



IANA Stewardship and ICANN Accountability

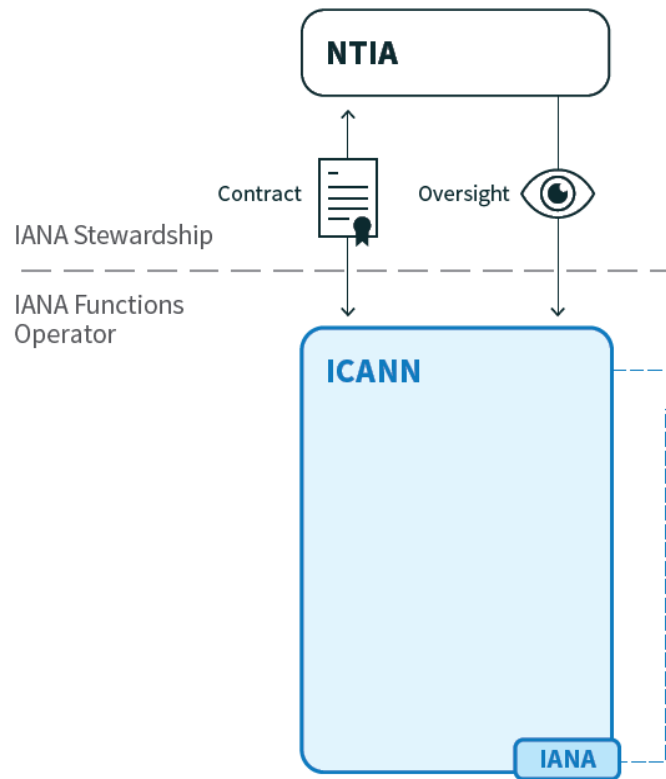
ALAC Positions

Capacity Building Webinar – 28 September 2015

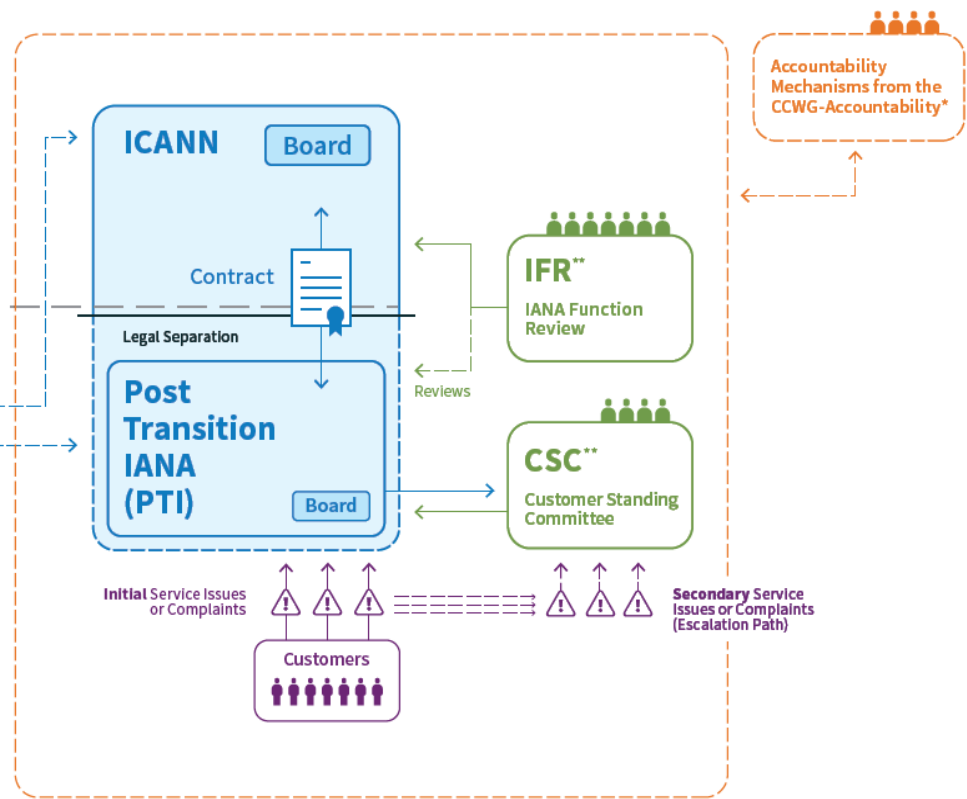
CWG-Stewardship: Internal Accountability Model

