

Statement of Mission, Commitments and Core Values: 20 March 2015 Discussion Draft

This is intended to provide a clear, concise and widely-accepted definition of ICANN’s limited mission, core values, powers and restrictions in order to ensure ICANN’s accountability to the multi-stakeholder community. To implement this mechanism, ICANN Bylaws should be amended to include the Statement of Mission, Commitments and Core Values as part of the durable or “golden” provisions that cannot be amended [except in limited and specified circumstances]. In addition, the provisions should be incorporated by reference into agreements with Contracted Parties and into other contractual documents such as new gTLD application agreements. These provisions will further be incorporated into the review and redress mechanism and serve as a basis to challenge ICANN’s actions/failure to act.

Current Bylaws	Proposed - Working Draft	AOC
<p>MISSION</p> <p>The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:</p> <ol style="list-style-type: none"> 1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are <ol style="list-style-type: none"> a. Domain names (forming a system referred to as "DNS"); b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and c. Protocol port and parameter numbers. 2. Coordinates the operation and evolution of the DNS root name server system. 3. Coordinates policy development reasonably and appropriately related to these technical functions. 	<p>MISSION</p> <p>The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the internet's unique identifier systems by:</p> <ol style="list-style-type: none"> 1. Coordinating the development and implementation of Consensus Policies (as defined in Specification 1) that (a) ensure the stable and secure operation of the Internet's unique names systems and (b) that involve issues for which uniform or coordinated resolution is reasonably necessary to facilitate openness, interoperability, resilience, security and/or stability of the DNS. 2. Coordinating at the overall level the allocation and assignment of Internet protocol ("IP") addresses and autonomous system ("AS") numbers. 3. Coordinating the allocation and assignment of protocol port and parameter numbers. 4. Coordinating the operation and evolution of the DNS root server system <p><i>ICANN's Mission does not include the regulation of [content, other]</i></p>	<p>8. ICANN affirms its commitments to: (a) maintain the capacity and ability to coordinate the Internet DNS at the overall level and to work for the maintenance of a single, interoperable Internet; (b) remain a not for profit corporation, headquartered in the United States of America with offices around the world to meet the needs of a global community; and (c) to operate as a multi-stakeholder, private sector led organization with input from the public, for whose benefit ICANN shall in all events act.</p>

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<p>Section 2. CORE VALUES. In performing its mission, the following core values should guide the decisions and actions of ICANN:</p> <ol style="list-style-type: none"> 1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet. 2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination. 7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process. 4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making. 8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness. <p>Section 3. NON-DISCRIMINATORY TREATMENT.</p>	<p>Commitments. In carrying out its mission, ICANN must operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable law and international conventions and through open and transparent processes that enable competition and open entry in Internet-related markets. [From Articles of Incorporation]</p> <p>Specifically, ICANN must:</p> <ol style="list-style-type: none"> 1. Preserve the operational stability, reliability, security, interoperability, resilience, and openness of the DNS and the global Internet; 2. Limit its activities to matters that are (a) within ICANN's mission and (b) require or significantly benefit from global coordination; 3. Employ a transparent, bottom up, multi-stakeholder process for policy development consistent with this Statement of Mission and Core Values, reflecting the functional, geographic, and cultural diversity of the Internet; 4. Apply documented policies consistently, objectively, neutrally and fairly, without singling out any particular party for disparate treatment; 	<p>3. This document affirms key commitments by DOC and ICANN, including commitments to: (a) ensure that decisions made related to the global technical coordination of the DNS are made in the public interest and are accountable and transparent; (b) preserve the security, stability and resiliency of the DNS; (c) promote competition, consumer trust, and consumer choice in the DNS marketplace; and (d) facilitate international participation in DNS technical coordination.</p>

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<p>ICANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition. [NOTE: Not subject to “balancing” language below]</p> <p>10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.</p> <p>*****</p> <p>These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.</p>	<p>5. Remain accountable through mechanisms defined in the Bylaws;</p> <p>*****</p> <p>To the extent these Commitments must be balanced against each other [or balanced against Core Values below] in a particular circumstance, such balancing must be:</p> <ul style="list-style-type: none">a. Justified by an important, specific, and articulated public interest goal that is within ICANN's Mission and consistent with a balanced application of ICANN's Core Values (a “Substantial and Compelling Reason in the Public Interest”);b. Likely to promote such interest, taking into account competing public and private interests that are likely to be affected by the balancing;c. Narrowly tailored using the least restrictive means reasonably available; andd. No broader than reasonably necessary to address the specified Substantial and Compelling Reason in the Public Interest	<p>o</p>
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<p>Core Values</p> <p>3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.</p> <p>5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.</p> <p>6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.</p> <p>9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.</p> <p>11. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.</p>	<p>Core Values</p> <p>6. Fully respect the roles of SOs, ACs, and external expert bodies;</p> <p>7. Where feasible and appropriate, rely on market mechanisms to promote and sustain a healthy competitive environment in the DNS market</p> <p>8. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.</p> <p>9. Operate with efficiency and excellence, in a fiscally responsible and accountable manner.</p> <p>10. [Not advance] [Refrain from advancing] the interests of one or more interest groups at the expense of others;</p> <p>11. Duly consider governmental public policy recommendations that are consistent with this Statement of Mission, Commitments and Core Values and the Bylaws</p>	<p>7. ICANN commits to adhere to:</p> <ul style="list-style-type: none"> • Transparent and accountable budgeting processes, • Fact-based policy development, cross-community deliberations, and • Responsive consultation procedures that provide detailed explanations of the basis for decisions, including how comments have influenced the development of policy consideration, and to publish each year an annual report that sets out ICANN's progress against ICANN's bylaws, responsibilities, and strategic and operating plans. In addition, ICANN commits to provide a thorough and reasoned explanation of decisions taken, the rationale thereof and the sources of data and information on which ICANN relied.
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