

July 27, 2011

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**Re: Response by CIRA to the NTIA Further Notice of Inquiry and Draft Statement of Work**

The Canadian Internet Registration Authority (CIRA) is the not-for-profit corporation responsible for operating the .CA country code top level domain. CIRA is a member of the ICANN's country code Name Supporting Organisation (ccNSO) and a member of CENTR, the Council of European National Top Level Domain Name Registries. CIRA is pleased to have the opportunity to provide feedback to the National Telecommunications and Information administration (NTIA) on the NTIA Further Notice of Inquiry (FNOI) and Draft Statement of Work (SOW).

**Separation of policy development and operational roles**

The IANA function management is an operational role and should follow due process based on agreed consensus policies developed within the multi-stakeholder model. The clear separation of policy-related activities from the management of the technical function is an important principle.

However, the requirement at section C.2.2.1.1 of the draft SOW that IANA staff remain "separated and removed" from IANA-related policy development does not respond to our concerns about functional separation. While CIRA agrees that it is prudent and appropriate that there be clarity regarding the separation of functions and that the key focus of IANA staff should be the technical management functions, we do not think that the community would be well served by a complete prohibition on participation by IANA staff in policy development and policy-related activities that appropriately sit within ICANN's mandate.

Rather, CIRA believes IANA staff should, within the appropriate boundaries noted above, be directed to cooperate with, and provide information and resources to, related policy and process development activities. This collaborative model has been shown, on a number of occasions, to:

- facilitate better communication between the ICANN community and staff;
- inform and improve the deliberations and outputs of Working Groups and policy processes; and
- improve staff understanding of the meaning and objectives of Working Group and policy processes, facilitating a smoother transition to implementation.

For example, IANA staff has served as an important resource for the Delegation and Redelegation Working Group (DRDWG) and it is expected that IANA staff will provide equally important input to inform the deliberations of the Framework of Interpretation Working Group (FOIWG).

Accordingly, we believe that Section C.2.2.1.1. of the draft SOW should be revised to permit IANA-dedicated staff to serve as a resource in support of ICANN policy-related activities that touch on delivery of the IANA functions, as determined by the relevant supporting organization.

In providing this input, CIRA notes that its comments, like the FNOI itself, specifically relate to the IANA functions and appropriate IANA staff involvement as a resource to inform policy and policy-related activities. Support for any ICANN Board involvement in policy development should not be inferred since, within the multi-stakeholder model, this appropriately remains the responsibility of the community through Supporting Organisations and Advisory Committees. As outlined in the ICANN Bylaws, it is the role of the ICANN Board to facilitate the execution of due process through the approval of community-developed policy recommendations, adhering to consistent and transparent processes in taking decisions in relation to delegations and redelegations and to direct staff in implementation of policy recommendations. As the ICANN Board's accountability and transparency efforts increase with the implementation of the Accountability and Transparency Review Team recommendations, we hope to see continued improvement in the consistency with which ICANN Board decisions are made.

### **Fees for performance of IANA function**

CIRA disagrees with language in the draft SOW at section C.2.2 that permits the Contractor to establish and collect fees for the performance of the IANA function on a cost-recovery basis and with the endorsement of the Contracting Officer. This language is inconsistent with established principles and practices, as recognized by the US Government, with regard to national sovereignty in the management of ccTLDs and the *voluntary* nature of ccTLD contributions to the maintenance of the IANA functions. The ccNSO Finance Working Group, in which CIRA is heavily involved, is examining existing and potential ccTLD contribution models, and is expecting to have completed its report by the end of 2012.

### **Development of standards and metrics**

CIRA supports development of standards and metrics applicable to ICANN's performance of the IANA functions, and appreciates the recognition in the draft SOW at sections C.2.2.1.2 – C.2.2.1.3 that such metrics should be developed in consultation with affected stakeholders, including ccTLD operators. Development of standards and metrics are needed, for example, to ensure that demands on IANA resources in connection with the new gTLD program do not adversely affect IANA's ability to respond in a timely fashion to root zone change requests for existing TLDs. We believe that metrics, standards, and reporting requirements should be properly designed to deliver the information needed without imposing unnecessary burdens.

### **Automated root zone**

Section C.2.2.1.3.3 directs NTIA and VeriSign to deploy an automated root zone management system within six months after date of contract award. CIRA welcomes development of such a system. This system should, however, reflect input from relevant stakeholders, including ccTLD operators, and we urge NTIA to include a statement to that effect in this provision.

### **Documenting root zone changes**

Section C.2.2.1.3.1 of the draft SOW requires IANA to develop standardised user documentation for root zone changes. Section C.2.2.1.3.2 also calls on ICANN, as part of the IANA functions contract, to develop a process for documenting the source of the policies and procedures and how it has applied the relevant policies and procedures, such as RFC 1591, to process requests associated with TLDs.

CIRA supports the clarification and standardisation of documentation and processes. But CIRA also notes that this relates closely to the recommendations of the DRDWG and the ongoing work of the multi-stakeholder FOIWG which will almost certainly require implementing user documentation.

In this regard, CIRA urges NTIA to ensure that the SOW for the IANA Functions Contract does not pre-empt, foreclose, or circumvent the multi-stakeholder process under way to better manage one of the most critical and contentious aspects of IANA services. Rather, CIRA believes that the task of adopting standardised documentation must be informed by the output of the FOIWG and, in the interim, we would welcome modifications in IANA documentation and ICANN consideration of IANA reports to address the deficiencies and inconsistencies cited in the findings of the Delegation and Redellegation Working Group.

In addition, CIRA recommends that the SOW provide that the timelines specified for performance standards development activity may be modified by the “Contracting Officer’s Technical Representative” (COTR) at the request of the FOIWG. This will help ensure that the relevant performance standards reflect any recommendations of the Working Group.

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