May 8, 2014

Via Electronic Mail: ianatransition@icann.org

Re: Draft Proposal of the Principles and Mechanisms and the Process to Develop a Proposal to Transition NTIA's Stewardship of the IANA Functions

Google appreciates the opportunity to provide input into ICANN’s draft proposal on the principles, mechanisms, and processes to develop a proposal to transition the National Telecommunications and Information Administration’s (NTIA) stewardship of the Internet Assigned Numbers Authority (IANA) functions. The technical coordination of the Internet’s unique identifier and parameter spaces is of critical importance to Google and the Internet as a whole. We remain committed to the Internet’s continued stability, protection, and evolution and by extension the process of transitioning the IANA functions from U.S. Government oversight.

Support for the transition of the IANA functions stewardship role while maintaining security and stability of the Internet

Google supports the U.S. Government’s announcement regarding its intent to transition the IANA functions stewardship to the global Internet community. Vint Cerf, Google’s chief Internet evangelist and former ICANN chairman, has publicly stated that, “the Internet was built to be borderless, and this move toward a more multistakeholder model of governance creates an opportunity to preserve its security, stability and openness.” This is a watershed moment in the history of the Internet and a fulfillment of the final phase of the transition of the U.S. Government stewardship role over the unique identifiers of the Internet (naming, numbering, and protocol parameters) to the relevant Internet stakeholders, including the private sector, civil society, and governments. This step fulfills the intent of the U.S. Government as envisioned in 1997 when it released its “Statement of Policy” (also known as “the White Paper”).

However, the Internet community is now faced with an incredibly important task in designing the transition of the U.S. Government’s stewardship role of the IANA functions to a multistakeholder mechanism. Given the importance of the task, it is critical the following principles are upheld:

- The transition must support and enhance the multistakeholder model;
- The transition must maintain the security, stability, and resiliency of the DNS;
- The transition must meet the expectations of affected parties; and,
- The transition must maintain the openness of the Internet.

As noted in both the March 14, 2014, NTIA announcement initiating the transition process and ICANN’s own scoping document, a transition plan that fails to uphold these key principles should not

be accepted.

Support for discussion of transition as well as broader accountability and transparency

While we support and endorse the transition of the stewardship role of the IANA functions as well as ICANN’s role as convener for developing the transition plan, we also support a broad discussion on ICANN’s roles, responsibilities, and organizational accountability.

We applaud ICANN for drafting and releasing a scoping document and agree with its sentiment that providing a clear scope of discussion will allow the community to focus its efforts more effectively on addressing key challenges regarding the transition. Of particular note, we support ICANN’s main point that the policy development process within ICANN as well as policies that may impact the IANA functions should be considered outside the scope of the IANA transition plan. It is clear that the sunsetting of the U.S. Government’s stewardship role creates two distinct challenges for the community: first, we need to determine a process for the stewardship of these technical functions; and second, we need to ensure overall oversight or accountability for ICANN’s broader policy-making remit to ensure ICANN remains accountable to the broader community.

While these two issues are related, we agree accountability associated with ICANN’s policy-making functions should be dealt with separately from the administration and accountability for the performance of the IANA functions. Therefore, we support ICANN’s recent announcement to kick-off a separate discussion within the community on this important issue. We feel it is critical the IANA functions remain essentially technical in nature and scope, given the important role they play in the updating and evolution of the Internet. While the IANA transition process should certainly address accountability for performing the IANA functions properly, we do not support any efforts to conflate broader ICANN accountability or transparency concerns with these technical functions. The functions should remain essentially apolitical to ensure the continued free flow of information globally at the highest levels of the Internet architecture and to ensure that no one government, company, or individual is able to block entry of contents into the root zone or interfere with the allocation of IP addresses and protocol identifiers. That said we do think that ICANN will benefit from making its processes more transparent and accountable especially in light of its evolving role within the Internet governance ecosystem. Ensuring accountability and transparency for ICANN’s policy-making functions is necessary before the U.S. Government can fully transition its stewardship role of the IANA functions to the multistakeholder model.

