Rev 1 of Comments on the 17 July 2014 Draft charter for the IANA Stewardship Transition Coordination Group (V.6)

Richard Hill, APIG[1]

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The document on which we comment is available at:

https://www.icann.org/en/system/files/files/draft-charter-coordination-group-17jun14-en.pdf

Preliminary remarks

There is an old saying regarding the judicial system: "It is important not only that justice be done, but that justice be seen to be done". By analogy, it is important that the transition of the IANA stewardship not only "take place through an open process with the participation of all stakeholders extending beyond the ICANN community"[2], but is seen to take place through such an open process with the participation of all stakeholders extending beyond the ICANN community.

In particular, it important to avoid any perception that the transition process might be excessively influenced by those stakeholders that are currently most involved in ICANN. And it is important to avoid any perception that certain options or paths for the transition are foreclosed or should not be discussed.

In that spirit, we offer some suggested changes to the draft charter.

Suggested edits

1. Modify the first sentence of the draft charter as follows:

> The IANA stewardship transition coordination group (ICG) has one and only one task: to deliverable: a proposal to the U.S. Commerce Department National Telecommunications and Information Administration (NTIA) regarding the transition of NTIA's stewardship of the IANA functions to the global multistakeholderInternet community; the transition proposal must have broad community support; if there is lack of consensus regarding the proposal, then the ICG's final report will include dissenting views and alternative proposals.

Motivation: The changes have two purposes: (1) to recognize that, even if there are some disagreements, a proposal should go forward, but, in that case, the disagreements should be documented; and (2) to align to the transition with what NTIA actually announced, which is "its intent to transition key Internet domain name functions to the global multistakeholder community" and that the proposal "must have broad community support"[3].

In this context, it must be stressed that the "Internet community" is not the same as "the global multistakeholder community".

Indeed, the term "Internet community" is usually used to refer to the community of people who actively participate in the design, maintenance, evolution, and promotion of the Internet, possibly including intensive users. As one well-respected member of this community put the matter: "Internet Community includes all those people who are part of the I* organizations and their fellow travellers"[4].

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[1] http://www.apig.ch

[2] NETmundial Multistakeholder Statement, II.5, http://netmundial.br/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf

[3] http://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions

[4] http://mm.icann.org/pipermail/ianatransition/2014/001218.html

In contrast, "global multistakeholder community" includes people and organizations that are not part of the "Internet community", including people and organizations that, at present, do not have access to the Internet. As the cited member of the Internet community put the matter: "It basically includes anyone who feels they have some stake in what happens on the Internet and who decides they have something to say about the issues and the solutions and who want to put the time and efforts into participation in the discussion".

So it is important to maintain the language used by NITA in its original request.

2. Add at the end of the second paragraph:

> However, input will also be sought from other communities and stakeholders, given that the NITA requested "ICANN to convene global stakeholders to develop a proposal to transition the current role played by NTIA in the coordination of the Internet's domain name system (DNS)"[5].

Motivation: Align the charter with the NTIA request.

3. Under "The coordination group has four main tasks", under (i), add a new item c. as follows:

> c. As a first step, prepare a summary of the discussions and proposals submitted to various mailing lists (in particular the ISOC and ICANN lists), submit that summary for public comment, and revise that summary based on the public comments.

Motivation: ensure that the very rich and productive discussions that have taken place to date are captured and used to further the work and discussions.

4. Under "The coordination group has four main tasks", modify item (ii) as follows:

> (ii) Compile the inputs from all interested parties (to the extent that they have not been reflected in the outputs of one of the three operational communities) and Aassess them together with the outputs of the three operational communities for compatibility and interoperability

Motivation: recognize that inputs are sought not just from the three operational communities, but also from all interested parties, which include Internet users in general, civil society organizations and other entities that do not participate in the operational communities, people who do not yet use the Internet, etc.

5. Under "The coordination group has four main tasks", modify item (iii) as follows:

> (iii) Assemble a complete proposal for the transition. If there are differing views, these will be reflected in the proposal, as dissenting view, or as alternatives, as appropriate.

Motivation: ensure that a proposal will go forward even if full agreement cannot be reached.

6. Under "Describing each in more detail"/"(iii) Assembling and submitting a complete proposal", modify the second sentence as follows:

> The ICG will then develop a draft final proposal that reflects, to the extent possible, the consensus of the proposals received; if there is no consensus, that will be reflectedachieves rough consensus within the ICG itself.

Motivation: the composition of the ICG does not fully represent the global multistakeholder community, so the ICG should not make any decisions, much less by "rough consensus".

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[5] http://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions

7. Under "Describing each in more detail"/"(iii) Assembling and submitting a complete proposal", add a new paragraph at the end:

> If, after several iterations, it is clear that there are dissenting views, then the ICG may still submit a complete proposal to NTIA, reflecting the dissenting views and alternatives to the complete proposal.

<u>Motivation</u>: ensure that something will be submitted to NTIA even if there is some dissent.