

**Testimony of Jon Postel
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BEFORE

The Subcommittee on Basic Research

and

The Subcommittee on Technology

of the

**Committee on Sciences
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My name is Jon Postel. I am the Director of the Computer Networks Division of the Information Sciences Institute at the University of Southern California. I also administer the Internet Assigned Names Authority, which is the central coordinator for the Internet address space, domain names and Internet protocol conventions essential to the use and operation of the Internet.

I appreciate the opportunity to participate in this review of the process of transition of these administrative and coordination functions to a new international non-profit private entity. Up until now, these functions have been largely performed pursuant to government contracts; once this new private entity is established and functional, it will absorb the responsibility for overseeing and funding this critical work. After several years of debate and several months of very hard work following the issuance of the so-called White Paper by the Department of Commerce on June 5, 1998, we are close to accomplishing the challenge laid down in the White Paper: to create a global, consensus non-profit corporation with an international board, transparent and fair procedures, and representation of all the various Internet constituencies, from the technical people who created and have nurtured the Internet from its earliest days, to the commercial interests who now see it as an important business tool, to individual users from around the globe.

We should be clear on one point at the beginning: this process was never intended to create an entity that would be a “monolithic structure for Internet governance,” to use the White Paper’s language. Rather, and again using the White Paper’s language, we sought to create “a stable process to address the narrow issues of management and administration of Internet names and numbers on an ongoing basis.”

It is hard to overstate how difficult even this limited assignment has proven to be. There are widely varying opinions about the type of oversight that is necessary or desirable; significant differences on the form of organization that is appropriate to carry out that oversight; and any number of opinions on the appropriate process needed to accomplish whatever is eventually done. This is truly a global medium, and sometimes it seems that everyone on the globe has a view — strongly held, in most cases — about these issues. Of course, there are some who have extremely idiosyncratic views on certain topics, but most of those participating in the debate are rational and conscientious advocates of particular points of view. It is the fact that there are so many diverse points of view that has made the job of producing consensus so difficult.

Nevertheless, we have now been able to submit to the Department of Commerce a proposal – to create the Internet Corporation for Assigned Names and Numbers (“ICANN”) — that does have broad consensus support among Internet stakeholders. Of course, consensus does not mean unanimity, and there are still strongly held views on various issues that are contrary to some specific aspects of the proposal. It may well be that some of those views can and should be incorporated into the consensus proposal; this is clearly a work in progress, not a finished product, and all good ideas are welcome. I am quite confident that this effort, notwithstanding all the hard work by many people that went into it, did not produce a perfect model. But I am equally confident that it provides a sound basis for moving forward, and a strong platform for the work still to come.

In proper perspective, it is quite amazing that we have been able to reach this goal. Not only were the time limits extremely short, but the fact is that the creation of a global, consensus organization is not very easy to do. When you add in the very strongly held views of many of the stakeholders, a history of prior disputes that had created deep suspicions about motives and intentions on all sides, and the fact that the Internet itself is evolving more rapidly than anyone could have possibly anticipated, the notion of a global consensus on how all this should be managed seems almost fantasy. But the fact is that we have been able to take this important first step because all the responsible stakeholders came to understand that if they did not put aside their specific agendas and come together to create this entity, no one would realize either their agendas or their aspirations for the Internet.

There was one issue on which there seemed to be almost unanimity: the Internet should not be managed by any government, national or multinational. Because the alternative to consensus was very likely just that, all of the responsible stakeholders have come together and worked very hard to get over this first, critical hurdle. What has been accomplished is, to repeat myself, quite amazing in context, and something that bodes well for the consensus resolution of the very difficult policy issues that have been put aside in order to concentrate on creating this new organization.

In summary, my view is that the transition is going quite well. We still have some work to do before this new organization becomes fully functional, but I believe that it will reach that goal within a very few months from now. And when it does, all of us who played a role in creating it, and indeed the whole world, will have something to be proud of - something that will survive all of us, and contribute to the world long after we are gone.

