

10 June 2021

RE: Current Status and Next Steps of the Root Server System Governance Working Group

Ted Hardie
Chair
Root Server System Governance Working Group

Dear Ted,

On behalf of the ICANN Board, I would like to thank you and the Root Server System Governance Working Group (GWG) for your considerable ongoing work. The Board supports the GWG and remains committed to finalizing the evolution of Root Server System (RSS) governance. The Root Server Operators (RSOs) are critical members of the ICANN community and participate as the Root Server System Advisory Committee (RSSAC) with a liaison to the Board. At this critical point in your work, the Board wishes to share our thoughts on the status of that work and what we anticipate will be included in the eventual recommendations that the GWG will present.

The Board supports your efforts to achieve consensus outcomes that implement “RSSAC037: A Proposed Governance Model for the DNS Root Server System” (RSSAC037) and “RSSAC038: RSSAC Advisory on a Proposed Governance Model for the DNS Root Server System” (RSSAC038) in a meaningful way and recognizes that the GWG is still refining its proposal. The Board notes its expectation that the RSOs are consulted about and support the GWG proposal before the general Public Comment process begins. Evolving the governance of the RSS and the accountability of the RSOs as outlined in RSSAC037 will result in significant changes for many parties. Therefore, it is essential that the GWG outcome is supported by the ICANN community and, in particular, the RSS stakeholders: the RSOs, the Internet Architecture Board, and the Internet Engineering Task Force. The Board also anticipates that GWG outcomes supported by the RSS stakeholders will also be supported by a consensus of the GWG as required by its charter.

The ICANN mission specifically states that ICANN “facilitates the coordination of the operation and evolution of the DNS root name server system.” Through RSSAC037 and RSSAC038, the RSSAC provided advice to the Board in service of this portion of the ICANN mission. The Board takes seriously its role of considering advice from the RSSAC, and after consultation with the RSOs, the Board convened the work of the GWG to support the enhancement and evolution of the DNS.

According to its charter, the purpose of the GWG is to develop a final model for RSS governance and RSO accountability. The GWG charter also states that the GWG shall refer to RSSAC037 as a source document. The outcome of the GWG will inform the discussions and

deliberations of the ICANN Board in responding to RSSAC037 and determining next steps in the evolution of the RSS in conjunction with the RSSAC and RSS stakeholders. The GWG should consider its work plan and make adjustments accordingly for the Board to review. It is important to get this right.

The composition of the GWG as outlined in its charter reflects the RSS stakeholders that RSSAC identified in RSSAC037. The GWG charter establishes the requirement that the GWG “shall work openly and transparently”. The Board recently learned that the GWG teleconference on 3 June 2021 included an “executive session” in which all liaisons to the GWG, including the liaisons from the ICANN Board, were excluded, and that this is not the first time liaisons have been excluded. After that teleconference, the GWG requested that the joint session of the GWG and Board Technical Committee be removed from the ICANN71 schedule. The Board would like to understand these decisions, which conflict with ICANN multistakeholder consensus norms.

Liaisons from the Board observe and carefully contribute to ICANN community discussions to support successful outcomes. Excluding the Board perspective from GWG discussions could serve to undermine the credibility of the GWG proposal and jeopardize the legitimacy of the GWG process. It also raises concerns with the GWG holding itself accountable to the transparency requirements in its charter. The bottom-up, multistakeholder model works on the basis of maximum transparency, inclusiveness, and fairness, as outlined in the ICANN Bylaws. It is essential that GWG processes adhere to these core principles both for the GWG proposal and in respect of the multistakeholder model itself. The Board liaisons look forward to resuming their positive engagement with the GWG as soon as possible.

On behalf of the Board, I again thank you and the GWG. We look forward to reviewing the GWG proposal, and we remain ready to work with the GWG as the proposal evolves.

Sincerely,



Maarten Botterman
ICANN Board Chair

CC Lito Ibarra, ICANN Board Alternate Liaison to the GWG
Göran Marby, ICANN org President and CEO
David Olive, ICANN org Senior Vice President, Policy Development Support
Tripti Sinha, ICANN Board Liaison to the GWG
RSOs via Fred Baker, RSSAC Chair, and Brad Verd, RSSAC Vice Chair