

Threats to IANA Entities – DRAFT

This document is in no way exhaustive.

1 IANA Customer Standing Committee (CSC)

1.1 Not flagging non compliance

1.1.1 Cause: shared default

A fault caused by non-observance of internal policy and process is hidden from public view as it paints both IANA and the Direct Customer of IANA in a bad light.

1.1.2 Cause: Complacency over time

The Customer Standing Committee being composed only of directly affected parties becomes complacent and intent in not flagging minor compliance problems. The situation exacerbates over a time to end up being flagged by the IANA Periodic Review Team but by then it is already too late and Trust by the Internet Community in the IANA functions being performed according to policy and process is eroded to the point of asking for a replacement of both the IANA functions operator and the CSC with alternative Roots. This becomes a public relations problem.

2 IANA Periodic Review Team (PRT)

The basic weakness of this Entity is that it controls considerable power yet it does not have power to defend itself.

2.1 *Litigation*

2.1.1 Purpose: Blocking of process

A company or government threatens litigation of both the PRT and its members wholly and individually for its decision to allocate the contract to another entity.

2.1.2 Purpose: Stopping contract re-allocation

The current IANA functions operator threatens litigation if contract is not renewed and allocated to another entity.

2.2 *Capture*

A stakeholder permeates several levels of the multi-stakeholder committee to capture its processes.

A stakeholder ensures overwhelming control of processes as other stakeholders cannot keep up with the work.

A country captures the process of the PRT, bypassing it through legal means.

Members of the PRT have their lives threatened when deciding on re-allocation of IANA contracts.

2.3 *Slow Response*

The PRT is overwhelmed with complaints from stakeholders to the point that its Committee is overwhelmed with work. Committee members have a choice: either get paid for this function or pull back thus slowing the functioning of the PRT.

A third option would be to engage more staff and contractors to do the legwork. However, budgets are tight. Corners are cut in order to keep within timings. Quality of reviews suffer.

3 Independent Appeals Panel for Policy Implementation (IAP)

3.1 *Weakness*

Terrible appeals judgments possible. (for example, check determinations which were made for by the independent string confusion determination process)

3.2 *Mitigation Options*

Frequent review process of IAP determinations.

Include a system of checks and balances to direct appeals.

4 IANA Contracting Entity (ICE)

4.1 *Litigation*

4.1.1 Threats

The current IANA functions operator threatens litigation if contract is not renewed and allocated to another entity.

Third Parties sue to destroy entity, thus without an IANA Contracting Entity, the whole system of contracts which form the basis of the IANA functions coordination breaks down. Legal and technical chaos follows.

Vexatious Litigation causes contracting entity budgets to spiral out of hand, beyond budget allocation and the IANA contracting entity (ICE) fails financially. Legal and technical chaos follows.

External Country/Entity sues to press for non-signing of contract.

4.1.2 Mitigation Options

Immunity from Prosecution afforded by jurisdiction where the entity is located.

Protect Entity by giving it large resources to defend itself.

Protect Entity under ICANN umbrella (not independent entity).

4.2 *Rogue Board*

4.2.1 Mitigation Options

No Board or Directors.

Clauses in Bylaws prevent the Bylaws from being changed and restrict the power of the Board.

Procedural Checks and balances to counteract / take action.

4.3 *Rogue Employees*

4.3.1 Mitigation Options

No employees. Use contractors only whose job description is very narrow.

All contracts include acting only on instruction of "PRT"?

4.4 *Does not follow policy*

The IANA Contracting Entity simply fails to follow policy and processes due to a variety of causes.

4.4.1 Mitigation Options

IANA Periodic Reviews performed by the IANA Periodic Review Team (PRT) should bring it back in line.

Independent Appeals process could also be used to bring it back in line.

Clauses in Bylaws.

4.4.2 Aggravating factors

As an independent entity, could it refuse to follow policy or instructions from PRT and end up being sued by PRT? What power does PRT have over this independent entity?

5 IANA Operator

If independent, the IANA operator opens itself to a variety of threats also faced by the PRT and ICE.

It could also go rogue etc.