

## Draft of Principles and Criteria that Should Underpin Decisions on the Transition of NTIA Stewardship

### Introduction

These principles and criteria are meant to be the basis on which the decisions on the transition of NTIA stewardship are formed. This means that the proposals can be tested against the principles and criteria before they are sent to the ICG.

- a. Security and stability: changes should not undermine the operation of the IANA function. Changes should be the minimum needed to assure accountability and good stewardship of the service.
- b. Oversight, accountability and transparency: the service should be accountable and transparent.
  - i. Transparency: transparency is a prerequisite of accountability. While there might be commercial confidentiality concerns or concerns over operational continuity during any process of delegation or redelegation of a TLD, the final decision and the rationale for that decision should be made public or at least be subject to an independent scrutiny as part of an ex-post assessment of service performance.
  - ii. Independence of oversight: Oversight should be independent of the IANA functions operator and should assure the accountability of the operator to the global multi-stakeholder community;
  - iii. Independence of policy from IANA: the IANA operator should be independent of the policy processes. Its role is to implement changes in accordance with policy agreed through the relevant bottom up policy process [Note: this does not pre-suppose any model for separation of the policy and IANA roles. The current contract already requires such separation];
  - iv. Protection against Capture: safeguards need to be in place to prevent capture of the service and of any oversight or stewardship function;
  - v. Performance against service level commitments and against the agreed policy base. This should be monitored and there should be a mechanism to ensure that failures are corrected;
  - vi. Appeals: In cases of any significant and irreversible decision (redelegations, for example), there should be an appeals process open to the key parties and this should be open to public scrutiny;
- c. Service levels: The performance of the IANA functions must be carried out in a reliable, timely and efficient manner. It is a vital service and any proposal should ensure continuity of service over the transition and beyond, meeting a recognised and agreed quality of service and in line with service-level commitments;
  - i. Service level commitments should be adaptable to developing needs and subject to continued improvement;

- ii. The process should be automated for all routine functions;
  - iii. Service quality should be audited (ex-post review) against agreed commitments
- d. Policy based: Decisions should be based on policy agreed through the recognised bottom-up multi-stakeholder processes. As such, decisions should be:
- i. Predictable: decisions are clearly rooted in agreed policy. In the case of ccTLDs, the bottom-up policy process is the role of the ccNSO, which has carried this out in an open process. For gTLDs, the policy authority is the GNSO;
  - ii. Non-discriminatory;
  - iii. Audited (ex-post review);
  - iv. Appealable by significantly interested parties;
- e. Diversity of IANA's Customers:

A model of accountability needs to take account of the variety of forms of relationship between TLDs and the IANA function operator. Currently most of those that exist are directly with ICANN. The transition will need to reflect the diversity of arrangements in providing an accountability mechanism to the direct users of the IANA service.

For ccTLDs, the IANA should provide a service without requiring a contract and should respect the diversity of agreements and arrangements in place for ccTLDs. In particular, the national policy authority or legislation (related to the ccTLD operator) should be respected and no additional requirements should be imposed unless it is directly and demonstrably linked to global security, stability and resilience of the DNS.