Namibian Network Information Center (Pty) Ltd

CWG-Stewardship
ICANN

Your ref.	Your letter of	Our ref.	Date
			2015-05-20

Comments on the CWG-Stewardship's 2nd Draft Proposal

Dear Colleagues

I am the Managing Director of Namibian Network Information Center (Pty) Ltd, the country code Top Level Domain Manager of .NA and have been appointed as member of the CCWG-Accountability by the ccNSO.

I wish to make the following comments on the 2nd Draft Proposal of the Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions (CWG-Stewardship) :

1. The CWG-Stewardship Proposal is convoluted and as it is presented in a pre-set format it is difficult to read, especially for non native English speakers.

2. The CWG-Stewardship worked

   > [...] *on the premise that there is current satisfaction with ICANN's IANA department performance and that ICANN should remain the IANA Functions Operator.*

   Neither of the two assumptions is correct in my opinion. The former is apparently based on a survey about response time to uncontroversial requests, such as Name Server or Whois Data changes.

3. The proposal does not address IANA administrative and operative accountability sufficiently, which in terms of the CCWG-Accountability Charter (!) it is supposed to do.

   This is apparent from "Annex H – Service Level Expectations" which refers to Service Level Expectations "currently under discussion" listed on https://community.icann.org/x/CA4nAw which speak for themselves. In particular the unsigned

   https://www.icann.org/en/system/files/files/didp-response-20150407-1-kane-07may15-en.pdf

where ICANN flat out rejects the request for

> *the disclosure of all work-flow process documents with accompanying performance statistics for each stage of the IANA Root Zone Management function.*

This is even better characterized by an email of the SLE Design Team leader Paul Kane to the ccNSO Council Chair Byron Holland on the ISTACC Mailing list 2015-05-08:

> […]

> *The really frustrating thing we just want a professional and fit for purpose SLE (that is standard practice in today's environment) and are being "fobbed off" with "national security" issues - and if ICANN requires a classified meeting a number of the Design Team members are cleared for Classified national security discussions to the category "Top Secret".*

> *Please note: we are not proposing the IANA SLE requires the same performance standards that ICANN expects from gTLD Registries but rather an SLE that captures the current detailed workflow and the actual performance delivered by IANA.*

> […]

I personally do not agree with Paul Kane's offer of limiting access to the requested material to individuals possessing a high security clearance from the US Government. Instead the CWG Stewardship should have stopped their work at that stage, gone public, and continued only if and when the required information had been provided.

4. Throughout the document reference is had to "customer" "of the service or activity".

The word customer implies a measure of voluntary choice, and a bilateral agreement between the customer and the provider of the service. In the case of a ccTLD the former would be the ccTLD Manager and the latter the IANA Function Manager (currently ICANN).

None of these exist, with very few exceptions of a handful of ccTLD Managers having entered into agreements.

5. What does a ccTLD Manager actually need from ICANN?

Nothing!

What does a ccTLD Manager actually need from the IANA Function Manager?

Only

> *Root Zone Change Request Management – not including delegation and redelegation (NTIA IANA Functions Contract: C.2.9.2.a)*

and

> *Root Zone "WHOIS" Change Request and Database Management (NTIA IANA Functions Contract: C.2.9.2.b)*

The rest of the services listed there are not required, per se, including DNSSEC. Delegation service is a one time occurrence, which does not affect the ccTLD Manager once completed.

Besides the use of outdated terminology ("redelegation" has been replaced by the term "revocation") it must also be said that hardly any ccTLD Manager wishes to avail oneself of un-consented revocation services by the IANA Function Manager.

6. On the other hand what does ICANN actually need?

   The root zone and/or the IANA Function.

7. That brings me to other issue that has been carefully avoided, the actual root zone.

   Without a shadow of a doubt the root zone is a database and clearly is an asset, ie some form of property, even though it is very closely linked to the services such as *Root Zone Change Request Management* and *Root Zone "WHOIS Change Request and Database Management.*

   And the issue is not what type of property it is, but what will happen to it. In other words, who owns the root zone, and will ownership be transferred?

   From this the question follows, what will happen if only the functions to manage but not the ownership of the root zone itself is transferred?

8. This then raises the unanswered question under what statutory powers this transfer will occur. And this question must be answered in order for any transfer of the functions and/or the root zone to occur.

9. The elevation of the GAC Principles and even the throughly discredited ICP-1 not only negates several years of work of the Framework of Interpretation Working Group but are plainly not acceptable.

10. To create a entity separate from, but controlled by ICANN is in my view unacceptable as it just creates additional layers of bureaucracy without changing anything.

With Kind Regards

Eberhard W Lisse