

VOL. 3: UPDATE ON IANA STEWARDSHIP DISCUSSIONS

ICANN is compiling bi-weekly updates on the community discussions and progress of the IANA Stewardship Transition and Enhancing ICANN Accountability Processes. This information is positioned to help inform interested stakeholders in the recent developments in the processes, upcoming key dates, latest documents and drafts and a snapshot of any news coverage that occurs over the timeframe.

In brief

- The Cross-Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions ([CWG-Stewardship](#)) and Cross Community Working Group on Enhancing ICANN Accountability ([CCWG-Accountability](#)) held face-to-face meetings in Istanbul, Turkey, during the week of 23 March 2015 with a common goal: the successful transition of the IANA functions stewardship to the global multistakeholder community.
- Both CWG-Stewardship and CCWG-Accountability plan to make draft proposals available for Public Comment in the lead-up to [ICANN 53](#) in Buenos Aires, 21-25 June 2015.
- As work on the IANA Stewardship Transition continues to build momentum, a number of communities are beginning to submit formal statements and recommendations to the CWG-Stewardship and CCWG-Accountability.

An overview of CCWG-Accountability and CWG-Stewardship meetings

- The Cross Community Working Group on Enhancing ICANN Accountability ([CCWG-Accountability](#)) met in Istanbul on 23 and 24 March. There were 57 CCWG participants – 42 onsite and 15 using remote participation tools, three [advisors to the CCWG](#) and two representatives from [Sidley Austin](#), one of the two legal firms engaged by CCWG-Accountability.
- [CWG-Stewardship](#) met on 26 and 27 March, with 43 onsite and remote CWG participants, including 18 who had participated in the CWG-Accountability meeting earlier in the week. Sidley Austin was represented, as they were also engaged to provide legal advice to CWG-Stewardship.
- On 25 March, the Co-Chairs of both groups met to discuss the progress, objectives of their work, and how the groups could help inform each other's work.
- In addition to the archived notes, transcripts and recordings of both meetings, the Co-Chairs of both groups published Statements regarding the meetings:
 - [CCWG-Accountability Co-Chairs' Statement](#)
 - [CWG-Stewardship Co-Chairs' Statement](#)
- ICANN published video interviews with [CCWG Co-Chair, Thomas Rickert](#), and with the [CWG Co-Chairs](#).

CCWG-Accountability progress in Istanbul

ICANN Mission, Vision and Value statement

- There was general agreement that ICANN's commitment to its core values, as stated in its Bylaws, needed strengthening.
- There was recognition that after the IANA Stewardship Transition occurs, the accountability and transparency mechanisms provided by the Affirmation of Commitments (AoC) between ICANN and the U.S. Government should be brought into ICANN's Bylaws. The group discussed the need to rewrite some of the original AoC text, rather than incorporate it as a single unchanged block, noting it would be important to raise community awareness of the rewriting process of this key commitment between ICANN and the global community.

Empowering the community

- The group discussed new mechanisms to empower the community in ICANN's decision-making processes. In particular, there was general convergence on the need to enable the community to:
 - Recall (or "spill") ICANN's Board of Directors
 - Approve or prevent changes to ICANN's Bylaws, Mission and Core Values
 - Reject Board decisions on ICANN's Strategic Plan and budget (where the Board has failed to appropriately consider community input)
- It was recognized that, while it was clearly important that the ICANN Board be accountable to the community, it was also essential for the community itself to meet high standards of accountability.

Introducing Fundamental ("Golden") Bylaws

- The CCWG-Accountability proposed to introduce Fundamental Bylaws (previously referred to as "Golden" Bylaws), in ICANN's revised Bylaws that would add additional robustness to key provisions. These Fundamental Bylaws should be changeable, but any change should require a very high standard of community approval.
- Four key topics were proposed as potential new Fundamental Bylaws:
 - ICANN's Mission (some provisions also identified for possible elevation to ICANN's Articles of Incorporation)
 - Enhanced Independent Review Process
 - The power to veto Bylaw changes
 - New community powers ("Empowering the community" above)

Independent Review Process

- There was general agreement to enhance ICANN's existing Independent Review Process rather than create a new process. Possible enhancements include making the process more accessible and affordable and having a standing panel (to help with consistency of decision making) that produces binding outcomes. ICANN's Mission and Core Values would guide the decisions.

