

SIDN's input on the CWG-Stewardship 2nd Draft Proposal

Intro

SIDN is the manager for the .nl ccTLD and provides backend registry services to the .amsterdam gTLD and the .aw ccTLD. As a TLD manager SIDN is a direct user of the IANA services. SIDN is a not for profit organization working through its TLD and other services on a single, secure, stable and open internet, that is accessible for all.

SIDN welcomes this opportunity to provide its comments and suggestions with regard to the second draft proposal of the CWG IANA. The IANA oversight transition is an important step in the further development and enhancement of the multi-stakeholder governance of the Internet. As a direct customer it is also clearly of extreme relevance to us.

SIDN values the effort and work of the group. We commend the group and its leadership for the huge steps made in the last months towards a final proposal that seems acceptable for many in the community. The draft we comment on today still has some gaps in it, but we have noticed that those are currently being filled through the ongoing work of the group.

In general there is lot in the current proposal that SIDN will be able to support. Not because it is exactly what we ourselves see as the best solution, but rather because we find it to be an acceptable and workable one.

SIDN's view on the IANA oversight transition

Our overall view is and remains that the IANA function is an inseparable part of ICANN and ICANN's role. We do not see any reason, given the stable predictable and reliable operation of the IANA function over the years, why that should be changed in the light of transition of the oversight over the IANA function.

At the same time the oversight transition is an excellent trigger to review and enhance the multi-stakeholder oversight over ICANN. This important work is in the hands of the CCWG and their current work looks promising. If the CCWG effectively establishes enhanced community oversight over ICANN, it automatically establishes enhanced community oversight over the IANA Functions Operator and thus over IANA.

We are of the opinion that this enhanced community oversight over ICANN, and through ICANN over IANA, should have been the starting point for the work of the CWG. Working from the assumption of an ICANN and IANA 'controlled' by the community

makes many discussions, including the ‘need for separation’, in our view irrelevant and the work of the CWG much easier.

With an effective community oversight over the way ICANN operates the IANA function, we are convinced that all that is strived for by the current CWG draft proposal can and should be reached within ICANN itself.

SIDN’s view on the current work and proposal

That said, SIDN also recognizes the importance from a broader global political perspective that we as the naming community make this transition a success. Looking at the proposal from that angle, restricting ourselves to elements we feel are unacceptable or extremely uncomfortable, we see the proposal developing in general in a workable direction.

There are however still some elements that will need refinement or filled in in a way to keep it within our limits. In general these are:

- a. Keep the level of complexity as limited as possible and do not add any extra structures and layers of accountability.

This is in particular the case with regard to the (governance of the) PTI. Although we are still convinced that having a PTI makes no sense and that IANA should stay within ICANN, we feel that if the community choses to work with a PTI, that this should be a full subsidiary of ICANN and should be fully controlled by ICANN. Leave it up to ICANN who it deems the best persons to be appointed as board members of the PTI (ICANN employees or ‘outsiders’) as long as ICANN remains in full control and is able to replace the board members at any time.

- b. Safeguard the interests of the direct customers

The service that IANA provides with respect to names is by nature a very limited but extremely important one. The direct customers of IANA (the TLD registries) are the first to be aware of that, as their own services heavily depend on it. The direct customers therefore will also be the first to want things changed if that is necessary from a service (level) perspective. On the contrary the direct customers have a high interest in avoiding any changes to the IANA function for other than failures in services because such changes always create the risk of instability of the IANA services.

From that point of view we feel that:

- the customer standing committee (CSC), having the very limited role as is currently foreseen, should ,as is currently foreseen, only be populated by a limited number of people appointed by the RySG and the ccNSO through

their own mechanisms and taking into account the position of the non-member TLD registries/managers;

- the IANA functions review team (IFRT) should be more balanced than currently foreseen, having as many registry appointed members as non registry appointed members seems more logical;
- the mechanism by which a decision within ICANN will be taken on significant changes with regard to IANA should include opportunities for the registries to veto such changes. (to be arranged by the CCWG).

c. Restrict the work to what is currently necessary

We notice a tendency in the CWG to work out certain aspects to a level of detail that does not seem currently necessary. One example is the question if PTI has to be a Californian public benefit corporation or a Delaware limited liability corporation. While the legal counsel made clear that both would fit all the needs of the CWG, the group keeps debating this issue where it could also decide to leave this choice further as an implementation issue to be worked out later by ICANN.

Another example is the wish to update the SLE's. While it would certainly be a benefit if the SLE's would be updated in the process (IANA's actual performance is on a significant higher level than the current SLA) SIDN does not feel that this should in any way block or slow down the finalization of the work of the CWG.

Given the limited time for the CWG to finalize its proposal it might be wise to postpone (the finalization) of this work until later.