CRISP Panel

John Sweeting
Michael Abejuela
Bill Woodcock
John Curran

CRISP Panel Overview

Consolidated RIR IANA Stewardship Proposal (CRISP) Team

Two voting and one staff member from each of the five RIRs

Consolidating community input from all five regions to create a plan for transition of oversight over the Internet Numbers portion of the IANA function from NTIA to the Internet Numbers Community.

CRISP Panel
Agenda for the Hour

CRISP Team Update (John Sweeting, 10 min)

SLA Drafting Update (Michael Abejuela, 10 min)

Potential Challenges (Bill Woodcock, 15 min)

**External legal opinion on
ICANN accountability** (John Curran, 10 min)

Q&A (15 min)

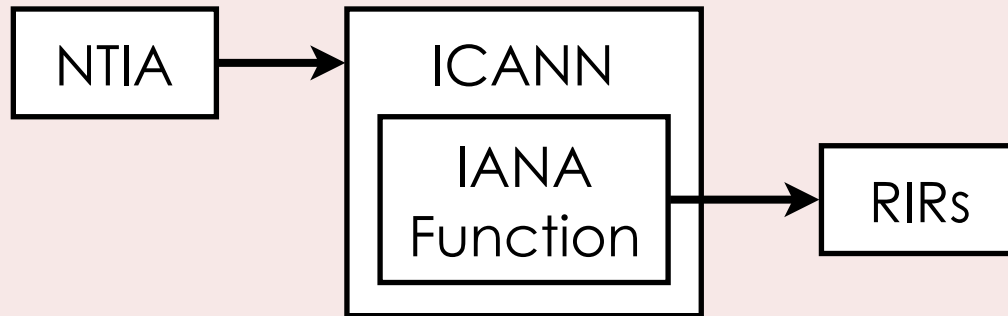ARIN CRISP process FAQ (Addendum for the slides)

CRISP Team Update

CRISP Process Overview
(Courtesy of the NRO,
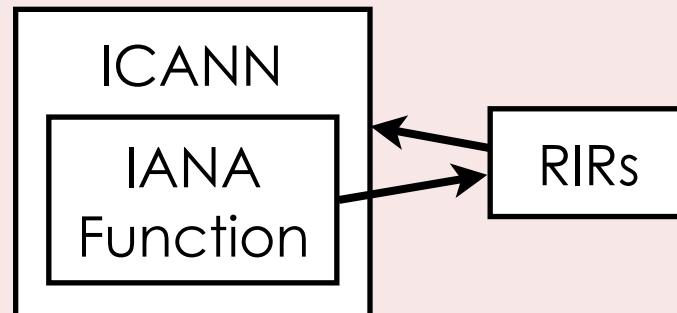### John Sweeting to lead discussion)

CRISP Team Update
Essence of the Proposal

**Before:
Three-Party Relationship**

NTIA → ICANN (IANA Function) → RIRs

**After:
Customer-Provider Relationship**

ICANN (IANA Function) ⇄ RIRs

CRISP Team Update
Components of the Proposal

IANA function stability and reliability: ICANN to continue as the IANA Numbering Services Operator, orderly transition to another operator should such need arise

Replace the role of the NTIA with the RIRs (as representatives of the Internet Numbers community): RIRs to establish a service level agreement with the IANA Numbering Services Operator

Establishment of a Review Committee: To review the performance of IANA Numbering Services and advise the RIRs

Clarify IPR-related issues: Intellectual property rights (IPR) related to the provision of the IANA services stay with the community

CRISP Team Update
IANA SLA Principles

(Section III.A.3. of the proposal)

1. Separation of policy development and operational roles
2. Description of services provided to RIRs
3. Obligation to issue reports on transparency and accountability
4. Security, performance and audit requirements
5. Review of the IANA operation
6. Failure to perform
7. Term and termination
8. Continuity of operations
9. Intellectual property rights and rights over data
10. Dispute resolution
11. Cost-based Fee

CRISP Team Update Review Committee

(Section III.A.4. of the proposal)

Advise RIRs on review of the service level described in SLA
Provide feedback from the community's perspective

Community representatives from each RIR service region
Equal representation from each RIR service region

The process of selecting representatives will be driven by the RIRs based on open and bottom-up principles

CRISP Team Update
Other Operational Communities

Intellectual property rights on IANA trademark and IANA.org:
Clarity needed on these issues in case of a change of IANA operator

Section III.A.3 last paragraph:
"The transfer of the IANA trademark and IANA.ORG domain to the IETF Trust will require additional coordination with the other affected communities of the IANA Services, namely, protocol parameters and names. It is the preference of the Internet Numbers Community that all relevant parties agree to these expectations as part of the transition."

