

DNS Détente

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Preamble

1. Although there was a healthy exchange of ideas about Internet Governance at the recently concluded Prep-Com-3 session in Geneva, there unfortunately remain some unresolved issues heading into the Tunis phase. This paper sets forth a potential framework for the evolution of Internet Governance. Consistent with the leadership demonstrated by Sub-Committee A's Chairman, Ambassador Masood Khan, this paper focuses on potential incremental points of consensus, while deferring discussion on more contentious issues.

Objective

2. One of the fundamental stumbling blocks to the continued evolution of Internet Governance is the insistence of the United States Government (USG) that it retain its historically exclusive role in connection with authorizing changes to the Root A server, particularly with respect to country code top-level domains (ccTLDs). As EU Spokesman David Hendon stated, many EU nations "cannot accept that the Americans have control of the Internet in their countries."

3. This paper proposes a public-private framework for the continued evolution of Internet Governance involving authorizing changes to the Root A server using existing structures that is open, transparent, and democratic consistent with the Geneva Principles.

Current MoU Framework and Approval Process

4. Under the current framework set forth in the Memorandum of Understanding (MoU) between the USG and ICANN, any proposed changes to the zone file for the Root A Server must first be processed by IANA under established procedures and then forwarded to the USG for final approval before any changes can be made.

5. Although the USG has apparently never denied a proposed change to the root zone file from IANA/ICANN, there have been some concerns within the international community about the potential for abuse of this exclusive authority. Specifically, the USG in theory could deny changes submitted by a ccTLD registry operator, or, in a worse case scenario, delete a ccTLD from the zone file.

6. It had been contemplated by many in the Internet community that the current MoU between the USG and ICANN would be the last, and that upon completion of this MoU next Fall, the USG would transition authority to ICANN. ²

¹ This paper was written in the authors' personal capacities.

7. However, in light of recent statements made by high-ranking USG representatives, it appears unlikely that this will not be the last MoU between ICANN and USG.³ In fact, these statements appear consistent with the recently announced “U.S. Principles on the Internet’s Domain Name and Addressing System”, in which the USG made clear its intention to “maintain its historic role in authorizing changes or modifications to the authoritative root zone file.”⁴

8. Although the USG in the first Principle articulated its intention to retaining its historic oversight of the root zone file, in the second Principle it did acknowledge that “[g]overnments have legitimate interest in the management of their country code top level domains” and that “governments have legitimate public policy and sovereignty concerns with respect to the management of their ccTLD.”

9. Independently of whether the USG retains its exclusive authority to approve changes to the Root A server, or if this authority is delegated to ICANN/IANA upon the conclusion of the current MoU, many in the Internet community have expressed concern about a concentration of authority with any single source.

10. It is believed that the proposal set forth in this paper will reinforce and build upon existing arrangements by reinforcing IANA’s role in verifying the authenticity of proposed root zone file changes, while also providing the International community with a meaningful safeguard to validate IANA’s decisions.⁵

Proposed Root Server Approval Process With Regard to ccTLDs

11. The framework proposed herein for approving root server changes in connection with ccTLDs involves modification of the IANA database to include a Governmental

² This viewpoint was specifically expressed in the March 2005 report “Signposts in Cyberspace: The Domain Name System and Internet Navigation”, in which it was stated “the Department of Commerce has expressed the U.S. government’s intention to complete privatization of DNS governance by transferring its stewardship role to ICANN by 2006, conditional upon ICANN’s satisfying certain pre-conditions.” Although funding for this project was provided by the U.S. Department of Commerce and the National Science Foundation under Grant No. ANI-9909852 and by the National Research Council, any opinions, findings, conclusions, or recommendations expressed in this report are those of the authors and do not necessarily reflect the views of the National Science Foundation or the Commerce Department. A helpful summary of this report from can be viewed online at <http://www.cstb.org/dns/signpost.html> or http://www7.nationalacademies.org/cstb/pub_dns_summary.pdf.

³ The following statement was made by Michael Gallagher during a recent Congressional Internet Caucus Advisory Committee forum in Washington, DC on 12-September-2005: “ICANN signed an MoU two years ago and have one more year to go on this version of the MoU and they made substantial progress with regard to bolstering their organization, to funding, they are much improved from where they were two years ago, but they are far from complete with less than a year left and multiple task yet to be performed.” See <http://www.netcaucus.org/audio/2005/20050912internetgovernance.mp3>

⁴ See http://www.ntia.doc.gov/ntiahome/domainname/USDNSprinciples_06302005.htm

⁵ The Signposts in Cyberspace report specifically noted as one of its recommendations that “[b]efore completing the transfer of its stewardship to ICANN (or any other organization), the Department of Commerce should seek ways to protect that organization from undue commercial or governmental pressures and to **provide some form of oversight of performance.**” (emphasis added)

Contact for each ccTLD and the creation of a Governmental Root Server Security and Stability Committee (GRSSSC).

12. The inclusion of a “Governmental Contact” for each ccTLD would be in addition to the current contact information associated with the sponsoring organization, administrative contact, and technical contact.

13. The propagation of the IANA registry with this new Government Contact data could be facilitated by cooperation of the ICANN GAC Chair and Secretariat with the IANA staff. The experience that the GAC obtained in the implementation of ICANN Board Resolution 01-92 for the .INFO country names demonstrated the viability of a public-private partnership in this type of operation.

14. The proposed GRSSSC would be composed of a small group of members appointed by designated national governments. Although it would be left to sovereign national governments to reach consensus on the structure and operational procedures of the GRSSSC, listed below are some proposals that may be explored:

- Limiting the working group to approximately 5-15 committee members;
- A two-tiered membership structure (permanent and elected);
- Rotational chair among committee members;
- Geographic diversity, i.e. at least 1 member from each of the five current ICANN geographical regions.
- Economic diversity, i.e. mix of developed and developing countries

15. Under the proposed framework, when IANA receives any request for the modification of information contained in the ccTLD database, the Governmental Contact for the appropriate ccTLD would be promptly notified through an agreed upon electronic means.

16. IANA would then undertake the necessary steps to authentic the nature of the request for execution. Upon completion of the authentication process, IANA would notify the appropriate Governmental Contact as well as the GRSSSC. In the case of ccTLD re-delegation requests, this notification would occur prior to submission of this request to the ICANN Board, as well as after the ICANN Board takes any action.

17. However, unlike the current process, where IANA forwards the proposed changes to the USG for approval, the request would be forwarded to appropriate ccTLD Government Contact and the GRSSSC where either entity would be empowered to veto the proposed changes when it believed that IANA acted in violation of agreed upon procedures.

18. If neither the Government Contact nor the GRSSSC exercised their veto rights within the designated period of time, the proposed changes are presumed valid and timely executed.

19. In the case where a Government Contact for the ccTLD in question sought to veto the recommended actions of IANA, the GRSSSC would have the ability to override the Government Contact veto and authorize the implementation of the original IANA recommendation.

20. The particular mechanisms and procedures regarding the GRSSSC ability to invoke a veto or override the veto request of a Government Contact would be left exclusively to the GRSSSC to decide.

21. Notwithstanding the above proposed framework, which anticipates adequate time frames between notification and execution, flexibility must be provided to expedite changes in the Root A Server in response to national disasters and other emergencies that would be carefully enumerated by the GRSSSC.

Proposed Timeline for Implementation

22. Provided that national governments find merit in the proposal contained in this paper during the second phase of WSIS in Tunis, the upcoming re-bid of the IANA contract by the USG in March 2006 provides the opportunity to implement this framework into this existing contractual construct.

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