What is the transition of NTIA's Stewardship of the IANA all about?

Basic Elements of the CWG"s April 23 Proposal on IANA Stewardship Transition

Currently, the U.S. Government's National Telecommunications and Information Administration (NTIA) holds a contract under which ICANN performs the IANA functions. The NTIA has proposed to withdraw from this role, including its current operational oversight and accountability of the IANA functions. The CWG-IANA Stewardship, posted a second draft proposal for public comment on April 23, 2015, the basic elements of which are set out below along with pages references from the second draft proposal itself.

Post Transition IANA (PTI): this separate legal entity would be created as a wholly-owned subsidiary of ICANN. All of ICANN's IANA-related staff and assets would become a part of the PTI, ensuring further separation of the policy and operational aspects of IANA. ICANN would enter into a contract, substantially similar to the current NTIA contract, with PTI for the provision of the IANA services. There would also be 'service level expectations' (SLEs) to ensure ongoing quality of service (see page 21). The Board Directors of the PTI would likely be appointed by ICANN but this remains outstanding.

Customer Standing Committee (CSC): This standing committee would monitor the operational performance of PTI relative to the SLEs. It would also have a role in resolving disputes and in initiating 'special reviews' (see below). Co-chaired by GNSO and ccNSO appointees, its members would come from the registry and route server communities (see page 23 and Annex G).

IANA Functional Review Team (IFRT): Comprised of representatives of the multistakeholder community including two ccTLDs (one from the ccNSO), this committee would be constituted periodically to undertake regular reviews of the performance of the IANA functions (See Annex F page 49). The initial review would occur after two years and then every five years. It would also have the authority to undertake special reviews, (see below).

Customer Complaint Resolution: The existing customer complaint resolution processes and mechanisms would be augmented by allowing the complainant to request mediation and then, if necessary, review by the CSC. (See Annex I page 65)

Problem Resolution Processes & Special Review: Where the CSC finds there are persistent and systemic performance related issues that it is not able to resolve directly with PTI and ICANN, it can refer these to the ccNSO and the GNSO (See Annex J page 68). Where issues remain unresolved, a special review by the IFRT can be initiated upon the joint approval by the ccNSO and the GNSO, with a greater than simple majority vote (a 'supermajority) being required by each Supporting Organization (See Annex F, page 55). The IFRT could recommend action using the revised accountability measures being developed by the CCWG.

Separation Review Team: The IFRT report could also recommend the initiation of a 'separation review'. The Separation Review Team would be multistakeholder in composition. This review could recommend initiating a process by which a different IANA operator might be chosen (See Annex L, page 72). This process would be defined in a new ICANN bylaw that would require special processes to change. These special processes are currently being developed by the CCWG.

Who is NTIA?

The National Telecommunications and Information Administration (NTIA) is the part of   the US Government Department of Commerce which from 1998 has been overseeing that the IANA is managed in a non-discriminatory and efficient manner.

What is the IANA?

The Internet Assigned Names Authority (IANA) is the central repository for fundamental Internet information.   It comprises three distinct elements, custodian of the database of technical protocols for the IAB and IETF; coordinator for the distribution of both IPv4 and IPv6 IP addresses to the Regional Internet Address Registries. IP addresses are the (device) numbers of every computer on the Internet essential for navigating the Internet and; Root Zone Maintainer for Top Level Domain Names (TLDs) – approximately 250 two letter ISO-3166 codes and approximately 2000 generic three or more character and IDN TLDs.

What does NTIA as IANA Steward do?

NTIA organises the periodical performance review of two contracts and acts as steward overseeing the IANA operation (and occasionally re-bidding contracts).

The first contract is to check the process flow of the IANA is current and meeting the needs of its customers (done by NTIA periodically soliciting comments from the IANA customers); to oversee and ensure the appointed contractor operates on a non-discriminatory basis and correctly records the paperwork (updates) submitted by customers to the IANA central repository; and finally to periodically rebid the IANA contract to drive service improvements and ensure a no-cost contract of the IANA service to NTIA (and the community) are as competitive as possible.

The second contract is for the Root Zone Maintainer (RZM) – this is a highly technical function and has two elements. The first is that NTIA requires the RZM to check that the information submitted by IANA is technically correct and will not break the stable operation of the Internet. The second is for the RZM to technically compile the data in a form for distribution to the Root Name Servers, (the master name servers distributed around the world that make the Internet's TLD system work), this includes verifying the data set published in the Root Zone is accurate by signing the data with encryption technology called DNSSEC.

Who currently holds the contracts for the IANA and for RZM?

