, we continue to have concerns about creating a new structure to perform these tasks — it will likely increase complexity, bureaucracy, and further obfuscate issues of authority, governance, and dispute resolution. Noting that there is strong support in the community for the creation of a CSC, we offer some suggestions below for ensuring that the CSC provides useful and meaningful oversight over the IANA functions.  Specifically, this committee’s scope should be strictly technical and include only: (1) monitoring the performance of the naming functions for any technical irregularities or issues; (2) ensuring that the IANA functions operator maintains appropriate service levels for services associated with naming; and (3) raising and addressing any persistent performance deficiencies related to naming.  Because the CSC’s remit should be technical and it should have no role in setting or reevaluating policy, its composition should be limited to the direct customers of the IANA naming functions (gTLD and ccTLD operators) and related experts or liaisons as that group sees fit. Currently, the proposal does not provide clear roles and responsibilities between members of the CSC and liaisons to the CSC, and these roles must be clarified before moving forward.  Finally, the overall membership of the CSC should remain small. It is not necessary for the technical oversight over the IANA functions to be broadly representative in order for the group to accomplish their narrowly stated mission. Also, a smaller group is more likely to be operationally efficient. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-C) to consider feedback on CSC remit and composition*** | The CWG agree that the role of the liaisons in the CSC does need to be defined.  We believe that this should be to ensure communications between the work of the CSC and the wider stakeholder community.  In particular, the liaisons should:   * Raise with the CSC any concerns that have been identified by their community and help address those concerns; * Ensure distribution of reports from the PTI and the CSC to their community; * Help organise the regular meetings between the PTI and/or CSC with the wider community.   Further explained expectations on the CSC are shared by the CWG, and are implicitly within the CSC charter. |
| **228.** | The ALAC presumes that all the deliberations and output of the CSC will be completely transparent. Any exclusions must be explicitly documented.  The following comments here also apply to Annex J.  The ALAC does not believe that the ccNSO or the GNSO are the appropriate bodies to which the CSC should escalate problems. There are several reasons for this.  • The ccNSO and GNSO are policy bodies. As such, they should not be in the direct path to address IANA operational issues. That violates one of the prime principles of IANA being operated under the auspices of ICANN.  • The GNSO does not have the processes to investigate or otherwise address operational issues with PTI. The staff assigned to the GNSO are explicitly Policy staff.  • Although the GNSO is a multi-stakeholder body, it has a restricted number of multistakeholders, and assigning escalation to the GNSO would put these stakeholders is a privileged position relative to the rest of those within and outside of ICANN.  • Annex J implies that the only real recourse that the GNSO or the ccNSO would have would be to invoke the community empowerment mechanisms being designed by the CCWG. It makes no sense to first go to the one or two registry SOs instead of going to a community-wide group that actually has the 6 power to take action. This intermediate step will only delay and possible action.  The concept of the Multistakeholder Review team from the original Contract Co model indeed made sense. In this model, it would simply be the empowered group of stakeholder representatives who actually have the power to act on a CSC concern. This group must be provided with staff resources to allow it to function properly. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-C/DT-M) to consider feedback on CSC escalation***  **CWG Response**: The CWG agrees that all deliberations and output should be transparent. Escalation is also being considered by DT M/C – DT M/C to provide further input on this issue. | Staffan:  CWG agree that all these deliberations should be transparent. This is especially important since ccNSO might establish mechanisms to consider complaints also from non-members of ccNSO.  Escalation through ccNSO and gNSO is just one possible track of complaints, accompanied by several parallel tracks and accountability measures from CCWG. There need not be rivalry between different escalation tracks.  Parallel escalation tracks also relate to different sets of issues on IANA functions operations. Using current structures and institutions (ccNSO and gNSO) is merely one track. Operating within established institutions has the potential to become a cost-effective way of operating 99% of rather uncontroversial complaints towards IANA operations.  It is true that ccNSO and gNSO are policy bodies. However, in current situation and proposal, several non-member ccTLD:s already put their trust in ccNSO being able to take all of naming communities interests into the framework.  ***Proposed answer:***  We agree with the comment that the CSC should work transparently.  