Noncommercial Stakeholder Group (NCSG) comments on the RSSAC's Proposed Governance Model for the DNS Root Server System

The Noncommercial Stakeholder Group (NCSG) appreciates RSSAC's efforts to proactively reform and formalize the governance of the DNS Root Server System. Root server operators were designated informally in the early days of the Internet, and for some time there has been uncertainty about how RSOs will be designated or removed from service. As Internet industry, standards, and supporting technologies evolve there will certainly be a need for a more well-defined process for making changes.

Support for the principles

We support the proposed set of principles on page 12 of the report. We have no addition or deletion to propose. Especially relevant in the current context is Principle 11, the call for neutrality with respect to "the politics of geographic regions and nation states when delivering the DNS root service." Principle 11 in combination with Principle 4 (Diversity) suggests to us that the concept of diversity should encompass greater variation in political jurisdictions. Currently, most of the RSOs are in the United States. While we do not believe that the selection of RSO's should strive to be politically determined or politically representative, diversification across jurisdictions does mitigate a risk that might be associated with too heavy a reliance on one jurisdiction.

Some issues with the definition of stakeholders

The discussion of Root Server "stakeholders" in section 4 is not optimal and needs some minor modifications. There is an inconsistency in the discussions within the ICANN community. On the first bullet point on page 14, the report refers to the "ICANN community in the form of several of its constituencies." The term "several" implies that some constituencies are stakeholders and others are not. Later on (p. 15), the report says "The ICANN community refers to all constituent bodies in ICANN." This is a more inclusive formulation and we prefer to have that one used consistently. We would like to see the words "several of" deleted from page 13. Another minor point is that we have trouble understanding the definition of IAB and the IETF as distinct stakeholders, as the former is an organ of the IETF. But this does not seem to affect the governance model at all.

Functions

We believe that the RSSAC has done a good job of separating functions in ways that facilitates good governance. In particular the need for more or less RSOs is delegated to the Strategy, Architecture, and Policy Function (SAPF) renamed as the Root Server System Governance Board in ICANN Org's concept model, which is separated from the specific decisions made in the Designation and Removal Function (DRF) as to which RSOs will be added or dropped.

The composition of the SAPF is unclear. We agree in general terms with the description of its composition on page 21, but there is no indication of how people are selected for it, how large it is, terms of office, etc. We would not favor an SSAC-style model of designation in which the ICANN Board has arbitrary authority over who is selected and an old boys network is created.

We agree with the basic approach to representation on the DRF (p.23), which is also renamed as the Root Server Operator Review Panel in ICANN Org's concept model. When the report says "submit representatives" however, it needs to be made clear whether each unit listed will provide one or more representatives. We believe that all of the groups except the GNSO and ccNSO should have one representative. The DRF should have more than one representative from the GNSO and CCNSO, which have greater and more direct stakes in the RSS than most of the other entities listed. Regarding GNSO, it is divided into supplier stakeholder groups (registrars and registries) and user stakeholder groups (commercial and noncommercial). These two "houses" of the GNSO have dramatically different interests and perspectives on the operation of the RSS, essentially a producer vs a consumer perspective. We think it would not be possible for one representative to adequately represent both.

The problem of funding

Our main concern with the proposal has to do with the Financial Function (FF). It appears to us that the RSSAC-037 proposal was creating a new Root Server organization that will be at least the size of PTI and probably bigger, with 12 FTEs, half of them rather senior, and annual costs of around $2 million for staff alone. Though this concern seems to be addressed in ICANN Org's concept paper *A New Cooperation and Governance Model for the Root Server System*, by ICANN Org proposing to be responsible for performing the Financial Function with the oversight of the ICANN Board, we would like to know more details on how ICANN Org plans to staff and perform the FF function; since it is difficult to evaluate the cost-effectiveness of the proposed staffing needs of RSSAC-037 unless we know where the money is coming from and how it would be allocated. It seems as if the concept paper has deliberately left this open; we look forward to continued discussion of this.

The most important thing is that the funding model must be carefully designed to ensure that the incentives of RSOs and the community are fully aligned with the critical principles outlined in RSSAC-037 report. While the proposed FF seem top heavy and possibly subject to bureaucratization and capture, one lighter-weight possibility we would encourage to be

explored is the idea of a smaller Secretariat Function and a flat, lump sum grant to RSOs which may or may not cover all of their costs. This grant would come with their designation as an RSO. The fixed size of the grant would enable technically and operationally qualified RSOs to apply but reduce the risk that they are only doing it for the money, while at the same time avoiding the risk that large governmental or corporate players would fully subsidize the operation in order to seek some form of control or leverage.

Thank you for inviting our input on this matter.