

## **Draft Charter 8 May 2014**

### **Internet Working Group to Develop an IANA Stewardship Role Transfer Process**

[Insert introduction explaining what the document is about e.g. this document elaborates on the Steering Committee proposal on IANA Transition proposed by ICANN on April 7 and, in addition, proposes the creation of a related Working Group to ....]

#### **Problem Statement**

The NTIA has requested that ICANN “convene a multistakeholder process to develop a plan to transition the U.S. government stewardship role” with regard to the IANA Functions and related root zone management. [from NTIA “Public Consultations” document]

The NTIA states, “The U.S. government has long envisaged transitioning its stewardship role to the multistakeholder community to instill confidence in the integrity of the IANA Functions.” Achieving this objective will be impossible without the transition plan that NTIA is requesting.

The NTIA will benefit by being able to fulfill a long-standing commitment in a way that is orderly and widely accepted.

#### **Stakeholders**

The NTIA is the initiator and champion of this effort but the stakeholders include all members of the Internet community, including but not limited to:

- Individual Internet users
- Commercial organizations
- Non-commercial organizations
- Governments and Intergovernmental organizations
- Internet-ecosystem organizations

Careful attention will need to be paid to ensuring a workable balance between the need to address the diverse needs of this broad stakeholder group and the requirement that the transition plan (and the implementation that follows) are developed and delivered in a timely manner. Early engagement and effective representation will advance both of these goals.

#### **Goals & Objectives**

NTIA specified that the transition proposal must have broad community support and meet 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

- Maintain the openness of the Internet.

In order to be consistent with the NTIA specifications for the transition process, key elements of a multistakeholder approach and hence for this working group are openness, diversity, global participation, involvement by affected parties, bottom-up, and consensus-based.

NTIA also specified that it will not accept a proposal that replaces the NTIA role with a government-led or an intergovernmental organization solution.

The objective of this working group is therefore to draw upon the collective expertise of all the participating stakeholders, solicit additional expert input and advice, and develop an IANA stewardship transition plan that adheres to the principles set out by NTIA and:

- Is based on an open, global and transparent process,
- Provides the opportunity for participation by all stakeholders and interested or affected parties, and
- Has global reach, including translation of relevant materials.

## Scope

### What is in scope?

This process is separate from the broader process to examine broader ICANN globalization and accountability mechanisms which ICANN has committed to initiating. The linkages between these two exercises should be elaborated once ICANN has made its intentions more clear in this respect.

The Internet Assigned Numbers Authority (IANA) functions are a set of interdependent technical functions that enable the continued efficient operation of the Internet. The IANA functions include: (1) the coordination of the assignment of technical Internet protocol parameters; (2) the processing of change requests to the authoritative root zone file of the DNS and root key signing key (KSK) management; (3) the allocation of Internet numbering resources; and (4) other services related to the management of the ARPA and INT top-level domains (TLDs).

NTIA currently contracts with ICANN to carry out the IANA functions. IANA maintains, updates and makes publicly available registries related to three functions:

1. IANA is the central repository for protocol name and number registries used in many Internet protocols. It reviews and assigns unique values based on established policies and guidelines as developed by the Internet Engineering Task Force (IETF).
2. IANA coordinates allocations of IP (Internet Protocol) and AS (Autonomous System) numbers to the Regional Internet Registries (RIR) who then distribute IP and AS numbers to Internet Service Providers and others within their geographic regions.
3. IANA processes root zone change requests for Top Level Domains (TLDs).

In all three cases the IANA functions operator applies the policies developed by the affected parties when completing requests related to the various IANA functions.

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The roles that the NTIA plays which any transition proposal would need to take into account are:

1. Authorizing changes to the authoritative root zone
2. Overseeing ICANN's performance of the functions set out in the IANA contract between NTIA and ICANN (the IANA functions)
3. Overseeing Verisign's performance of the functions set out in its Cooperative Agreement with Verisign (the Root Zone Management or RZM functions)
4. Establishing the requirements and specifications under which the IANA functions and the Root Zone Management functions must be performed, and
5. Overseeing ICANN's obligation to develop and implement consensus policies through a bottom up multistakeholder process as expressed in, but not limited to, the Affirmation of Commitments, and to be accountable to all stakeholders for the outcome of its decision-making.

NTIA has a Cooperative Agreement with Verisign to perform the related root zone management functions. The related root zone management functions are the management of the root zone "zone signing key" (ZSK), as well as implementation of changes to and distribution of the DNS authoritative root zone file, which is the authoritative registry containing the lists of names and addresses for all top level domains, effectively the Internet's phone book.

