



Governance of the Internet Unique Identifiers

FMAI - AFRALO - ICANN

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Introduction

ICANN: Internet Corporation for Assigned Names and Numbers

- Global multi-stakeholder organization that manages Internet resources for the public benefit
- Coordinates the top-level of the Internet's system of unique identifiers via global, multi-stakeholder, bottom-up consensus policy processes, with the outcome of those processes implemented via the IANA (Internet Assigned Numbers Authority) Functions.

Introduction

What are the IANA Functions?

- Protocol Parameters Function: Coordination of the assignment of technical Internet protocol parameters
- Naming Function: Administration of certain responsibilities associated with Internet DNS Root Zone management
- Numbering Function: Allocation of Internet IP addresses

ICANN has been created to Operate the IANA Functions, and it did through a free of charge contract with the USG since 1998

Introduction

What are the Stakeholders (community) of ICANN?

- 3 Supporting Organizations (SO) in charge of proposing policies
 - ▶ ASO (Address Supporting Organization)
 - ▶ GNSO (Generic Names Supporting Organization)
 - ▶ ccNSO (Country Code Names Supporting Organization)

Introduction

What are the Stakeholders of ICANN?

- 4 Advisory Committees (AC) in charge of providing advices to the ICANN Board
 - ▶ GAC (Governmental Advisory Committee)
 - ▶ ALAC (At-Large Advisory Committee)
 - ▶ SSAC (Security and Stability Advisory Committee)
 - ▶ RSSAC (Root Server System Advisory Committee)

US Government Announcement

14 March 2014:

NTIA (National Telecommunication and Information Administration at the U.S. department of Commerce) announced its intention to transition its stewardship of the IANA functions to the global multi-stakeholder community.

US Government Announcement

NTIA has stated that the transition proposal must have broad community support and address the following four principles:

- Support and enhance the multistakeholder model
- Maintain the security, stability and resiliency of the Internet
- Meet the needs of the customers of the IANA services
- Maintain the openness of the Internet

The NTIA (U.S. Government) also specified that it will **not accept** a proposal that replaces the NTIA role with a government-led or intergovernmental organization solution.

Processes

Since then, the ICANN community has been working in a two-track parallel process

- **Transition of the stewardship of the 3 IANA Functions**
Focused on delivering a proposal to transition the stewardship of the IANA functions to the multi-stakeholder community
- **Enhancing ICANN Accountability**
Focused on ensuring that ICANN remains accountable in the absence of its historical contractual relationship with the U.S. Government

Processes

Creation of Working Groups

- **ICG** (IANA Coordination Group) in charge of elaborating and delivering a transition plan to the NTIA through the ICANN Board based on the proposals of the 3 IANA Functions communities.
- **CCWG** (Cross Community Working Group on Enhancing ICANN Accountability) in charge of elaborating and delivering a proposal that would enhance ICANN's accountability towards all its stakeholders.

IANA Stewardship Transition

The 3 community proposals are prepared by:

- **CWG** (Cross Community Working Group on stewardship transition) for the Domain Name community
- **CRISP** (Consolidated RIR IANA Stewardship Proposal) team for the Numbers community
- **IANAPLAN** Working Group for the Protocol Parameters community

IANA Stewardship Transition

The **CWG** proposed to form:

- **PTI** (Post-Transition IANA): new separate legal entity as an affiliate (subsidiary) of ICANN that would become the IANA functions operator in contract with ICANN.
- **CSC** (Customer Standing Committee) to monitor the PTI performance (contract requirements and SL expectations)
- **IFR** (IANA Function Review) Multi-stakeholder process to conduct reviews of PTI

IANA Stewardship Transition

The **CRISP** proposed that:

- **ICANN** continue to serve as the IANA Functions Operator and perform those services under a contract with the five Regional Internet Registries (RIRs)
- **SLA** (Service Level Agreement) be established between the Regional Internet Registries and ICANN
- **RC** (Review Committee) be formed comprising community representatives to advise the RIRs on the IANA functions operator's performance (SLA)

IANA Stewardship Transition

The IANAPLAN Working Group proposed that:

- IANA protocol parameters registry updates continue to function day-to-day, as they are doing now
- They continue to rely on the system of agreements, policies, and oversight mechanisms created by the IETF, ICANN, and IAB for the provision of the protocol parameters-related IANA functions.

