



# **IANA Stewardship Transition & Enhancing ICANN Accountability**

**Theresa Swinehart | 05 May 2015**

# The U.S. Government's Announcement

**14 March 2014:** U.S. Government announces intent to transition its stewardship of the IANA functions to the global multistakeholder community

- ⦿ Asked ICANN to convene global stakeholders to develop a proposal
- ⦿ The multistakeholder community has set policies implemented by ICANN for more than 15 years



**Why  
now?**

## **The U.S. Government's announcement:**

- ⦿ Marks the final phase of the privatization of the DNS
- ⦿ Further supports and enhances the multistakeholder model of Internet policy making and governance

ICANN was asked to serve as a facilitator, based on its role as the IANA functions administrator and global coordinator for the Internet's Domain Name System (DNS)

# Transition Requirements set by NTIA

NTIA has stated that the transition proposal must have broad community support and address the following four principles:



Support and enhance the multistakeholder model



Maintain the security, stability and resiliency of the Internet DNS

Meet the needs and expectations of the global customers and partners of the IANA services



Maintain the openness of the Internet



NTIA also specified that it will **not** accept a proposal that replaces the NTIA role with a government-led or intergovernmental organization solution.

# Why Does This Matter to Business?

- ⦿ Almost **\$8 trillion** exchange hands each year through e-commerce, and the continued success of e-commerce is dependent on one, global, secure, stable and interoperable Internet
- ⦿ Business has an important seat at the table in this global conversation and needs to be an active participant in facilitating a successful transition
- ⦿ The next billion Internet users will connect from developing countries and emerging economies. Sole U.S. oversight of the IANA functions is no longer optimal given this new global landscape
  - A successful transition would ensure the continuation of a secure, stable and interoperable Internet for all users globally, while failure could result in adverse consequences for global Internet commerce

# Why Does This Matter to the Technical Community?

- ⦿ IANA services are **core** and **critical** to the use of the Internet Protocol.
- ⦿ For several years the technical community has called for an end to the NTIA contract
  - This is an opportunity for the community to show how serious it is in further developing this model of Internet Governance
- ⦿ With other stakeholders, the technical community has experience in the bottom-up and multistakeholder policy development processes
- ⦿ The technical community has an important role in this evolution of Internet Governance to maintain the security, stability, and resiliency of the Internet DNS and to ensure the IANA functions continue meeting the needs and expectations of the global customers and partners



# Why Does This Matter to Governments?

- ⦿ The IANA Stewardship Transition is important for all stakeholders, especially for governments given their responsibility over Internet public policy issues
- ⦿ Successful completion of the IANA Stewardship Transition recognizes that no single government – or group of governments – should have any form of control over the security, stability and interoperability of the Domain Name System (DNS)
  - This will help ensure the continued openness, interoperability and stability of the Internet which both countries and their citizens **economically, socially** and **culturally** benefit from
- ⦿ The IANA Stewardship Transition proposal will be accompanied by significant proposals to further enhance ICANN's accountability to the entire Internet Community; including governments (on an equal footing)

# Why Does This Matter to Civil Society?

- ⦿ Although the IANA functions are operational functions, they do require global governance and stewardship
- ⦿ The expertise from the non-governmental organizations, in addition to user communities is essential
- ⦿ The participation of user communities and civil society and that of your networks, is important to this evolution of Internet Governance to ensure excellence in the proposals and the legitimacy of the processes
- ⦿ This is a chance to strengthen an inclusive, transparent, global and collaborative model of governance that is fit for our present and future

# Two Parallel Processes

The community developed and is following two parallel processes:

## IANA Stewardship Transition

Focused on delivering a proposal to transition the stewardship of the IANA functions to the multistakeholder community