Let me now describe how we got to where we are, and why I believe that what has been produced is a true consensus product. The June 5 White Paper essentially challenged Internet stakeholders to create a global, consensus non-profit corporation to take over the critical administrative and coordination functions described above. Immediately following the release of the White Paper, IANA released a statement endorsing its conclusions and indicating that it was prepared to “transition its responsibilities to an international not-for-profit corporation run by a board of directors representing the spectrum of Internet interests around the world.” Of course, being ready to make such a transition and having a proper vehicle available are two different things. Since the White Paper did not, as it could not, direct the global Internet community to create this new organization in some particular way, it was left to individual actors to take on this responsibility. Because I had been involved with the domain name system since its creation, and because IANA has such a central role in this area, it seemed logical that IANA take a leading role in facilitating the creation of the global consensus necessary to respond to the White Paper, and we undertook to do so.

On June 24, 1998, IANA released a “Framework for Discussion on the Recommendations” of the White Paper. It suggested several core concepts that seemed appropriate for the new organization:

- it should be non-profit, to ensure the impartial central coordination of the Internet;
- it needs to be operational by September 30, 1998, when key government contracts expired;

- it should be guided by a broad international and industry consensus, and the board should represent the full range of international and functional interests;
- specialized councils should do most of the work, overseen by the board to ensure fairness; and
- an interim board should be created to handle the process for selecting the full-time board.

On June 26, 1998, IANA released "Suggestions for a New Organizational Structure," a more detailed discussion of the principles included in the June 24th "Framework" document. It encouraged interested parties to get involved in this process in any way they could, and noted that a number of organizations had announced meetings to discuss these issues and help to identify consensus concepts. IANA applauded all such efforts, and then went on to offer specific ideas for anyone who desired to consider these issues. We emphasized that these were only "initial thoughts, explicitly intended to be discussed," and we encouraged everyone to send comments on these ideas to the Web site established for that purpose at comments@iana.org. All substantive comments received were posted for all to see at www.iana.org.

At this point, it might be useful to speak to the charge that some have made that IANA, by directly offering its thoughts and suggestions to the Internet community and inviting comments on them, was somehow subverting a true public process. Most of this criticism comes from a small number of loud voices, including a small minority of those who were involved in one of the consensus-building efforts that took place over the last several months, the International Forum on the White Paper. Their complaint, as I understand it, is that anything that was done outside of the IFWP process is necessarily illegitimate, because the IFWP was the only legitimate consensus-building forum. Since IANA, in addition to participating in every IFWP meeting, also produced its own multiple draft documents, posted them publicly and sought comments on them from anyone, these critics argue that the IANA effort was an attempt to undercut the only "true" public process.

Several points are relevant. First, the IFWP was explicitly designed to be a forum for discussion. It had no claim to being the only forum; in fact, discussions were held in many places, in many ways, all over the world. The IFWP was a successful discussion venue, but it never sought to produce actual proposals for the creation of the new

organization. Each of the four IFWP meetings did produce various statements of "consensus," but they were frequently quite general. For example, it could reasonably be argued that some or all of the IFWP meetings reached a consensus of those present that the new organization should be a membership organization. Unfortunately, none of the IFWP meetings produced any concrete suggestions, much less a consensus, on what form such a membership should take, or how it would be organized, or what role it would have in the management of the organization. These are, of course, critical details, the absence of which renders any "consensus" on membership somewhat less useful than it might otherwise be in actually drafting organizational documents.

It is hardly surprising that the IFWP did not produce any specific proposals or documents. Corporate documents, like football game plans, are not easily drafted in a stadium, with thousands of very interested fans participating, each with their own red pencil, trying to reach a consensus on every word. Group discussion is very valuable; group drafting is less productive. The IFWP served its intended purpose, and it served it well. Most of those who organized and participated in the IFWP process recognize and accept this fact, and indeed most are strong supporters of the ICANN proposal submitted to the Commerce Department. But a small minority, for whatever reason, have chosen not just to disagree with the proposal, which of course is their right, but also to characterize its very existence as evidence of some global conspiracy to prevent a truly open process. This is disappointing, but perhaps it is inevitable that there will be a small fringe of extreme views when the subject is something that touches (at least potentially) every person on the planet.