Indeed we believe that a key role of the CSC should be to engage with the wider community.  This is one of the reasons why we believe that the CSC should not have the unilateral power to invoke further action.  As the first line mechanism, we believe that its main focus should be on ensuring remedial action, should deteriorating performance be identified.  However, we would note that there will be cases where complete transparency will not be appropriate and so the committee should have the discretion to maintain confidentiality in the rare cases where this is justified.  Proposed escalation path.  We strongly believe that a small committee such as the CSC should not be empowered to launch an escalation process on its own decision – it is, after all, simply a customer committee representing the customer community in ensuring the delivery of the IANA functions service to registries.  It seems reasonable that it should report back to the ccNSO and the RySG which would be able to assess from its membership whether the recommendation was appropriate.  We would note that (as this is the sole role of the CSC) the only grounds for a recommendation from the CSC for escalation are on the grounds of service failure of the operational performance.  If the decision is made to pursue escalation, we agree that the process then needs to become multi-stakeholder. |
| **231.** | The IPC acknowledges that the remit of the CSC is narrowly focused on operational performance of the IANA Function operator. However, it is still important from a governance perspective that the composition of the CSC be sufficiently “multistakeholder” so that the CSC is not essentially run by and for the benefit of registries. For similar reasons, it is important that the work of the CSC be open and transparent. The IANA Function is a critical resource used by every person or thing that interacts with the Internet. As such, it is quintessentially a public resource, and its oversight should reflect that. The fact that the registries are nominally its “customers” is not dispositive. There may be times when the needs of the “customers” are not aligned with the global public interest. The CSC needs to be able to act in that higher interest, and not merely as a “special interest.” As with the IFR Team, the CSC should be open to “participants” as well as “members,” able to participate fully in its work. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-C) to consider feedback concerning CSC composition*** | The CSC is solely about the performance of the function and we cannot imagine in this limited role where “the needs of the “customers” are not aligned with the global public interest.”  We believe that the CSC role is of necessity limited and clearly defined to address performance issues only.  It is essentially a technical function.  Other issues are dealt with elsewhere in the proposed oversight model – in particular through the periodic and special IFR process.  For this reason, we do not believe that it is appropriate for the CSC to be fully multi-stakeholder:  this would risk the CSC losing its focus and duplicating or rivalling the work of more appropriate parts of the oversight model. |
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| **246.** | We are concerned about the escalation path of the CSC as currently proposed and we suggest that CSC escalates to PTI Board who may ask for a review (from the IFR) or any other action they judge appropriate than the “direct customers” of IANA | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-M/DT-C) to consider alternative escalation path.*** | Staffan: IT depends on composition of PTI Board:   * If CSC report to PTI board, and PTI board is broad in community representation (MS) – then it is OK for CSC to report to PTI board * If CSC report to PTI board, and PTI board is limited in scope and numbers, CSC might have limited ability to escalate issues within ICANN sphere – then I’d cautiously suggest No; i.e. CSC should report to ccNSO and gNSO, to decide for further   It still needs to be reiterated that this is the overview of technical operations only. |
| **255.** | We have some concerns that Problem Management step 3 on page 68 - where it is suggested that the CSC escalates to the ccNSO/GNSO - is adding a layer of escalation that may not be necessary. If requests for remedial actions are not being addressed by the IANA functions operator then there is, one must accept, a breakdown in the relationship and trust between the customers and the IANA functions operator. If this is the case, and remedy is not possible, it would seem appropriate for the CSC to call for a SIFR. A trusted relationship between the CSC and the IANA functions operator is absolutely essential to the stability, security and resiliency of the DNS.  Further, the lack of detail relating to how systemic problems will be addressed is concerning. We would suggest that systemic issues/problems should be subject to an SIFR and not just left to the 5 year IFR. Again, the stability, security and reliability of the DNS are paramount, and systemic problems - which are precisely the potential issues this stewardship framework is designed to address - must be dealt with as soon as they are identified. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-M) to consider concerns re. step 3 and address lack of detail.