Comments in response to the Proposal to Transition the Stewardship of the IANA Functions from NTIA to the Global Multistakeholder Community

8 September 2015

Introduction

InternetNZ is a multi-stakeholder membership-based Internet community organisation in New Zealand, which serves the local Internet community in a range of ways including as the designated manager for the .nz country code Top Level Domain.

Staff and members of InternetNZ have been leaders in global domain name policy matters since before ICANN was formed. As an organisation we participate in global Internet Governance debates with a fused technical community/civil society mandate and interest.

The position set out here has been developed across the InternetNZ group and is the organisation's position, not an individual one.

We thank the ICG and the three operational communities for the work it has done in assembling and reviewing this proposal. It has been a marathon effort.

In summary, InternetNZ believes the Proposal:

- Broadly meets the NTIA's criteria; and
- Contains no fundamental incompatibilities

That is, on the two points above we generally support the ICG's assessment.

As such, InternetNZ supports the proposal proceeding, but asks the ICG to take into account the matters and caveats set out below.

A) Accountability conditionality remains vital

InternetNZ re-states its view that the separation model in the Names community proposal is weak, and does not give the domain names community a similar level of control over the future of the IANA functions related to names as will be enjoyed by the numbers and protocols communities. That said, the names community consensus in favour of the proposal is clear, and we do not seek (nor ask the ICG) to remedy this weakness in the overall transition proposal.

ICANN's accountability to the global multistakeholder community is, however, much more important than it would have been with a stronger separation approach for the Names community being embedded in the proposal.

We reiterate our very strong support for the conditionality set out in the Names part of the proposal - the conditionality for improving ICANN's accountability.

While the CCWG-Accountability proposal currently meets the conditionality required by the CWG-IANA, the carefully crafted settlement by the CCWG-Accountability in its Second Draft Proposal will inevitably come under pressure as it moves towards finalisation – including pressure from the ICANN Board.

In our judgement *any* significant deterioration in the accountability settlement from that set out in the CCWG's Second Draft Proposal would place the conditionality requirements of the Names Proposal at risk.

We would encourage the ICG to encourage the CWG-IANA to take a very public and open approach to deciding whether the accountability conditionalities are met. After all the work that has gone into the proposal so far, it is important that the generally open and inclusive approach is maintained through to the end of this process.

B) ICANN must not become the Root Zone Maintainer

The ICG notes in its proposal that there will need to be an agreement created between ICANN/PTI and Verisign in the latter's role as the Root Zone Maintainer.

InternetNZ has argued that one of the principles guiding the post-transition environment should be a continued distribution of responsibilities among more than one entity, to avoid creating a "single point of failure" in respect of the Internet's unique identifiers.

Separation of the RZM role from the IANA functions is an important operational example of this principle at work.

InternetNZ invites the ICG to consider whether the final transition proposal should do more to specify and clarify that this separation, which has been in place since before ICANN was formed, should continue for the foreseeable future - perhaps being encapsulated as a Fundamental Bylaw in ICANN's rules.

This would provide community assurance that the role would not change without a very high degree of community consensus, and would help protect the security and stability of the Internet - one of the NTIA's criteria.

C)   SLEs must be in place prior to transition

The proposed Service Level Expectations framework developed by the CWG-Stewardship needs to be in place before the transition occurs.

We thank the CWG-IANA's design team, IANA staff and all those involved with this work for agreeing on a radically improved set of expectations and measures for service quality.

D)   References to ICP-1 should be removed

ICP-1 and other documents referenced in the Names Proposal that never met the threshold to become policy must be clearly identified as such in the final combined Proposal. Preferably, they should be removed from it. The only current policies and guidelines applicable to ccTLDs are RFC1591 and the 2005 GAC principles.

E)   ccTLD delegations and appeals

The Proposal (at para 1160) notes the CWG-IANA's view that no appeals mechanism should be developed "that would apply to ccTLD delegations and redelegations" in the Proposal. Annex O goes on to outline the survey of ccTLD managers on the question conducted by the CWG-IANA.

There is an expectation that the ccNSO will run a policy development process to develop a suitable appeals mechanism. In the interim, and if the transition proposal proceeds, the one external safeguard in place (the NTIA's role) will be removed.

InternetNZ does not want to see ICANN able to make delegation and redelegation decisions without ccTLDs having some right of appeal in the absence of a policy framework that will take time to develop (and which we expect will be consistent with the conclusions of the Framework of Interpretation review).

InternetNZ therefore asks the ICG to consider whether either of the following alternatives could address this problem suitably:

a) allowing standing to ccTLDs to use the IRP in such situations, or

b) imposing a moratorium on ccTLD delegations and redelegations until there is a new appeals policy framework in place (with an exception where the lack of such an action places a serious threat to the security and stability of the DNS).

Declaring our involvement

InternetNZ staff and contractors have participated in the process of assembling this transition. Keith Davidson is a member of the ICG and a CWG-IANA participant. Jordan Carter has been a CWG-IANA participant and is a CCWG-Accountability member. Jay Daley participated in the CWG's design team dealing with the SLEs.

With many thanks for your consideration,

InternetNZ

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For further information please feel welcome to contact any of the following:

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