CRISP Team Update Community Engagement

Each version of the proposal was shared:

The global *ianaxfer@nro.net* mailing list (open to anyone)

NRO CRISP web page *https://www.nro.net/crisp-team*

The CRISP Team members forwarded each version to each RIR community's mailing lists

Feedback from the community was confirmed and discussed at every CRISP Team call:

The global *ianaxfer@nro.net* mailing list

Feedback per RIR region (conveyed by the CRISP Team members)

CRISP Team consideration of feedback shared on the *ianaxfer@nro.net* mailing list:

Spreadsheet of issues maintained

Directions were clear to the community

Further comments/clarification questions could be made if needed

CRISP Team Update Feedback Received

IANAXFER@NRO.NET discussion prior to proposal submission
377 posts
53 unique posters
Mailing list archive is published on the NRO web site

Support expressed for the proposal
One poster requested adding more details on some of the proposal components, but the suggestion failed to receive support from other posters
Two comments to global icg-forum expressing concerns

No objections to the proposal components

CRISP Team Update
ICANN Public Feedback

During the ICANN 52 Public Forum, ICANN Chair Steve Crocker said that, in regards to the ICG proposals from the numbers and protocol parameters communities, the ICANN Board felt there was "nothing fundamental in them that we have a problem with, full stop."

http://blog.apnic.net/2015/02/20/event-wrap-icann-52

CRISP Team Update Feedback Consensus

Reached Consensus:

Principles of the Service Level Agreement

The community will be continuously engaged during drafting of the SLA

High-level principles in review committee selection process

IANA intellectual property rights clarification

Minor editorial suggestions and clarifications

Did Not Reach Consensus:

Specify a particular jurisdiction/dispute resolution mechanism

Specify a particular selection process for the Review Committee

Incorporate SLA text as a part of the proposal

CRISP Team Update
More Information

CRISP Team: https://www.nro.net/crisp-team

Proposal: http://www.nro.net/crisp-final-proposal

FAQ: http://www.nro.net/crisp-proposal-faq

CRISP Panel

SLA Drafting Progress
(Michael Abejuela to lead discussion)

CRISP Panel

Potential Challenges
(Bill Woodcock to lead discussion)

CRISP Panel
Potential Challenges

Negotiation with ICANN

Termination on reasonable notice

Discipline the SLA up to and including termination

Periodic competitive selection

Three IANA functions not necessarily coupled

CWG (Names community) deadlock

Nominally over ICANN accountability

Names registries - ICANN bidirectional relationship

Potential Challenges Negotiation with ICANN

Because the Numbers community is operating openly and transparently, we are publicly sharing both our position and ICANN's position as they present it to us.

The areas we're furthest apart on in negotiation are related: termination and separability of the three communities' IANA functions operators.

ICANN has verbally represented that they will reject any proposed agreement in which ICANN is not deemed the sole source prime contractor for IANA functions in perpetuity.

ICANN asserts that neither NTIA nor the US Congress will approve any transition plan which leaves open the possibility of a future non-US IANA Functions Operator.

This directly conflicts with three of our explicit hard requirements, and one implicit issue that involves the Protocols and Names communities.

Since this appears to contradict Steve Crocker's assertion on behalf of the ICANN board has no fundamental disagreement with the CRISP Principles, we invite ICANN to clarify this issue on the record, so that we can make progress.

Potential Challenges
Negotiation with ICANN

ICANN asserts that neither NTIA nor the US Congress will approve any transition plan which leaves open the possibility of a future non-US IANA Functions Operator.

We do not find this to be a credible argument for four reasons:

First, the USG has itself never considered ICANN a sole possible source, and made that abundantly clear in its 2011 statement that there were no acceptable responses to that year's IANA Functions RFP.

Second, this is the same USG that just turned administration of the Country Code 1 dial plan over to Ericsson, a Swedish company, despite many qualified US competitors.

Third, ICANN implies that it would itself never become a non-US entity, which it's under considerable pressure to do, and is very unlikely to commit not to do.