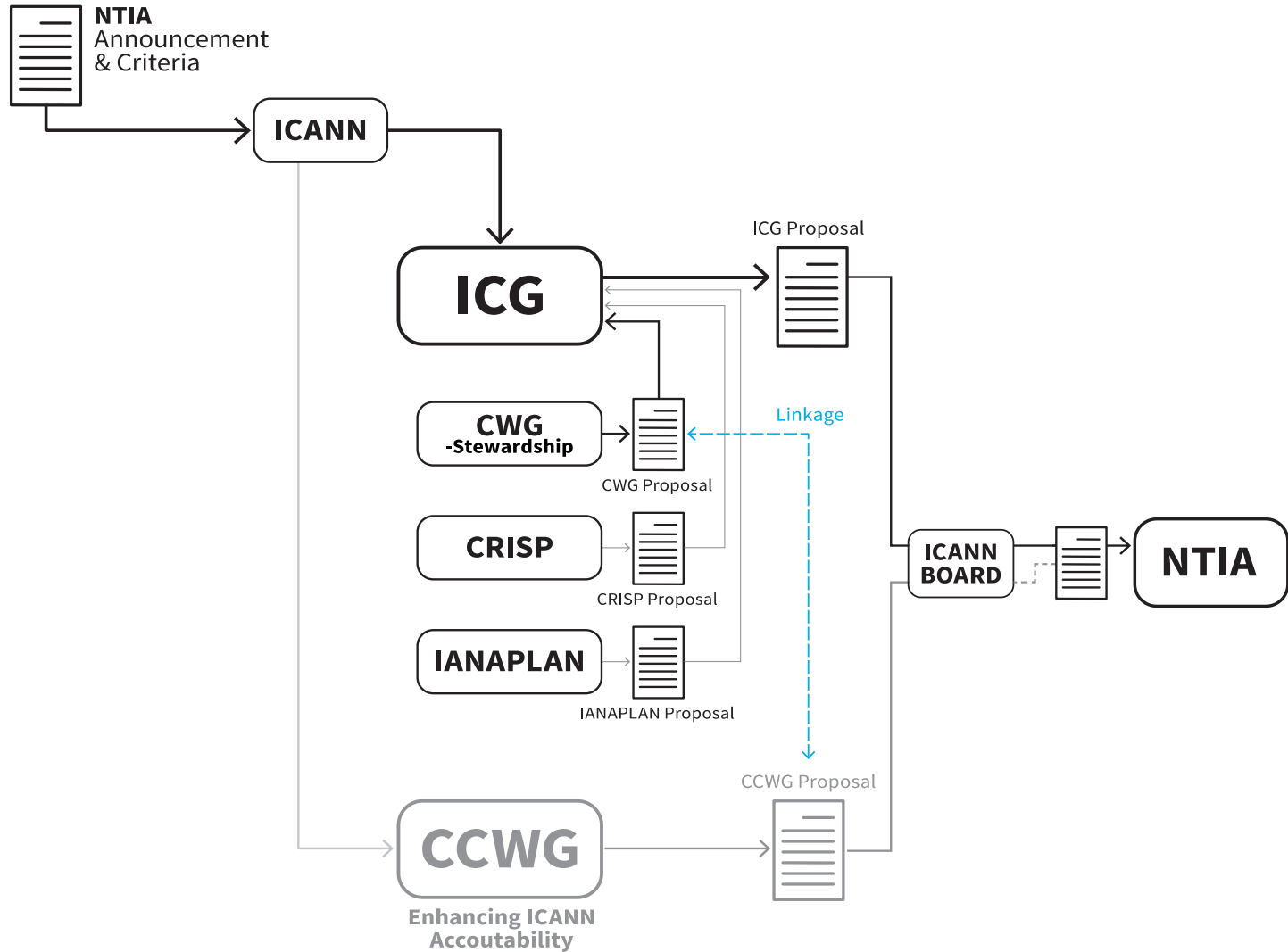
## Enhancing ICANN Accountability

Focused on ensuring that ICANN remains accountable in the absence of its historical contractual relationship with the U.S. Government

To drive the processes, the community created **multilayered**, **transparent** and **diverse** working groups to foster discussion and within those groups, has developed working methods and systems for determining consensus



# Proposal Development



# Global Participation to Date



AS OF: 1 May 2015

## IANA STEWARDSHIP TRANSITION & ENHANCING ICANN ACCOUNTABILITY

Two parallel processes, supported by a globally diverse, inclusive and extensive multistakeholder dialogue

### MAJOR WORKING GROUP EFFORTS



**401**

Working Hours in Meetings



**18,559**

Total Mailing List Exchanges



**221**

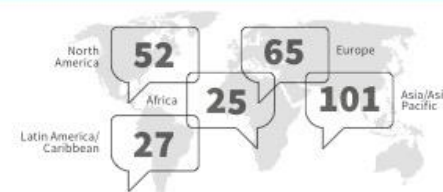
Total Calls/Meetings

### A SUPPORTING GLOBAL DISCUSSION

**270**

Events around the world where the IANA transition was discussed, debated, organized and planned

