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AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the 2nd Draft Proposal of the Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions

Introduction

Alan Greenberg, Chair of the ALAC and participant in the Cross Community Working Group (CWG) to Develop an IANA Stewardship Transition Proposal on Naming Related Functions, composed an initial draft of the Statement, using the input template. This Statement is the result of extensive consultation within the At-Large community and the [At-Large Ad-Hoc Working Group on IANA Transition and ICANN Accountability](#).

On 18 May 2015, the first draft of the Statement was posted on the [At-Large 2nd Draft Proposal of the Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions Workspace](#).

On that same day, the Chair solicited input on the first draft to At-Large members via the [ALAC mailing list](#) and the [mailing list of the Ad-Hoc Working Group on IANA Transition and ICANN Accountability](#).

On 20 May 2015, the Chair, on behalf of the ALAC, [submitted](#) the final version of the Statement that incorporates suggestions received to the public comment process in the interest of meeting its submission deadline.

On 21 May 2015, the final version was posted on the aforementioned workspace and the Chair requested that ICANN Policy Staff in support of the ALAC open an ALAC ratification vote on the proposed Statement.

On 26 May 2015, Staff confirmed that the online vote resulted in the ALAC endorsing the Statement with 15 votes in favor, 0 vote against, and 0 abstention. You may view the result independently under: <https://www.bigpulse.com/pollresults?code=4839MTy93NjbcUY5EJeg3bZx>.

CWG-Stewardship 2nd Draft Proposal Input Template

The CWG-Stewardship has developed a template to facilitate your input on the 2nd Draft Proposal as well as subsequent review by the CWG-Stewardship. Use of the template is strongly encouraged, but not required. This template provides the opportunity for general input on the proposal as well as specific comments per section. Please note that there is no obligation to complete all of the sections – commenters may respond to as many or as few as they wish. Following your completion of the template, please save the document and submit it as an attachment to the public comment forum (comments-cwg-stewardship-draft-proposal-22apr15@icann.org). The CWG-Stewardship looks forward to receiving your feedback.

1. Please provide your name:
[Alan Greenberg](#)
2. Please provide your affiliation:
[Chair, At-Large Advisory Committee \(ALAC\)](#)
3. Are you providing input on behalf of another entity (e.g. organization, company, government)? Yes/No
[Yes](#)
4. If you answered ‘yes’ to the previous question, please list the entity on whose behalf you are submitting these questions:
[ALAC](#)

General Comments

5. If you have any general comments you would like to provide on the CWG-Stewardship Proposal, please provide these here.
[The ALAC is generally supportive of the Draft Proposal. That being said, the ALAC does have a number of critical concerns that will need to be addressed to allow us to fully support the final CWG proposal.](#)

[As detailed under the comment on section III.A.i.a, the ALAC would prefer an IANA wholly integrated into ICANN, but is willing to accept a compromise of a separate legal entity if the details of its organization and governance are satisfactory.](#)

[We do have:](#)

- [one very major concern that we believe must be addressed by the CWG, specifically the lack of multi-stakeholder oversight involvement and we will offer guidance as to how this might be addressed;](#)
- [one area where the ALAC had not yet reached consensus, but we have some concerns over the current direction of the CWG, specifically the Board \(or other controlling entity\) of the Post-Transition IANA \(PTI\); and](#)
- [a number of lesser concerns and requests for clarification.](#)

Section I - The Community's Use of IANA

6. Do you have any specific comments or input you would like to provide with regards to section I - The Community's Use of the IANA? Section I lists the specific, distinct IANA services or activities the naming community relies on.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section II - Existing Pre-Transition Arrangements

7. Do you have any specific comments or input you would like to provide with regards to section II - Existing Pre-Transition Arrangements? This section describes how existing IANA-related arrangements work, prior to the transition.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section III - Proposed Post-Transition Oversight and Accountability

8. Do you have any specific comments or input you would like to provide with regards to section III.A - Elements of this Proposal? This section describes in short the main elements of the proposed post-transition oversight and accountability.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

9. Do you have any specific comments or input you would like to provide with regards to section III.A.i - Proposed Post-Transition Structure. This section provides an overview of the different elements of the proposed post-transition structure.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

10. Do you have any specific comments or input you would like to provide with regards to section III.A.i.a. - Post-Transition IANA (PTI). This section describes the proposed post-transition IANA.

Yes.

If so, please provide your comments here.

The ALAC believes that there is significant cost and complexity associated with establishing IANA as a legally entity separate from ICANN. There are several reasons:

- PTI will ultimately be completely controlled by ICANN, so the legal division will not have any real effect;
- The benefit of the pre-defined boundaries and budgets can be achieved far easier by simply requiring ICANN to establish them in association with IANA as a division;
- The benefit of a “contract” between ICANN and IANA is dubious. It is technically legally enforceable, but the concept of ICANN suing PTI or vice-versa defies logic, since ICANN is in full control of PTI.
- The possible reduction of liability in the case of PTI as a Public Service Corporation and ICANN being forced into bankruptcy may have some merit, but it is unclear whether the courts would treat this if it really happened.
- The complexities of establishing an acceptable PTI governance plan, including its Board if there is one has so far stymied the CWG and it is unclear how to proceed.

