IANA Stewardship Transition & Enhancing ICANN Accountability

| APTLD Meeting | 8 September |
What are the IANA Functions?

The IANA Functions evolved in support of the Internet Engineering Task Force, and initially funded via research projects supported by the U. S. Department of Defense, Advance Research Projects Agency.

ICANN was created to perform the IANA Functions and has done so pursuant to a no-cost contract with the Department of Commerce for over 15 years.

These functions include:
- The coordination of the assignment of technical Internet protocol parameters
- The administration of certain responsibilities associated with Internet DNS Root zone management
- The allocation of Internet IP addresses
The U.S. Government’s Announcement

14 March 2014: U.S. Government announces intent to transition its stewardship of the IANA functions to the global multistakeholder community

- Asked ICANN to convene global stakeholders to develop a proposal
- The multistakeholder community has set policies implemented by ICANN for more than 15 years

Why now?

The U.S. Government’s announcement:
- Marks the final phase of the privatization of the DNS
- Further supports and enhances the multistakeholder model of Internet policy making and governance

ICANN was asked to serve as a facilitator, based on its role as the IANA functions administrator and global coordinator for the Internet’s Domain Name System (DNS)
NTIA has stated that the transition proposal must have broad community support and address the following four principles:

1. Support and enhance the multistakeholder model
2. Maintain the security, stability and resiliency of the Internet DNS
3. Meet the needs and expectations of the global customers and partners of the IANA services
4. Maintain the openness of the Internet

NTIA also specified that it will not accept a proposal that replaces the NTIA role with a government-led or intergovernmental organization solution.
The community developed and is following two parallel processes:

**IANA Stewardship Transition**
Focused on delivering a proposal to transition the stewardship of the IANA functions to the multistakeholder community

**Enhancing ICANN Accountability**
Focused on ensuring that ICANN remains accountable in the absence of its historical contractual relationship with the U.S. Government

To drive the processes, the community created multilayered, transparent and diverse working groups to foster discussion and within those groups, has developed working methods and systems for determining consensus.
Overview of how it looks
Combined Proposal Overview
Names (CWG-Stewardship) - Proposal Overview

**Current Contract**

- NTIA
  - IANA STEWARDSHIP
  - IANA FUNCTIONS OPERATOR
- ICANN

**Post-transition**

- ICANN
  - BOARD
  - POST-TRANSITION IANA (PTI)
  - LEGAL SEPARATION
  - CONFLICT RESOLUTION

- CSC
  - CUSTOMER STANDING COMMITTEE

- IFR
  - IANA FUNCTION REVIEW
  - SPECIAL IFR

- CUSTOMERS

INITIAL SERVICE ISSUES OR COMPLAINTS

SECONDARY SERVICE ISSUES OR COMPLAINTS (ESCALATION PATH)
The CWG-Stewardship’s proposal is expressly conditioned upon the outcomes of the CCWG-Accountability.
The RIRs have been very satisfied with the performance of ICANN in the role of the IANA Numbering Services Operator, and their communities have expressed a strong desire for stability and a minimum of operational change. The following proposals reflect these factors.

1. ICANN to continue as the IANA Functions Operator for the IANA Numbering Services via a Service Level Agreement (SLA) with the RIRs.
2. The rights over any intellectual property related to provision of the IANA services should reside with the community.
3. A Review Committee, with representatives from each RIR community, should be formed to advise the RIRs on the IANA functions operator’s performance in meeting identified service levels.
Protocol Parameters - Proposal Overview

**Current Contract**

- **IETF**
  - Protocol Specifications and Standards Development Process
  - OVERSIGHT
  - MoU
  - ANNUAL UPDATES BASED ON
  - PERFORMANCE METRICS

- **ICANN**
  - IANA

- **IAB**
  - OVERSIGHT

- **MoU**

- **IANA**

- **NTIA**

**Post-transition**

- **IETF**
  - Protocol Specifications and Standards Development Process
  - OVERSIGHT

- **ICANN**
  - IANA

- **IAB**
  - OVERSIGHT

- **MoU**

- **IANA**

- **NTIA**

- **PERFORMANCE METRICS**

- **ANNUAL UPDATES BASED ON**
Combined Proposal Overview
Next Steps for the ICG

Public comment period:
July 31 to Sept 8

Public comment website:
comments.ianacg.org
ENHANCING ICANN ACCOUNTABILITY
Goal: Deliver proposals that would enhance ICANN’s accountability towards all stakeholders.

The CCWG-Accountability has two Work Streams:

**Work Stream 1**
Focused on mechanisms enhancing ICANN accountability that must be in place or committed to within the time frame of the IANA Stewardship Transition

**Work Stream 2**
Focused on addressing accountability topics for which a timeline for developing solutions and full implementation may extend beyond the IANA Stewardship Transition
The CCWG-Accountability identified **four building blocks** that would form the mechanisms required to improve ICANN’s accountability.

The **ICANN Community** is organized in three Supporting Organizations (SOs) and four Advisory Committees (ACs).

**The Principles**

- guarantee the mission,
- commitments and core values of ICANN through its bylaws.

**ICANN Board**

- has the ultimate authority to approve or reject policy recommendations, developed by the SOs.
- ACs formally advise the ICANN Board on particular issues or policy areas.

**Independent Appeals Mechanisms**

- confers the power to review and provide redress, as needed.
Proposed Enhanced Accountability Mechanisms

The CCWG-Accountability has identified enhancements required to those building blocks that would form the accountability mechanisms required to improve ICANN’s accountability.