Between March 2014 and May 2015



### ICG + CCWG ACCOUNTABILITY

#### ICG

**30**  
Members

Number Resources  
CRISP Team

**15**  
Members  
= 3 Members x 5 RIRs

Protocol Parameters  
IANAPLAN

**1,685**  
Mailing List Exchanges

Domain Names  
CWG-Stewardship

**151**  
Members

**97**  
Calls and Meetings

#### CCWG-Accountability

**180**  
Total Participants

**26**  
Members

**154**  
Participants

**48**  
Mailing List Observers

#### REGIONAL REPRESENTATION



\*13% of CCWG-Accountability members/participants did not specify regional representation.

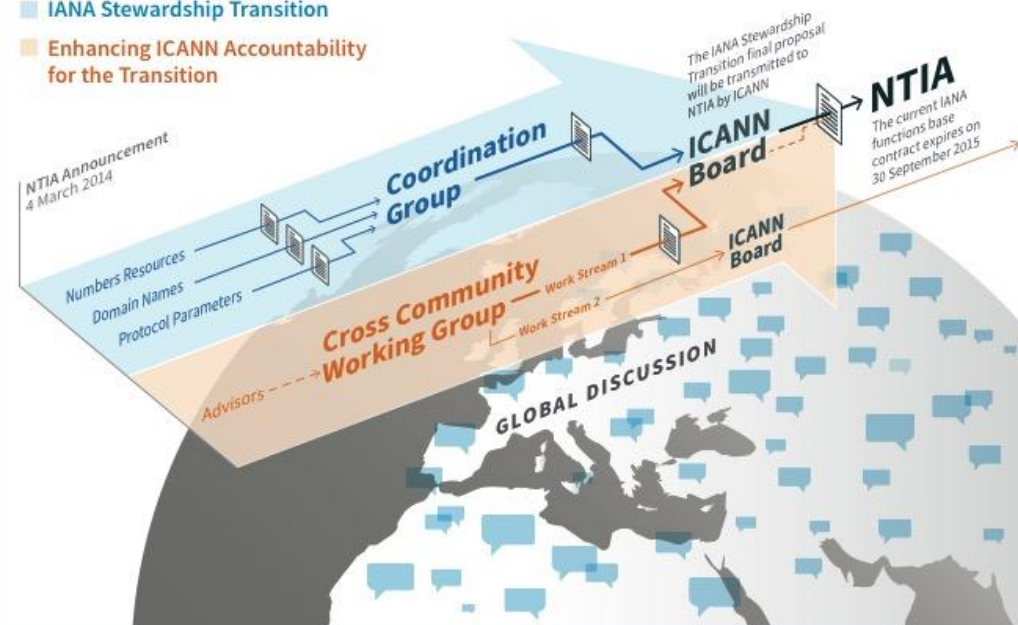
#### ORGANIZATIONAL STAKEHOLDER REPRESENTATION



### THE TWO PARALLEL PROCESSES

#### IANA Stewardship Transition

#### Enhancing ICANN Accountability for the Transition





# **IANA STEWARDSHIP TRANSITION**

# IANA Stewardship Transition Process

## 1

### Establishment of a Coordination Group

- ⦿ Has representation from all stakeholders
- ⦿ The community self-selected its members
- ⦿ Established its own working methods and modes of operation
- ⦿ Was encouraged to adhere to diversity standards
- ⦿ Supported by an independent, non-ICANN staff secretariat

## 2

### ICANN serves as a convener and facilitator of the process

- ⦿ Provides engagement and outreach, travel and additional support services



# The IANA Stewardship Transition: ICG

The IANA Stewardship Transition Coordination Group (**ICG**) was formed in July 2014 to assemble and deliver a proposal to NTIA through the ICANN Board

- ⦿ The ICG is made up of **30 individuals** representing **13 communities** of both direct and indirect stakeholders of the IANA functions
- ⦿ The ICG's responsibilities include:



Act as a **liaison** to all interested parties, including the three operational communities of the IANA functions