That being said, IF we can address the above complexities and governance issues to our satisfaction, and IF the costs are not outrageous, the ALAC is willing to accept this type of compromise.

Presuming this legally organized PTI, questions of what power the Board has, who manages PTI staff (including the senior executive), and how the extra budget requirements will be met must be addressed.

If applicable, please reference the sub-section your comment relates to.

11. Do you have any specific comments or input you would like to provide with regards to section III.A.i.b. - Post-Transition IANA Board. This section describes the proposed Board for the post-transition IANA.

Yes.

If so, please provide your comments here.

There have been discussions on the size and responsibilities of the PTI Board. The ALAC believes that the PTI Board must be able to exercise control over PTI and must have the necessary resources and skills to do so. If everything is going well, this

Board will have little to do other than the normal corporate oversight responsibilities (appointing auditors, approving budgets, setting executive remuneration, selecting the senior executive if necessary).

However, if things are not working well and the PTI staff have not or cannot resolve the issue, then the PTI Board should be the next level of recourse, and it must be equipped with the proper management skills and other resources to carry out this responsibility.

The ALAC is still discussing the size of the Board and who should sit on the Board, but it is very clear that this must not largely be representatives of registries. Although it is clear that registries must have significant input into IANA's operations, PTI is ultimately there to serve the overall Internet community and registries are just a part of that. Moreover, PTI will serve communities other than just the names function and the PTI Board must not have a bias toward any of these communities.

Ultimately, as the owner or sole member of PTI, ICANN and its MS community will be able to exercise full control over PTI, but PTI must be given the wherewithal to properly serve Internet users as the IANA Functions Operator.

If applicable, please reference the sub-section your comment relates to.

12. Do you have any specific comments or input you would like to provide with regards to section III.A.i.c. - IANA Statement of Work. This section describes the proposed IANA Statement of Work, including proposed carryover provisions.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

13. Do you have any specific comments or input you would like to provide with regards to section III.A.i.d. - IANA Function Review. This section describes the proposed periodic as well as special review of the IANA Function.

Yes.

If so, please provide your comments here.

Comments here also apply to Annex F

The IFR must also be allowed to review the CSC and its effectiveness as well as recommend changes to its composition and charter.

As an integral and extremely important part of the overall transitioned IANA, the CSC cannot be exempted from the periodic review that the CWG has wisely mandated.

The composition of the IFRT is problematic in that it is envisioned as a relatively extensive process and allowing only 1 person per most stakeholders can have continuity implications. At the very least, the composition must allow at least one Alternate per stakeholder.

It is unclear whether the mandate of the IFR is purely the names component of IANA, or will cover the entire range of IANA operations. Related to this, it is unclear what organizations outside of ICANN might be included in the IFRT.

If applicable, please reference the sub-section your comment relates to.

14. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.a. - Customer Standing Committee (CSC). This section describes Customer Standing Committee that is expected to oversee performance of the IANA Functions as they relate to naming services.

Yes.

If so, please provide your comments here.

The ALAC presumes that all the deliberations and output of the CSC will be completely transparent. Any exclusions must be explicitly documented.

The following comments here also apply to Annex J.

The ALAC does not believe that the ccNSO or the GNSO are the appropriate bodies to which the CSC should escalate problems. There are several reasons for this.

- The ccNSO and GNSO are policy bodies. As such, they should not be in the direct path to address IANA operational issues. That violates one of the prime principles of IANA being operated under the auspices of ICANN.
- The GNSO does not have the processes to investigate or otherwise address operational issues with PTI. The staff assigned to the GNSO are explicitly Policy staff.
- Although the GNSO is a multi-stakeholder body, it has a restricted number of multistakeholders, and assigning escalation to the GNSO would put these stakeholders in a privileged position relative to the rest of those within and outside of ICANN.
- Annex J implies that the only real recourse that the GNSO or the ccNSO would have would be to invoke the community empowerment mechanisms being designed by the CCWG. It makes no sense to first go to the one or two registry SOs instead of going to a community-wide group that actually has the

power to take action. This intermediate step will only delay and possible action.

The concept of the Multistakeholder Review team from the original Contract Co model indeed made sense. In this model, it would simply be the empowered group of stakeholder representatives who actually have the power to act on a CSC concern. This group must be provided with staff resources to allow it to function properly.

If applicable, please reference the sub-section your comment relates to.

15. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.b. - Service Level Expectations. This section describes the proposed service level expectations post-transition.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

16. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.c. - Escalation mechanisms. This section describes the different proposed escalation mechanisms as they relate to the naming services.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

17. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.d. - Separation review. This section describes the separation review that can be triggered by an IANA Function Review if needed

Yes.

If so, please provide your comments here.

It is unclear what is to be “separated” from what. This is an important issue, and given previous versions of this proposal have had VERY different meanings for the word, this proposal must be explicit as to the type or types of separation contemplated.

If applicable, please reference the sub-section your comment relates to.

18. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.e. - Framework for transition to successor IANA Operator. This section describes the proposed framework for a transition to a successor IANA Operator to ensure continuity of operations.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

19. Do you have any specific comments or input you would like to provide with regards to section III.A.iii.a. - Proposed changes to root zone environment and relationship with root zone maintainer. This section describes the proposed changes to the root zone environment and the relationship with the Root Zone Maintainer.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

20. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.a. - ccTLD Delegation Appeals. This section describes the proposed recommendation in relation to a ccTLD delegation appeals mechanism.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

21. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.b. - IANA Budget. This section describes the recommendations in relation to the IANA Budget.

Yes.

If so, please provide your comments here.

[The Annex N, 2.c comment on the need for budget to support R&D should be](#)

[included here.](#)

If applicable, please reference the sub-section your comment relates to.

22. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.c. - Regulatory and legal obligations. This section describes the regulatory and legal obligations post-transition and how these are expected to be met.

[No.](#)

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

23. Do you have any specific comments or input you would like to provide with regards to section III.B. - Implications for the interface between the IANA Functions and existing policy arrangements. This section describes the expected implications for the interface between the IANA Functions and existing policy arrangements as a result of the proposed transition arrangements.

[No.](#)

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section IV - Transition Implications

24. Do you have any specific comments or input you would like to provide with regards to section IV. - Transition Implications. This section is expected to describe the CWG-Stewardship views as the implications of the changes it proposed in Section III.

[No.](#)

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section V - NTIA Requirements

25. Do you have any specific comments or input you would like to provide with regards to section V. - NTIA Requirements. This section is expected to describe how the proposal community's proposal meets these requirements and how it responds to the global interest in the IANA functions.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section VI - Community Process

26. Do you have any specific comments or input you would like to provide with regards to section VI. - Community Process. This section is expected to describe This section should describe the process the community used for developing this proposal.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Annexes

No to all except Annex G. Other relevant comments already included in appropriate sections of the main text.

27. Do you have any specific comments or input you would like to provide with regards to section Annex A - The Community's Use of the IANA - Additional Information.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

28. Do you have any specific comments or input you would like to provide with regards to section Annex B - Oversight mechanisms in the NTIA IANA Functions Contract.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

29. Do you have any specific comments or input you would like to provide with regards to section Annex C - Principles and criteria that should underpin decisions on the transition of NTIA Stewardship for names functions.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

30. Do you have any specific comments or input you would like to provide with regards to section Annex D - Xplane Diagram.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

31. Do you have any specific comments or input you would like to provide with regards to section Annex E - IANA Contract provisions to be carried over post-transition.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

32. Do you have any specific comments or input you would like to provide with regards to section Annex F - IANA Function Reviews.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

33. Do you have any specific comments or input you would like to provide with regards to section Annex G - Proposed charter of the customer standing committee (CSC).

Yes.

If so, please provide your comments here.

Page 60, Annex G

Although it may not hurt, the concept of a unaffiliated registry being allowed to be a Liaison does make sense as Liaisons are from groups that are explicitly not registries.

The proposal says that Members and Liaisons “will be appointed by their respective communities in accordance with internal processes”, but also that “the full membership of the CSC must be approved by the ccNSO and the GNSO”. Those two specifications conflict with each other. Similarly, it is unclear how the ccNSO and GNSO will address geographic diversity or skill sets while honoring the first premise. If stakeholders appoint their own Members or Liaisons, no further approval is needed.

Do the term limitation and staggered appointment rules apply just to Members (which makes sense) or also Liaisons (which doesn't).

Page 61, Annex G

CSC Charter changes should be approved by the Community and not just the ccNSO and GNSO. The proposal puts the non-Registry parts of the GNSO in an inappropriately privileged position compared to stakeholders that are not part of the GNSO.

Page 62, Annex G

Same comment in relation to the review of the CSC.

If applicable, please reference the sub-section your comment relates to.

34. Do you have any specific comments or input you would like to provide with regards to section Annex H - Service level expectations.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

35. Do you have any specific comments or input you would like to provide with regards to section Annex I - IANA Customer Service Complaint Resolution Process for Naming Related Functions.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

36. Do you have any specific comments or input you would like to provide with regards to section Annex J - IANA Problem Resolution Process (for IANA naming services only).

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

37. Do you have any specific comments or input you would like to provide with regards to section Annex K - Root Zone Emergency Process.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

38. Do you have any specific comments or input you would like to provide with regards to section Annex L - Separation Review.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

39. Do you have any specific comments or input you would like to provide with regards to section Annex M - Framework for transition to a successor IANA operator.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

40. Do you have any specific comments or input you would like to provide with regards to section Annex N - Proposed changes to root zone environment and relationship with root zone maintainer.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

41. Do you have any specific comments or input you would like to provide with regards to section Annex O - ccTLD Appeals Mechanism Background and Supporting Findings.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

42. Do you have any specific comments or input you would like to provide with regards to section Annex P - IANA Operations Cost Analysis.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

43. Do you have any specific comments or input you would like to provide with regards to section Annex Q - IANA Budget.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Other Comments

44. Are there any other comments or issues you would like to raise for the consideration of the CWG-Stewardship?