June 10, 2015 • v4.0

Current Contract



Post Transition

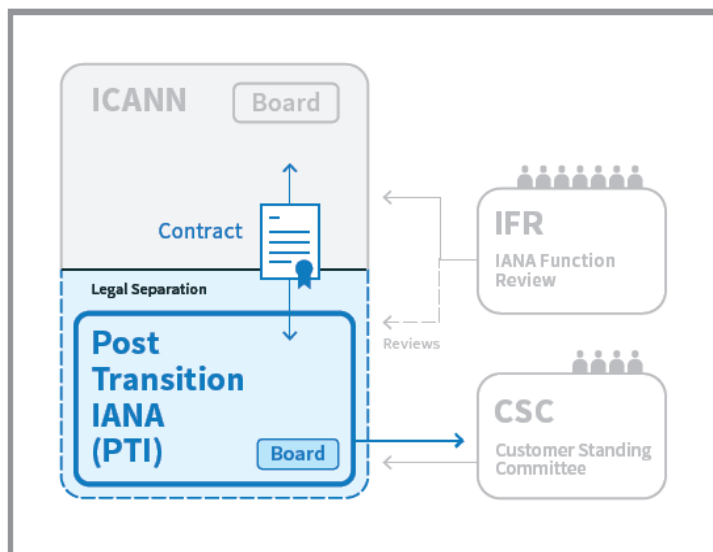


* The ultimate accountability mechanism is dependent on the work of the CCWG-Accountability.

** Group, But Not Necessarily a Legal Entity

CWG-Stewardship: **Accountability Details – PTI**

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Post-Transition IANA (PTI)

Mission

Established to perform all the existing (pre-transition) IANA functions.

High-Level Scope

- The existing IANA functions department, administrative staff and related resources, processes, data and know-how would be legally transferred to PTI
- PTI would be funded by ICANN and an affiliate of ICANN, but would be a new legal entity that is ringfenced both functionally and legally from ICANN

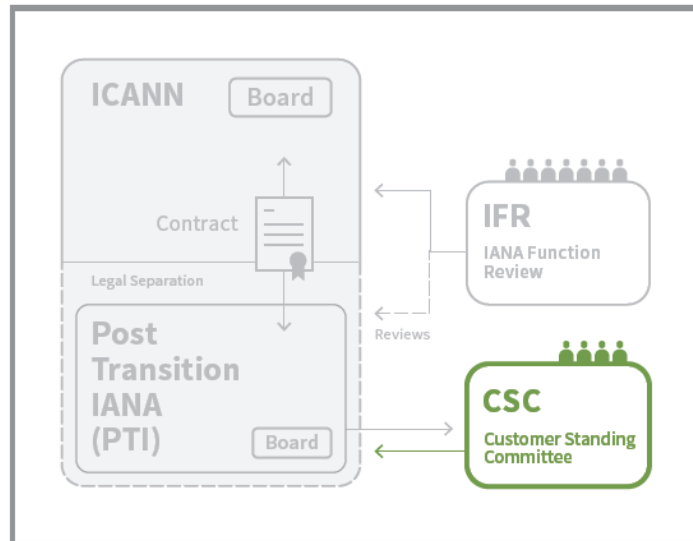
PTI Board

Exists to:

- Operate the affiliate to meet the statutory requirements for the affiliate, and;
- Performs according to the contract (and the associated SLEs).
- Board Membership:
 - 1 - ICANN Executive responsible for PTI
 - 1 - The ICANN CTO
 - 1 - IANA Managing Director
 - 2 - Independent Directors

CWG-Stewardship: Accountability Details – CSC

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Customer Standing Committee (CSC)

Mission

Established to perform the operational responsibilities previously performed by the U.S. Government, ensure continued satisfactory performance of the IANA naming function.

High-Level Scope

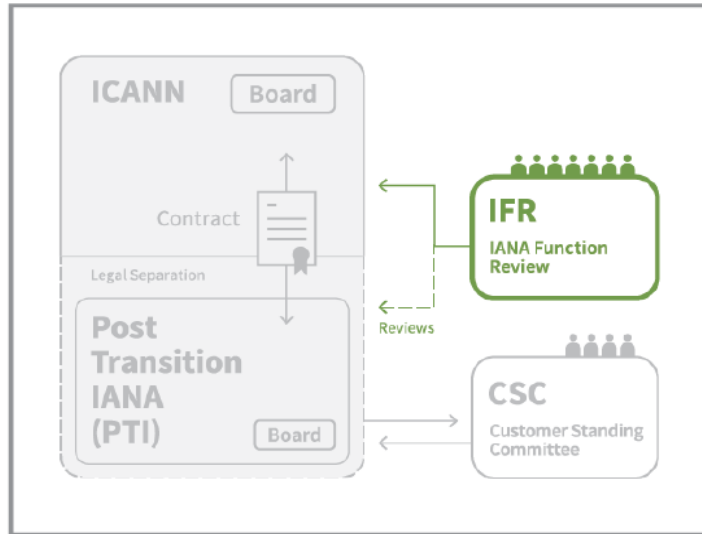
Regular performance monitoring of the IANA naming function against agreed service level targets, and remedial actions to address poor performance on behalf of the Names community – including advice to IANA Functions Operator on improvements.