We support ICANN’s efforts to convene a full debate on the issue of the IANA functions oversight transition. Let us be clear: we are not necessarily saying ICANN should relinquish its role as the IANA functions operator. Nor do we support the creation of a new entity or organization to carry out these functions. The bottom-up, multi-stakeholder model, which is accountable to all stakeholders and is embodied by ICANN, is both effective and necessary. ICANN has proven its commitment through the years to ably performing these functions, thereby ensuring the continued protection of the unique Internet governance processes.
Current proposal for the composition of a steering group does not involve all affected parties

We support ICANN’s plan to form and operate a steering group to steward the process of drafting a transition plan; however, we would support a broader definition of “affected parties” to mean anyone who is involved in the IANA functions process as well as those that are customers of that process. This would include the parties listed in ICANN’s scoping document, as well as the Regional Internet Registries (RIR), the root zone operators, and top-level domain name operators (both gTLD and ccTLD operators). Representation should be equal among the “affected parties” and their representation should be open and transparent.

Further, limiting the Generic Names Supporting Organization (GNSO) to only two representatives is not adequate and representation from the GNSO should be increased. The GNSO Council is currently comprised of 23 representatives, which stem from different stakeholder groups within ICANN -- from business interests, to registries and registrars, as well as non-commercial stakeholders. To ensure a more equitable representation of these important viewpoints within the IANA discussion, we would recommend increasing this allotment to four, which could include one representative from each of the four distinct stakeholder groups.

Community should be empowered to determine the scope of the transition discussion

The draft scoping document enumerates the role of the ICANN Board of Directors as follows: “…1) ensure that the process executed adheres to the principles outlined by the community input and the NTIA principles outlined for this effort, and 2) ensure that the parameters of the scope document are upheld.”

At a minimum, this proposed plan creates the appearance of a conflict of interest, if not an actual conflict of interest, for the ICANN Board. The role of ICANN’s Board is to oversee all of ICANN’s business and operational actions and to ensure its continued solvency as an organization. As such, the Board has a vested interest in ensuring ICANN’s continued relevancy within the Internet governance ecosystem and arguably has an interest in scoping the process to preserve ICANN’s existing role. While we are confident that ICANN’s Board would not act in a way that would harm the Internet or the IANA functions transition, the presence of a conflict of interest -- even if perceived -- could impact the overall integrity of the process. We urge ICANN to reconsider this path forward.

Instead, ICANN should delegate the authority for deciding proper scope to the steering committee. As noted in the NTIA announcement, determining the parameters of the scope of the IANA transition process is a decision that should be left to the community, and the Board of Directors’ fiduciary duty to ICANN as an institution may cloud its ability to scope the process objectively. Allowing the steering group to perform this task would also free up the Board to work on other pressing matters facing the ICANN community, such as implementation of the ATRT recommendations and broader concerns over organizational accountability and transparency, which are closer to the Board’s remit.

2 http://www.icann.org/en/about/governance/bylaws#II
Non-technical fora should be included in “Timeline of Events”

ICANN notes that it seeks input from all stakeholders regarding the IANA transition process, and in its proposal enumerates various fora at which ICANN will gather community input. With the exception of the ICANN meetings, all of the fora are technical in nature. We completely understand ICANN’s desire to elicit comments from those directly impacted by the IANA transition. However, in order to ensure maximum global support for the transition plan, which will likely include both technical and policy components, it will require buy-in from both the technical and non-technical communities alike. Therefore, we would urge ICANN to consider broadening their scope to include other fora such as the global and regional Internet Governance Forum (IGF) meetings, including IGF 2014 in Istanbul, EuroDIG, and APrIGF and regional Internet-based summits like the Africa Internet Summit.

Conclusion

Google recognizes the importance of the stability and security of the IANA functions, and we applaud NTIA and ICANN for taking the first steps in seeking ways to enhance the performance of these functions. We also recognize that the cooperation and coordination that the IANA functions require must take place among a variety of technical and policy groups and stakeholder communities. Seeking the best way to structure the IANA functions transition in order to ensure the continued security and stability of the DNS and additional Internet identifiers and parameters is critical to the continued innovation and growth of the Internet.

Sincerely,

[Signature]

Sarah Falvey