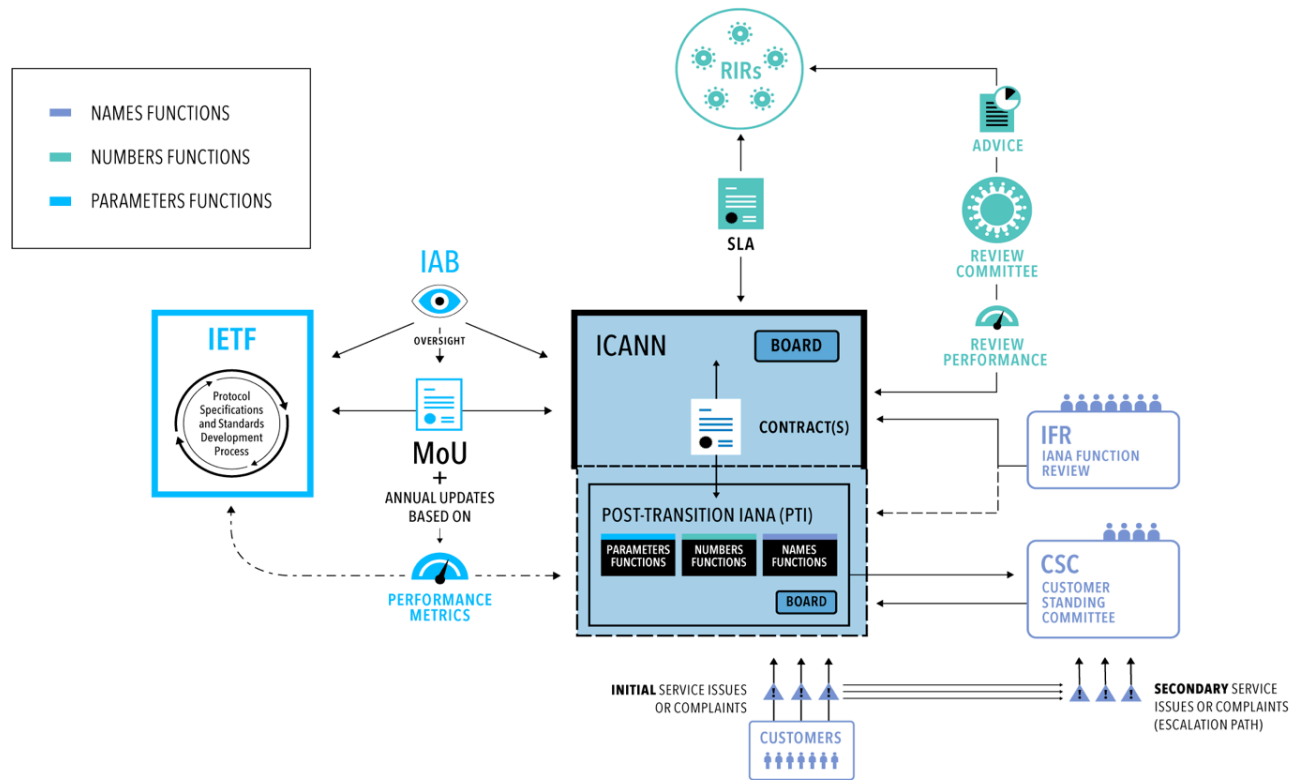
IANA Stewardship Transition

ICG Proposal

Instead of compiling the 3 communities' proposals, ICG assembled them as 3 separate processes

This resulted in each community having its own oversight and review mechanisms, which may affect the security and stability of Internet.

IANA Stewardship Transition



Enhancing ICANN Accountability

CCWG (Cross Community Working Group on Enhancing ICANN Accountability)

Splet its work into 2 work streams:

- ▶ Work stream 1 → Mechanisms necessary for the transition
- ▶ Work stream 2 → The other mechanisms

The **CCWG** issued its 3rd report on 30 November 2015, and this report is now under public comment.



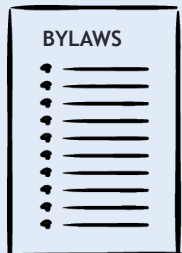
The ICANN Community

is organized in three Supporting Organizations (SOs) and four Advisory Committees (ACs).



ICANN Board

has the ultimate authority to approve or reject policy recommendations, developed by the SOs. ACs formally advise the ICANN Board on particular issues or policy areas.



The Principles

guarantee the mission, commitments and core values of ICANN through its Bylaws.



Independent Appeals Mechanisms

confers the power to review and provide redress, as needed.

Enhancing ICANN Accountability

The Bylaws

ICANN's Bylaws are at the heart of its accountability.