Assess the outputs of the three operational communities for **compatibility** and **interoperability**



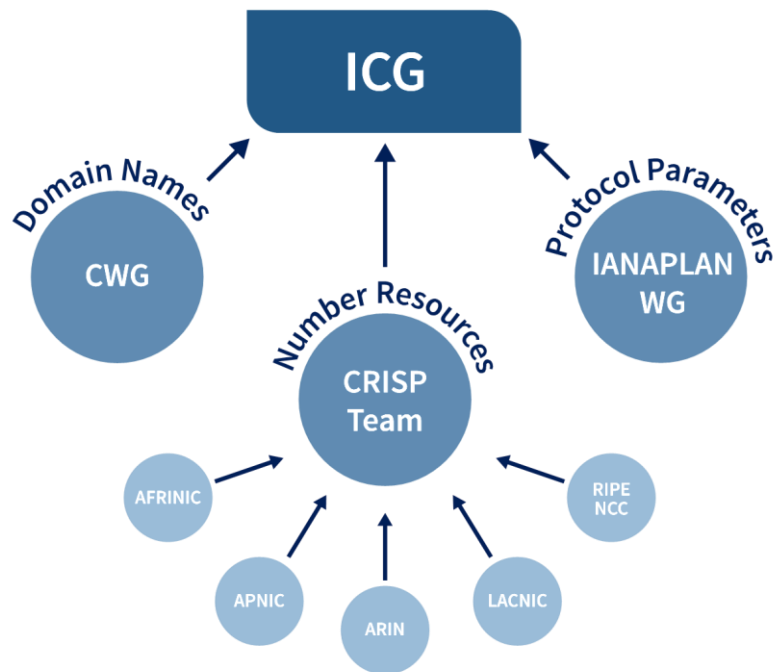
**Assemble** a complete proposal for the transition



**Information sharing** and public communication

# Request for Transition Proposal Structure

## IANA Stewardship Transition



### Protocol Parameters:

IANAPLAN Working Group  
(**IANAPLAN WG**)

### Number Resources:

Consolidated RIR IANA Stewardship  
Proposal Team (**CRISP Team**)

### Domain Names:

Cross Community Working Group to  
Develop an IANA Stewardship Transition  
Proposal on Naming Related Functions  
(**CWG-Stewardship**)



# Protocol Parameters Community

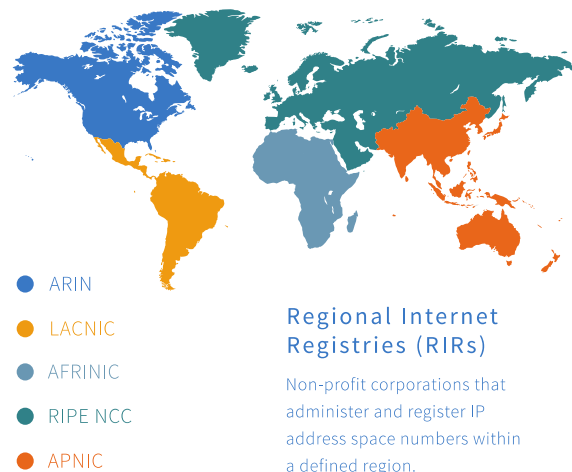
Established an **IANAPLAN Working Group** to develop its response to the RFP

- ⦿ Adopted an Internet Draft as a basis for developing a response
- ⦿ Underwent IETF last call, and IESG approval
- ⦿ A total of **10** drafts were produced over 9 months

**Submitted its response to the ICG RFP on 6 January 2015**

# Numbering Resources Community

The five Regional Internet address Registries (RIRs) engaged in community consultations in their respective regions from September to November 2014



The **Consolidated RIR IANA Stewardship Proposal Team (CRISP Team)** was developed to coordinate the production of a response to the RFP based these consultations

⦿ 15 members, 3 from each RIR community

**Submitted its response to the ICG RFP on 15 January 2015**

# Domain Names Community

The **CWG-Stewardship** is an open group of 151 people

## **Published a first draft proposal for public comment on 1 December 2014**

- ⦿ A number of the comments received expressed concern over what was viewed as an overly complex structure that lacked details and assurances on accountability
- ⦿ As a result, the group extended its timeline and went back to work

