

Design Team N/X Punch List Items

IANA Functions Review

	Task	Recommendation
6	Proposal contemplates that a Special Review may also be initiated by TLDs on concerns raised by TLDs directly with the ccNSO or the GNSO. (Section III.A.i.d.)	DT-N Recommendation: This trigger for the Special Review should be struck and the Special Review should only be triggered after the CSC first undertakes remedial action procedures and then refers the matter to the ccNSO/GNSO for approval. Individual TLD operators are empowered to raise these issues with the CSC and that is the correct pipeline through which these problems should come up.
7	Annex F contemplates any amendments proposed by IFR would be subject to ratification by ccNSO and GNSO. Determine voting threshold for ccNSO and GNSO (e.g., majority or supermajority? require both organizations?). (Annex F, page 50)	Recommendations would require a supermajority of both the ccNSO and GNSO Councils.
8	Special review is triggered by supermajority vote of ccNSO and GNSO councils. Determine voting threshold (i.e., 66-2/3%; 75%, etc.). (Section III.A.i.d. and Annex F, page 55)	<p>"Supermajority" threshold and definition will be defined by internal voting procedures in the ICANN bylaws and special rules and procedures.</p> <p>For the GNSO, a supermajority is defined as: two-thirds (2/3) of the Council members of each House, or a three-fourths (3/4) of one House and a majority of the other House.</p>
9	If persistent problem triggers a special review, will timeline of review be accelerated to address issue? If not, how are issues addressed in the interim? (Annex F, page 55)	<p>A special review will follow the same phases identified for the IANA Functions review including:</p> <ul style="list-style-type: none"> -Consultations with IFO; -Consultations with CSC; -Consultation with ccTLD and gTLD Operators; -Public Comment Period; <p>Draft amendments to come out of the Special Review would, likewise, be subject to :</p> <ul style="list-style-type: none"> -Public Comment Period -Ratification by the ccNSO and GNSO Councils (requiring supermajority support) -Approval by the ICANN Board <p>We contemplate, however, that the inputs to the Special Review process would</p>

		be narrower. Instead of reviewing all of the inputs identified for the Periodic Review process, the Special Review would focus primarily on the identified deficiency and its implications for overall IANA Performance, as well as on how that issue is best resolved. Given the narrowed set of inputs, we imagine that the timeline would be accelerated.
10	Special Review can be initiated after “defined escalation procedures are exhausted” and “defined accountability mechanisms are exhausted.” Define with specificity what these procedures and mechanisms will be. (Annex F, page 55)	<u>It is hard to be specific until all the new accountability mechanisms are defined. Additionally the situation itself will determine which escalation procedures are appropriate. Part of the role of the [g, cc]NSO supermajority role is to make the determination that all has indeed been tried.</u>
Separation Process		
	Task	Recommendation
24	Under what circumstances can the separation process be triggered? Will it only be upon a recommendation of the IFR? (Section III.A.ii.d. and Annex L)	The Separation process would be triggered only upon exhaustion of other remedies (see #25) by the following steps: IFR Recommendation Supermajority of GNSO Council & supermajority of ccNSO Council Board approval <u>ICANN Member approval (assuming ICANN becomes a membership corporation)</u>
25	What remedies must be exhausted prior to triggering separation process? (Section III.A.ii.d. and Annex L)	The following remedial procedures must be followed before a Special IANA Functions Review, which could precipitate a decision to initiate separation: CSC Remedial Action Procedures are <u>followed/leveraged</u> and fail to correct the deficiency (See Annex G); The IANA Problem Resolution Process is <u>followed/leveraged</u> and fails to correct the deficiency (See Annex J); and <u>Relevant accountability mechanisms defined by the CCWG-Accountability are exhausted and fail to remedy the identified deficiency.</u>
26	Who can initiate a separation process? (Section III.A.ii.d. and Annex L)	<u>At the conclusion of a Special IANA Functions Review that recommends that the separation process take place,</u> a separation process could be triggered by a supermajority vote of the ccNSO and the GNSO. To move forward the action would also require approval by the ICANN Board- <u>and ICANN Member approval (assuming ICANN becomes a membership corporation)</u>
27	Is the cross community working group for a separation contemplated by Annex L different from the IFR team? If so, more detail is needed. (Annex L)	The Cross Community Working Group responsible for executing the separation process would have the following composition: ccNSO - 1

Commented [1]: why?

Commented [2]: Do we want to require that all arguably relevant mechanisms be exhausted? CCWG recommended: spilling the board (by the community); removing one or more directors (by those that appointed them (subject to clarification re NomCom)); approval of budget and strategic plans; approval of bylaws (and making specified bylaws more difficult to change). Some or all could be relevant under the circumstances.

		<p>ccTLDs (non-ccNSO) - 1 Registry Stakeholder Group (RySG) - 2 Registrar Stakeholder Group (RsSG) - 1 Commercial Stakeholder Group (CSG) - 1 Non-Commercial Stakeholder Group (NCSG) - 1 Government Advisory Committee (GAC) - 1 Security and Stability Advisory Committee (SSAC) - 1 Root Server Operators Advisory Committee (RSSAC) - 1 At-Large Advisory Committee (ALAC) - 1 CSC Liaison - 1 — Special IFR Team Liaison - 1 — Liaison from Numbers - 1 (tbd Numbers willing) — Liaison from Protocols - 1 (tbd Protocols willing)</p> <p>While the composition structure is highly similar to that used in carrying out the IANA Functions Reviews it is strongly recommended that the representatives appointed to the Cross Community Working Group be <i>different</i> representatives than those engaged in the Special IANA Functions Review that produced the recommendation to initiate separation.</p>
28	Is there an interim approval of an IRF recommendation to separate (i.e., by SOs/ACs) or does recommendation go directly to ICANN/Board? (Section III.A.ii.d. and Annex L)	<p>The recommendation would go through the following approval steps: A Public Comment Period is held; The recommendation goes to the GNSO and ccNSO for approval; and — The recommendation goes to the ICANN Board for approval. — ICANN Member approval (assuming ICANN becomes a membership corporation)</p>
29	Implementation of a separation. (Section III.A.ii.d. and Annex L)	