



**Comment on
Draft Principles and Process
to Develop a Proposal to
Transition NTIA's
Stewardship of the IANA
Function**

Status: FINAL

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8-May-2014

Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC). The BC's comments arise from the perspective of Business users and registrants, as defined in our Charter¹:

The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

On 8-Apr-2014, ICANN's draft *Principles and Process to Develop a Proposal to Transition NTIA's Stewardship of the IANA Function* was posted for public comment.

BC Comments

1. As a general matter, ICANN management should be more deferential to the community in shaping the principles and process of IANA transition. Management chose to publish a fairly detailed plan based on a single session in Singapore and an e-mail comment period that was effectively open for only a few days during which most of the community was traveling home. We appreciate that ICANN is taking its 'convener' role urgently and seriously, but too much urgency poses a risk of leaving the ICANN community behind.
2. ICANN management's proposal to form a 'Steering Committee' sends the wrong signal about ICANN's role as convener. For ICANN to maintain objectivity and credibility as a convener in this process, it must maintain a more neutral role. A more fitting title would be 'Convening Committee', or 'Coordinating Committee'.
3. The proposed Steering Committee composition gives too little recognition to business registrants and users. Appointments to the Steering/Convening Committee should come from constituency groups — not as appointments made by ICANN chair and GAC chair. Nor should any stakeholder group be excluded as a result of consolidating within stakeholder organizations such as the GNSO. Each constituency should be allowed to name individuals to the Steering/Convening Committee, with the goal of having the same broad representation of interests that made NETmundial successful.
4. The list of 'Affected Parties' is too limited and should include country-code stakeholders and registries that depend on root zone management, as well as those who rely on number resources to operate large multi-national networks. Appointments should also be invited from outside the traditional ICANN Advisory Committees and Stakeholder Organizations. Significant efforts should be made to include participation from growing markets in the "global south", including representatives of the business community from Africa, Latin America, the Pacific and other areas typically underrepresented in ICANN policy debates.
5. Transition documents and transcripts should be published in multiple languages throughout the discussion period. Multilingual comments should be accepted, and ICANN should endeavor to provide translation.

¹ Business Constituency Charter, at <http://www.bizconst.org/charter.htm>.

6. ICANN management’s proposal states that “*The steering group's final proposal for submission to NTIA will be reviewed by ICANN and the affected parties in order for each party to provide their endorsement of the proposal.*” The BC recommends that any candidate proposals be reviewed against ‘stress test’ scenarios designed to ask how the proposed structure/mechanism would respond to potential technical, legal, and political challenges.

7. The BC is not supportive of the Scoping document proposed by ICANN management.

First, this transition should not presume that the only possible outcome is to award IANA functions to ICANN. It is possible that some other third party could replace the US government role as counterparty.

Second, transition planning should not exclude discussion of root zone publication or structural separation.

Third, ICANN should consider giving responsibility for scoping to the Steering/Convening committee. The ICANN Board has an inherent duty to support ICANN and maintain its relevance, and therefore it may be reluctant to explore the full scope of implications of the IANA transition.

8. The BC welcomes the announcement at NETmundial by ICANN President Fadi Chehade, that ICANN will launch a community-driven process to strengthen its accountability, and that this process would be "interdependent" with the transition of IANA functions away from U.S. Government oversight. The BC recognizes that ICANN accountability mechanisms are indeed related to the IANA transition, since the IANA contract will no longer be leverage to hold ICANN to follow the *Affirmation of Commitments*. With the NETmundial announcement, ICANN management signaled that it understands the IANA transition is more than the sum of its technical functions, and that the accountability vacuum left by the U.S Government's departure must be filled in order for this transition to be successful.

The BC recommends, however, that accountability for the performance of the IANA functions and accountability for ICANN’s policy responsibilities remain separate – even though both are necessary for a full transition. The IANA functions are technical functions and enforcing their proper performance should not become politicized or conflated with ICANN’s performance of its policymaking duties.

Finally, the BC will reserve judgment on the IANA transition plan unless and until we can also evaluate the accompanying proposal for a transition of ICANN accountability.

Steve DelBianco, Phil Corwin, Marilyn Cade, Aparna Sridhar, and Andrew Mack led drafting of these comments. These comments were approved in accordance with the BC Charter.