## **Enhanced working methodology to produce the 2<sup>nd</sup> draft proposal**

- ⦿ **Operational:** the CWG-Stewardship shifted into expertise-based subgroups to produce the operational parts of the proposal.
  - ⦿ There were 15 ‘Design Teams’ proposed (one on escalation mechanisms, one on reviews, etc.)
- ⦿ **Structural:** the group, with assistance from independent legal counsel, considered 7 alternative structural models not fully considered in the first draft proposal

# 2<sup>nd</sup> Draft Proposal Available for Public Comment

## Elements of the CWG-Stewardship 2<sup>nd</sup> Draft Proposal:

- ⦿ Creation of a Post-Transition IANA (PTI) that is a separate legal entity in the form of an affiliate that would be a “wholly owned subsidiary” of ICANN
- ⦿ Establishing a Customer Standing Committee (CSC) that is responsible for monitoring IANA Functions Operator performance
- ⦿ Establishing a series of issue resolution mechanisms to ensure that problems are resolved effectively
- ⦿ Ensuring ICANN accepts input from the multistakeholder community with respect to the annual IANA operations budget
- ⦿ Establishing a framework to approve changes to the Root Zone environment
- ⦿ Establishing a multistakeholder IANA Function Review to conduct periodic and special reviews of PTI
- ⦿ Additional dependencies on the CCWG-Accountability were also established\*

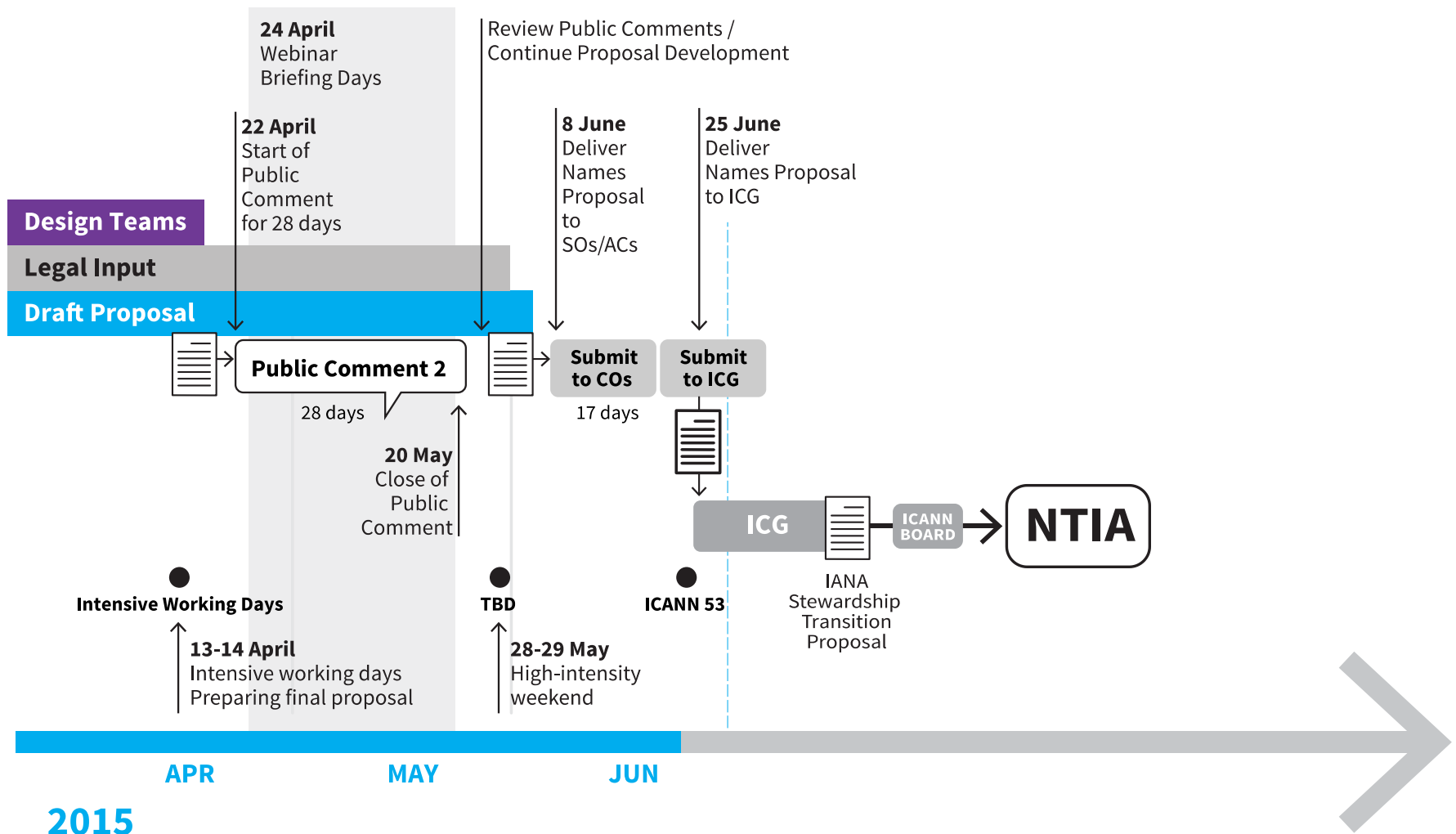
**The draft proposal is up available for public comment from 22 April – 20 May:**

