



An Update on the IANA Stewardship Transition and Enhancing ICANN Accountability

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Background and Summary

The Internet Corporation for Assigned Names and Numbers (ICANN) is a global multistakeholder, private sector-led organization that manages Internet resources for the public benefit. It is best known for its role as the technical coordinator of the Internet's Domain Name System (DNS). ICANN's mission overall is to coordinate the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of those unique identifier systems.

The set of unique identifier systems coordinated by ICANN are the IANA functions. The IANA functions were developed as part of the Advanced Research Projects Agency Network (ARPANET), a U.S. government-funded Department of Defense network. These functions include the coordination of the assignment of technical Internet protocol parameters, the administration of certain responsibilities associated with Internet DNS root zone management and the allocation of Internet IP addresses. ICANN was created to perform the IANA Functions and has done so pursuant to a no-cost contract with the Department of Commerce for more than 15 years.

ICANN's private sector-led multistakeholder community is directly responsible for the success of the Internet's Domain Name System. The term "stakeholder" refers broadly to anyone who has an interest in the Internet. At ICANN, stakeholders include large and small businesses, the technical community, civil society, governments, researchers and academics. ICANN stakeholders participate actively in policy development processes and, over the years, ICANN has enhanced the multistakeholder model by providing translation and accessibility services, as well as remote participation from around the world during ICANN meetings. The multistakeholder community functions on bottom-up consensus building, which, by design is resistant to capture due to the openness, diversity and equal division of authority among participants.

The current IANA Stewardship Transition proposal development process represents the final phase of a plan to privatize the coordination and management of the DNS, initially outlined in a 1998 Department of Commerce [White Paper](#)¹. The U.S. Government recognized that, as the commercial use of the Internet expanded globally, governance of the Internet would also need to expand, evolve and adapt. The U.S. Government also believed that a private sector led organization would be better suited to lead and adapt to the rapid pace of innovation on the Internet.

With this in mind, the [Internet Corporation for Assigned Names and Numbers \(ICANN\)](#)² – one of the many governance networks responsible for the Internet's complex, decentralized technical infrastructure – was formed. ICANN maintains, updates, assigns unique values and makes publically

¹ <https://www.icann.org/resources/unthemed-pages/white-paper-2012-02-25-en>

² <https://www.icann.org/>

available registries of top level names, blocks of numbers and listings of protocol parameters for the Internet.

The first IANA Functions Contract³ between NTIA and ICANN was executed in 2000. ICANN has followed the multistakeholder model to coordinate the IANA functions, and during its nearly two decade-long relationship with the U.S Government, ICANN has maintained the security and stability of the top level of the Internet's system of unique identifiers with increasing operational autonomy and excellence. As a result of ICANN's organizational maturation, including steps taken to improve its accountability, transparency and technical competence, and the continued growth of international support for the multistakeholder model of Internet governance, NTIA [announced](#)⁴ on March 14, 2014 its intent to transition its stewardship of the IANA functions to the global multistakeholder community.

In its announcement, NTIA asked ICANN to convene an inclusive, global discussion to determine a process for transitioning the stewardship of these functions to the multistakeholder community. It specifically 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; and,
- Maintain the openness of the Internet.

NTIA also specified that it would not accept a proposal that replaces NTIA's role with a government-led or intergovernmental organization solution.

In less than a year, the community has developed two parallel processes:

- **The IANA Stewardship Transition** focused on delivering a proposal to transition the stewardship of the IANA functions to the multistakeholder community; and
- **Enhancing ICANN Accountability** focused on ensuring that ICANN remains accountable in the absence of its historical contractual relationship with the U.S. Government.

³ <http://www.ntia.doc.gov/page/iana-functions-purchase-order>

⁴ <http://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions>

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

Since July 2014, stakeholders have logged more than 100 community calls/meetings, 5,600 working hours and 11,000 mailing list exchanges on these two processes. Two of the three operational communities within the IANA Stewardship Transition process have now submitted proposals on behalf of their communities while the third continues to make meaningful progress. Meanwhile, the community group tasked with reviewing and revising ICANN's accountability mechanisms is working closely with the transition groups to ensure a final IANA Stewardship Transition proposal includes the accountability tools necessary for a successful transition.

The following pages describe the current status of each active working group and anticipated next steps in the process.

IANA Stewardship Transition

IANA STEWARDSHIP TRANSITION COORDINATION GROUP

The IANA Stewardship Transition Coordination Group (ICG) was formed in July 2014 to assemble and deliver through the ICANN Board to NTIA a transition proposal consistent with the key principles outlined in the NTIA announcement. The ICG is made up of [30 individuals](#)⁵ representing 13 communities of both direct and indirect stakeholders of the IANA functions. Direct stakeholders are "direct customers" of the IANA functions, e.g. top-level domain registry operators, while indirect stakeholders are all those who benefit from performance of the IANA functions, e.g., businesses and end users.

In September 2014, the ICG sent a [Request for Proposals \(RFP\)](#)⁶ to the three communities with direct operational or service relationships with the IANA functions. Each operational community, Domain Names, Number Resources and Protocol Parameters, was asked to provide a formal response to the ICG regarding its community's use of the IANA functions, its existing, pre-transition arrangements, proposed post-transition oversight and accountability arrangements, and any anticipated transition implications.

