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As attached.

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Response to proposal to transition the stewardship of the Internet Assigned Numbers Authority (IANA)

The New Zealand Government wishes to acknowledge the work of the IANA Stewardship Transition Coordination Group (ICG) in preparing the combined proposal to transition the IANA functions, and the extensive work undertaken by the operational communities to provide that forms the basis of this proposal. The proposal has been developed through a multistakeholder, bottom-up process that has sought to balance stakeholders' objectives and ensure the IANA functions operator is responsive to the needs of each of the operational communities.

New Zealand is supportive of the United States Government's proposal to transfer responsibility for the IANA function to the multistakeholder community, and the principles the United States has established for the transition.

The resilience, stability and security of the Internet are of paramount importance to New Zealand. In our view, the transition decision needs to be made carefully, and any new arrangement should have at least the same level of responsibility, responsiveness and reliability as that of the current arrangements.

We consider the ICG proposal broadly meets the requirements for successful transition of the IANA functions, while noting the remaining implementation items to be completed that are listed in the proposal. However, the New Zealand Government wishes to note the following aspects of the proposal that are critical to the transition and/or require further consideration:

Enhancements to ICANN's accountability are necessary for a successful IANA transition: We consider the ICANN accountability work being progressed by the Cross Community Working Group on Enhancing ICANN Accountability is necessary in order to fulfil the NTIA criteria for transition. The CCWG-Accountability work includes, among other things, measures that will ensure that no single stakeholder group can take control of the IANA functions operation, and

that there is sufficient accountability within the names community to ensure that the multistakeholder model will be supported and enhanced in the future.

Escalation process should focus on ensuring stability and security: We consider that a separation process for the IANA functions operator is necessary to support the stability of the Internet, and to act as an effective accountability mechanism should any issues arise with the operation of Post-Transition IANA. While initiating a separation process does raise stability concerns, we would note that the reverse may also be an issue: if security or stability issues were the reason for seeking separation, a lengthy escalation mechanism could exacerbate these issues. For this reason, we would question whether the separation process could be initiated when a specific set of criteria are fulfilled, rather than having to exhaust the escalation remedies first.

ccTLD delegation/redelegation appeals process: The proposal notes the CWG-Stewardship's view that no appeals mechanism should be developed that would apply to ccTLD delegations and redelegations.

The CCWG-Accountability 2nd Draft Proposal on Work Stream 1 Recommendations reflects a similar view. In this document, Stress Test 21 considers a situation where a government demands ICANN rescind responsibility for management of a ccTLD from an incumbent ccTLD manager. Noting the ccNSO Policy Development Process (PDP) that is underway on delegation and redelegation of ccTLDs, this document proposes to exclude ccTLD delegation/redelegation issues from any appeal mechanism.

While we acknowledge the commitment of the ccNSO in developing a clearer process for ccTLD delegation/redelegation, we do not consider an active PDP is sufficient rationale for excluding ccTLD delegation/redelegation from the IRP.

The PDP process will need to balance the expectations of both governments and ccTLD managers, and the breadth of approaches taken to ccTLDs means the PDP is unlikely to be a fast process. If ccTLD delegation/redelegation is excluded from an appeals process (such as the IRP) this risks leaving both existing ccTLD managers and governments without effective recourse in the event of a dispute. While the existing process for delegation/redelegation needs improvement, these decisions should still be subject to review to ensure that due process has been followed and documented.