Fourth, the CRISP Team has solicited direct feedback from NTIA specifically, as well as the public generally, and has not found any basis for ICANN's assertions about NTIA's position.

Potential Challenges Negotiation with ICANN

In the wake of the APNIC meeting, our transparency principle continues to benefit our community, in that we all now understand ICANN's starting position in the negotiation.

Without a transparency principle, only a handful of people would be aware of the state of the conversation, and they might not be aware of the precedents in this area.

As in open-source software development, more eyes on a problem yield a better solution.

Maintaining a rigorous adherence to our principles of transparency and openness will only benefit our community throughout the remainder of the contract negotiation.

Potential Challenges Negotiation with ICANN

Termination on reasonable notice

III.A.3. Service Level Agreement with the IANA Numbering Services Operator

IANA Service Level Agreement Principles

7. Term and Termination

Either party may terminate the agreement with reasonable prior notice.

Potential Challenges
Negotiation with ICANN

Termination on reasonable notice

The Government may terminate performance of work under this contract in whole or in part if the Contracting Officer determines that a termination is in the Government's interest.

The Government reserves the right to terminate this contract, or any part hereof, for its sole convenience.

Potential Challenges Negotiation with ICANN

Discipline the SLA up to and including termination

III.A.3. Service Level Agreement with the IANA Numbering Services Operator

IANA Service Level Agreement Principles

6. Failure to Perform

If the IANA Numbering Services Operator fails to perform as agreed, there will be specific consequences. One of these consequences may be termination of the agreement.

Potential Challenges Negotiation with ICANN

Discipline the SLA up to and including termination

The Government may terminate performance of work under this contract in whole or in part, if the Contractor defaults in performing this contract and fails to cure the default within 10 days.

The Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract.

If the Contractor fails to proceed with reasonable promptness to perform required replacement or correction, the Government may perform the replacement or correction, charge to the Contractor any increased cost; or Terminate this contract for default.

The Government may terminate this contract, or any part hereof, for cause in the event of any default by the Contractor, or if the Contractor fails to comply with any contract terms and conditions, or fails to provide the Government, upon request, with adequate assurances of future performance.

If it is determined that the Government improperly terminated this contract for default, such termination shall be deemed a termination for convenience.

Potential Challenges Negotiation with ICANN

Periodic Competitive Selection

III.A.3. Service Level Agreement with the IANA Numbering Services Operator

IANA Service Level Agreement Principles

7. Term and Termination

RIRs will be able to periodically review the agreement and evaluate whether they want to renew the agreement.

III.A.1. ICANN to continue as the IANA Numbering Services Operator via a contract with the RIRs

The Internet Number Community believes that ICANN should remain in the role of the IANA Numbering Services Operator for *at least the initial term* of the new contract.

Potential Challenges
Negotiation with ICANN

Periodic Competitive Selection

December 24, 1998 (DARPA-to-USC-to-ICANN transition)
February 9, 2000 (NTIA-ICANN transition)
April 1, 2001 (March 21, 2001 NTIA-ICANN contract)
April 1, 2002
April 1, 2003 (March 13, 2003 NTIA-ICANN contract)
October 1, 2003
October 1, 2004
October 1, 2005
October 1, 2006 (August 11, 2006 NTIA-ICANN contract)
October 1, 2007
October 1, 2008
October 1, 2009
October 1, 2010
June 14, 2011 (Extension to March 31, 2012)
March 5, 2012 (Extension to September 30, 2012)
March 10, 2012 (NTIA finds no proposals met the requirements of Dec 19, 2011 RFP)
March 10, 2012 (Extension to September 30, 2012)
October 1, 2012 (July 2, 2012 NTIA-ICANN contract)
October 1, 2015
October 1, 2017

Potential Challenges Negotiation with ICANN

Three functions not necessarily coupled

Specific IANA customers (i.e., the number community, the protocol parameter community, and the name community) will have independent arrangements with the IANA Functions Operator related to maintenance of the specific registries for which they are responsible. At the same time, the Internet Number Community wishes to emphasize the importance of communication and coordination between these communities to ensure the stability of the IANA services. Such communication and coordination would be especially vital **should the three communities reach different decisions regarding the identity of the IANA Functions Operator after the transition.**

Potential Challenges
CWG deadlock

The Cross-community Working Group, or CWG, is the domain names community's equivalent of the CRISP Team.

