

Separation Mechanism

Short Description

A fundamental bylaw will be created to define a Separation Mechanism that can be triggered by the ICANN community if needed. This would only occur when other escalation mechanisms and methods have been exhausted. A cross community of the SOAC would be formed to review the issues and make recommendations. The recommendations would need to be approved by the ICANN Board and would be subject to all escalations and appeals mechanisms.

There would be no prescribed action for the Separation Mechanism. It would be empowered to make a recommendation ranging from “no action required” to the initiation of an RFP and the recommendation a new IANA Function Operator.

Full Description

The Separation Mechanism will be defined in a Fundamental ICANN ByLaw .

Triggers for the Separation Mechanism

- CSC remedial action procedures are exhausted and fail to address the identified deficiency
- Defined escalation procedures are exhausted and fail to address the identified deficiency
- Defined accountability mechanisms are exhausted and fail to remedy the identified deficiency
- Decision to initiate a separation process is supported by a supermajority of both Supporting Organizations

Alternatively, the separation mechanism could be triggered on the recommendation of the IANA Review Function.

Participants in the Separation Mechanisms

Each of the AC/SO would appoint 5 people to the separation mechanism.

[Alternatively: Use the ICG community inclusion and proportions to include the broader community as this will affect the entire community.]

Mode of Operation

The Separation Mechanism would function as a Cross Community Working Group and would follow established guidelines for multistakeholder cross community working groups.

Range of possible Separation Mechanism outcomes

- No action needed
- Introduce operational sanctions relevant to the identified deficiency
- Create an RFP with a possible outcome of selecting a new entity to perform the IANA naming functions
- Initiate partial separations, i.e. initiate negotiations with new operational partners
- Initiate full separation of the IANA affiliate

CCWG Accountability dependencies

- Fundamental ByLaws compelling the ICANN to comply with the outcome of a process to initiate separation
- Accountability mechanisms designed to address possible IANA deficiencies (e.g. spilling the board) as a prerequisite to initiating separation process

Suggested text for ICANN Bylaws

TBD

Requirements Template.

Design Team X	Separation Mechanism
Draft Transition Proposal Reference	III.A.ii (?) and section VI (?)
Summary Description	<p>One of the basic components of an internal or affiliate model is the possibility of an separation process to move the IANA Naming Functions outside of ICANN to a successor operator. This process would be carried out in the event of serious performance deficiencies that were not addressed through internal remediation processes, nor through accountability mechanisms defined by the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability).</p> <p>This seems to be a gap in our current work .</p>
Detailed description	<p>Propose a mechanism including:</p> <ul style="list-style-type: none"> ● What triggers the Separation Mechanism> <ul style="list-style-type: none"> ○ What escalation processes result in the trigger? ○ Who participates in the trigger? ○ Are there several possible triggers? ● How is the Separation mechanism work organized? ● Who participates in the Separation mechanism? ● How is community involved? <ul style="list-style-type: none"> ○ Are comment periods enough? ● How is the selection of a provider determined? ● What are the potential outcomes of using the separation mechanism? <ul style="list-style-type: none"> ○ E.g. Could the separation mechanism initiate a spin-out of the affiliate. ● Which CCWG mechanisms/powers would precede use of the separation mechanism?
Proposed Membership	<ul style="list-style-type: none"> ● Good to include people who have done (created, administered, and/or participated &c, in) RFPs

DT-X Separation mechanism

	and the creation or execution of separation mechanisms before. <ul style="list-style-type: none">• Graduates of DT-{C, F, L, M, N}
Proposed by / Lead	Avri Doria, Matt Shears /
Status	Step 0
Determination by CWG Chairs	work to be done in ...