- **Mission Statement** describes the scope of ICANN activities
- **Core Values** guide the decisions and actions of ICANN
- **Affirmations of Commitments (AoC)** require a periodic review process conducted by the community that results in recommendations for improvement Mechanisms

Split the Bylaws into Standard and Fundamental Bylaws

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Fundamental Bylaws shall

- Require the community approval to be modified
- Include
 - ▶ Mission/Commitments/Core Values,
 - ▶ framework for the Independent Review Process,
 - ▶ proposed community powers,
 - ▶ governance model
 - ▶ accountability mechanisms for the new IANA structure
 - ▶ Community right of inspection

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Community Powers

- ➔ Reconsider/reject Budget, Strategic Plan or Operating Plan
- ➔ Reconsider/reject changes to ICANN “Standard” Bylaws
- ➔ Approve of changes to “Fundamental” Bylaws and Articles of incorporation
- ➔ Remove individual ICANN Board Directors
- ➔ Recall entire ICANN Board
- ➔ Initiate an Independent Review Process
- ➔ Reject Board decisions relating to reviews of IANA functions

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Governance Model

Many corporate structures have been explored for organizing the community to have enforceable powers

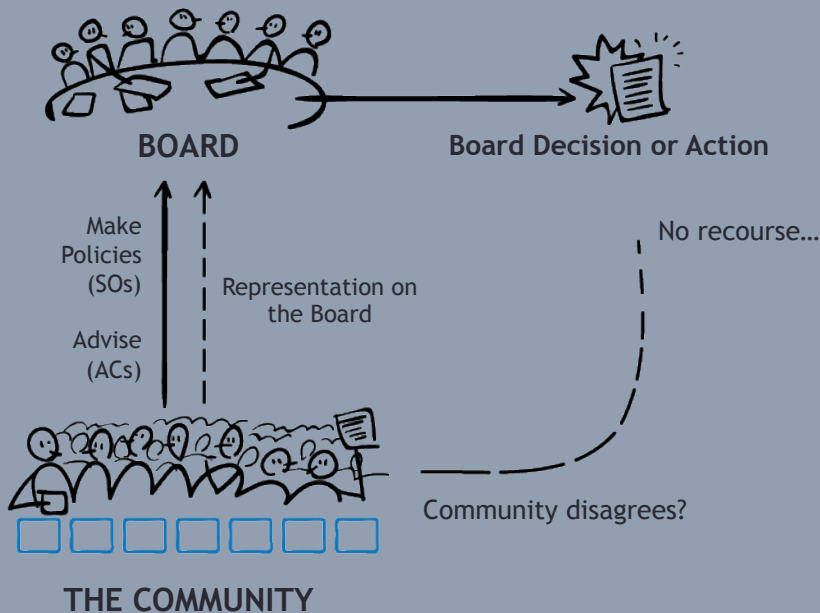
Sole Designator Model is proposed as Governance model

Under this model, SOs/ACs participate jointly to exercise their community powers as a Sole entity of ICANN.

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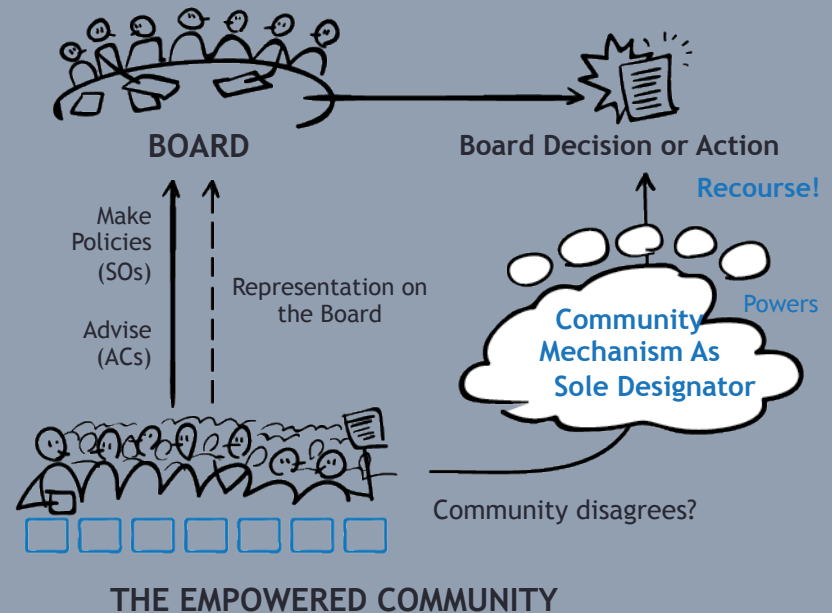
Current

If the community disagrees with a Board decision or action, they have no recourse to challenge it.