NTIA's role in the IANA functions includes the role of administering changes to the authoritative root zone file and, more generally, serving as the historic steward of the DNS via the administration of the IANA functions contract. NTIA does not initiate changes to the authoritative root zone file, assignment of protocol numbers, or allocation of Internet numbering resources. In addition, in practice, the NTIA role does not involve the exercise of discretion or judgment with respect to root zone change requests nor should any new authority or process exercise such discretion or judgment.

Here is a summary of NTIA roles with regard to the IANA functions:

6. Authorizing changes to the authoritative root zone
7. Overseeing ICANN's performance of the functions set out in the IANA contract between NTIA and ICANN (the IANA functions)
8. Overseeing Verisign's performance of the functions set out in its Cooperative Agreement with Verisign (the Root Zone Management or RZM functions)
9. Establishing the requirements and specifications under which the IANA functions and the Root Zone Management functions must be performed
10. Overseeing ICANN's obligation to develop and implement consensus policies through a bottom up multistakeholder process as expressed in, but not limited to, the Affirmation of Commitments, and to be accountable to all stakeholders for the outcome of its decision-making.

### What is out of scope?

In discussions to date, a number of topics have arisen that are outside the scope of this transition. To avoid any misunderstanding, there are a range of issues that, while important, are not appropriately part of a transition proposal requested by NTIA, including:

- *Policy development related to the IANA functions* - As NTIA currently plays no unique role in the development of policies for the coordination of the Internet's domain name system, the proposal is not about how relevant policies are created, nor the relevant structures in which they are created. The roles of all Internet registry policy bodies (such as the RIRs, IAB, IETF, ASO, NRO, ccNSO, GNSO, ccTLD Registry Operators, and gTLD Registry Operators) will stay unchanged. These bodies continue to represent their respective communities and hold policy authority for the protocol parameter, number, and name spaces, including responsibility to ensure the faithful registry implementation by IANA according to those policies.
- *Issues Not Within the IANA Functions* - The operation of the IANA functions are not involved in issues, for example, of cybersecurity, privacy, content, child protection, online protection of intellectual property; structural review of ICANN unrelated to any IANA functions it currently performs; or the management of TLDs. While all of these remain important topics for discussion and are regularly discussed within multiple forums, they fall outside the scope of the transition proposal requested by NTIA.
- *Internet Governance Discussions outside of the IANA Functions*
- *Implementation of the Transition Plan except Providing Guidance to Facilitate an Acceptable Implementation Process.*

## Goals & Objectives

The resulting proposal from this working group should recommend a replacement for the current stewardship role played by NTIA that ensures:

- The IANA functions are performed based on the agreements and/or policies provided by the respective bodies (IETF, GNSO, RIRs, ASO, and ccNSO).
- The security, stability, and resiliency of the DNS are maintained.
- Uninterrupted service to the affected parties is provided.
- Service levels equal or exceed current levels.

## Proposed Approach

Here are the key elements of the approach for which this charter applies.

1. A Steering Committee would be formed to steward the process in an open, transparent, inclusive and accountable manner.
2. An Internet Working Group (WG) would be formed to develop a process for transitioning the stewardship of the IANA functions to the multi-stakeholder community.
3. The Internet Community would be categorized into multiple stakeholder groups.
4. WG members would be responsible for representing participants of their stakeholder groups.
5. To avoid creating new structures from scratch, existing ICANN structures would be modified to include processes that are open and inclusive on an equivalent basis for all interested parties whether or not they are members of ICANN or the applicable ICANN structures.

6. The WG members would be divided into separate sub-groups that each would develop a process for one of the IANA functions, which would then be given to the full WG for consideration and integration.

Further detail for each of the above elements is provided below.

[Here are some additional considerations regarding the WG approach (from the Suggested Proposal Development Process described in the ICANN public comment announcement) that could be considered by the Steering Committee:

- The steering committee would designate the steering committee chair.
- As the convener of the process, the ICANN Board would appoint one participant as Board liaison to the steering group.
- The ICANN Board in overseeing ICANN's role as convener would: 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. Once a proposal is developed, the ICANN Board will not hold a vote on the proposal.
- The steering group's final proposal for submission to NTIA will be reviewed by the directly affected parties in order for each party to provide their endorsement of the proposal. That endorsement will be communicated with the proposal, but there will not be a formal voting process.
- Additional mechanisms to ensure an open, transparent and inclusive process would include:
  - A website that would include a timeline of activities and events, as well as all materials and communications from the steering group, and a full archive of all content provided and evaluated throughout the process
  - A mailing list to ensure anyone can remain involved in the activities and progress of the group
  - Publicly accessible archives of the Steering Committee, WG and sub-working groups
  - Transcripts and recordings of all meetings and phone conferences will be posted.
  - Input by stakeholder group members who are not on the Committee, WG or sub-working groups should be provided through their representatives.
- The steering group would be formed in time to convene for the first time as a group before ICANN 50 in London in June 2014.
- The steering group would hold an open forum meeting at London 50 to present itself to the community and hear additional input from the community. The steering group would have ongoing dialogues.
- This group would establish the steering group chair and finalize the group's charter, based on the inputs from the community, the scoping document and the principles set forth by NTIA. The steering group would also establish the process for development of the community-driven proposal.