The Empowered Community refers to the powers that allow the community SOs & ACs to take action should ICANN breach the principles (i.e. the People).

The Principles guarantee the core mission, commitments and values of ICANN through its bylaws (i.e. the Constitution).

Independent Appeals Mechanisms confers the power to review and provide redress, as needed (i.e. the Judiciary).

ICANN Board has the ultimate authority to approve or reject policy recommendations, developed by the SOs. ACs formally advise the ICANN Board on particular issues or policy areas (i.e. the Executive).

Fundamental Bylaws

Existing + New mechanisms + AoC Reviews

NEW

NEW IRP

7+ MEMBER STANDING PANEL

| BUDGET |
| STRATEGY/OPS PLAN |
| BYLAWS |

REVIEW / REJECT

REMOVE / RECALL

STRUCTURAL REVIEW
As Community accountability
The Empowered Community’s Powers

The CCWG-Accountability recommends the ICANN community be empowered with five distinct powers.

1. Reconsider/reject Budget or Strategy/Operating Plan
   This power would give the community the ability to consider strategic/operating plans and budgets after they are approved by the Board (but before they come into effect) and reject them.

2. Reconsider/reject changes to ICANN “Standard” Bylaws
   This power would give the community the ability to reject proposed Bylaws changes after they are approved by the Board but before they come into effect.

3. Approve changes to “Fundamental” Bylaws
   This power would form part of the process set out for agreeing any changes of the “fundamental” bylaws. It requires that the community would have to give positive assent to any change, a co-decision process between the Board and the community and that such changes would require a higher vote.

4. Remove individual ICANN Board Directors
   The community organization that appointed a given director could end their term and trigger a replacement process. The general approach, consistent with the law, is that the appointing body is the removing body.

5. Recall entire ICANN Board
   This power would allow the community to cause the removal of the entire ICANN Board. (expected to be used only in exceptional circumstances).
Possible tracks for implementation of Work Stream 1:

- Revising Mission, Commitments and Core Values
- Establishing Fundamental Bylaws
- Completing the IRP enhancements
- Establishing Community empowerment mechanism and incorporation of the community Powers into the Bylaws
- Implementing the AoC reviews into the Bylaws
- Completing the Reconsideration process enhancements

Elements considered for Work Stream 2:

- Refining the operational details of WS1 proposals
- Further assessing enhancements to government participation in ICANN
- Considering the issue of jurisdiction
- Enhancing SO/AC accountability
- Instituting a culture of transparency within the ICANN organization
- Considering improvements to diversity in all its aspects at all levels of the organization
- Defining the modalities of how ICANN integrates human rights impact analyses, within its mission
## Linkage with the CWG-Stewardship

The CCWG-Accountability recognizes that continued and close engagement with the CWG-Stewardship is essential. **Key aspects of the CWG-Stewardship proposal are considered to be conditional on the output of the CCWG-Accountability.**

<table>
<thead>
<tr>
<th>CWG-Stewardship Requirements</th>
<th>CCWG-Accountability Proposal</th>
<th>Requirement met?</th>
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<tbody>
<tr>
<td><strong>ICANN Budget</strong></td>
<td>Recommended community power: Reconsider/reject budget or strategy/operating plan</td>
<td>✓</td>
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<tr>
<td>Community rights regarding the development and consideration.</td>
<td></td>
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<tr>
<td><strong>ICANN Board</strong></td>
<td>Recommended community powers: Appoint &amp; remove individual ICANN directors, Recall entire ICANN board</td>
<td>✓</td>
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<tr>
<td>Community rights regarding the ability to appoint / remove members, and to recall the entire Board.</td>
<td></td>
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<tr>
<td><strong>ICANN Bylaws</strong></td>
<td>Recommended to be included as ICANN Bylaws.</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Fundamental Bylaws</strong></td>
<td>Recommended to be included as ICANN Bylaws.</td>
<td>✓</td>
</tr>
<tr>
<td>All of the foregoing mechanisms are to be provided for in the ICANN bylaws as Fundamental Bylaws.</td>
<td></td>
<td></td>
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<tr>
<td><strong>Independent Review Panel</strong></td>
<td>Will be applicable, except for ccTLD delegations / revocations and numbering decisions.</td>
<td>✓</td>
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<td>Should be made applicable to IANA Functions and accessible by TLD managers.</td>
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Next Steps for the CCWG-Accountability

Public comment period:
August 3 to September 12

Public comment website:
https://www.icann.org/public-comments/ccwg-accountability-2015-08-03-en
Where are we now?
What Can I Do Now To Get Involved?

Participate in a public comment period
Participating in public comment periods is an integral part of ICANN’s inclusive and bottom-up model of proposal development.

Stay up to date on recent developments
- Visit: https://www.icann.org/stewardship-accountability
- Follow @ICANN on Twitter or like ICANN on Facebook
- Subscribe to ICANN news alerts
Questions?

Thank You and Questions

Website: https://www.icann.org/stewardship-accountability

IANA Stewardship Transition

https://www.icann.org/stewardship
- Latest news and information on the IANA Stewardship Transition and ICG
- Community participation information
- Resources and archives from ICG meetings

Enhancing ICANN Accountability

https://community.icann.org/category/accountability
- Latest news and information on the Enhancing ICANN Accountability process and CCWG
- Announcements and upcoming events