General discussion

- There was debate about the accountability mechanisms to be proposed as Work Stream 1 – ICANN accountability processes that need to be in place or agreed to before the IANA Stewardship Transition can occur – and broad agreement to continue developing proposals on six core themes:
 - Revisions to the mission, commitments and core values
 - Enhancement of the independent review process

- Establishing fundamental bylaws
- Mechanisms for community empowerment
- Transcription of the AoC provisions and reviews into the Bylaws
- Enhancements to reconsideration processes

What comes next?

- All recommendations by CCWG-Accountability will be subjected to stress tests against contingencies already identified by the group.
- The CCWG-Accountability will refine its recommendations and expects to put its draft out for public comment within the next few weeks. Based on input from the wider community, the CCWG-Accountability expects to hold further deliberations during ICANN 53.
- Given the potential significant impact to ICANN and the global community of the proposals CCWG-Accountability is considering, the group is discussing the need to hold dual public comment processes, to ensure its recommendations are given the broadest consideration by the community.

CWG-Stewardship comes closer to converging on a single solution in Istanbul

Reducing the possible number of potential structures/models on the table

- Entering the meeting, the CWG-Stewardship was considering seven possible models of what a post-NTIA IANA stewardship could look like: two external solutions (Contract Co. and Trust); two internal solutions (Accountability mechanisms and Trust); and three hybrid/integrated models (IANA subsidiary/ "affiliate" of ICANN, IANA shared services agreements and Standalone IANA entity). Following preliminary legal advice presented by Sidley Austin and subsequent discussion amongst CWG-Stewardship members of the pros and cons of the different models, there was agreement to actively investigate the following two models: Accountability mechanisms with functional separation and Accountability mechanisms with legal separation (also called the IANA subsidiary or "affiliate" of ICANN).
 - The remaining five models were not entirely dismissed and could be revived if either or both of the above models prove inadequate.

Design Teams

- Eight of the proposed fourteen Design Teams had been active before the Istanbul meeting, with a fifteenth, on the IANA budget, being added on the final day of the meeting. The Design Teams reported back to the group on their progress. Detailed information on the Design Teams and their activities can be found in the documents marked "DT." A summary of the status of the Design Teams as of 27 March is available on Slide seven.

What comes next?

- Design Teams aim to complete their work by 10 April for review by CWG-Stewardship. Accepted work will be inserted in the appropriate section of the draft names proposal.
- CWG-Stewardship has revised its upcoming timeline slightly and extended the Public Comment period for its draft proposal from 21 to 30 days. See "Upcoming Key Dates" below.
- Three versions of the group's final proposal will be developed. One version will be submitted to the IANA Stewardship Coordination Group (ICG) for consideration. A second, more detailed version will explain the reasoning behind choices in the proposal and provide more information about the

implementation of the post-NTIA model for the names component of IANA stewardship. A third, short version, produced with the assistance of ICANN communications staff, will be made available as a summary for members of the community not involved with the process on a day-to-day level.