## **Deliverables and Timeframes**

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## Work Plan

The working group will, as a first step, establish and adopt a work plan and associated schedule and will inform the Steering Committee accordingly. The work plan and schedule should include times and methods for public consultation and report revisions, including an expected date for submission of a final report. This tentative schedule will be updated accordingly.

The work plan should include at the least the following action items:

1. Agree on a clear definition of the IANA functions, who currently performs them and a summary of the processes used.
2. Form and implement a Steering Committee and establish working relationship requirements between the Committee and the WG
3. Develop a set of principles applicable to the administration of the Internet identifier system and an objective assessment mechanism to determine if those principles are met by any proposed solutions including stress tests as applicable. (It is very important that current service providers of the IANA function and those directly impacted by IANA functions be involved in this task.)
4. Form sub-working groups for each of the separate IANA functions (Sub-groups would consist of WG members.)
5. Coordinate the efforts of the sub-working groups (This could be done by the steering committee and/or by the WG chairs & the sub-working-group chairs.)
6. Vet the sub-group recommendations with the full WG and develop final recommendations including collaboration with stakeholder groups \*
7. Prepare final transition plan \*
8. Present transition plan to NTIA \*
9. Respond to NTIA questions and requests as needed \*
10. Finalize transition plan(s). \*

\* Note that sub-groups could finish their work at different times and their recommendations could be vetted with the full WG at different times. Steps 8-11 could be completed at different times for each IANA function.

## Reporting

The co-chairs of the working group shall report regularly to the Steering Committee. Steering Committee members will in turn regularly consult with the organizations they represent and provide timely feedback to the working group through the co-chairs.

## Final Report

Following its submission Steering Committee members will discuss and endorse the Final Report according to the rules and procedures of their respective organizations. Steering Committee members will inform the co-chairs of the outcome of those deliberations as soon as possible after submission of the report.

## **Membership, Staffing and Organization**

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A Steering Committee comprised of stakeholder representatives will provide overall direction, resources and dispute-resolution. The goals are speedy formation, infrequent interventions and nimble/helpful response when needed.

### Stakeholder Groups

For the purposes of this effort, stakeholder groups will be defined as follows:

- Individual Internet users
- Commercial organizations
- Non-commercial organizations
- Governments and Intergovernmental organizations
- Internet-ecosystem organizations

To avoid establishing new structures, the following existing ICANN organizations should be requested to develop modified procedures to accommodate participants from the entire Internet community who would like to participate in this process. Assuming that these organizations will do this, they could serve as representatives of the following stakeholder groups:

1. The At-Large Structures for Individual Internet users
2. The GNSO Commercial Stakeholder Group for Commercial organizations
3. The GNSO Non-Commercial Stakeholder Group for Non-commercial organizations
4. The GAC for Governments and Intergovernmental organizations (If the GAC is unable to do this, periodic reports could be given to the GAC for feedback, or the GAC could serve as a communication channel and individual government representatives could provide feedback.)
5. SSAC for the Internet security community
6. ISOC for stakeholders that are not represented in any of the above.
7. For Internet-ecosystem organizations:
  - a. The GNSO Contracted Party House for gTLD registries & registrars
  - b. The ccNSO for ccTLD registries
  - c. The IAB for the IETF
  - d. The ASO for the RIRs
  - e. The RSSAC for root server operators.

### Steering Committee

The Steering Committee will be composed of two representatives each from stakeholder groups 1 to 5 and one each from the subgroups of category 6. The committee will be supported in a non-voting capacity as needed by one expert each from each of the organizations currently involved in performing the IANA functions and by ICANN policy staff who will provide administrative assistance to the committee in its work. Steering Committee members must not serve on the WG or any sub-working group.

### Working Group & Sub-Working Group Membership

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Membership in the working group and in sub-working groups is open to members of the participating stakeholder organizations excluding Steering Committee members. To facilitate scheduling meetings and to minimize workloads for individual members, it is highly recommended that individual members participate in only one sub-working group. Each of the participating organizations shall appoint members to the working group and sub-working groups in accordance with their own rules and procedures. There shall be a minimum of three representatives from each participating stakeholder organization in the WG. For sub-working groups, there shall be a minimum of one representative from those stakeholder groups who are directly impacted by the applicable IANA function. Best efforts should be made to ensure that individual participants:

- Have sufficient expertise to participate in the applicable subject matter
- Can commit the time needed
- Reliably share the views of the organization they represent.