***  The CSC charter was largely done prior to the discussions on the PTI Board, as such escalation to the GNSO and ccNSO was the chosen escalation path at the time. Escalation to IFR was considered beyond the scope of the CSC, instead as any issues raised would relate directly to the technical performance of IANA, ccNSO and GNSO were considered to have direct access to broader community input on this issue and would be in a position to make an assessment on appropriate next steps. The GNSO and ccNSO step is an approval step with multi-stakeholder involvement, not an escalation mechanism as such. Having only the CSC initiate an SIFR may not be appropriate considering its limited remit and size.  Should CWG consider whether GNSO should be changed to RySG – ccNSO and RySG would consider whether it should be escalated to a multi-stakeholder process to determine next steps? | Staffan: I’m happy with this response  Staffan: I have no problem with this suggested change |
| **256.** | While we agree that the CSC should address issues of concern related to performance directly with the IFO, there may be inconsistencies between the review processes related to the CSC and its responsibilities and the IFR. According to the consultation document p. 58 “in the event that a material change in the IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation…” seems to be duplicative of the IFR and in particular the special review that is a component of the IFR.  In addition the proposed CSC consultation process seems at odds with the IFR in that any result of the consultation would be approved by the ccNSO and RySG, a much smaller subset of the community than involved in an IFR. Our preference would be for any such material changes be reviewed as a part of the IFR special review process.  The process for addressing “systemic problems” on p 68 needs to be further elaborated as this is a key part of any escalation process. While it may be convenient to footnote to “IRP and CCWG Accountability WS 1 mechanisms”, filling this escalation gap with a fully spelled out and credible community based process that is proven and effective will be essential prior to the finalization of the proposal. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-M) to review suggested inconsistencies and address lack of detail.***  **CWG Response:** The CSC charter was largely done prior to the discussions on the PTI Board, as such escalation to the GNSO and ccNSO was the chosen escalation path at the time. As a result, there may be inconsistencies between CSC and IFR escalation mechanisms. |  |
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| **354.** | Page 60, Annex G  Although it may not hurt, the concept of a unaffiliated registry being allowed to be a Liaison does make sense as Liaisons are from groups that are explicitly not registries.  The proposal says that Members and Liaisons “will be appointed by their respective communities in accordance with internal processes”, but also that “the full membership of the CSC must be approved by the ccNSO and the GNSO”. Those two specifications conflict with each other. Similarly, it is unclear how the ccNSO and GNSO will address geographic diversity or skill sets while honoring the first premise. If stakeholders appoint their own Members or Liaisons, no further approval is needed.  Do the term limitation and staggered appointment rules apply just to Members (which makes sense) or also Liaisons (which doesn’t).  Page 61, Annex G CSC Charter changes should be approved by the Community and not just the ccNSO and GNSO. The proposal puts the non-Registry parts of the GNSO in an inappropriately privileged position compared to stakeholders that are not part of the GNSO.  Page 62, Annex G Same comment in relation to the review of the CSC. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-C) to consider suggestions on CSC Charter*** | CWG answer:  Re. unaffiliated registry  It is appropriate that stakeholder groups themselves select liasons, by their own rationale.  Re. Members appointed by respective community  Staggered appointment  Rules for staggered appointment to be set by respective organization (however, important to ensure some rotation of individuals to).  Change of Charter process  The larger number of stakeholders that should reach consensus on charter changes, the more complicated to actually reach it.  If all of community to reach consensus, it might actually have the opposite effect. Proposal indicate a major change. |
| **355.** | We repeat with even greater emphasis our concerns expressed regarding the composition of the IFRT, and are dismayed at the marginalization of the IPC in the composition of the CSC. Here, the IPC will be represented (to the extent such a thing is possible) by a single individual representing the Registrar Stakeholder Group, the Non-Commercial Stakeholder Group and the CSG. This problem is compounded by the absence of any “participant” concept, or even an “observer” concept. We urge the CWG to rethink this, so that the global multistakeholder community can participate in the oversight role being handed on from the NTIA. | | ***The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.***  ***Action: CWG-Stewardship (DT-C) to consider feedback concerning CSC composition*** | The overview of IANA functions is (simplified) the overview of IP-adresses, Domain names and Standards, i.e. relate to internet infrastructure, nothing else. |
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