Inter-community correspondence

- On 19 March, a group of registries submitted a guidance document to CWG-Stewardship aimed at delivering the most minimal, simple and lightweight structures possible while meeting the needs of stakeholders and avoiding the creation of new, unnecessary structures and complexities.
- On 22 March, the Consolidated RIR IANA Stewardship Proposal (CRISP) Team Co-Chairs requested that the CWG-Stewardship Co-Chairs communicate with them directly and in a timely manner on developments that might affect the Numbers community, and not wait for the final submission of the names proposal to the ICG.
- Also on 22 March, the Registries Stakeholder Group (RySG) submitted a statement to CWG-Stewardship. Among other issues, the statement recommended: avoid creating new accountability concerns by minimizing the creation of new structures; identifying processes for improvements to the performance of the IANA functions and oversight structures; and identifying stable funding streams for the IANA functions from fees paid to ICANN by gTLDs and ccTLDs.
- On 26 March, the Country Code Name Supporting Organization (ccNSO) Council Chairs wrote to the CWG-Stewardship and CCWG-Accountability Co-Chairs to report that the ccNSO intended to have the IANA and accountability proposals presented at the next face-to-face meeting of the ccNSO at ICANN 53 in Buenos Aires and, if the ccTLDs present at the meeting express support for the proposals, the ccNSO Council would then make a decision on whether to adopt the proposals. Therefore, the earliest the ccNSO could make a decision is 21-25 June 2015.
- On 26 March, a German position paper on the IANA Stewardship Transition, developed via a multistakeholder process and backed by the German government, was sent to the CWG-Stewardship Co-Chairs. Among its recommendations, the paper suggests that there must be binding rules implemented that protect ICANN and the IANA functions from possible threats to ICANN's existence (such as insolvency) before the transition occurs. The paper also recommends it should remain possible to separate the technical execution of the IANA functions from ICANN.
- On 26 March, the U.S. Government Accountability Office (GAO) requested a teleconference with the Co-Chairs of the CCWG-Accountability on 7 or 8 April 2015. GAO is reviewing NTIA's proposed transition of IANA Stewardship in response to a request by the Chairs of the U.S. House Committee on Energy and Commerce and its Communications and Technology Subcommittee.

Upcoming key dates

31 Mar 2015	<u>CCWG-Accountability Meeting #18</u> , 6:00 UTC
2 Apr 2015	<u>CWG-Stewardship Meeting #33</u> , 17:00-19:00 UTC
7 Apr 2015	<u>CCWG-Accountability Meeting #19</u> , 19:00UTC
10 Apr 2015	Deadline for CWG-Stewardship Design Teams to provide content
13-14 Apr 2015	CWG-Stewardship intensive working days
14 Apr 2015	<u>CCWG-Accountability Meeting #20</u> , 12:00UTC
20 Apr 2015	Public Comment period for CWG-Stewardship draft proposal begins
21 Apr 2015	<u>CCWG-Accountability Meeting #21</u> , 6:00UTC

- 20 May 2015 Public Comment period for CWG-Stewardship draft proposal ends
- 30 May 2015 CWG-Stewardship High-Intensity Weekend
- 8 Jun 2015 CWG-Stewardship delivers names proposal to ICANN SOs & ACs
- 18-19 Jun 2015 ICG Face-to-Face Meeting, [ICANN 53](#), Buenos Aires
- 25 Jun 2015 CWG-Stewardship delivers names proposal to [ICG](#)

Latest documents and drafts

- 24 Mar 2015 CWG-Stewardship - [Overview Handout from Istanbul Face-to-Face meeting](#)
- 27 Mar 2015 CCWG-Accountability - [Sidley Preliminary Draft Responses to CCWG Legal Sub-team Questionnaire](#)
CCWG-Accountability - [Adler Colvin Preliminary Responses to CCWG Legal Sub-team](#)
- 18 Mar 2015 CWG- Stewardship - [Draft Transition Plan V2.2.1](#)
- 15 Mar 2015 CWG-Stewardship - [Sidley Preliminary Draft Response to legal questions](#)

IANA Stewardship Transition in the news

- 25 Mar 2015 [Temi importanti per i proprietari di marchi](#), Inside Marketing [IT]
- 16 Mar 2015 [IANA機能の監督権限の移管について](#), JPNIC [JP]
- 9 Mar 2015 [Mutations dans la gouvernance de l'internet dans le monde: Les Etats africains invités à faire des propositions](#), Le Soleil [FR]
- 8 Mar 2015 [“互联网+”：法律政策怎么加？](#), 经济观察网 [CN]

YOU CAN PLAY A ROLE IN IANA'S FUTURE...

*Anyone can participate in discussions about the future of IANA's stewardship and ICANN accountability. For information on joining **CWG-Stewardship**, contact grace.abuhamad@icann.org. For information on joining **CCWG-Accountability**, contact accountability-staff@icann.org.*