<https://www.icann.org/public-comments/cwg-stewardship-draft-proposal-2015-04-22-en>

# Next Steps for the CWG-Stewardship

April 23, 2015 • v3.0

Note: the information on this page is for illustrative purposes only. It is not intended to be exhaustive.



# Next Steps for the ICG

The ICG has now moved on to **ICG Develops Draft Response (Step 2)** in its analysis of the IANAPLAN WG and CRISP Team's proposals.

- ⦿ Their intent is to revisit the Step 2 assessment process for all three proposals after they have received the CWG proposal

**Once all proposals have passed the assessment criteria set out by the ICG, the group will assemble a single draft proposal.**

**While they wait for the CWG-Stewardship proposal, ICG members will:**

1. Progress the two received proposals as far as possible
2. Engage respective stakeholder groups and communities in informal communication
3. Monitor CWG-Stewardship's progress closely and flag any issues
4. Refine the timeline once ICG has more information on CWG proposal





# **ENHANCING ICANN ACCOUNTABILITY**

# Enhancing ICANN Accountability

**As initial discussions around the transition took place, the community raised the broader topic of the impact of the change on ICANN's accountability.**

- ⦿ The transition would end the U.S. Government's historical contractual relationship with ICANN
- ⦿ This relationship has been perceived as a backstop with regard to ICANN's organization-wide accountability

**As a  
result**

ICANN launched a second process, parallel but interrelated with the IANA Stewardship Transition process, to examine from an organizational perspective how ICANN's broader accountability mechanisms should be strengthened to address the absence of the U.S. Government.

# Enhancing ICANN Accountability Elements

## 1 Establishment of a Cross Community Working Group

## 2 Scope of accountability work has two Work Streams

- ⊙ **Work Stream 1:** Focused mechanisms enhancing ICANN accountability that must be in place or committed to within the time frame of the IANA Stewardship Transition
- ⊙ **Work Stream 2:** Focused on addressing accountability topics for which a timeline for developing solutions and full implementation may extend beyond the IANA Stewardship Transition

## 3 Involvement of external Advisors

- ⊙ The Public Experts Group selected 7 Advisors to provide external expertise and best practices to help contribute to the dialogue
- ⊙ These advisors do not participate in calls for consensus

## 4 Role of the ICANN Board

- ⊙ Will consider the outputs from Work Stream 1 and Work Stream 2, on receiving the proposals will forward them promptly and without modification to NTIA
- ⊙ A Board liaison is involved in discussions robustly, bringing the voice and experience of the Board into the development of recommendations

# Existing ICANN Accountability Mechanisms

- 1 Affirmation of Commitments
- 2 Affirmation of Commitments Reviews
- 3 Bylaws
- 4 Bylaws-Mandated Redress Mechanism
- 5 Documentation for Board of Directors
- 6 Documented Relationships
- 7 External Laws
- 8 General ICANN Operational Information
- 9 ICANN Board Selection Process
- 10 Organizational Reviews

# CCWG-Accountability

There are currently **180 people** in the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability):



