**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

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| **#** | **Who / Affiliation** | **General Direction (supportive of the mechanism or not) / Suggested Changes** | **Concerns/ considerations/ rationale/ new issues** | **CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action** |
| --- | --- | --- | --- | --- |
| **General Comments** | | | | |
| **Section I – The Community’s Use of IANA** | | | | |
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| **Section III – Proposed Post-Transition Oversight and Accountability – CSC** | | | | |
| **206.** | Axel Pawlik / NRO Executive Council | Supportive / note willingness of RIRs to provide liaison to CSC | 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.***  ***Given that RIRs are also a direct customer of IANA, the offer to include a Liaison to the CSC is welcomed. It is noted that the Liaison must also submit an Expression of Interest to the NRO for approval purposes.*** |
| **209.** | CRISP Team | Supportive so long as independence between the Names and Numbers mechanisms is maintained. | \* 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.***  ***The suggestion from CRISP is welcomed and regular communication between the CSC and the Numbering review counterpart is considered advantageous. As such this communication will be recognized in the CSC Charter.*** |
| **212.** | InternetNZ | Supportive | 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.*** |
| **214.** | CCWG-Accountability Co-Chairs | Supportive | 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.***  ***It is envisaged that the CSC will be formally recognized in the ICANN bylaws and the CSC Charter will be the primary governing document regarding the work of the CSC.***  ***It is also envisaged that the role of the CSC in monitoring the performance of IANA’s naming function will be recognized in ICANN’s contract with the PTI.*** |
| **216.** | CENTR Board of Directors | Supportive, but requests further details concerning where and how CSC will be established | 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.***  ***It is envisaged that the CSC will be recognized in ICANN’s bylaws and that the CSC Charter will be the primary governing document. The Charter currently provides for the composition of the CSC and the selection process for inclusion.***  ***The CSC is expected to have a strong working relationship with staff of the PTI that are responsible for administering the naming function.***  ***In the event that remedial action is required to address issues of non-performance that have been unable to be resolved with the PTI, the first point of escalation would be to the PTI Board.*** |
| **220.** | AFNIC | Supportive | 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.***  ***The Design Team responsible for developing the CSC was supportive of a Secretariat provided by the PTI. This was on the understanding that the PTI would have the necessary expertise to support the work of the CSC. While recognizing that there could be benefits associated with the independent secretariat, they are not considered to outweigh those of a knowledgeable PTI secretariat.***  ***It is anticipated that the costs associated with providing a secretariat will captured as part of the overall budget required for PTI.*** |
| **222.** | Sarah Falvey and Aparna Sridhar / Google Inc | Supportive, but concerns about creating a new structure – suggestions to address these concerns | 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.***  ***It is acknowledged that the roles and responsibilities of members versus liaisons is not clearly stated and should be addressed.***  ***In order to make a distinction between Members and Liaisons the following is provided:***   * ***Liaisons shall not be members of or entitled to vote on the CSC, but otherwise liaisons shall be entitled to participate on equal footing with members of the CSC.*** |
| **228.** | ALAC | Concerns with CSC escalations | 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.***  ***It is intended that the CSC will work transparently and that a key role of the CSC should be to engage with the wider community.***  ***However, there will be cases where complete transparency will not be appropriate and as such the CSC should have the discretion to maintain confidentiality in the rare cases where this is justified. Examples of this could include issues of security (where it may be necessary to limit CSC members’ access to such information) or where ccTLD redelegation requests are malicious action aimed at undermining confidence in the registry.***  ***The remit of the CSC is very narrow and does not provide for the CSC to initiate an IANA Function Review or Special Review in its own right. However, it does have the ability, after exhausting avenues of remedial action without satisfaction, to bring this to the attention of the ccNSO and the Registry Stakeholder Group as these bodies are representative of the large body of direct customers of the IANA naming funcion. (NB> this is a change that it would be more appropriate to escalate via the ccNSO and RySG).