⁵ <https://www.icann.org/resources/pages/icg-members-2014-07-29-en>

⁶ <https://www.icann.org/en/system/files/files/rfp-iana-stewardship-08sep14-en.pdf>

Following submissions from the three communities, the ICG will assess the respective outputs, assemble a complete proposal for the transition and provide numerous opportunities for additional input and comment.

OPERATIONAL COMMUNITIES

Each of the three operational communities formed working groups to develop a proposal:

- **Domain Names** Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions ([CWG-Stewardship](#)⁷);
- **Number Resources** Consolidated Regional Internet Registries (RIRs) IANA Stewardship Proposal Team ([CRISP Team](#)⁸); and
- **Protocol Parameters** IANAPLAN Working Group ([IANAPLAN WG](#)⁹)

In January 2015, the ICG received a [proposal](#)¹⁰ from the Protocol Parameters community and a [proposal](#)¹¹ from the Numbering Resources community; the Domain Names community continues to work on its proposal. Its working group, CWG-Stewardship, is expected to deliver a proposal to the ICG by June 2015, with an anticipated public comment period at the end of April.

From October 2014 through March 2015, the Domain Names community working group has held 30 full group meetings, 26 sub-group meetings and an 8 session, 2-day face-to-face meeting in Istanbul at the end of March. These 64 total meetings have accrued over 130 hours for the members and participants of this group, not including time spent drafting, attending global meetings, and exchanging on the publicly archived mailing list.

Enhancing ICANN Accountability

As initial discussions of the IANA Stewardship Transition were taking place, the ICANN community raised the broader topic of the impact of the transition on ICANN's current accountability

⁷ <https://community.icann.org/display/gnsocwgdtdstwrshp/CWG+to+Develop+an+IANA+Stewardship+Transition+Proposal+on+Naming+Related+Functions>

⁸ <https://www.nro.net/nro-and-internet-governance/iana-oversight/consolidated-rir-iana-stewardship-proposal-team-crisp-team>

⁹ <http://www.ietf.org/iana-transition.html>

¹⁰ <http://tools.ietf.org/html/draft-ietf-ianaplan-icg-response-09>

¹¹ <https://www.nro.net/wp-content/uploads/ICG-RFP-Number-Resource-Proposal.pdf>

mechanisms. From this dialogue, the Enhancing ICANN Accountability process was developed to provide assurance that ICANN remains accountable in the absence of its historical contractual relationship with the U.S. Government, which has been perceived as a backstop with regard to ICANN's organization-wide accountability since 1998.

The process includes considering how ICANN's broader accountability mechanisms should be strengthened in light of the transition, including a review of existing accountability mechanisms such as those within the [ICANN Bylaws](#)¹² and the [Affirmation of Commitments](#)¹³. The Affirmation of Commitments was signed by ICANN and NTIA in 2009 and transferred general ICANN oversight from the U.S. Government to the multistakeholder community.

Following public comment periods and discussions on accountability, the Cross Community Working Group on Enhancing ICANN Accountability ([CCWG-Accountability](#)¹⁴) was created to determine accountability mechanisms that must be in place or committed to within the timeframe of the transition, and those mechanisms whose implementation may extend beyond that timeframe. The group first met in December 2014 and has held weekly meetings since. Additionally, it held several meetings during ICANN 52 in Singapore and recently held a 2-day face-to-face meeting in Istanbul.

The group has reached broad agreement to continue developing proposals for 6 core accountability themes it will consider recommending as Work Stream 1, e.g. the accountability mechanisms that must be in place or committed to within the timeframe of the IANA Stewardship Transition.

- Revision to the mission, commitments and core values
- Enhancing the independent review process
- Establish fundamental (golden) bylaws
- Introduce mechanisms for community empowerment
- Transcribe (some) Affirmation of Commitments (AoC) provisions and reviews into the bylaws
- Enhance the reconsideration process

The CCWG-Accountability intends to have draft recommendations available for public comment before the ICANN 53 meeting in Buenos Aires at the end of June.

¹² <https://www.icann.org/resources/pages/governance/bylaws-en>

¹³ <https://www.icann.org/resources/pages/governance/aoc-en>

¹⁴ <https://community.icann.org/display/acctcrosscomm/CCWG+on+Enhancing+ICANN+Accountability>

STRESS TESTING POTENTIAL SOLUTIONS

In addition to the frameworks for ICANN's accountability, the group has developed a list of stress tests, or potential risks, to test the proposed solutions against to weigh the sufficiency of the solutions. Some of the potential risks that the proposals are expected to mitigate against are capture of ICANN by one or several groups of stakeholders, or an unanticipated termination of the Affirmation of Commitments.

The 25 identified risks have been 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, or staff is 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

Delivery Final Proposals

NTIA is expecting coordinated proposals from both groups – the ICG final proposal for the IANA Stewardship Transition and the CCWG-Accountability Work Stream 1 proposal for Enhancing ICANN Accountability – to be transmitted through the ICANN Board, and has indicated that it will consider them together.

The Board will forward the proposals promptly and without modification to NTIA.