The process for selecting a technical contractor in the USA is via a Request for Proposals (RFP). The RFP must describe the tasks to be undertaken and the respondent must state how they plan to meet or exceed the requirements.

The IANA contract is a no-cost contract, so the USG does not pay the contractor for the services specified in the RFP. Periodically all public benefit contracts issued in the USA must be re-bid in an open and transparent manner, which may result in the same or a different contractor being selected based on their response to the RFP. In 2012 the current contractor, ICANN, was re-appointed to operate the IANA

service. The RZM contract is performed by Verisign under a cooperative agreement with NTIA which has been amended 32 times most recently on the 29th November 2012.

Why IANA stewardship transition and why now?

The economic activity conducted on the Internet is growing day-by-day and global transaction values amount to many billions of dollars daily. Furthermore, the Internet is increasingly a medium of choice for citizens worldwide to communicate with each other and universal interoperable service is essential if balkanisation is to be avoided.

The Internet has come of age and it is time to move from one government (USG – department NTIA) having the oversight role to the global community. The initiative of government oversight to ensure the non-discriminatory service was introduced by USG in 1998 and the intent now is to withdraw from that role. Over the last decade and a half, NTIA have been stewards ensuring that administrative tasks are undertaken efficiently but now is the time for the multi-stakeholder community (Governments, Operators, Users, etc) to design an impartial oversight process to transition the oversight function.

How to facilitate a process for transitioning the IANA oversight function?

The NTIA asked ICANN, to facilitate a non-discriminatory multi-stakeholder process to develop a transition proposal for NTIA's consideration. The three functions undertaken by IANA were respected and each group, Protocols, Numbers and Naming were asked to formulate a transition proposal.

For the naming community, a Cross Community Working Group on IANA Transition (CWG) was formed. This group was tasked to develop a robust, stable and non-discriminatory IANA Stewardship transition proposal for the IANA Naming function . After a careful process, 19 members with diverse and differing community perspectives were invited. The ccNSO, as cone of the chartering organizations, appointed 5 members, from the ccTLD community, Lise Fuhr, co-chair of the CWG (.dk and non-ccNSO member), Erick Iriarte(.pe, member of the ccNSO), Staffan Jonson (.se., member of the ccNSO), Paul Kane (.ac, non-member of the ccNSO) and Vika Mpisane (.za., member of the ccNSO).

Timing and Process of the CWG's Work and Related Processes

The CWG released a second draft proposal on April 23, 2015 and is seeking public comment until May 20. It then proposes to revise the proposal and send it to the CWG's chartering SO's and AC's, the ccNSO, GNSO, ALAC, GAC and the RSAC on June 8 for approval which the CWG is seeking by June 24, at the Buenos Aires ICANN meeting. The proposal would then be sent to IANA Coordination Group (ICG) for integration with the parallel proposals from the protocol parameter and numbering communities and eventual delivery to the ICANN Board on July 31. The CCWG is scheduled to send those portions of its work on which the IANA transition proposals are dependent to its chartering SO and AC's, including the ccNSO, on August 9 who are scheduled to approve it for transmittal to the ICANN Board on August 30..

Methodology

To ensure global inclusion, most of the work of the CWG occurs on mailing lists with occasional face to face meetings. There have been a prolific number of emails (in excess of 2000) from various stakeholders around the world and multiple calls per week. In addition, there have been two formal meetings, one in Frankfurt on the 19th and 20th November 2014 and the other on 26th and 27th March 2015 in Istanbul, Turkey. In addition, to seek input from the broader community, the CWG preliminary views were subject

of a formal public comment from 1 December until 2 December 2014. Further, to reach out to and inform the broader community, there have been ICANN constituency meetings during the ICANN conference in Los Angeles and Singapore, a number of regional meetings outside of the ICANN forum to discuss the Stewardship of IANA post transition from NTIA, and webinars.

Stewardship of IANA - deliberations by CWG - Stewardship

To meet community expectations for the stewardship of the naming related IANA Functions, the CWG-Stewardship, working on the premise that there is current satisfaction with ICANN's IANA department performance, and that ICANN should remain the IANA Functions Operator, agreed that a transition proposal for the names community would require the following elements:

- A contract similar to the current IANA Functions contract to perform the IANA Functions post-transition;

- The ability for the multistakeholder community to ensure that ICANN acts according to its requests with respect to IANA operations;

- Additional insulation, as needed, between operational and policymaking responsibilities and protections for the IANA Functions Operator;

- A mechanism to approve changes to the Root Zone environment (with NTIA no longer providing oversight).

