# Separation Cross-Community Working Group (SCWG)[[1]](#footnote-2)

As described in Annex F, a fundamental bylaw will be created to define an IANA Function Review (IFR). These IFRs will occur periodically or in special circumstances could be initiated outside of its normal periodic schedule A non-periodic or “Special”. IANA Function Review (“Special Review” or “Special IFR”) can only be triggered when the following escalation mechanisms and methods have been exhausted:

* CSC Remedial Action Procedures are followed and fail to correct the deficiency (See Annex G);
* The IANA Problem Resolution Process is followed and fails to correct the deficiency (See Annex J); and
* Relevant accountability mechanisms, if any, defined by the CCWG-Accountability are exhausted and fail to remedy the identified deficiency.

The Special IFR would be triggered by a supermajority vote of each of the ccNSO and GNSO Councils according to their normal procedures for determining supermajority. The Special IFR would follow the same composition and process structure as the periodic IANA Function Review. The scope of the Special IFR would be narrower than a periodic IFR, focused primarily on the identified deficiency or problem, its implications for overall IANA Performance, and how that issue is best resolved.

An IFR may determine that Separation process is necessary, which process could include an RFP[[2]](#footnote-3) for the performance of the IANA Naming Functions or another separation process, such as a divestiture of PTI (a “Separation Process”). If the Special IFR determines that a Separation Process is necessary, it will recommend the creation of the Separation Cross-Community Working Group (SCWG). This recommendation would need to be approved by a supermajority of each of the GNSO and the ccNSO Councils, according to their normal procedures for determining supermajority, and would need to be approved by the ICANN Board after a public comment period. A determination by the ICANN Board to not approve a SCWG that had been supported by a supermajority of the ccNSO and GNSO Councils would need to follow the same supermajority thresholds and consultation procedures as ICANN Board rejection of a PDP recommendation.

## Separation Process

In the event that a Review resulted in a decision to initiate a Separation Process the following processes must be followed.

Once the initiation of the Separation Process is approved, a SCWG would be appointed to manage the RFP or other Separation Process The SCWG would follow the overall guidelines and procedures for ICANN Cross Community Working Groups.

The SCWG would be composed as follows[[3]](#footnote-5):

* ccNSO - 1
* ccTLDs (non-ccNSO) - 1
* Registry Stakeholder Group (RySG) - 2
* Registrar Stakeholder Group (RsSG) - 1
* Commercial Stakeholder Group (CSG) - 1
* Non-Commercial Stakeholder Group (NCSG) - 1
* Government Advisory Committee (GAC) - 1
* Security and Stability Advisory Committee (SSAC) - 1
* Root Server Operators Advisory Committee (RSSAC) - 1
* At-Large Advisory Committee (ALAC) - 1
* CSC Liaison (selected by CSC) - 1
* Special IFR Team Liaison (selected by IFR Team) - 1
* Liaison from Protocol operational community - 1 (tbd with their approval)
* Liaison from Numbers operational community - 1 (tbd with their approval)

It is strongly recommended that the representatives appointed to the SCWG be different representatives than those that participated on the Special Review (with the exception of the Review Team Liaison). This will provide an additional check, account for the fact that different skill sets may be required for the two processes, and provide for broader community representation in the IANA oversight process. To the extent possible, it is recommended that individuals with experience managing an RFP process be appointed to the SCWG.

The SCWG would be responsible for:

* Developing RFP Guidelines and Requirements for the performance of the IANA Naming Functions;
* Soliciting participation in the RFP Process;
* Reviewing responses to the RFP[[4]](#footnote-6);
* Selecting the entity that will perform the IANA Naming Functions.; and
* Managing any other Separation Process.

The selection of a new IANA Function Operator [or a decision to divest PTI from ICANN] would be subject to ICANN Board and ICANN membership approval (assuming ICANN becomes a membership organization). A determination by the ICANN Board to not approve a recommendation by the SCWG that had been supported by a supermajority of the ccNSO and GNSO Councils would need to follow the same supermajority thresholds and consultation procedures as ICANN Board rejection of a PDP recommendation.

The entity prevailing in the RFP would carry out the role currently performed by PTI. ICANN would remain the contracting party for the performance of the IANA Naming Functions and would enter into a contract, including a statement of work, with this entity. If PTI is selected to continue performance the IANA Naming Functions, it would remain an Affiliate of ICANN (unless a structural change was a condition of the bid proposal or of the selection). Otherwise, the new entity would be a subcontractor of for the performance of the IANA Naming Functions.)

CCWG Accountability dependencies:

* Enumeration of the relevant accountability mechanisms that could or must be exhausted before a Special Review could be triggered.;
* Creation of an ICANN Membership organization.
	+ Per the above separation process the selection of the entity that would perform the IANA Naming Functions following a separation process would require membership approval. If this element of the CCWG-Accountability proposal is not implemented, this process will require revision.
* Creation of a Fundamental Bylaw to describe the IANA Function Review (IFR) and establish the above voting thresholds for triggering the Special IFR and approving the outcomes of an IFR; and
* Creation of a Fundamental Bylaw to describe the procedure for creating the SCWG and its functions establish the voting thresholds for approval of a new IANA functions operator or other end-result of the SCWG process.
* Creation of a membership organization to approve the final selection of the SCWG (if this tenet of the CCWG-Accountability proposal is not implemented a new approval mechanism will have to be put in place.

### Required changes to Annex F

* Empower the IFR to recommend the creation of the SCWG.
* State the voting thresholds for triggering a Special IFR.
1. File is open for comments and suggested edits at: <https://docs.google.com/document/d/1WvBqtgXJ7rNrbN-5Tjf5-gi80aZ2oRYDtF\_JLrETRqg/edit?usp=sharing> [↑](#footnote-ref-2)
2. Any other recommendations produced by the Special IFR would need to include implementation recommendations, including the possible initiation of an SCWG with a specific mandate, and would need to be approved by a supermajority of each of the ccNSO and GNSO councils, and the ICANN Board. [↑](#footnote-ref-3)
3. Given the unique purpose and task of the Separation Community Working Group, if this composition diverges from the recommendation of the Cross Community Working Group on Principles for Cross Community Working Groups, the structure herein shall prevail. [↑](#footnote-ref-5)
4. The then current IFO would not be prevented from participating in the RFP. In the event of the PTI, it would be possible for either the S-IFR or the PTI itself to recommend changes to its structure to better accomplish it task and to remediate any problems. This remediation could include recommendations for further separation. [↑](#footnote-ref-6)