

Summary of RIR proposals: Post-transition oversight and accountability arrangements with IANA functions operator

APNIC, RIPE NCC and LACNIC have, in recent months at their respective RIR meeting, outlined proposed post-transition contractual framework with the IANA functions operator. ARIN and AFRINIC have conducted open community surveys on questions relating to the IANA stewardship transition.

There are subtle differences between the proposals outlined by APNIC, RIPE NCC and LACNIC. However, at a recent meeting between the RIR staff on the CRISP team, it seems clear that these differences may be accommodated in a spirit of collaboration and compromise.

In summary, these are the proposals:

APNIC	RIPE NCC	LACNIC	
AOC		AOC	See note 1
SLA	SLA	SLA	See note 2
		MONC	See note 3

Notes:

1. AOC is the Affirmation of Commitments. The proposal is to have an AOC between the RIRs and the IANA functions operator, in a form similar to the AOC between ICANN and the US Government's Department of Commerce dated 30 September 2009. See here: <https://www.icann.org/resources/pages/affirmation-of-commitments-2009-09-30-en>
2. SLA is the Service Level Agreement. The proposal is to have a SLA between the RIRs and the IANA functions operator, in a form similar to the IANA Functions Contract between ICANN and US Government's National Telecommunications and Information Administration (NTIA) dated 2 July 2012. For a summary of this contract, see here: <https://www.icann.org/en/system/files/files/sac-068-en.pdf>
3. MONC is the Multi-stakeholder Oversight Numbers Council, proposed by the LACNIC community. For further information, see here: <http://www.lacnic.net/en/web/transicion/inicio>

Accommodating the differences

All three proposals have one document in common – that is, the Service Level Agreement. All RIRs believe that the SLA is central to any post-transition oversight and accountability arrangement. This document is also contemplated in ARIN's draft submission to ICG's¹ request for proposal². ARIN's draft submission will be tabled for discussions by the CRISP team.

Affirmation of Commitments (AOC)

The RIPE NCC community does not believe that it is necessary or desirable to have an AOC between the RIRs and the IANA functions operator.

APNIC and LACNIC communities favor an AOC as the means of documenting high level relationship aspects between the RIRs and their communities, and the IANA functions operator. The AOC is also the preferred way of documenting accountability and transparency mechanisms of the parties. Currently, ICANN's principal obligations to conduct accountability and transparency reviews come from its promise to the US Government, in the manner set out in the AOC.

However, there is no reason why these commitments cannot be documented in the SLA document itself, whether as recitals or background to the SLA, or as substantive obligations of the parties under the SLA. This will address the needs and concerns of all the parties.

Multi-stakeholder Oversight Numbers Council (MONC)

Some of the RIRs believe that MONC is complex and overly burdensome, to oversee the performance of a contract where, over the past 12 months, the IANA functions operator has performed only eight transactions for the RIRs. However, it is clear that the LACNIC community prefers to have a broader based community group to review the performance of the IANA functions.

As a way of addressing the LACNIC community's concerns, and those of the other regions, the following has been suggested as a compromise and a possible way forward.

The NRO (as the umbrella body through which all the RIRs will enter into any proposed contract with the IANA functions operator) can commit to convening a broad based community group, in a manner similar to the creation of the CRISP team, on an annual basis, to advise and report to the NRO Executive Council on the performance of the SLA during the past year.

The NRO EC will take into account the advice and report of this community group, before making any decision relating to the SLA.

¹ ICG is the IANA Stewardship Transition Coordination Group. More information is available here: <https://www.icann.org/stewardship/coordination-group>

² ICG's request for proposals is available here: <https://www.icann.org/en/system/files/files/rfp-iana-stewardship-08sep14-en.pdf>

The creation of this broad based community group will be a commitment that the NRO EC can make to the community, but will not form part of the contractual commitments between the RIRs and the IANA functions operator.

Note: The views of the NRO EC has not been sought as to whether this is a commitment that the NRO EC is prepared to make. These suggestions are made on the basis that, if acceptable to the community, then a formal approach can be made to the NRO EC for its consideration.

Summary

In summary, it would seem that the proposals APNIC, RIPE NCC and LACNIC have submitted to their communities, can be consolidated in the following way:

1. There will be an SLA, as contemplated by all, which will include within its recitals or substantive provisions, some of the matters that would otherwise be documented in the AOC.
2. There will be no separate document described as the AOC.
3. The NRO will convene a broad based community body to advise and to report to it on the performance of the SLA by the IANA functions operator, in place of MONC. This commitment, if appropriate, will be made by the NRO EC, but will not be referred to in the SLA as a contractual commitment.

Prepared by Craig Ng, APNIC General Counsel
For discussions by the CRISP Team
10 December 2014