Unlike the IETF and the CRISP Team, the CWG did not meet the January 15 deadline, and still have not delivered a final document to the ICG.

Their putative complaint is that they want to see and incorporate the results of the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) Work Stream 1 before deciding what they want to do. There's no projected due-date for that work yet.

The IETF and CRISP Team did not consider this to be a blocking factor.

But many of the domain name registries that make up the CWG are in a complex two-way relationship with ICANN. Unlike the RIRs and IETF, this complex relationship makes the accountability issues more challenging to their constituency.

Potential Challenges
Fadi quote, ICANN 52 Singapore - Part 1

https://www.youtube.com/watch?v=yGwbYljtNyI

We tell NTIA that a change is ready to be done in IANA, NTIA tells Verisign to do it. There's no relationship between [ICANN] and Verisign. NTIA will go away. They will go away with [ICANN] and with Verisign. They will end their role in the root zone management function. The easy answer is of course to draw a line [hand gesture indicating a direct connection between ICANN and Verisign]. ICANN could make the request and in order to make it easy so there's no software change, we would also say "go". Of course we could put an auditor or somebody who would watch us so we don't push that "go" button that today Vernita Harris at NTIA does. But that means that ICANN and Verisign have to be connected. I don't have that relationship today. I cannot go to Verisign and say, "Add or do something in the root." The good news is that that is now going to start happening.

I'm very pleased that **Verisign is open to continuing in its role with us.** Which means that **they will work with ICANN, at the pleasure of ICANN**, meaning **it will be a contract with ICANN to actually do that work.** That will keep things stable. No system change, no software change, same exact people, same exact process. It's just that the button in the middle will be pushed by someone else. It could be someone at ICANN, it could be a committee from the community, it doesn't matter. The system will remain completely the same.

Potential Challenges
Fadi quote, ICANN 52 Singapore - Part 2

https://www.youtube.com/watch?v=yGwbYljtNyI

Because **the CWG is so busy not doing its job** –which is to tell us how operationally IANA should work– it is busy telling us how it's going to turn ICANN into a membership organization, I think we have an issue. We started telling NTIA that we need to talk to Verisign for the stability of the system. Because come September 30th, if everything is resolved, we need to make sure that operationally we have a piece here working. ... Therefore it is very important that you step into the CWG, and say, "Guys, **you want to talk accountability, there is an accountability track, go there.** Let us decide how our operation will work." **The IETF did that very well, and they're done. The numbering guys did it: done.** Because they focused on the operations.

Potential Challenges
ICANN Accountability

The other reason that we did not consider ICANN accountability to be a blocking factor for our purposes was that there are already substantial mechanisms extant under California not-for-profit corporation law that define the accountability mechanisms available to "designators," which is the legal term for stakeholders who appoint board members, like us:

http://teamarin.net/wp-content/uploads/2014/09/ARIN-analysis-memo-ICANN-Bylaws-reDesignators.pdf

http://teamarin.net/wp-content/uploads/2014/09/ARIN-analysis-changes-ICANN-Bylaws-reDesignators.pdf

Similar recommendations were independently arrived at by a law firm commissioned by the CWG, as well as by at least one other party.

CRISP Panel

External legal opinion on ICANN accountability
(John Curran to lead discussion)

ARIN & the NRO
Transparent and Open Process

The NRO EC has directed that the SLA be drafted per the CRISP Team Principles. If there is any reason for the NRO EC to depart from those principles, then it is ARIN's recommendation that any such suggestions for changes to the SLA draft be shown clearly as markup.

It is essential that the community have ample opportunity to review, comment, and discuss the draft, and that the final end-product contains no component that has not been through the public consultation process.

CRISP Panel

Q&A

CRISP Panel

ARIN CRISP Process FAQ
(Courtesy of Cathy Handley)

CRISP Panel
IANA Oversight Transition Q&A

Is the US government giving the Internet away?

No, the intention has always been to transfer the oversight of the Internet Assigned Names and Numbers (IANA) functions away from the U.S. government to the global community.

CRISP Panel
IANA Oversight Transition Q&A

Exactly what was proposed in the National Telecommunications and Information Administration (NTIA) 14 March 2014 announcement?

The NTIA intends to transfer the role of oversight of the IANA functions it currently performs to the global multistakeholder Internet community.

CRISP Panel
IANA Oversight Transition Q&A

What does NTIA "oversight" of the IANA functions mean?

