



## **Item 2.b - IANA Stewardship Transition Proposal from ICG**

Whereas, on 14 March 2014, the National Telecommunications and Information Administration (NTIA) of the United States Department of Commerce announced its intention to transition the stewardship of the IANA Functions to the global multistakeholder community.

Whereas, NTIA asked ICANN to convene global stakeholders to develop a proposal to transition the current role played by NTIA in the coordination of the Internet's domain name system (DNS). NTIA required that the proposal for transition must have broad community support and uphold the following principles:

- Support and enhance the multistakeholder model;
- Maintain the security, stability, and resiliency of the Internet DNS;
- Meet the needs and expectation of the global customers and partners of the IANA services; and,
- Maintain the openness of the Internet.

NTIA also stated it would not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution.

Whereas, after public input into the design of the process, the IANA Stewardship Transition Coordination Group (ICG) was formed, with 30 members representing 13 communities of both direct and indirect stakeholders each selected by their respective communities. The communities represented were the At-Large Advisory Committee, Address Supporting Organization, Country-Code Names Supporting Organization, Governmental Advisory Committee, Generic Names Supporting Organization, Generic Top-Level Domain Registries, International Chamber of Commerce/Business Action to Support the Information Society, Internet

Architecture Board, Internet Engineering Task Force, Internet Society, Number Resource Organization, Root Server System Advisory Committee, and the Security and Stability Advisory Committee. A liaison from the ICANN Board, as well as an IANA Staff Liaison Expert were also named. The ICG is supported by an independent Secretariat.

Whereas, in response to its request, each of those operating communities in turn developed their own team to coordinate the development of a plan to submit to the ICG. The ICG received plans from the Domain Names communities (developed in the Cross-Community Working Group to Develop an IANA Stewardship Transition Proposal, or the CWG-Stewardship) in June 2015, the Number Resources community (developed by the Consolidated RIR IANA Stewardship Proposal Team, or CRISP) in January 2015, and the Protocol Parameters community (developed in the IANAPLAN team) in January 2015. The CWG-Stewardship, CRISP and IANAPLAN teams each developed their plans through open consultation processes. The ICG took these three community-developed plans and assessed them individually and collectively in order to determine whether: (1) the community processes were open and inclusive and if consensus was achieved for the plans; (2) the proposals are complete and clear; (3) the three proposals together are compatible and interoperable, provide appropriate accountability mechanisms, and are workable; and (4) the proposals together meet the NTIA criteria.

Whereas, the ICG found that each of its assessment criteria were met, and coordinated the three plans into a single unified Proposal. The Proposal went out for public comment from August-September 2015, and received 157 comments on the combined proposal from a wide variety of stakeholders, including individuals, operational communities, supporting organizations and advisory committees within the ICANN community, businesses and trade associations, civil society groups, governments, and others from all regions of the world.

Whereas, upon deliberation and consideration of public comments, the ICG achieved unanimous support among its members for the Proposal. The ICG completed its work on 29 October 2015 and finalized its proposal, with the exception of one item. The CWG-Stewardship plan identified contingencies on the work of the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability), and the ICG received confirmation from the CWG-Stewardship on 29 February 2016 that the contingencies had been met.

Whereas, the CCWG-Accountability finalized its report on 10 March 2016, and thus provided the final confirmation to the ICG on the meeting of the interdependencies with the CWG-Stewardship's portion of the Proposal.

Whereas, on 10 March 2016, the ICG formally transmitted its report to the ICANN Board for consideration.

Whereas, during the Proposal development process, the Board engaged in each part of the process. The Board monitored the development of all parts of the proposals and provided public comment as appropriate, including commenting on both the first and second versions of the CWG plan, and on 8 September 2015 providing a comment on the ICG Proposal noting some specific concerns that should be addressed during the implementation phase. The Board's input to the ICG is at <https://comments.ianacg.org/pdf/submission/submission121.pdf>. A comprehensive list of all the ICANN Board's input into the processes are detailed at <https://www.icann.org/resources/pages/board-input-stewardship-accountability-2015-07-10-en>.

