

28 April 2014

Interim Comments of the ccNSO Council on the IANA Transition

The Country-Code Name Supporting Organization (ccNSO) is preparing a community response to ICANN's *Call for Public Input: Draft Proposal, Based on Initial Community Feedback, of the Principles and Mechanisms and the Process to Develop a Proposal to Transition NTIA's Stewardship of the IANA Functions*.

The ccNSO has prepared these interim comments to bring several significant matters to ICANN's immediate attention with respect to the Draft Proposal as well as the "Scoping Document" also posted on 8 April 2014. The issues addressed below should be addressed and remedied by ICANN **as a matter of urgency** in order to ensure the integrity of the process going forward.

1. Scoping Document

In Singapore, the ccNSO articulated the roles that NTIA currently plays and which any transition proposal would need to take into account. [ccNSO Statement 27 March 2014](#). The ccNSO members present, as one of the groups of direct consumers of IANA services, specifically identified the role of NTIA in establishing the requirements and specifications under which the IANA functions and the Root Zone Management functions must be performed. Notwithstanding this input, the Scoping Document incorrectly asserts that NTIA exercises "no operational role in the performance of the IANA functions" and that "ICANN's role as the operator of the IANA functions is not the focus of the transition." In fact, in the current situation, NTIA does have an operational role of authorizing change requests. More importantly, through processes associated with the IANA Functions Contract, including most recently both a "Notice of Inquiry" and a "Further Notice of Inquiry," NTIA has affirmatively engaged the community to develop operational requirements applicable to the performance of the IANA functions, and has awarded a contract to ICANN as the current operator of those functions. As a result of such input, the current IANA Functions Contract includes requirements for (i) automation of IANA's root zone management functions; (ii) clarification and standardization of IANA documentation and processes based on the work of the ccNSO's Delegation and Redefinition Working Group and the Framework of Interpretation Working Group when completed; (iii) security obligations; and (iv) stakeholder-developed standards and metrics applicable to ICANN's performance of the IANA Functions. The ccNSO has actively participated in the NTIA's public consultations on the IANA Functions Contracts, including with respect to operations. See, for example, the [Comments of the Country Code Name Supporting Organization in response to NTIA's Further Notice of Inquiry on the Internet Assigned Numbers Authority Function \(28 July 2011\)](#) and the [ccNSO response to NTIA Notice of Inquiry \(NOI\) on the IANA functions \(29 March 2011\)](#).

Accordingly, it is the view of the ccNSO Council that any transition of responsibility for the IANA Functions **must** establish the processes and procedures through which operational requirements for the root zone management functions will be developed, processes and procedures through

which the IANA functions operator will be chosen, as well as processes and procedures by which the IANA functions operator will be accountable to the stakeholder community with respect to such requirements.

2. Registry Operators are Affected Parties

ICANN has consistently failed to acknowledge that TLD registries – both country code TLDs and generic TLDs – are as much “affected parties” as are the IETF, the IAB, ISOC, and NRO. These organizations, which also participate directly in ICANN’s multistakeholder process, are appropriate and important participants in this transition planning process, but they are not adequate substitutes for registry stakeholders with respect to processing root zone change requests and other functions that uniquely affect TLD registry operators. In fact, these organizations enjoy significantly greater authority over relevant IANA functions than registry operators. It is imperative that registry operators sit at the table on equal footing with those organizations and without ICANN intermediation. Accordingly, we call on ICANN to expand the proposed steering group to include two representatives selected by the ccTLD community and two representatives selected by the Registry Stakeholder Group as “affected parties.” These registry participants should be *in addition* to the SO/AC representatives contemplated in the ICANN Draft.

3. Draft Principles, Mechanisms, and Processes for Transition Proposal Development.

- a. *Selection of SO and AC Representatives.* Because ICANN is directly interested in the outcome of the multi-stakeholder process being launched, SO and AC participants on the steering committee should be **selected by the communities they represent, not by the chairs of the ICANN Board and GAC.** The approach proposed in the ICANN Draft is “top-down” and also has the appearance of being self-serving. The success of this process will turn directly on ICANN’s faithful adherence to bottom-up multi-stakeholder decision-making.
- b. *Accountability.* As the ccNSO stated in Singapore, this process must take into account and provide a replacement for the role that NTIA has played in overseeing ICANN’s obligation to develop and implement consensus policies through a bottom up multi-stakeholder process, and to be accountable to all stakeholders for the outcome of its decision-making. The ccNSO was not alone in expressing concern about ICANN’s apparent insistence on separating these issues. To the extent that ICANN continues to insist on maintaining separate tracks to address each of these issues, it must ensure that the two tracks come together in advance of the transition itself. Moreover, ICANN should not prejudge or attempt to manipulate the outcome by conflating the issues of globalization and accountability, nor should it assume an “affirmation of commitments” approach to accountability. We understand that in the near future ICANN will issue a draft proposal to address broader accountability issues, and we look forward to reviewing and commenting on that document as well.