The role of NTIA is to ensure that ICANN meets the obligations outlined in the IANA Functions Contract.

https://www.nro.net/nro-and-internet-governance/iana-oversight/background

http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf

CRISP Panel
IANA Oversight Transition Q&A

Will ICANN continue to perform the IANA functions after the transition?

Yes, ICANN will continue to perform the operational role associated with the IANA functions for the foreseeable future; it is only the IANA oversight role of NTIA that is changing.

CRISP Panel
IANA Oversight Transition Q&A

What is the role today of NTIA in addressing?

Today NTIA has a procedural oversight role in the performance of the IANA functions. For example, the RIRs might expect the NTIA to review IANA's performance if there was an issue with how IANA was managing the allocation of resources to the RIRs. According to the NTIA, its role is largely symbolic; it is not an operational role.

CRISP Panel
IANA Oversight Transition Q&A

Why is ICANN in charge of the transition process?

ICANN is not in charge of the transition process. As the entity that performs the IANA functions, ICANN was asked to facilitate the process. It is now in the hands of the IANA Stewardship Transition Coordination Group (ICG). The NTIA will determine if the proposal being developed by the ICG is acceptable.

CRISP Panel
IANA Oversight Transition Q&A

What is the IANA Stewardship Transition Coordination Group (ICG)?

As defined by the ICG Charter: The ICG acts as a liaison to the all interested parties including those with direct operational or service relationship with IANA, namely names, numbers and protocol parameters. The ICG will solicit proposals from the operational or service communities in addition to the broader community. The ICG will then assess the outputs of the three operational communities for compatibility and interoperability. Following the assessment, the ICG will assemble a proposal for the transition.

CRISP Panel
IANA Oversight Transition Q&A

Is ARIN participating in the process?

ARIN is participating through the Number Resource Organization (NRO) and NRO Number Council with three representatives as members of the ICG. The NRO will put forth a proposal based on the inputs of all five Regional Internet Registries (RIRs).

ARIN contributed its community input to the early stage of the CRISP process following the ARIN 34 meeting in the fall of 2014.

CRISP Panel
IANA Oversight Transition Q&A

What happens if agreement is not reached by September 2015?

Nothing. The current IANA functions contract has the possibility of two, two-year extensions. The two, two-year extensions afford the community time to continue to discuss to come to an agreement.

CRISP Panel
IANA Oversight Transition Q&A

When will this actual transition occur?

Once an agreement has been reached on the new oversight mechanism, the actual transition process will begin.

CRISP Panel
IANA Oversight Transition Q&A

Who will have oversight after NTIA?

In general, the global multistakeholder community, the specifics of which are being determined through the consultation process.

CRISP Panel
IANA Oversight Transition Q&A

When the oversight of IANA changes, who will be in charge of Internet number resource global policies and how could this affect global policy?

The RIR communities will continue to be responsible for initiating and developing global policies. Global policy will not be affected by a change in who has oversight responsibility for the IANA functions.

CRISP Panel
IANA Oversight Transition Q&A

Will a change in IANA oversight impact how IP addresses are allocated?

No. The ARIN community will continue to develop the policies under which ARIN allocates Internet number resources.

CRISP Panel
IANA Oversight Transition Q&A

How will the CRISP proposal be transformed into an executable contract?

The RIR legal team, consisting of one lawyer from each of the five RIRs, is translating the principles expressed in the January 15 CRISP Proposal into a contract containing a Service Level Agreement. This contract will be reviewed publicly by the community and the CRISP Team for fidelity to the expressed principles before it is presented to ICANN for execution.

CRISP Panel
IANA Oversight Transition Q&A

How will any change in IANA oversight impact ICANN accountability?

A separate group is reviewing ICANN accountability: the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG). The results of that review will be considered by the ICG team in their IANA planning activities. ARIN commissioned a legal analysis of ICANN's bylaws and California state non-profit corporation law to assist the ICANN accountability review effort, the results of which (including potential bylaw changes) were provided to the CCWG for reference in their legal efforts rather than as an ARIN recommendation.

http://teamarin.net/wp-content/uploads/2014/09/ARIN-analysis-memo-ICANN-Bylaws-reDesignators.pdf

http://teamarin.net/wp-content/uploads/2014/09/ARIN-analysis-changes-ICANN-Bylaws-reDesignators.pdf