Best efforts should also be made to ensure that the working group and the sub-working groups:

- Have geographically diverse membership
- Contain representatives from:
  - Small and large organizations
  - ICANN participants and non-ICANN participants
  - The developing and developed world.

Volunteer co-chairs, selected by the working group and sub-working groups, will preside over working group deliberations and ensure that the process is bottom-up, consensus-based and has balanced multistakeholder participation. ICANN is expected to provide day-to-day project administration and secretariat support. In consultation with the Steering Committee, WG and/or sub-working group chairs may request professional project facilitators.

All working group participants are expected to be able to:

- Demonstrate knowledge or expertise of aspects of the objectives of the working group; and
- Commit to actively participate in the activities of the working group on an ongoing and long-term basis.

Participants and liaisons will be listed on the working group's webpage.

All participants in this process are required to submit a Statement of Interest following the procedures of the organization they represent.

### **Rules of Engagement**

All participants are expected to abide by the [ICANN Expected Standards of Behavior](#).

The co-chairs, in consultation with the Steering Committee, are empowered to restrict the participation of someone who seriously disrupts the working group. Generally, the participant should first be warned privately, and then warned publicly before such a

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restriction is put into place; in extreme circumstances, this requirement may be bypassed. This restriction is subject to the right of appeal as outlined below.

### **Standard Methodology for Making Decisions With Regard to Consensus**

In considering its work plan and reports, the working group shall seek to act by consensus. If a minority opposes a consensus position, that minority position shall be incorporated in the related report. The consensus view of the working group members and minority views, if any, shall be conveyed to the participating stakeholder organizations according to the following procedures.

The co-chairs shall be responsible for designating each position as having one of the following designations:

- Full consensus – a position where no minority disagrees;
- Consensus - a position where a small minority disagrees but most agree;
- Divergence – no strong support for a specific position / recommendation

In the case of consensus or divergence, the co-chairs should encourage the submission of minority viewpoint(s).

If a participating stakeholder organization wishes to deviate from the standard methodology for making decisions with regard to consensus, or empower the working group to use its own decision-making methodology, it should be affirmatively stated through revisions to the group Charter.

Consensus calls should always make best efforts to involve the entire group (working group or sub-working group). It is the role of the Co-Chairs to designate which level of consensus has been reached and inform the group. Member(s) of the group should be able to challenge the designation of the co-chairs as part of the group discussion. However, if disagreement persists, members of the group may use the process described below to challenge the designation.

If any participant in the group disagrees with the consensus-level designation made by the Co-Chairs, they may follow these steps sequentially:

1. Send email to the co-chairs, copying the group email list explaining why the decision is believed to be in error.
2. If the co-chairs still disagree with the complainants, the co-chairs shall forward the appeal to the Steering Committee. The co-chairs must explain their reasoning in the response to the complainants and in the submission to the Steering Committee. If the Steering Committee supports the position of the co-chairs, it shall provide their response to the complainants. The Steering Committee must explain their reasoning in the response. If the Steering Committee disagrees with the co-chairs, it will forward the appeal to the participating stakeholder organizations. Should the complainants disagree with the Steering Committee support of the co-chairs' determination, the complainants may appeal to the Chairs of the stakeholder organizations or their designated representatives. If the

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stakeholder organizations agree with the complainants' position, they should recommend remedial action to the co-chairs.

3. In the event of any appeal, the Steering Committee shall attach a statement of the appeal to the group report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the participating stakeholder organizations.<sup>1</sup>

### Appeal Process

Any group member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the working group or the participating stakeholder organization should first discuss the circumstances with the group co-chairs. In the event that the matter cannot be resolved satisfactorily, the group member should request an opportunity to discuss the situation with the Chairs of the participating stakeholder organizations or their designated representatives.

In addition, if any member of the group is of the opinion that someone is not performing their role according to the criteria outlined in the following section of this document, the same appeals process may be invoked.

### **Omission In or Unreasonable Impact of Charter**

In the event this charter does not provide guidance and/or the impact of the charter is unreasonable for conducting the business of the group, the co-chairs of the group shall decide if they think charter needs to be modified.

In the event it is decided that the charter needs to be modified to address the omission or unreasonable impact, the co-chairs may propose to modify the charter. A modification shall only be effective after adoption of the adjusted charter by the participating stakeholder organizations in accordance with their own rules and procedures.

### **Closure and Working Group Self-Assessment**

The working group and the sub-working groups shall be dissolved upon receipt of the notification of the Chairs of the participating stakeholder organizations or their designated representatives.

### **Charter Document History**

This section records key changes to the working group Charter that take place after the adoption of the Charter.

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<sup>1</sup> It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.  
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