

CWG Questions for the Community: InternetNZ (.nz) Input

1. Do you believe that the transition from the NTIA should happen (Please provide the reasons for your answer)?

Yes, given that NTIA has put the question on the table. The Internet's DNS should not be the responsibility, or under the control, of one government. For a considerable time this transition has been on the Internet community's agenda, and the multistakeholder model has matured to the point where a transition should be sustainable.

There is one major caveat: the transition must lead to an "as-good-as" or improved situation in respect of the stewardship framework compared with today. A transition that makes the IANA functions less robust in the long run, more open to capture or weakens customer control over IANA functions, is not desirable. Fundamental to avoiding these problems is embedding a model of shared or distributed stewardship, where no "single point of failure" or new monopoly of DNS stewardship is created.

2. Are you comfortable with ICANN as policy-maker also being the IANA operator without the benefit of external oversight?

Policy-making and registry operations are two separate functions and should always be split. The role of ICANN for ccTLD managers is to facilitate the community development of necessary global policies. This is similar in some ways to its role for the other IANA customer groups – policy authority for those sits outside ICANN.

ICANN does not and should not have a general policymaking role for our community. Its role is very circumscribed and must remain so.

We do not think there is an inevitable conflict between ICANN being the hub for domain name policy, but this requires clear separations **that cannot be eroded over time** between ICANN the policy-maker and ICANN the IANA functions operator.

We support the models the names community is developing in the sense that they all include a requirement for "separability" of the IANA functions operator from ICANN as policy-maker. A workable model of separability is a bottom line for ICANN remaining the policy-maker and the IANA functions operator. This applies regardless of any improved general accountability settlement for ICANN.

3. Should registries, as the primary customers of the IANA functions, have more of a say as to which transition proposal is acceptable?

Yes, when it comes to the customer service role of IANA and the risks to that from capture or poor performance (which are a fundamental risk for registries).

To serve the public interest, the ICANN community and the IANA functions operator must deliver completely reliable registry services to TLDs. There is 100% alignment of interests between registries and the IANA functions operator here, but the same cannot be said for other stakeholder groups. Therefore it is vital that the requirements of customers are fully met in determining an acceptable transition proposal.

It is also important that this be, insofar as possible, a consensus perspective of the customers – both between the communities that use IANA functions, and within them as well. We note the Names community has some way to go to arrive at such a consensus.

4. What does functional separation of IANA from ICANN mean to you? (this is not referring to having another operator than ICANN performing the IANA functions but rather the internal separation between ICANN and IANA in the context where ICANN is the IANA operator)

Functional separation of the IANA functions means that they are operated, as far as possible, the same way as they would be if they were housed in an organisation that did not have the policy-maker role, with clear accountability for each customer group.

That is:

- a) IANA is operationally independent (at least as independent as required by the NTIA contract today) with transparent resource allocation and reporting, strong service level accountability to customers, visible and accountable management and so on;
- b) the governance structure IANA reports to recognises its inherent conflicted nature (being the board of the IANA functions operator and the board of the policy-maker) and deals with this conflict in a transparent, predictable and open way that the community can understand and live with;
- c) IANA has access to and uses independent legal advice;
- d) The community has the same level of visibility into IANA as that available for the rest of ICANN. In other words, ICANN has no special access to or influence over IANA

5. Do you believe the IANA function is adequately separated from ICANN under the current arrangements (internal separation)?

No. There are some desirable characteristics of an internal separation model that are missing from current arrangements, including budget transparency, independent legal advice, equal visibility to the community and SLAs with teeth with its customers.

6. In considering the key factors (such as security and stability, ease of separating the IANA function from ICANN, quality of services, accountability mechanisms etc.) for evaluating the various transition proposals what importance would you give to the ability to separate IANA from ICANN (separability) vs. the other factors?

Separability is a fundamental pre-requisite for a viable transition model. That is why it is a principle in all the models the CWG is considering. Without it, the transition delivers weaker stewardship than the status quo and should not be progressed. It is a foundational accountability requirement and therefore essentially a gate condition.

Beyond this gate condition, quality of service is the next requirement that helps deliver security and stability of the DNS.

It has to be stressed that a decision to separate could only be arrived at:

- a) by agreement with the direct customers
- b) in response to failures to conduct IANA operations in a manner acceptable to direct customers
- c) after a pre-existing and comprehensive escalation process allowing the operator time to remedy poor performance has been exhausted

Effective service level agreements form an essential part of this framework.

7. Given the IANA functions could be separated from ICANN do you believe it would be important for the community to obtain from ICANN on an annual basis the costs for operating IANA including overhead costs?

Yes – cost transparency is vital no matter what transition model is progressed, and should already be available.

- Would it be important to separate out the costs associated with address and protocol functions?

Yes, as above.

8. Could there be unforeseen impacts relative to selecting a new operator for the IANA functions vs the ICANN policy role (should ICANN determine that there will be another round of new gTLDs, how could it ensure that the new operator would accept this)?

Any change to any model allows for unforeseen impacts, and any viable transition must build into the model the effective management of change. This question should form part of the stress-testing the CWG applies to its preferred model (or to its strawman models). As part of any escalation process that led to a decision to select a

new operator for the IANA functions, this would need to be thoroughly explored again.

9. Are there other transition models which the CWG should be exploring?

The CWG is debating its own four models that are very similar to the status quo in most key respects, and where the key point of debate is how to implement the principle of separability. This question could be seen largely as a technical one and best answered with the assistance of high quality legal advice.

The fifth model before the CWG separates the **operations** of IANA functions more strictly as well as the **stewardship** of these functions, and so is in a sense a different class of model.

Between these five models we do not propose to add any further ones to the mix.

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