Comment on 2nd Draft Proposal of the CWG (Cross Community Working Group) to Develop an IANA Stewardship Transition Proposal on Naming Related Functions

*　　*　　*

AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled €2 trillion in 2014 and directly supports more than 4.3 million jobs in Europe.

*　　*　　*

POSITION PAPER

20 May 2014

Comments on 2ⁿᵈ Draft Proposal of the CWG (Cross Community Working Group) to Develop an IANA Stewardship Transition Proposal on Naming Related Functions

General Comments

AmCham EU is pleased to respond to the CWG-Stewardship call for public comments on its 2ⁿᵈ draft transition proposal on the naming function of the IANA Stewardship Transition. AmCham EU congratulates the CWG for the amount of work, time and energy devoted in reshaping the initial proposal presented in December 2014 according to the comments put forward by the community.

AmCham EU is overall concerned that certain elements and sections in the proposal such as the separation review, testing of technical methods and operations are either left blank or still being developed. Although in some other cases the draft indicates that some issues could not be addressed as they are dependent on the ICANN Accountability proposal. The release on 4 May of the CCWG on enhancing ICANN Accountability (CCWG) draft proposal should allow the CWG-Stewardship to flesh out those parts. In light of all these developments, and given the complexity of the transition, AmCham EU recommends another chance be given to the community to review the proposal after further details and edits will be sketched out and before submission to the ICG. The community should have a complete overview of the final proposal in order to have a thoughtful and complete assessment of the future plans. The CWG and CCWG proposals are parts of a complete proposal and must be considered together by the community, their contents and review should be coordinated.

The CCWG current comment period will end on 3 June and a second 40 day public comment period is being planned for July. The CWG should extend if possible, its current comment period to 3 June to enable full consideration of the comments in the CCWG proposal and the potential impact on the CWG proposal, without barring the availability of the complete document for review at the ICANN 53 meeting. Moreover a second 40 day comment period, coinciding with the CCWG's period in July should be allowed so that the community is able to evaluate the two proposals at the same time. We recommend that the CWG and CCWG synchronise their public comment period for the next draft so that the community has a complete view of the proposals.

As Assistant Secretary Strickling noted at the ICANN 52 in Singapore 'the community needs to come up with a complete, comprehensive proposal on both the IANA functions and accountability' and it 'must be a proposal that generates consensus support from the multistakeholder community'. If more time is needed for the CWG to flesh out the remaining parts of the proposal AmCham EU would definitely advise to take it. A quality result is more important than rushing against the time and issuing an incomplete and potentially destabilising the proposal as a result of not enough time for stress testing. The security, stability and resiliency of the internet and hence the future of the internet are dependent on the development of a strong and solid proposal. The NTIA has reiterated in several occasions

that it has the flexibility to extend the contract according to the community needs and that 30 September is a 'goal' but not a fixed deadline.

Specific elements of the proposal

III.A.i.a. Post-Transition IANA (PTI). This section describes the proposed post-transition IANA.

AmCham EU supports the creation of a Post-Transition IANA (PTI) as a separate legal entity in the form of an affiliate that would be a 'wholly owned subsidiary' of ICANN. We support the plan that the current IANA staff should be taking the same roles in the new entity. Indeed if, for any reason, this fails to take place in whole or in part, asking a new and inexperienced entity outside of ICANN to perform the IANA functions could poses a concern for the security and stability of the DNS. We urge the CWG-Stewardship to take this into account in further developing and refining this draft.

The CWG-Stewardship proposal should further clarify how the PTI construct relates to the separate proposals put forward by the numbers and protocols communities and clarify whether all the three IANA administrator functions will be managed in the new entity

The post-transition (PTI) IANA Board should be defined with a limited remit – the operational oversight of IANA naming functions (as well as numbers and parameters function assuming the PTI IANA will cover all three functions, naming, numbers and parameters). This is essential to prevent the PTI from becoming a place to re-litigate policy decisions.

Members of the post-transition IANA Board should be drawn from the broader ICANN board. This would ensure that the two boards cannot attempt to hold each other responsible for any operational shortcomings.

III.A.iid/e Separation Review and Framework for Transition to Successor IANA Functions Operator

As highlighted in the general comments AmCham EU regrets that portions of the proposal on Separation Review and Framework for Transition to Successor IANA Functions and Operation are not entirely developed or will be developed after the transition. We think important issues such as the separation Review and Framework for transition should be fleshed out and clarified before the transition and not left for a later stage. This would create uncertainty.

AmCham EU agrees that the IANA Function Review (IFR) team should be made up of 12 people drawn from each stakeholder group and convened to review the IANA Statement of Work. We also agree with initial 2 years review, followed by 5 years.

AmCham EU supports that the IFR Review team should not be a standing group. The IFR would indeed benefit from fresh ideas of rotating members every five years. Hence we

suggest adding some language, highlighting the 'term limit' on the selection of the IFR Review team members to ensure diverse participation.

Annex F highlights that 'it could take 9 months from the appointment of members to the IANA Function Review team to the publication of the final Report', that will describe the process and working methods of the IFR. In light of the above we ask that an interim process be included in the CWG (or CCWG) proposal on the handling of the issues related to the IANA functions performance.

III.Aiii Root Zone Environment/Root Zone Maintainer

AmCham EU welcomes the effort of the CWG to take into account the results of the December 2014 public consultation. The majority of comments stressed a high degree of satisfaction with the current arrangements and that any new mechanism should ensure security, stability and resiliency of the DNS.

AmCham EU supports the CWG recommendation that the replacement for the NTIA approval function should be clearly designated, especially for major operational changes. Trust in the security and stability of the Internet is strictly linked to the security and stability of the Root Zone Management Architecture and Operation. The draft recommends that the 'entity responsible for such approvals establish a process for consultation with impacted bodies as well as with those with wide experience in the specific technology process to ensure that prudent but effective changes are made'. Although it is expected that the responsible entity be ICANN or Verisign, it is essential for the recommendation to establish which entity will have this role and to establish explicitly the process that would be used for consultation to ensure a high level of community support for major changes.

AmCham EU recommends as well that the community be updated regularly on the parallel transition of the Root Zone Maintainer role. Direct insight into the plan for this separate transition would ensure that there is a well-established structure and process for approval of major architectural and operational changes to the Root Zone environment. We in particular propose that the CWG include a mechanism that would enable tracking of content changes in the Root Zone and reversal, if necessary.

Finally AmCham EU recommends that any future proposal of combing the remaining two roles within the Root Zone Maintainer be a topic of public consultation within the global multi-stakeholder community.

III.A.iv.b IANA Budget

AmCham EU believes the proposal is not very specific and further details would be required, i.e. if funding is to come from ICANN there should be further details on how it will take the separation arrangement for each community into account. If there is separation by one of both of the other communities and one or more of the communities decide down the line to end the relation with ICANN.