Whereas, on 19 February 2016, the Board held an information call wherein it refreshed its review of the ICG Proposal in anticipation that the Proposal would soon be delivered.

Resolved (2016.03.10.12), the ICANN Board accepts the ICG's IANA Stewardship Transition Proposal.

Resolved (2016.03.10.13), the Board approves of the transmittal of the Proposal to the National Telecommunications & Information Administration of the United States Department of Commerce in response to NTIA's 14 March 2014 announcement.

Resolved (2016.03.10.14), the President and CEO, or his designee, is directed to plan for the implementation of the Proposal so that ICANN is operationally ready to implement in the event NTIA approves of the Proposal and the IANA Functions Contract expires.

Resolved (2016.03.10.15), the Board expresses its deep appreciation for the tireless efforts of the ICG chairs and members in developing the Proposal, as well as the chairs, members and participants in the CWG-Stewardship, CRISP and IANAPLAN teams. The development of the coordinated Proposal across these four volunteer teams is a true demonstration of the strength and triumph of the multistakeholder model.

***Rationale for Resolution 2016.03.10.12 – 2016.03.10.15***

The acceptance and transmittal of the ICG's IANA Stewardship Transition Proposal to NTIA is the culmination of a nearly two-year process. NTIA's call for ICANN to convene global stakeholders to develop a proposal to transition the current role played by NTIA in the coordination of the Internet's unique identifiers has been met. This is the end of the first phase in the path towards the privatization of DNS management, a goal since ICANN's formation.

The global multistakeholder community embraced NTIA's call to action, first developing the plan for how the proposal will be developed, at <https://www.icann.org/resources/pages/process-next-steps-2014-06-06-en> after a call for public input, available at <https://www.icann.org/resources/pages/draft-proposal-2014-04-08-en>. The IANA Stewardship Transition Coordination Team, or ICG, was formed out of

that effort, comprised of individuals selected by each represented community. These 30 individuals represent 13 communities of both direct and indirect stakeholders who together delivered a proposal to recommending a transition plan of NTIA's stewardship of IANA functions to the Internet community, consistent with the key principles outlined in the NTIA March 14 announcement. The ICG membership is identified at <https://www.icann.org/resources/pages/icg-members-2014-07-29-en>. The ICG documented its work at <https://www.ianacg.org/>.

The ICG called upon the operational communities to develop comprehensive plans for transition of NTIA's role as it relates to each of the three functions served under the IANA Functions Contract. The Request for Transition Proposals, at <https://www.icann.org/news/announcement-2014-09-09-en>, specified a comprehensive list of requirements, including: descriptions of how the community uses the IANA functions and existing arrangements; proposed oversight and accountability arrangements post-transition; transition implications; identification of the how the NTIA criteria are met; and description of community process and consensus assessment.

The operating communities each responded through separate teams. The Domain Names communities formed the Cross-Community Working Group to Develop an IANA Stewardship Transition Proposal (CWG-Stewardship), <https://community.icann.org/x/37fhAg>. The Domain Name Community's report was the result of over 100 calls or meetings, 2 public consultations and more than 4,000 email messages. The final proposal received the consensus support of the CWG with no objections or minority statements recorded for Chartering Organization consideration.

The Number Resources community formed the Consolidated RIR IANA Stewardship Proposal Team (CRISP), tracked at <https://www.nro.net/nro-and-internet-governance/iana-oversight/consolidated-rir-iana-stewardship-proposal-team-crisp-team>. Within the Number Resources community, each of the five RIRs also performed work to support the CRISP work, and details on those proceedings can be accessed from

<https://www.icann.org/en/stewardship/community>. Each region contributed to the community consensus via regionally defined processes suitable to their particular local needs and culture.

The Protocol Parameters community established the IANAPLAN working group to elaborate a response, with a mailing list at <http://www.ietf.org/iana-transition.html>. Anyone was welcome to join the conversation and participate in the development. A publicly archived and open mailing list was created to this end and yielded 2,252 emails.

