CDT's response to the CWG Stewardship Chairs' Singapore Discussion Paper

Discussion paper: https://community.icann.org/download/attachments/49351404/CWG-SingaporeDiscussionDocument-Final.pdf?version=1&modificationDate=1422998880000&api=v2

Questions for the community:

1. Do you believe that the transition from the NTIA should happen (Please provide the reasons for your answer)?

> Yes. It should happen, in the timeframe anticipated, and result in mechanisms or a model that provides the same level of certainty, stability, predictability, security and resiliency that the current external oversight model does.

2. Are you comfortable with ICANN as policy-maker also being the IANA operator without the benefit of external oversight?

> No. Everyone says that they are comfortable with the performance of the IANA functions operator at the moment but that comfort is due in part to the role of the NTIA (administrative and stewardship (through the contract and the AOC)). We cannot afford to assume or hope that an "internal" model without appropriate external oversight will provide the same performance and comfort. The only way to ensure that there is adequate separation between policy-making and policy implementation in a model that does not have such oversight is to fully separate the two - structural rather than functional.

3. Should registries, as the primary customers of the IANA functions, have more of a say as to which transition proposal is acceptable?

> No. No one stakeholder or community should have greater say than any other in determining which transition model is acceptable. A greater say for the registries would undermine the multi-stakeholder model.

4. What does functional separation of IANA from ICANN mean to you? (this is not referring to having another operator than ICANN performing the IANA functions but rather the internal separation between ICANN and IANA in the context where ICANN is the IANA operator)

> Functional separation is the current state of play. However, as noted above it resists capture, etc., in part because of external/independent oversight.

5. Do you believe the IANA function is adequately separated from ICANN under the current arrangements (internal separation)?

> (Under the current arrangements) Yes, for so long as there is external oversight. Some combination of external/independent oversight and the ability to rebid the contract along with enhanced ICANN accountability are essential to ICANN continuing to perform the IANA functions once the USG steps back. These elements are essential whether the operator is ICANN or some other entity.

6. In considering the key factors (such as security and stability, ease of separating the IANA function from ICANN, quality of services, accountability mechanisms etc.) for evaluating the various transition proposals what importance would you give to the ability to separate IANA from ICANN (separability) vs. the other factors?

> This is a critical element and a safeguard against future mishaps. Yet, it is no more important or less important than the other factors listed. There is no reason why we cannot evolve a transition model that can satisfy all of the factors – indeed it is our responsibility as a WG to do so.

7. Given the IANA functions could be separated from ICANN do you believe it would be important for the community to obtain from ICANN on an annual basis the costs for operating IANA including overhead costs? Would it be important to separate out the costs associated with address and protocol functions?

> Of course – whether the functions could be separated or not there should be complete transparency when we are discussing the IANA functions. That this data has not been provided to date is disappointing (although I understand that it may be forthcoming).

8. Could there be unforeseen impacts relative to selecting a new operator for the IANA functions vs the ICANN policy role (should ICANN determine that there will be another round of new gTLDs, how could it ensure that the new operator would accept this)?

> The operator (whether ICANN or other) is not making policy – it would be written into the contract that the operator should implement community agreed policies relating to names, numbers and protocols. If the operator were to disagree with implementing an agreed policy then that would be reason for rebidding the contract.

9. Are there other transition models which the CWG should be exploring?

> Yes - we may be at an impasse and need to look at creative alternatives that build on elements of the models that have been proposed to date so that we can find a workable solution that satisfies the various criteria.

> For a different approach that looks at building parity of oversight and accountability for the IANA functions between ICANN, the IETF and the RIRs, I refer you to the recent "integrated model" that Avri Doria, Brenden Kuerbis and I have submitted to the WG.