

Annex 134 – 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” eCommunity.
 - Solidifying consultation processes between the ICANN Board and Empowered eCommunity into the ICANN Bylaws.
 - Establishing a Community Forum, that in which all are welcome to participate, to ensure that all voices and perspectives are heard before execution of a eCommunity pPower.
 - 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 eDirectors can be held accountable to the Empowered eCommunity 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 eCommunity to challenge ICANN if it is not operating as per its mMission and bBylaws.
 - Revising ICANN’s Mission, Commitments and Core Values to prevent “mission creep” or expansion of the mMission beyond its original goals.
 - Implementing Fundamental Bylaws that require a higher threshold for approval by the Board.

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- Accountability measures that requires Empowered eCommunity approval of changes to Fundamental Bylaws.
- Accountability measures that allow the Empowered eCommunity to reject sStandard bBylaws changes that could affect security, stability, and resiliency of the Internet DNS.
- Accountability measures which allows the Empowered eCommunity 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 bBudget and the availability of a caretaker budget for ICANN activities.
- Accountability measures which allows the Empowered eCommunity 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 eCommunity 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.

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 that allow for multiple paths to resolve issues before using eCommunity 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 hHuman rRights by ICANN.
- Effective accountability powers which are open to all parts of the community and require the community to act together 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 is incorporated 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 eCommunity pPower.
- 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.
 - Improving staff accountability.
- Reinforcing ICANN’s obligation-commitment to respect ~~to~~ 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. ~~Clarifying that any Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection, may only be rejected by a vote of 60% of the Board, and the Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.~~
- 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.

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