Upon receipt of all three reports, the ICG reviewed each report to consider if: (1) the community processes were open and inclusive and if consensus was achieved for the plans; (2) the proposals are complete and clear; (3) the three proposals together are compatible and interoperable, provide appropriate accountability mechanisms, and are workable; and (4) the proposals together meet the NTIA criteria. The ICG Proposal details the findings on each of these elements and the Board agrees with these findings.

The ICG received 157 comments on its draft combined proposal from a wide variety of stakeholders, including individuals, operational communities, supporting organizations and advisory committees within the ICANN community, businesses and trade associations, civil society groups, governments, and others from all regions of the world. In support of the proposal, the ICG produced a comprehensive summary of public comments (<https://www.ianacg.org/icg-files/documents/Public-Comment-Summary-final.pdf>) to identify the comments received and how they were addressed in the Proposal. The comments, on the whole, also support the ICG's findings.

The ICG's deliberations were extensive. Seven face-to-face meetings, 26 conference calls and the exchange of 5,627 emails were the tools needed to build the report. To maintain and safeguard the inclusiveness of the process, interpretation services were provided for meetings. Translations of working

documents were delivered, and inputs received in languages other than English were also translated. Seven engagement sessions were organized to foster awareness and receive feedback. The ICG called for input to its work at different phases, including a call for comments to validate community support for how ICG was performing its work. ICANN in its facilitation of the process provided all resources and support requested by the community to develop a consensus proposal.

The two most important considerations for the Board are on the compatibility and interoperability of the three plans, and whether the proposals meet NTIA's criteria.

### **Compatibility and interoperability**

The Board has reviewed all three components of the plan. As the Board stated in its 8 September 2015 comments to the ICG, <https://comments.ianacg.org/pdf/submission/submission121.pdf>, "While the ICG has asserted that there are no incompatibilities between the three operational communities' proposals received (also known as the CRISP, CWG-Stewardship, and IANAPLAN responses), there are some implementation details and foreseen complexities that will need further coordination with the communities for clarity. As implementation occurs, ways to address the elements of the proposal may evolve, and in our comments below, we have endeavored to highlight some of these and provide the ICG with implementation suggestions.

We do not believe that any of these issues poses a threat to the viability of the final ICG Proposal. We hope that these implementation issues and details can be resolved in the implementation phase, but we urge the community and where needed the ICG to consider these issues and begin to clarify as soon as practicable in the interests of a smooth IANA Stewardship Transition."

The areas identified by the Board on potential areas of overlap that require further coordination in the implementation phase include: (1) new service levels and operational changes; (2) jointly managed functions; (3) the relationship between the “Post Transition IANA” identified perform the naming-related functions and the other operating communities; and (4) transfer to successor operator requirements. ICANN stands ready to work with the communities to address these issues within the implementation planning phase.

### **NTIA Criteria Appear To Be Met**

The Board agrees with the ICG’s determination that the NTIA criteria have been met through the consensus-supported ICG Proposal.

#### *1. Support and enhance the multistakeholder model.*

The ICG noted, and the Board agrees, that each of the operating communities modeled their post-transition proposal on the existing arrangements and structures. The arrangements between ICANN and the Protocol Parameters and Numbers Resource communities remain largely unchanged, and the multistakeholder nature of oversight in the naming community will likely be enhanced through the development of community-based standing committees and review processes. The existing IANA Functions Contract served as the basis for many of the proposed post-transition plans, with enhanced responsibility placed on the multistakeholder community in overseeing the work.

#### *2. Maintain the security, stability, and resiliency of the Internet DNS.*

The Board agrees with the ICG that the security, stability and resiliency of the Internet DNS are maintained through the combined Proposal. There is no change suggested by the Numbers Resource or Protocol Parameters communities that could impact the security, stability or resiliency of the DNS. These proposals are built upon the existing structure.

