

Statement of Mission 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 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.

Statement	WP Draft	Alternative/Additional Proposals & Notes
<p>ICANN’s Mission is to coordinate the global Internet’s systems of unique identifiers by:</p>	<ol style="list-style-type: none"> 1. Coordinating operation of the DNS root server system 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. Implementing 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. 	
<p>Core Values. 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. Specifically, ICANN must:</p>	<ol style="list-style-type: none"> 1. Limit its activities to matters that are (a) within ICANN’s mission and (b) require global coordination; 	<p><i>Alternative from WP1: “Limiting its role to operations, policy development and coordination of domain names and related internet identifiers as per its mission. Changes to the scope of this mission must be determined and agreed to by the broader ICANN community.” [Note, the working group is uncomfortable with expanded scope, whether or not community supports. What if community decided, for example, that ICANN should regulate content, etc.? To the extent mission statement is expanded, it must be under very specific circumstances involving extraordinary procedures and due process guarantees.]</i></p> <p><i>Alt from MW: Maintain the security, stability, and resiliency of the Internet DNS and openness of the Internet;</i></p>

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	<p>9. Remain accountable through mechanisms defined in the Bylaws;</p> <p>11. Duly consider governmental public policy recommendations that are consistent with this Statement of Mission and Core Values and the Bylaws; and</p> <p>12. Operate with efficiency and excellence, in a fiscally responsible and accountable manner.</p>	<p><i>Additional suggestions from MW</i></p> <ul style="list-style-type: none">• <i>Meet the needs and expectation of the global customers and partners of the IANA services and its stakeholders; and</i>• <i>WHOIS policy. [This particular one was the topic of a discussion in WP1 about whether to keep it or reframe it. The underlying goals seem to be, based on AoC wording, to "meet the needs of law enforcement and promote consumer trust].</i> <p><i>Additional suggestions from WP1: To implement such clarifications, a more detailed list of enumerated powers could be incorporated into ICANN's bylaws.</i></p> <ul style="list-style-type: none">• <i>Any powers not enumerated for ICANN would remain outside ICANN's purview.</i>• <i>Any changes to the enumerated powers would require community agreement via a clearly defined process for amending ICANN's bylaws.</i>• <i>The "Powers" section of the bylaws could be amended to refer specifically to ICANN's limited role and responsibilities, but also to acknowledge more directly the leadership role of the Supporting Organizations in policy development.</i> <ul style="list-style-type: none">• <i>The "Restrictions" section of the bylaws could be</i>
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		<p><i>amended to include a corresponding restriction under Article II, Section 2, as follows:</i></p> <ul style="list-style-type: none"> ○ <i>“ICANN shall not expand or amend its mission, core values, powers or restrictions without the support of ICANN’s multi-stakeholder community.”</i>
<p>Balancing: To the extent these Core Values must be balanced against each other 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; and d. No broader than reasonably necessary to address the specified Substantial and Compelling Reason in the Public Interest 	<p><i>New Text not reviewed by working group, though concept has been discussed)</i></p> <p>NOTE: CURRENT “BALANCING” LANGUAGE IN ICANN BYLAWS:</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>