***  ***The concerns about the GNSO and ccNSO not being appropriate bodies for the CSC to escalate problems because they are policy bodies are noted and the GNSO has been replaced by the RySG. The ccNSO, while a policy body, is also largely an organization that deals with common issues of ccTLDs across various jurisdictions. It is also noted that the ccNSO and ccTLDs have had a long standing relationship with IANA and are well-positioned to make assessments regarding performance. Similarly, the members of the RySG are also well-placed.***  ***It seems reasonable that the CSC should report back to the ccNSO and the RySG which would be able to assess from its membership whether the recommendation was appropriate.***  ***If the decision is made to pursue escalation, we agree that the process then needs to become multi-stakeholder.***  ***ALAC identifies the CSC as being the equivalent of the MRT from the previous model: we do not believe that this is correct (the CSC was a separate entity in that model, too). The MRT role in the current model is that performed by the IFR and it would be via the IFR that wider issues (ie beyond the performance of the IANA functions operator) would be addressed.*** |
| **231.** | IPC | Supportive, but CSC should be sufficiently multistakeholder | 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.***  ***The remit of the CSC is solely about the performance of the IANA naming function. While we accept the premise that the IANA function is a critical resource that benefits all Internet users, it was considered important that the composition of the CSC have strong representation from registry operators that have a direct relationship with IANA and understand the requirements in terms of level of services required to ensure their businesses operations continue on a day-to-day basis.***  ***The composition of the CSC will include Liaisons from other parts of the ICANN community and it is intended that Liaisons will participate on equal footing with members with the exception of voting.***  ***The work of the CSC will be transparent to the extent possible. There will be public sessions and updates on the work of the CSC, and there will be opportunities to review the work of the CSC through the IANA Function Review.*** |
| **Section III – Proposed Post-Transition Oversight and Accountability – Service Level Expectations** | | | | |
| **Section III – Proposed Post-Transition Oversight and Accountability – Escalation Mechanisms** | | | | |
| **246.** | AFRALO | Suggestion for alternative escalation path | 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.***  ***DTC has concerns with the DTM recommendation that PTI Board may ask for a review from the IFR.***  ***In the event that the CSC does not resolve the issue with the PTI Board, it would be the CSC that decides the next course of action. The existing Remedial Action Plan identified the path as VP, IANA; President GDD; ICANN CEO/Board. The plan needs to be reviewed in light of developments since it was drafted.*** |
| **255.** | Centre for Democracy & Technology | Concerns re. step 3 of problem management and lack of detail | 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.***  ***I think DT-C and DT-M are aligned in their thinking on this issue in that the escalation path should be retained; however, there seems to be some disagreement about whether it should be ccNSO and GNSO; or ccNSO and RySG. The DT-C prefers the latter, while DT-M supports the former.*** |
| **256.** | NCSG | Concerned about inconsistencies and lack of detail | 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.***  ***I think the section in quotes is a misinterpretation of what is in the Charter. The intention of this reference in the Charter relates to changes to software or more efficient ways of doing things, not remedial actions.*** |
| **Section III – Proposed Post-Transition Oversight and Accountability – Separation Review** | | | | |
| **Section III – Proposed Post-Transition Oversight and Accountability – Framework for Transition to Successor IFO** | | | | |
| **Section III – Proposed Post-Transition Oversight and Accountability – Root Zone Maintainer Function** | | | | |
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| **Annex B – Oversight mechanisms in the NTIA IANA Functions Contract** | | | | |
| **Annex C – Principles and Criteria** | | | | |
| **Annex F – IANA Function Reviews** | | | | |
| **Annex G – Proposed Charter for CSC** | | | | |
| **354.** | ALAC | Suggested changes | 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.***  ***In order to address geographic diversity and skill sets of ‘members’ it is proposed that ccNSO and RySG meet to consider their potential candidates and give due consideration to these aspects. These elements are less important for Liaisons.***  ***Members terms will be limited and staggered, as will Liaisons, given they will contribute on equal footing with members.***  ***Any changes proposed to the CSC will be subject to public comment and ultimately approved by the ccNSO and GNSO.*** |
| **355.** | IPC | Concerns regarding composition | 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.***  ***Addressed in 231.*** |
| **Annex L– Separation Review** | | | | |
| **Other Comments** | | | | |