- The ability to ensure that the IANA Functions are adequately funded by ICANN.

- The ability for the multistakeholder community to require, if necessary and after substantial opportunities for remediation, the selection of a new operator for the IANA Functions.

What option is currently considered by the CWG?

On April 23, the CWG released its second draft proposal for public comment.   It attempts to meet all the above requirements by:

- Creating a Post-Transition IANA (PTI) that is a separate legal entity in the form of an affiliate that would be a "wholly owned subsidiary" of ICANN. For the IANA naming services, the creation of PTI ensures both functional and legal separation within the ICANN organization: a contract would be entered between PTI and ICANN that would give PTI the rights and obligations as the IANA Functions Operator. The IANA Functions would continue to reside within ICANN, subject to accountability mechanisms already in existence and those being developed by the CCWG-Accountability.

- Establishing a Customer Standing Committee (CSC) that is responsible for monitoring IANA Functions Operator performance according to contractual requirements and service level expectations, resolving issues directly with the IANA Functions Operator or

escalating them if they cannot be resolved.[1] The CSC can also trigger a special review of PTI if needed.

- Establishing a series of issue resolution mechanisms to ensure that problems are resolved effectively. This escalation path includes modifications to current IANA resolution processes, as well as a new phase for problem management, which includes responding to persistent performance issues or systemic problems. Along the escalation path, there is a key dependency on the CCWG-Accountability output, since the escalation path assumes some ICANN accountability mechanisms.

- Ensuring ICANN accepts input from the multistakeholder community with respect to the annual IANA operations budget.

- Establishing a framework to approve changes to the Root Zone environment (with NTIA no longer providing oversight).

- Establishing a multi-stakeholder IANA Function Review to conduct periodic and special reviews of PTI.[2] The results of the IANA Function Review are not prescribed or restricted and could include recommendations to the ICANN Board to not renew the IANA Functions Contract with PTI.

The CWG-Stewardship has also agreed that changes to the content of the Root Zone would no longer need authorization and external communications and reporting would no longer need external approval post-transition.

DEPENDENCIES ON THE Accountability Process: CCWG-ACCOUNTABILITY

The CWG-Stewardship's proposal has dependencies on and is expressly conditioned upon the CCWG-Accountability process. Specifically, the proposal requires ICANN accountability in the following respects:

- Ability for the community to have more rights regarding the development and consideration of the ICANN budget;

- Empowering the multistakeholder community to have certain rights with respect to the ICANN Board, including the ICANN Board's oversight of the IANA operations, specifically,

---

[1] The CSC would not need to be a legal entity. The CSC could be provided for under the ICANN governance documents and could also be provided for in the ICANN-PTI IANA Functions Contract.
[2] The IANA Function Review would be convened periodically (first review two years after the transition is complete, and thereafter every five years at most). It could also be convened for a special review under certain circumstances. The Review could be provided for under the ICANN governance documents and could also be provided for in the ICANN-PTI IANA Functions Contract.

the ability to appoint and remove members of the ICANN Board, and to recall the entire Board;

- The IANA Function Review, created to conduct periodic and special reviews of the IANA Functions, should be incorporated into the ICANN bylaws;

- The CSC, created to monitor the performance of the IANA Functions and escalate non-remediated issues to the ccNSO and GNSO, should be incorporated into the ICANN bylaws.[3]

- Accountability processes that the CCWG-Accountability is enhancing, such as the Independent Review Panel, should be made applicable to IANA Functions and accessible by TLD managers, if they wish to take advantage of these mechanisms.

- All of the foregoing mechanisms are to be provided for in the ICANN bylaws as "fundamental bylaws" requiring community ascent in order for amendment.

FURTHER WORK

The CWG-Stewardship has made significant progress in just six months, and will continue to work until the anticipated delivery of its final proposal to the ICG in June 2015. Between now and then, there are a few milestones still to be achieved including a thorough analysis of this 2nd Public Comment period, finalization of the proposal within the CWG-Stewardship, and submission of the proposal to the chartering SO/ACs for their approval.

During the Public Comment period, the CWG-Stewardship will continue to assess the implications of the proposed post-transition structure (section IV) and the fulfillment of NTIA requirements (section V). These sections depended largely on the completion of Section III and therefore are in outline form only at this time.

Additionally, the CWG-Stewardship will continue to coordinate with the CCWG-Accountability to ensure that the dependencies on which the CWG-Stewardship proposal is contingent are adequately developed.

---

[3] If the ccNSO and/or GNSO are not currently empowered to address matters escalated by the CSC, this should also be contemplated by the ICANN bylaws.