**Statement of the Public Interest Registry**

**Issue: Affirmation of Commitments Accountability and Transparency Review Team Questions for the ICANN Community**

Date: July 15, 2010

URL: <http://www.icann.org/en/reviews/affirmation/community-questions-18may10-en.pdf>

This statement on the issue noted above is submitted by the Public Interest Registry (PIR), manager of the .ORG top level domain.

Over the last year, ICANN has conducted efforts to gather input from a larger community, outside of the traditional ICANN scope. While such meetings may provide important exposure to outside experts, and an important fact-gathering process, it is crucial that the input be linked into the bottom-up manner in which ICANN conducts its policy making. The success of ICANN’s attribution, review and transparency processes depend on a full and fair review of key issues by a wide variety of stakeholders.

In response to the questions posed by the Affirmation of Commitments Team regarding process and transparency, PIR shares the following case study about the DNS-CERT, and particularly the DNS-CERT workshop held in Washington DC in April, 2010. We believe that ICANN did not follow either its bottom-up process or its transparency requirements in the way the meeting was held and reported. We set out the details of the meeting here for review and consideration as part of the Affirmation of Commitments evaluation.

Two Workshops:

The DNS-CERT process started backwards in a top-down manner being driven by ICANN. In February, and then again in April, ICANN held closed and invitation-only sessions on DNS security issues:

1. A DNS security symposium, held in Kyoto in February 2010, designed to examine how to define and measure the security, stability, and resiliency of the DNS. <http://www.icann.org/en/security/dns-ssr-symposium-report-1-3feb10-en.pdf>
2. A DNS-CERT Operational Requirements & Collaboration Analysis Workshop, held in Washington, D.C. in April 2010. <http://www.icann.org/en/announcements/announcement-24may10-en.htm>]

Both events were sponsored, funded, and organized/co-organized by ICANN. Both were invitation-only, and resulted in work products not created through the traditional robust and open ICANN community processes. The Kyoto symposium report was not put out for a formal public comment period.

The April workshop was designed to "identify operational requirements" for the DNS-CERT and develop a “gap analysis” of missing security elements. This was done through a detailed discussion of various security scenarios. The intent seemed to be to provide input for revisions to the DNS-CERT business case (published February 2010 for public comment).

In the DNS-CERT workshop, ICANN staff arranged for three attendees to create a draft document summarizing the workshop; there was no open call for volunteers, and not a single drafter of this ICANN report was a member of an ICANN organization. The time for writing took much longer than expected (understandable in light of the difficult nature of the material). What was more difficult to understand was the rush to publication – and the too-rapid deadline for other participants to edit and review. At the Workshop, participants had been promised adequate time and opportunity to review and edit the proposal. Some participants expected the traditional ICANN process, in which the group reviews and edits the report together, working in an iterative process.

Participants received only a week to review the long draft report that was published during the week of a major international Internet security conference. The process did not allow for attendees to perform a detailed review and editing, nor to collaborate with the other participants in an iterative process.

Further, the editing process was a necessary one. The draft contained some notable omissions, needed clearer attribution, and stated some conclusions that were not reached during the course of the workshop. The initial workshop report stated that there were concurrences and consensus on various issues, but there were no mechanisms to measure these in the workshop, and in some cases there was not agreement when the paper stated there was.

In an ad-hoc manner, comments and corrections were submitted, and selectively incorporated into the final paper.

A minority statement was provided to the co-authors with a request for inclusion in the report, a traditional part of the ICANN process. Yet, when the paper was published on the ICANN website for public comment, the minority statement was not included in the paper. Instead, it was published and linked to separately. This situation was corrected after it was pointed out to ICANN staff, but it is unknown if any interested parties missed the minority statement because it had been segregated.

Participation:

It is worth noting, further, that the attribution and participation section of the Workshop report did not follow the normal ICANN process of transparency and open accountability. It is unclear in the report whether participants were representing just themselves, individually, or were representing their organizations. There were no statements of interest.

Comment periods:

Despite the important nature of the report and the need of the ICANN Community to review and comment on the findings of the DNS-CERT Workshop in April, the notice and comment period seemed calculated for the least possible public contribution. The Workshop report was published just before the ICANN meeting, during the busiest period for those preparing to attend the Brussels meeting. Its comment period closed July 2nd, less than two weeks after most participants returned from Brussels.

Despite a high level of interest in the subject matter (an unscheduled Birds of a Feather Session on DNS-CERT took place in a full room with rapt attention), only five comments have been submitted (and two were spam).

Publication of the Workshop report with a reasonable time to review and comment, keeping in mind the larger policy schedule of ICANN, including DAG4, would likely have generated more robust input and dialogue – better serving ICANN and the larger Internet community.

Conclusion:

Outside experts may play an important role within ICANN, but the integration of their material into the ICANN process, for full and fair review and evaluation, is a challenge that will require additional thought and guidance. As shown in the case study above, the treatment of DNS-CERT did not meet ICANN’s standards of transparency and accountability.