**26 Members**

Chartering organization-appointed members



**154 Participants**

Actively contribute to mailing list conversations and meetings



**49 Mailing List Observers**

Read-only access to mailing list

## Designated Work Parties to organize its work:

### Work Party 1

Community Empowerment

### Work Party 2

Review and Redress

### ST Work Party

Stress Tests Work Party

### Legal Sub Team

Legal Sub Team

**The draft proposal is up available for public comment from 04 May – 03 June:**

<https://www.icann.org/public-comments/ccwg-accountability-draft-proposal-2015-05-04-en>

# Working Parties



## Work Party 1 – Community Empowerment

- ⦿ Considering **powers** for the community to hold ICANN accountable
- ⦿ Develop appropriate **mechanisms** to allow the community to exercise those powers



## Work Party 2 – Review and Redress

- ⦿ Considering enhancements to ICANN's existing accountability, new mechanisms and the creation of a **standard for review and redress**
  - ⦿ Develop a standard against which ICANN's actions are evaluated



## ST Work Party – Stress Tests Work Party

- ⦿ Developed a list of **risks** and a methodology for stress testing



# Recent Progress

The CCWG-Accountability reached broad agreement to continue developing proposals for **6** core accountability themes it would consider recommending as Work Stream 1:

- 1. Revision to the mission, commitments and core values**
- 2. Enhance the independent review process**
- 3. Establish fundamental bylaws**
- 4. Introduce mechanisms for community empowerment**
- 5. Transcribe (some) AoC provisions and reviews into the Bylaws**
- 6. Enhance the reconsideration processes**

Introduction of [Fundamental Bylaws](#):

- ⦿ To protect core provisions in the Bylaws from being easily changed or removed, protecting the community's essential interests
- ⦿ Fundamental Bylaws expected to apply to: ICANN's mission; revised independent review process; new community powers such as recall of the Board and community to veto certain Board actions

# Risks – Stress Testing

The work is structured to ensure that stress tests can be designed and carried out in a timely manner, so that the results can be analyzed before the transition.

## 25 risks consolidated into 5 categories of stress tests:

- ⦿ **Financial crisis or insolvency:** ICANN becomes fiscally insolvent, and lacks resources to adequately meet obligations
- ⦿ **Failure to meet operational obligations:** ICANN fails to process change or delegation requests to the IANA Root Zones, or executes a change of delegation over objections of stakeholders
- ⦿ **Legal/legislative action:** ICANN is subject of litigation under existing or future policies, legislation or regulation. ICANN attempts to delegate a new TLD or redelegate a non-compliant existing TLD
- ⦿ **Failure of accountability:** Action by one or more Board members, CEO, staff are contrary to mission or bylaws. ICANN is captured by one stakeholder segment
- ⦿ **Failure of accountability to external stakeholders:** ICANN modifies its structure to avoid obligation to external stakeholders. ICANN delegates, subcontracts, or abdicates obligations to third party. ICANN merges or is acquired by unaccountable third party

# What Can I Do Now To Get Involved?

## 1. Join a working group

- ⦿ CWG-Stewardship, contact [grace.abuhamad@icann.org](mailto:grace.abuhamad@icann.org)
- ⦿ CCWG-Accountability, contact [accountability-staff@icann.org](mailto:accountability-staff@icann.org)

## 2. Participate in a public comment period

Participating in public comment periods is an integral part of ICANN's inclusive and bottom-up model of proposal development

**22 April - 20 May 2015** CWG-Stewardship draft proposal

**04 May – 03 June 2015** CCWG-Accountability Work Stream 1 recommendations

## 3. Stay up to date on recent developments

- ⦿ Visit: <https://www.icann.org/stewardship-accountability>
- ⦿ Follow [@ICANN](#) on Twitter or like [ICANN](#) on Facebook
- ⦿ [Subscribe](#) to ICANN news alerts

# Questions?



## Thank You and Questions

**Website:** <https://www.icann.org/stewardship-accountability>



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[facebook.com/icannorg](https://facebook.com/icannorg)

## IANA Stewardship Transition

<https://www.icann.org/stewardship>

- ⦿ Latest news and information on the IANA Stewardship Transition and ICG
- ⦿ Community participation information
- ⦿ Resources and archives from ICG meetings

## Enhancing ICANN Accountability

<https://community.icann.org/category/accountability>

- ⦿ Latest news and information on the Enhancing ICANN Accountability process and CCWG
- ⦿ Announcements and upcoming events