The fact is that IANA participated in every one of the IFWP meetings, and in addition communicated in person, by telephone, by e-mail and through the receipt of literally hundreds of comments from people and organizations representing every conceivable Internet constituency. We listened to everyone who wanted to offer comments or suggestions, and we then tried to turn those suggestions into actual documents. On July 13, 1998, we produced an expanded version of the June 26th Discussion Draft, adding more details and making various changes as a result of the comments and suggestions already received. On July 17, 1998, we released our first draft bylaws; a second iteration reflecting comments and suggestions received was posted on August 4, 1998; and a third iteration reflecting more comments was posted on August 24. All of these drafts were available to the entire world, and people and organizations from around the world commented; I would estimate that we received comments from over 50 countries. We received comments from individuals, technical organizations, organizations involved in Internet administration, business organizations, governmental

bodies, and many individuals. This process was about as public as it could possibly be; the only thing that was not “public” was the actual drafting, but the results were there for the world to see every time a new document was created.

On September 17, 1998, we released the fourth iteration of draft bylaws, this time benefiting from the active collaboration of Network Solutions, Inc. NSI was and is an important stakeholder in this discussion, and it had earlier issued its own draft of proposed bylaws that were significantly different in certain ways from the IANA drafts. It was also an active participant in the IFWP process, with attendees at all of the IFWP meetings. Both NSI and IANA concluded that the only intelligent way to obtain consensus was to see whether we could combine the two drafts in a way that would attract support from all stakeholders. We (meaning myself and NSI’s CEO Gabe Battista and others working with us) spent a very considerable time in meetings and telephone conference calls over a two-week period trying to put the two documents together. On September 17, we released a joint IANA-NSI set of documents. For the most part, this draft was well received, but there were some provisions that became the target of fairly widespread concern. In addition, the fact that both NSI and IANA had sponsored this draft apparently finally convinced a lot of people that this consensus organization might really come into being, so we received extensive comments on this draft from a large number of stakeholders and organizations representing stakeholders. As a result, we released a fifth iteration of draft documents on September 28, 1998.

As I mentioned earlier, September 30 had been the presumed deadline for creating this new organization, because the NSI contract with NSF was scheduled to expire on that date. As it turned out, the government was not able to complete its discussions with NSI on transition arrangements by that time, and extended that contract for one week in order to complete those arrangements. This gave us a little more time, and thus we submitted our consensus proposal to the Department of Commerce on October 2, 1998. That submission is attached to this testimony.

You will recall that one of the principles that IANA outlined on June 24th was the creation of an interim board to manage this organization until a permanent process could be put in place for ongoing board selection. Our reasoning was simple: if we did not have an organization yet, there was no mechanism for selecting a board — a true chicken and egg problem. Our conclusion, and what became the consensus conclusion, was that we had to find a highly competent, internationally and functionally diverse group of individuals who would agree to finish the creation process for this new organization, including most importantly the process for selecting its leadership going

forward. There were some who called for global Internet election of this interim board — a kind of “one e-mail address, one vote” process. Most stakeholders simply didn’t think this was practical at this time, with no organization in place to manage and monitor such a process. Thus, the only workable alternative method for creating an interim board we could devise was to invite suggestions from anyone and everyone, to consider and seek reactions to those suggestions, and finally to try to come up with a proposed board that would be able to command the consensus support of the Internet community.

We of course recognize that this process is easily criticized as undemocratic and closed. But the simple fact is that neither we nor anyone else to our knowledge was able to devise any other plan for selection of the interim (what is called in the ICANN proposal the “Initial”) board that was workable and acceptable to the broad majority of Internet stakeholders. And the fact is that we had a deadline to meet, and an organization to create; we could not wait for someone to invent something new, or to convince the world that it would work. So we did the best we could under the circumstances: we sought out highly qualified individuals around the world and tried to convince them to accept this unpaid post where they could participate in very contentious debates over very complex issues with highly partisan advocates, and once they had done their job they could not continue on as board members (in order to avoid even the hint of self-dealing).

Not surprisingly, there was not a surfeit of volunteers for this job description, but after lots of hard work and arm-twisting by lots of people, we were able to convince nine exceptionally qualified people to volunteer for this important but, I’m sorry to say, almost surely thankless job. Their names and backgrounds are contained in the materials attached to this testimony. Their willingness to make this contribution to the global public interest in the operational stability of the Internet is worthy of our appreciation and respect.

We have a long way to go to make this new organization into the effective coordinating and oversight body it needs to be, but we have taken a first, very important step. Most of the work to come will be done by others; IANA will continue its technical work and I will of course stay involved in the process, but it is time for ICANN to begin to lead this effort. I am confident it is well-positioned to do so.

I would be happy to answer any questions you might have.