Problem Statement

The NTIA has requested that ICANN “convene a multistakeholder process to develop a plan to transition the U.S. government stewardship role” with regard to the IANA Functions and related root zone management. [from NTIA “Public Consultations” document]

The NTIA states, “The U.S. government has long envisaged transitioning its stewardship role to the multistakeholder community to instill confidence in the integrity of the IANA Functions.” Achieving this objective will be impossible without the transition plan that NTIA is requesting.

The NTIA will benefit by being able to fulfil a long-standing commitment in a way that is orderly and widely accepted.

[Insert a chronology that reinforces the basis for the NTIA request – perhaps drawing from Green Paper era foundational concepts/documents?]

Stakeholders

The NTIA is the initiator and champion this effort but the range of stakeholders is much broader and includes: [This list is meant to be inclusive not exclusive]

- ICANN the corporation
- ICANN the community (contracted and non-contracted parties)
- Other Internet-ecosystem organizations
- Users of the Internet

The NTIA request came immediately prior to an ICANN meeting and a broad cross section of stakeholders had the opportunity to discuss it. It is quite likely that additional stakeholders will be identified as this charter is refined and they will need to be recruited and engaged accordingly.

Careful attention will need to be paid to ensuring a workable balance between the need to address the diverse needs of this broad stakeholder group, and the requirement that the transition plan (and the implementation that follows) are developed and delivered in a timely manner. Early engagement and effective representation will advance both of these goals.

Scope

In scope:

Prepare a draft plan to transition the NTIA out of its current stewardship role of the IANA function. [NOTE: add a high level table of contents of the plan in consultation with the NTIA and steering committee]
Iteratively conduct consultations with stakeholders and incorporate their suggestions into successive drafts of the transition plan until the co-chairs conclude that consensus has been reached.

Out of scope:

- Perform the activities described by the transition plan.

**Goals & Objectives**

The objective is to draw upon the collective expertise of the participating stakeholders, solicit expert input and advice, and develop an IANA stewardship transition plan that:

- Is based on an open, global and transparent process,
- Ensures full engagement with all stakeholders and interested or affected parties, and
- Has global reach, including translation of relevant materials.

**Deliverables and Timeframes**

**Work Plan**

The working group will, as a first step, establish and adopt a work plan and associated schedule and will inform the Steering Committee accordingly. The work plan and schedule should include times and methods for public consultation and report revisions, including an expected date for submission of a final report. This tentative schedule will be updated accordingly.

[Insert preliminary work plan once the goals, objectives and deliverables are complete]

**Reporting**

The co-chairs of the working group shall report regularly to the Steering Committee. Steering Committee members will in turn regularly consult with the organizations they represent and provide timely feedback to the working group through the co-chairs.

**Final Report**

Following its submission Steering Committee members will discuss and endorse the Final Report according to the rules and procedures of their respective organizations. Steering Committee members will inform the co-chairs of the outcome of those deliberations as soon as possible after submission of the report.
Membership, Staffing and Organization

A Steering Committee comprised of NTIA representatives, stakeholder representatives and ICANN administration will provide overall direction, resources and dispute-resolution. The goals are speedy formation, infrequent interventions and nimble/helpful response when needed.

Membership in the working group is open to members of the participating stakeholder organizations. Each of the participating organizations shall appoint members to the working group in accordance with their own rules and procedures. There shall be a minimum of one representative from each participating stakeholder organization.

Volunteer co-chairs, selected by the participants, will preside over working group deliberations and ensure that the process is bottom-up, consensus-based and has balanced multistakeholder participation. ICANN is expected to provide professional project facilitators that will provide day-to-day project administration and secretariat functions.

All working group participants are expected to be able to:

- Demonstrate knowledge or expertise of aspects of the objectives of the working group; and
- Commit to actively participate in the activities of the working group on an ongoing and long-term basis.

Participants and liaisons will be listed on the working group’s webpage.

Rules of Engagement

The co-chairs, in consultation with the Steering Committee, are empowered to restrict the participation of someone who seriously disrupts the working group. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed. This restriction is subject to the right of appeal as outlined below.

Standard Methodology for Making Decisions With Regard to Consensus

In considering its work plan and reports, the working group shall seek to act by consensus. If a minority opposes a consensus position, that minority position shall be incorporated in the related report. The consensus view of the working group members and minority views, if any, shall be conveyed to the participating stakeholder organizations according to the following procedures.

The co-chairs shall be responsible for designating each position as having one of the following designations:
• Full consensus – a position where no minority disagrees;
• Consensus - a position where a small minority disagrees but most agree;
• No consensus but strong support for a specific position / recommendation but significant opposition; and
• Divergence – no strong support for a specific position / recommendation

In the case of consensus, no consensus or divergence, the co-chairs should encourage the submission of minority viewpoint(s).

If a participating stakeholder organization wishes to deviate from the standard methodology for making decisions with regard to consensus, or empower the working group to use its own decision-making methodology, it should be affirmatively stated in through revisions to the working group Charter.

Consensus calls should always make best efforts to involve the entire working group. It is the role of the Co-Chairs to designate which level of consensus has been reached and inform the working group. Member(s) of the working group should be able to challenge the designation of the co-chairs as part of the working group discussion. However, if disagreement persists, members of the working group may use the process described below to challenge the designation.

If any participant(s) in the working group disagree with the consensus-level designation made by the Co-Chairs, they may follow these steps sequentially:

1. Send email to the co-chairs, copying the working group email list explaining why the decision is believed to be in error.
2. If the co-chairs still disagree with the complainants, the co-chairs shall forward the appeal to the Steering Committee. The co-chairs must explain their reasoning in the response to the complainants and in the submission to the Steering Committee. If the Steering Committee supports the position of the co-chairs, it shall provide their response to the complainants. The Steering Committee must explain their reasoning in the response. If the Steering Committee disagrees with the co-chairs, it will forward the appeal to the participating stakeholder organizations. Should the complainants disagree with the Steering Committee support of the co-chairs’ determination, the complainants may appeal to the Chairs of the stakeholder organizations or their designated representatives. If the stakeholder organizations agree with the complainants’ position, they should recommend remedial action to the co-chairs.
3. In the event of any appeal, the Steering Committee shall attach a statement of the appeal to the working-group report. This statement should include all of the documentation from all steps in the appeals
process and should include a statement from the participating stakeholder organizations.¹

Appeal Process

Any working group member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the working group or the participating stakeholder organization should first discuss the circumstances with the working group co-chairs. In the event that the matter cannot be resolved satisfactorily, the working group member should request an opportunity to discuss the situation with the Chairs of the participating stakeholder organizations or their designated representatives.

In addition, if any member of the working group is of the opinion that someone is not performing their role according to the criteria outlined in the following section of this document, the same appeals process may be invoked.

Omission In or Unreasonable Impact of Charter

In the event this charter does not provide guidance and/or the impact of the charter is unreasonable for conducting the business of the working group, the co-chairs of the working group shall decide if they think charter needs to be modified.

In the event it is decided that the charter needs to be modified to address the omission or unreasonable impact, the co-chairs may propose to modify the charter. A modification shall only be effective after adoption of the adjusted charter by the participating stakeholder organizations in accordance with their own rules and procedures.

Closure and Working Group Self-Assessment

The working group shall be dissolved upon receipt of the notification of the Chairs of the participating stakeholder organizations or their designated representatives.

Charter Document History

This section records key changes to the working group Charter that take place after the adoption of the Charter.

¹ It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.