

At-Large Workspace: Fundamental Bylaws Amendment Proposal – IANA Naming Function Review

Public Comment Close	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
26 July 2019	Fundamental Bylaws Amendment Proposal – IANA Naming Function Review	ADOPTED 14Y, 0N, 0A	Alan Greenberg	24 July 2019	26 July 2019	26 July 2019	30 July 2019	26 July 2019	Samantha Eisner Samantha.Eisner@icann.org	AL-ALAC-ST-0719-01-01-EN

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Brief Overview

Purpose: The purpose of this public comment proceeding is to obtain community input on a proposed change to Bylaws Section 18.7(b), regarding the IANA Naming Function Review Team's Composition. The proposed amendment was raised by the ccNSO, which has identified a current and ongoing issue with populating the IANA Naming Function Review in accordance with the Bylaws' requirements. The Board, taking on the ccNSO's request, agreed to initiate the Fundamental Bylaws amendment process (specified Section 25.2 of the Bylaws) to seek community input on the ccNSO's proposed modifications to the composition requirements. The amendment would remove the requirement for the ccNSO to identify a non-ccNSO member ccTLD representative and instead allow the ccNSO to appoint three representatives to the team, regardless of ccNSO member status.

Current Status: In making appointments to the IANA Naming Function Review Team, as required under Article 18 of the ICANN Bylaws, the ccNSO Council has run into complications in identifying a non-ccNSO member ccTLD representative. As there is not yet a composition that complies with the Bylaws, the IANA Naming Function Review Team work has not yet started. The ccNSO is continuing its efforts to complete the composition, as this issue impacts the ability to start the current IFR process. In the event that the non-ccTLD member slot is not filled through engagement efforts, any change to the IFR composition that is reached at the end of this Fundamental Bylaws Amendment process will apply to the current IFR process, as well as remedying the issue for future IANA Naming Function Reviews. The ccNSO Council requested that the ICANN Board initiate the Fundamental Bylaws Amendment process under Section 25.2 of the ICANN Bylaws and proposed the updated composition.

Next Steps: The ICANN Board will consider public comments received in evaluating the proposed Amendment. If the Board approves a Fundamental Bylaws change, the ICANN Empowered Community will then need to consider whether to approve the amendment as well.

Section I: Description and Explanation

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-----SECTION I-----

The ICANN Bylaws requires ICANN to cause periodic reviews of the performance of the IANA Naming Function. The first IANA Naming Function Review was commenced by the Board in September 2018 and the appointing entities began the work to comprise the IANA Naming Function Review Team (IFR Team). This was identified as a key accountability and oversight measure designed during the IANA Stewardship Transition process.

Due to the changing composition of the ccNSO in the years since the IANA Stewardship Transition, the ccNSO Council is having difficulty locating a non-ccNSO member ccTLD representative as required by Section 18.7(b) of the ICANN Bylaws. As a result, a complete IFR Team has not yet been comprised, and this same difficulty is anticipated to arise for future IANA Naming Function Reviews.

Section 18.7(a & b) of the Bylaws currently reads:

(a) Two representatives appointed by the ccNSO from its ccTLD registry operator representatives;

(b) One non-ccNSO ccTLD representative who is associated with a ccTLD registry operator that is not a representative of the ccNSO, appointed by the ccNSO; it is strongly recommended that the ccNSO consult with the regional ccTLD organizations (i.e., AfTLD, APTLD, LACTLD, and CENTR) in making its appointment;

The proposed amended Bylaw would read combine (a) and (b) to read:

(a) Three representatives who are associated with ccTLD managers, appointed by the ccNSO Council. Representatives need not be associated with a ccNSO member. The ccNSO Council should use an inclusive process, which is open to all ccTLD managers, independent of their membership to the ccNSO.

The other portions of Section 18.7 would be renumbered as a result of this modification. The full redline of the proposed changes to Section 18.7 is available [here](#).

Moving forward with the Fundamental Bylaws amendment process is in direct response to [the request of the ccNSO Council](#), and also supports the [new accountability and oversight mechanisms](#) designed by the community in the [IANA Stewardship Transition Process](#). The IANA Naming Function Review is an important part of the accountability and oversight of IANA's performance of the Naming Function and was a key aspect of the Transition proposal. The ccNSO Council, in representation of some of the direct customers of the IANA Naming Function, is unable to complete the required composition, and the review cannot start without a composition aligned with the Bylaws. Seeking public comment on the proposed is a path forward in allowing the IANA Naming Function Reviews to proceed in a manner that the ICANN community collectively supports, as will be identified through the Fundamental Bylaws process. The Fundamental Bylaws change, if approved, would be in effect for all future IANA Naming Functions Reviews, and if the composition of the current IFR is not final at the time a Fundamental Bylaws change goes into effect, then the modification would apply to the current IFR.

Referenced documents to download from this Public Comment page include:

[Proposed Bylaws Amendment](#)

If, after public comment, the Board approves a Fundamental Bylaws change, under Section 25.2 of the ICANN Bylaws, the ICANN Empowered Community then has the obligation to consider whether to support the approval of those changes.

Section II: Background

Section III: Relevant Resources

[REDLINE – Proposed Amendment to 18.7 of ICANN Bylaws](#)

[Request letter from ccNSO](#)

Section IV: Additional Information

Section V: Reports

FINAL VERSION SUBMITTED (IF RATIFIED)

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.



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FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.



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DRAFT SUBMITTED FOR DISCUSSION

The first draft submitted will be placed here before the call for comments begins. The Draft should be preceded by the name of the person submitting the draft and the date/time. If, during the discussion, the draft is revised, the older version(S) should be left in place and the new version along with a header line identifying the drafter and date/time should be placed above the older version(s), separated by a Horizontal Rule (available + Insert More Content control).

Submitted by Alan Greenberg, 24 July 2019 22:07 UTC

Spelling correction: 25 July 2029 02:29 (Thanks Olivier)

The ALAC supported the current version of the ICANN Bylaws Section 18.7(a) and 18.7(b), but understands that it has now proven to be difficult to implement.

The ALAC agrees that the proposed change preserves the intent of the original Fundamental Bylaw and supports the change.

Subject to any new information being brought to the ALAC's attention, the current intention is that the ALAC will support this Fundamental Bylaw change when it is presented to the Empowered Community.