



KEEPING THE INTERNET
OPEN • INNOVATIVE • FREE

www.cdt.org

1634 I Street, NW
Suite 1100
Washington, DC 20006

P +1-202-637-9800
F +1-202-637-0968
E info@cdt.org

CDT IANA TRANSITION UPDATE

28 January 2015

General Comments

Is the USG stepping back from its key role in the Internet?

Yes and no. Commerce (through the NTIA) is stepping back from oversight of the IANA functions, which include 1) verifying that ICANN has followed established procedures for root zone file change requests; 2) administering the contract with ICANN for the performance of the IANA functions; and 3) providing a “stewardship” role vis-a-vis the DNS. The USG has been committed to completing this transition since 1998 when ICANN first took over the IANA functions.

However, post-transition the USG will continue to be involved (as it is today) in ICANN's Governmental Advisory Committee (GAC). It should also be noted that the USG has other relationships related to the DNS, including between the USG and ICANN through the Affirmation of Commitments (AoC) – that will likely be addressed as a part of the transition – and through a cooperative agreement with Verisign to perform the related root zone management functions.

Is NTIA handing over the Internet to other governments?

No. NTIA has made it very clear that it will not agree a transition proposal that replaces NTIA's role with a government-led or an intergovernmental solution. Further, non-government stakeholders in ICANN would not agree to changes to the governance or structures at ICANN that would allow for a government or governments to “take-over.”

Can the community develop a transition proposal that prevents capture, either by governments or by other stakeholders?

There is a community-wide commitment to succeed and to ensure that the DNS continues to be stable, secure, and resilient, and that it is resistant to capture. The stewardship and accountability WGs developing the domain-names piece of the transition proposal are very aware of the imperative of building a consensus proposal that can prevent capture and undue influence.

Will the community be able to meet the ambitious schedule?

The September 2015 date is not a deadline; rather it is a target date. We have to get this transition right as it will shape the Internet for years, indeed decades to come. The community is working diligently to meet the target date and we have every hope that this will be the case. CDT has long said that we believe that this transition is too important to the future of the Internet and the DNS to rush it.

Will the recent appropriations act impact the transition work through September 2015?

The appropriations act does not impact the work of the multistakeholder community. NTIA has indicated that it will not use appropriated funds to terminate the IANA functions contract prior to the contract expiration date of September 2015. NTIA is required to report on transition progress to Congress and as such will continue to monitor the process. CDT believes that measures to inhibit this transition are not supportive of the USG's commitment to an open Internet and its distributed and multistakeholder management.

What is CDT's position on the "Internet Governance Awareness Week" resolution introduced by Senators Hatch and Blunt?

CDT welcomes the resolution. It appropriately notes and raises the importance of building greater awareness of Internet governance issues and the IANA transition and ICANN accountability in particular. We commend the resolution's support for multistakeholder processes, both with regards to the IANA transition and Internet governance more broadly, and agree with the broad thrust of the resolution, particularly the importance of the separation between policy development and policy implementation in governance structures, limitations on ICANN's authority, and the importance of appropriate changes to the organization's articles of incorporation and its bylaws.

What are CDT's views on Assistant Secretary Strickling's statement at the SOTN that included comments on the work of the IANA stewardship work relating to the names community?

Assistant Secretary Strickling reinforced the importance of the transition process, the multistakeholder approach, the target date (rather than deadline) of September 2015, and other key points. He also asked some very relevant questions of the transition-related work that is underway within the names community.

CDT is involved in and supports the work that is underway. We recognize, as do many others in the community, that there is still much work to be done, many details to be worked through, and a raft of procedures and mechanisms to be explored and agreed. Questions such as those raised by Assistant Secretary Strickling relating to the proposal's impact on the security and stability of the DNS, on the implementation of root zone updates, and on other key technical matters are essential to the development of a strong proposal, and are or will be addressed.

We fully expect that there will be further elaboration of the proposal based upon the inputs of the community, and we look forward to the consensus that will emerge.

CDT's position

What is CDT position on the proposed transition?

CDT supports the decision of the USG to step back from its administrative and stewardship roles in the management of DNS. We believe that this is a very important development in the broader evolution of the Internet governance ecosystem and ICANN as a whole. This is something that stakeholders around the globe have been calling for and it is time to turn the management of the DNS over to the multistakeholder community as it has long been intended.

Does CDT support the work of the CWG on the IANA transition? How open have the processes been?

CDT has been participating in the work of the Community Working Group (CWG) on Naming Related Functions. CDT's Matthew Shears has been participating in the work of the CWG and has contributed to the drafting of the current CWG proposal. Matthew is also a participant in the CCWG on enhancing ICANN's accountability.

The CWG and the process itself have been open, transparent, and inclusive. The major impediments to participation are the relatively steep learning curve and the commitment of time that it takes to be able to follow the various calls and meetings. CDT commends all those who are working incredibly hard to deliver a consensus-based proposal under incredibly challenging timescales and encourages others to become involved in both processes.

What does CDT expect of the IANA transition?

CDT expects that the global multistakeholder community will develop a proposal for the protocols, numbers, and names functions that will satisfy NTIA and will ensure the continued stability, security and resiliency of the Internet. It will be a transition proposal that will ensure strengthened accountability of the IANA operator to the community and will ensure that no one stakeholder group, government or otherwise, will be able to capture or influence the important neutral and administrative role of the IANA function.

What key characteristics would CDT like to see in the IANA transition proposals?

While all the community has the same end goal – the continued stability, security, and resiliency of the DNS, and an IANA function that continues to operate in a neutral, fully accountable, and transparent manner – not all parties agree on the mechanisms that should be put in place to reach that end goal.

CDT believes that it is critical that the function not be vulnerable to capture by governments or any other stakeholder. CDT is not comfortable with ICANN or any other operator performing the functions in perpetuity without appropriate safeguards. Such safeguards should include regular performance reviews of the operator, key performance criteria that must be met to continue to operate the function, and the ability to withdraw and rebid the IANA contract.

What will happen to the IANA contract with ICANN after the transition?

It is anticipated that the existing contract would continue with ICANN for a period to be defined post-transition. CDT believes that this could be a period of four years equivalent to the two two-year extensions that remain in the current contract with the NTIA.

How important is enhancing ICANN's accountability to a successful transition? And is it necessary to be able to separate the IANA function from ICANN if enhanced accountability measures are implemented at ICANN?

The IANA transition work cannot be disassociated from the work of enhancing ICANN's accountability. At the same time, we cannot depend solely on accountability changes at ICANN to ensure the IANA function's neutrality and integrity. CDT sees both

independent oversight and separability of the IANA contract on the one hand, and enhancements to ICANN's accountability on the other, as essential to ensuring appropriate levels of accountability and performance once the USG steps back from its administrative and stewardship roles.

Key contacts:

Matthew Shears

mshears@cdt.org

Emma Llanso

ellanso@cdt.org