Membership

Members and Liaisons appointed (or recalled) by their respective communities in accordance with their internal processes. Member terms are two years (with option for two more). A Chair is elected annually by the CSC.

They meet at least one time per month via teleconference (public meeting minutes), and general updates provided publically no fewer than three times per year.

- 2 gTLD registry operators
- 2 ccTLD registry operators
- 1 additional TLD representative (non-gTLD and non-ccTLD)
- 1 Liaison from IANA
- 1 Liaison each from each ICANN Supporting Organization & Advisory Committee (total of 5)



IANA Function Review (IFR)

Mission

Established to provide periodic reviews of PTI’s performance to ensure accountability and quality of service.

High-Level Scope

Reviews can include: performance and transparency of IANA functions, effectiveness of structures, and necessary changes or additions

- Reviews should include inputs and records from: the IANA SOW, the CSC, PTI, the Names community, as well as the broader ICANN community
- Review cycles: 1st review to occur no more than 2 years post-transition; then every 5 years. In order to trigger a Special IFR, it would require a vote of both of the ccNSO and GNSO Councils (each by a supermajority vote according to their normal procedures for determining supermajority).
- If deemed necessary, the IFR can recommend separation: this would launch the Separation Cross Community Working Group (SCWG)

Membership

IANA Function Review Team (IFRT) – Team Members and Liaisons will be appointed by their respective communities in accordance with their internal processes.

The IFRT is formed at each review process (it is not a standing team).

- | | |
|---|--|
| • 2 - ccNSO | • 1 - Government Advisory Committee (GAC) |
| • 1 - ccTLDs (non-ccNSO) | • 1 - Security and Stability Advisory Committee (SSAC) |
| • 2 - Registry Stakeholder Group (RySG) | • 1 - Root Server Operators Advisory Committee (RSSAC) |
| • 1 - Registrar Stakeholder Group (RsSG) | • 1 - At-Large Advisory Committee (ALAC) |
| • 1 - Commercial Stakeholder Group (CSG) | • 1 - CSC Liaison |
| • 1 - Non-Commercial Stakeholder Group (NCSG) | • 1 - PTI point of contact (not a member of the IFRT) |

ALAC Positions

The ALAC has responded to every Public Consultation on the Topic of IANA Stewardship Transition. Its most recent contributions are:

- ALAC Statement on the 2nd Draft Proposal of the Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions [response to the second CWG-IANA Consultation – 26 May 2015]

<https://community.icann.org/x/XConAw>

- At-Large Response to the IANA Stewardship Transition Coordination Group Request for Proposals on the IANA Stewardship Transition from the Cross Community Working Group on Naming Related Functions (CWG-Stewardship) [Ratification of the IANA Stewardship Transition Names Proposal – 25 June 2015]

<https://community.icann.org/x/u540Aw>

- ALAC Statement on the IANA Stewardship Transition Proposal [Response to the ICG Consultation – 8 September 2015]

<https://community.icann.org/x/LY1CAw>

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

[response to the second CWG-IANA Consultation – 26 May 2015]

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- Lack of Multistakeholder Oversight involvement
- Concerns over the control of the PTI Board
- Benefit of pre-defined boundaries and budgets can be achieved far easier by requiring ICANN to establish them in association with IANA as a division
- Unconvinced of the benefits of a contract – the concept of ICANN suing PTI or vice versa defies logic
- 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.
- The ALAC does not believe that the ccNSO or the GNSO are the appropriate bodies to which the CSC should escalate problems: they are policy bodies
- 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 any possible action.
- Unclear if GNSO and ccNSO will address geographic diversity or skill sets while honoring the first premise of approving appointments to the CSC
- 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.

At-Large Response to the IANA Stewardship Transition Coordination Group Request for Proposals on the IANA Stewardship Transition from the Cross Community Working Group on Naming Related Functions (CWG-Stewardship)
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- The selection of the two PTI Board members by the Nominating Committee or similar mechanism should attempt to address geographic diversity without sacrificing competence.
- The success of PTI will be contingent on ICANN ensuring adequate operational and R&D funding as well as other resources.

ALAC Statement on the IANA Stewardship Transition Proposal

[Response to the ICG Consultation – 8 September 2015]

<https://community.icann.org/x/LY1CAw>

- A split resulting in IANA Functions being undertaken by more than one IANA Functions Operator would be likely to introduce instability
 - Introduce direct operation coordination between the Operational Communities with the aim to reduce the likelihood of a split in IANA Functions Operators. This direct operational coordination should take place as enhanced communication and continuous dialogue.
- In the event of an Operational Community reaching the decision to replace the IANA Functions Operator, they should discuss their decision with other Operational Communities prior to proceeding forward, seeking all ways to keep all of the IANA functions undertaken by a single IANA Functions Operator.

Thank you!

Questions and Discussion

