

Meeting NTIA’s Criteria for the IANA Stewardship Transition

On March 14, 2014, the National Telecommunications and Information Administration (NTIA) announced its intent to transition stewardship of key Internet domain name system (DNS) functions to the global multistakeholder community. NTIA also asked ICANN to convene an inclusive, global discussion that involved the full range of stakeholders to collectively develop a proposal for the transition.[1]

To guide this global discussion, NTIA provided ICANN with a clear framework for the transition proposal. The CCWG-Accountability has outlined how its Work Stream 1 Recommendations to enhance ICANN’s accountability meet these requirements below:

Support and enhance the multistakeholder model

- Decentralizing power within ICANN through an “empowered” community
- Solidifying consultation processes between the ICANN Board and community into the ICANN Bylaws
- Establishing a public Community Forum to ensure that all voices and perspectives are heard before execution of a community power
- Decision-making based on consensus
- Enhancing ICANN’s appeals mechanisms and binding arbitration processes to be more accessible and transparent.
- Protecting representation of global public interest by engraving it into ICANN’s Mission, Commitments and Core Values; now considered a “Fundamental Bylaw”
- Ensuring that ICANN Board directors can be held accountable to community through recall mechanisms

Maintain the security, stability, and resiliency of the Internet DNS^[BT1]

- Accountability measures do not affect any operational activities of ICANN which could directly or indirectly affect the security, stability, and resiliency of the Internet DNS
- Maintain ICANN’s Bylaws commitment to the security, stability, and resiliency of the Internet DNS
- Binding IRP that allows users or the community to challenge ICANN if it is operating as per its mission and bylaws.
- Revising ICANN’s Mission, Commitments and Core Values to prevent “mission creep” or expansion of the mission beyond its original goals
- Implementing Fundamental Bylaws which require a higher threshold for approval by the Board.
- Accountability measure that requires community approval of changes to fundamental bylaws.
- Accountability measure which allow the community to reject standard bylaws changes which could affect security, stability, and resiliency of the Internet DNS.
- Accountability measure which allows the community to reject Budgets and operating plans which could affect security, stability, and resiliency of the Internet while ensuring the protection of the PTI budget and the availability of a caretaker budget for ICANN activities.
- Accountability measure which allows the community to remove the Board if its actions threaten the security, stability, and resiliency of the Internet
- Bylaws changes which can require the review of PTI operations
- Bylaws changes which provide for the separation of PTI and the reallocation of IANA functions if the actions or inactions of PTI are threatening the security, stability, and resiliency of the Internet.
- Accountability measures which allow the community to force ICANN to accept IANA review recommendations and the separation of PTI.
- Reviews which will ensure the components of the community effectively represent the views of their stakeholders.

Meet the needs and expectation of the global customers and partners of the IANA services

- Accountability recommendations implement all the requirements of the CWG Stewardship.
- Accountability recommendations do not affect ICANN's day to day operational or policy development processes. (the objective is to replace NTIA oversight and not change what is working in ICANN IS A KEY CONCERN of the community)
- Accountability requirements which allow for multiple paths to resolve issues before using community powers. (users were concerned that the powers not be used rashly)
- Legally enforceable powers (if NTIA is no longer the ultimate authority then the community must ensure that its ultimate enforcement authority is the courts).
- Revising ICANN's Mission, Commitments and Core Values to prevent "mission creep" or expansion of the mission beyond its original goals (do not want ICANN to expand its mission to things that are not currently in it)_
- Adoption of stronger commitments to human rights by ICANN. (concern by the community that ICANN's HR commitments might diminish without the NTIA oversight).
- Effective accountability powers which are open to all parts of the community and require the community to act together.
- Appeals mechanisms to be reviewed and improved. IRP to BE BINDING AND MORE ACCESSIBLE. Reconsideration process to bemore effective and transparent.
- Maintaining Bylaw Article XVIII, which states that ICANN is incorporated in Los Angeles, California, USA

Maintain the openness of the Internet[BT2]

- Executing "stress tests" to assess the sufficiency of existing and proposed accountability mechanisms available to the ICANN community against plausible and problematic scenarios
 - Establishing a public Community Forum to ensure that all voices and perspectives are heard before execution of a community power
 - Establishing later commitments to:
 - Improving the accountability of ICANN's Supporting Organizations and Advisory Committees
 - Reviewing and updating ICANN's Documentary Information Disclosure and Whistleblower policies
 - Enhancing ICANN's diversity standards
 - Reinforcing ICANN's obligation to Human Rights in the ICANN Bylaws
- Preserving policies of open participation in ICANN's Supporting Organizations and Advisory Committees

NTIA will not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution

- Clarifying to the ICANN Board that it must only seek a mutually acceptable solution with advice from the Governmental Advisory Committee if that advice was supported by consensus among Governmental Advisory Committee members
- Retaining a decision-making based on consensus rather than voting
- Maintaining the advisory role of governments in the Supporting Organization and Advisory Committee structure
- Establishing a later commitment to investigating options for increasing the transparency of ICANN's relationships with governments