Annex 14 – Meeting NTIA's Criteria for the IANA Stewardship Transition

1 On March 14, 2014, the National Telecommunications and Information Administration (NTIA) announced its intent to transition stewardship of key Internet Domain Name System 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.

2 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:

3 **Support and enhance the multistakeholder model**

- Decentralizing power within ICANN through an Empowered Community.

- Solidifying consultation processes between the ICANN Board and Empowered Community into the ICANN Bylaws.

- Establishing a Community Forum, in which all are welcome to participate, 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 the Empowered Community through recall mechanisms.

4 **Maintain the security, stability, and resiliency of the Internet DNS**

- 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 Empowered Community to challenge ICANN if it is not 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 that require a higher threshold for approval by the Board.

- Accountability measures that require Empowered Community approval of changes to Fundamental Bylaws.

- Accountability measures that allow the Empowered Community to reject Standard Bylaws changes that could affect security, stability, and resiliency of the Internet DNS.

- Accountability measures which allow the Empowered Community to reject budgets and strategic/operating plans which could affect security, stability, and resiliency of the Internet while ensuring the protection of the Post-Transition IANA Functions Budget and the availability of a caretaker budget for ICANN activities.

- Accountability measures which allow the Empowered 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 Post-Transition IANA operations.

- Bylaws changes which provide for the separation of Post-Transition IANA and the reallocation of IANA functions if the actions or inactions of Post-Transition IANA are threatening the security, stability, and resiliency of the Internet.

- Accountability measures that allow the Empowered Community to force ICANN to accept IANA Function Review recommendations and the separation of Post-Transition IANA.

- Reviews which will ensure the components of the community effectively represent the views of their stakeholders.

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5 **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.

- Accountability requirements allow for multiple paths to resolve issues before using Community Powers.

- Legally enforceable powers.

- Revising ICANN's Mission, Commitments and Core Values to prevent "mission creep" or expansion of the mission beyond its original goals.

- Adoption of stronger commitments to respect Human Rights by ICANN.

- Effective accountability powers which are open to all parts of the community and require action by the Empowered Community.

- Appeals mechanisms to be reviewed and improved. The Independent Review Process is strengthened by binding ICANN to IRP outcomes and by being more accessible to the community. The CCWG-Accountability also makes recommendations to have a more effective and transparent Reconsideration process.

- Maintaining Bylaw Article XVIII, which states that ICANN has its principal office in Los Angeles, California, USA.

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6   **Maintain the openness of the Internet**

- 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:

    o Improving the accountability of ICANN's Supporting Organizations and Advisory Committees.

    o Reviewing and updating ICANN's Documentary Information Disclosure and Whistleblower policies.

    o Enhancing ICANN's diversity standards.

    o Improving staff accountability.

- Reinforcing ICANN's commitment to respect Human Rights in the ICANN Bylaws.

- Preserving policies of open participation in ICANN's Supporting Organizations and Advisory Committees.

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

- To the extent the Government Advisory Committee (GAC) wishes to participate in decision-making by the Empowered Community, which the GAC has the flexibility to determine, it would be one of five Decisional Participants. In addition, the GAC will not participate as a decision-maker in community deliberations involving a challenge to the Board's implementation of GAC consensus advice. This "carve out", combined with the safeguards in Recommendation #11, leads the CCWG-Accountability to believe that this NTIA requirement is met, even when considering the increased threshold from 50 to 60% for the Board to reject GAC consensus advice.

- Enabling all interested stakeholders to join consultations through SOs and ACs or through the Community Forum.

- Establishing a later commitment to investigating options for increasing the transparency of ICANN's relationships with governments.