



Additional questions for the record

March 17, 2016, Subcommittee on Communications and Technology hearing “Privatizing the Internet Assigned Number Authority”

Responses of Matthew Shears, Director Global Internet Policy and Human Rights, Center for Democracy & Technology (CDT)

The Honorable Renee Ellmers

- 1. ICANN is a global organization to provide policy and protection for all citizens throughout the world. As threats to our nation’s cybersecurity increasingly grow more frequent and more complex, without accountability to the United States, how can we ensure that the leadership inside ICANN would not be unduly influenced or implement policy that could negatively impact every company and individual in the United States who rely upon fair and open access of the Internet each and every day? For example, the staff of ICANN make decisions every day impacting companies and their very business models such as how to implement policy relating to the new gTLD program or enforcing requirements that protect people from bad actors using domain names or web sites to cause harm to others.**

From the very beginning of the work on developing the accountability mechanisms, NTIA’s criteria have guided the work of the multistakeholder community. It is worth noting that the criteria of both supporting and enhancing the multistakeholder model, and meeting the needs and expectations of the global customers and partners of the IANA services, have provided essential guidance. The accountability measures that have been put in place reinforce the role of the multistakeholder community and the customers of the IANA functions, and place important checks on the organization’s mission and the powers of the ICANN Board. The accountability measures are also designed to ensure that no one party can take actions that are outside ICANN’s mission or that could impact ICANN, the IANA functions or the DNS. Post-transition accountability will reside with the empowered ICANN multistakeholder community in which the significant US interests in the DNS and its continued stability and security are very capably represented across all stakeholder groupings.

2. **The transition plan asks for the U.S. government to place trust in an organization governed by volunteers who self-select leaders rather than elect or appoint leaders. In some cases leaders may or may not be qualified, and in some cases may clearly have financial or other interests influencing their decision making and approach to developing policy for everyone. When the Internet is so central to how our people and companies live and thrive, can we really simply trust that this will be done fairly and appropriately, particularly given the political volatility in today's climate? What safeguards can we instill to insure fair decisions for all?**

The ICANN community has been developing policies for the Domain Name System (DNS) since 1998. It is comprised of experienced and professional individuals from across the stakeholder groupings all of whom are committed to the stability, security and resiliency of the Internet. The United States Government's role has been effectively hands off, entrusting the Internet to this community. This community operates through a multistakeholder model that is a powerful construct for ensuring that decisions do not merely reflect the views of one particular stakeholder. The changes to the bylaws that will be implemented as a result of the work to enhance ICANN's accountability will ensure that the views of the community are heard and that ICANN is accountable to the global multistakeholder community.

3. **Why the need to transition from the United States before the Accountability workstream 2 is completed? With so much at stake and so many potential threats to the US economy, safety and security driven by potential bad actors on the Internet ranging from the North Koreans, Chinese, Russians and ISIS/ISIL, why risk this to a group of volunteers without accountability back to the United States?**

Post transition, ICANN will be accountable to its community and the broader multistakeholder community. Within ICANN, the United States Government will continue to play a prominent role in the Government Advisory Committee, just as representatives of US businesses, technical bodies and civil society organizations will continue to play prominent roles in their respective parts of the community. When work on the transition was initiated it was decided that measures to enhance ICANN's accountability, empower its community and strengthen the multistakeholder model needed to be put in place before the United States Government could step back from its role in the DNS. These measures were, rightly, determined to be essential to the transition. The accountability measures in Work Stream 2 were not considered essential to be in place prior to the transition but were deemed important enough to ICANN's future to have work carry on post-transition.