Though the Names community is calling for the creation of a subsidiary of ICANN to perform the naming function, ICANN agrees with the ICG that this portion of the proposal also maintains the security, stability and resiliency of the Internet DNS. There is minimal change contemplated for the technical delivery of the naming-related functions, and the role remains unchanged.

ICANN agrees that it is essential to have a contract in place between ICANN and the Root Zone Maintainer prior to any expiration of the IANA Functions Contract, and this is key to security and stability concerns.

*3. Meet the needs and expectation of the global customers and partners of the IANA services.*

The Board agrees with the ICG that this condition has been met. The ICG stated “All three communities determined that the global customers and partners of the IANA services and their communities of stakeholders are presently satisfied with the performance of the IANA functions by the IANA department of ICANN. The combined proposal is not expected to impact that.”

*4. Maintain the openness of the Internet.*

The ICG determined “The combined proposal requires that the IANA services, associated policy development processes, and IANA registries remain fully open and accessible just as they are today.” The Board agrees that the ICG Proposal, though it identifies some organizational changes through which the IANA Functions will be delivered, otherwise has no impact on the variety of open policy development processes or on the databases and IANA registries that are available today.

*5. No replacement of the NTIA role with a government-led or an inter-governmental organization solution.*

NTIA also specified that its role could not be replaced by a government-led or an inter-governmental organization solution. This condition is met. None of the operating communities define a role for a government-led or inter-governmental organization solution, relying instead on the operating communities and other indirect customers of the IANA functions to perform the different oversight and accountability roles. The Proposal affirms the role of the multistakeholder community.

### **Resource Implication**

Accepting the Proposal and transmitting the Proposal to NTIA do not, specifically impose any resource requirements on ICANN. However, the planning for implementation that is necessary to be at a place that ICANN is ready to implement these changes if the IANA Functions Contract expires. That effort requires significant resources, such as systems and reporting updates, funding the development of an affiliate not-for-profit entity, development of changes to ICANN's Bylaws as well as governing documents for the new entity, completing contracts necessary for the performance of the IANA functions, and constituting the new community-based groups involved in oversight in the future. Both the community and ICANN will be called upon to devote time to this effort. Fiscally, the implementation planning must proceed with considerations of fiscal responsibility, and the Board looks forward to working with the community to develop cost management tools that will result in better estimation of costs. The Board will use these estimates to guide future budgeting decisions on the IANA Stewardship Transition work.

During the development of proposal, ICANN provided funding and staff resources for various aspects of the work, including initiating the work of the ICG, travel costs for face-to-face meetings, funding an independent Secretariat to support the ICG, staff support to the CWG-Stewardship, and funding external counsel to advise the CWG in the development of its proposal. The funds expended to date on the collective ICG effort helped provide the multistakeholder community with the opportunity to develop

the proposals with the levels of independence it said were important. Further, the availability of external advice supported the CWG's debate and dialogue that led to its final recommendations. Providing these resources was an important facet of assuring multistakeholder participation in this work.

### **DNS Impact**

The acceptance and transmittal of this Proposal are not expected to have any impact on the security, stability and resiliency of the Internet DNS. Planning for implementation of the Proposal helps assure that ICANN can continue the performance of the required functions, even in a post-transition environment, with no impact on security, stability or resiliency.

### **Conclusion**

Taking this action today is an important affirmation of the multistakeholder model. The global multistakeholder community came together and developed a plan for the transition of the IANA Functions Stewardship. Issues were debated in multiple fora. Public comments were received, analyzed and incorporated. The resulting Proposal has the consensus of the operating communities impacted by the respective portions, as well. The Proposal also received unanimous consensus from across the 13 communities represented in the ICG.

The Board thanks NTIA for giving the multistakeholder community the opportunity to develop this Proposal. Accepting this report and transmitting it to NTIA for consideration is an important step in maintaining accountability to the multistakeholder community, and the Board serves the public interest in taking this decision.

This is an Organizational Administrative Function that has been subject to multiple levels of public comment.