

ICANN 56 Pre-Event Briefing  
10 June 2016, New Delhi, India

# Centre for Communication Governance

## Report of Pre-Event Briefing for ICANN 56

—  
By Aarti Bhavana and Gangesh Varma



The Centre for Communication Governance organized its Pre-Event Briefing for ICANN 56 on 10th June 2016, which was attended by various Indian stakeholders including members of government, and civil society. The opening address was given by Mr. Rajiv Bansal, Joint Secretary, Department of Electronics and Information Technology, Government of India. Professor [Milton Mueller](#) and [Avri Doria](#), who joined remotely, were the main discussants and provided a detailed update on the IANA Transition and the CCWG Accountability process. [Joyce Chen](#) from ICANN's APAC office also participated remotely to speak about the APAC Space web conference as an avenue for engagement.

The opening address highlighted the historic milestones in the IANA transition process, specifically the submission of the transition proposal developed through a multistakeholder process and its subsequent acceptance by the NTIA. India's focus on engaging with ICANN and its multistakeholder processes was highlighted by the large delegation that attended ICANN 55 in Marrakech. This engagement is set to grow further with ICANN 57 scheduled to be in Hyderabad, India. The address also noted that the Indian government's flagship programs such as Digital India was aimed at bridging the digital divide. With the number of people online in India set to multiply it's necessary they have a voice in the governance structure of the Internet.

The Briefing event's agenda focused primarily on an update regarding the IANA transition. On June 9th, 2016, the NTIA [announced](#) that the IANA Transition Proposal meets the criteria that it set out in its [March 2014 announcement](#). Going past this milestone, our discussion focused on future hurdles and developments in the IANA transition process, as well as issues of general concern to Indian stakeholders.

## Root Zone Management

The first concern raised during the briefing was about the Root Zone Maintainer Agreement. This is a privately negotiated agreement between Verisign and ICANN. It was noted that there is a lack of transparency in the process. The negotiations and development of the Agreement was not done in a multistakeholder process, unlike the development of the IANA Transition Proposal. It was highlighted that the next few months would be critical with the setting up of groups, and reviews to examine the issue. The fact that the Agreement between ICANN and Verisign is still not finalized and made public is a matter of concern. The changes in the nature of the relation, including details such as payment are critical. This would set the terms for the relationship between ICANN and the Root Zone Maintainer, and ideally it should be one that anyone with requisite capabilities can bid for. While the text of the Agreement remains to be finalized, ICANN and Verisign have begun a 90-day test run of a parallel root zone management system. This is to ensure the production of the root zone occurs in a stable and secure manner in the absence of NTIA. This test run began on April 6, 2016 and is scheduled to end on July 5, 2016.

## Legislative Hurdles

The second concern raised was the creation of legislative hurdles by Nationalist Republicans in the US Congress, in the form of the [HR-5329 Bill](#)<sup>1</sup>, the [Protecting Internet Freedom Act Bill](#), etc. Some discussants felt that the possibility of the Bill being passed in Congress was limited, and should not be a significant cause of concern,

---

<sup>1</sup> This Bill would require the NTIA to extend the existing contract with ICANN until September 30, 2019 unless the agency can certify it secured the U.S. government's sole ownership of the .gov and .mil top-level domains.

while others highlighted the possibility of hurdles being introduced through other legislations that can block the funds required for the transition. It was noted that some organizations had submitted letters voicing their concern about US Congressmen blocking the IANA transition. It was further suggested that more voices echoing this would help in the call to prevent such efforts to block or delay the transition.

### **Test Drive of the Transition Proposal**

The third concern flagged during the discussion was regarding the possibility of a ‘Test Drive’ or soft launch that was suggested during the [Senate hearings](#) on May 24, 2016. This proposition was reiterated in Senator Marco Rubio’s [letter](#) to the NTIA. It was discussed that these efforts were prior to the announcement of the NTIA’s approval of the proposal, and do not pose a threat. Other discussants noted that while there may not be a delay due to a test run, the contract might be extended by a few months if ICANN is unable to provide NTIA with an implementation planning status report by 12<sup>th</sup> August, to give ICANN the time for implementation.

### **ICANN Accountability Enhancements and Work Stream 2**

Following the discussion on the transition, the briefing event focused on ICANN’s accountability enhancements and Work Stream 2 of the CCWG Accountability.

Critically evaluating the proposal, it was stated that the desired level of separability between IANA and ICANN was not achieved. The relationship achieved is incredibly complex and nearly impossible to separate the IANA to work with a different IANA Functions Operator other than ICANN. This was countered by other discussants who felt that if the separation was desirable, it would be achievable.

The composition of the Empowered Community was also discussed. The distribution of power between the various Supporting Organizations and Advisory Committees was reflected upon. It was felt that the accountability enhancements, and bylaw changes being held hostage by the transition delays these measures. If the transition does not take place, it would require renegotiation to bring in these accountability enhancements.

## **Work Stream 2**

It was highlighted that the timeline of Work Stream 2 is likely to be long, given the list of nine themes and difficult issues within them.<sup>2</sup>

At this stage, a question was raised regarding participation of the global community in the future work. The need for greater accessibility stakeholders from the developing world to be able to participate in the processes was flagged: what are the measures that can support greater involvement, and more voices to join in the discussions?

It was noted that the involvement of diverse stakeholders is necessary. Some discussants suggested that the involvement of millions of people in the technical functions and policy was probably unrealistic, as engagement requires DNS technical expertise, which rests primarily with industry organizations. The involvement of civil society is equally important, and they can engage through structures like the Noncommercial Users Constituency (NCUC) etc. The At-Large structures are also designed to enable wider global participation, and can be effectively used to reach a wider audience.

---

<sup>2</sup> The document that provides the list of nine topics, and procedure for volunteering to participate in these groups can be found [here](#).

An important aspect to note regarding Work Stream 2 is that it is highly segmented, and the best way to engage would be to focus on a few key themes. The Framework of Interpretation of Human Rights, issues of jurisdiction and transparency were some of the themes of interest among the discussants. It was also noted that the SO/AC accountability theme is critical to the efficacy of the new accountability structures, and must be engaged with.

### **Other Spaces for Engagement**

Apart from the transition process, and accountability enhancements, ICANN's policy development processes (PDPs) are important spaces for stakeholder engagement.

The PDP on the new WHOIS or the Next Generation gTLD Registration Directory Service (RDS) was also a subject of discussion. This PDP is of great interest because of the immense implications for the right to Privacy, and other security concerns.

The Meeting closed with an exchange on the themes of engagement for Work Stream 2 and the various issues that could be discussed under these themes.

It was highlighted that ICANN 56 is in the Meeting B format, which will solely focus on policy development, without any public forums and welcome ceremony etc. This implies that substantial amount of discussions on the PDPs, and the remaining work of the transition will be the focus of ICANN 56.