Proposed

If the community disagrees with a Board decision or action, they can challenge it exercising their powers through the CMSD.



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Governance Model

- Each SO/AC, using its own internal rules, would express its support or objection for the exercise of any power by the empowered community
- The decision of the empowered community under this model would be taken by consensus with a predefined threshold for each power

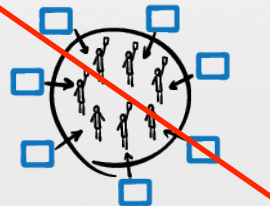
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Governance Model

- ▶ Participating SOs and ACs would not meet as the Designator



- ▶ No representatives of participating SOs and ACs would cast votes



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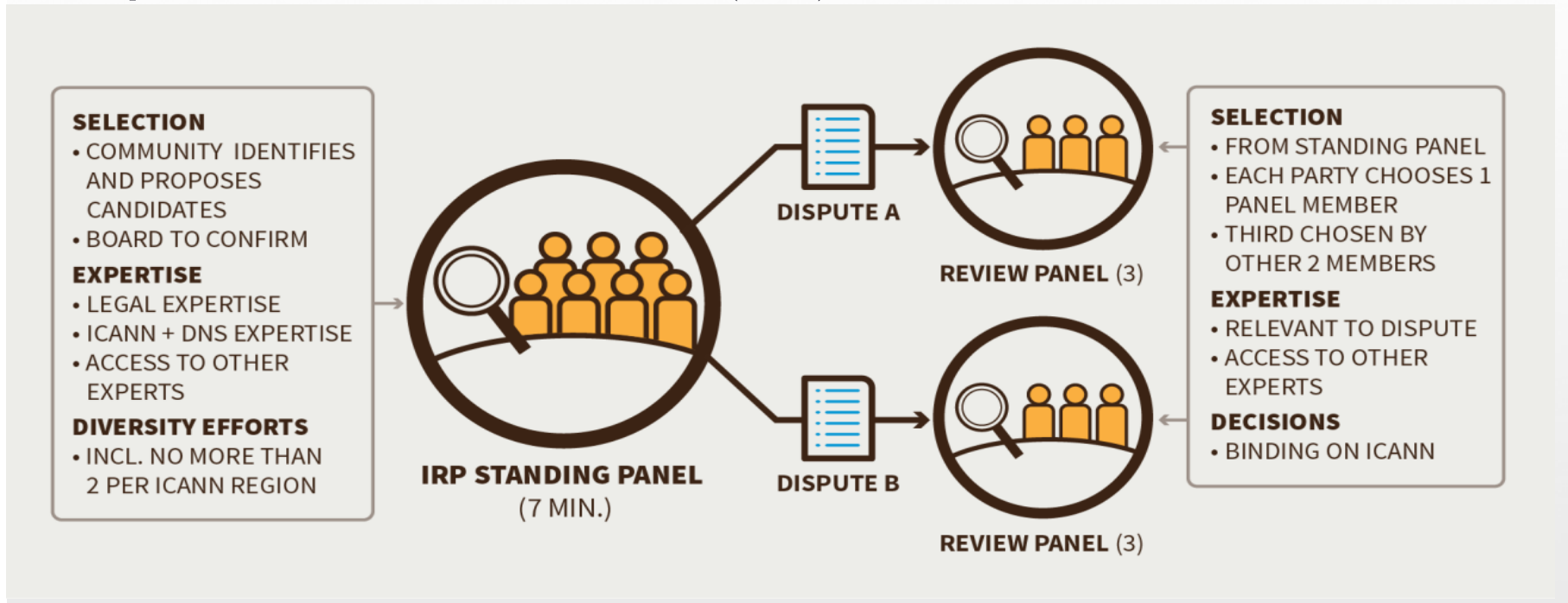
Appeal Mechanisms

● Independent Review Process (IRP)

- ▶ Any person or entity affected by an ICANN action (or inaction) in breach of ICANN's Bylaws or Articles may request an independent third-party review of that action.
- ▶ **Standing Panel** (7 members) to play a fully independent dispute resolution function
- ▶ **Review Panel** (3 members) will be drawn from the Standing Panel for each dispute.

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Independent Review Process (IRP)



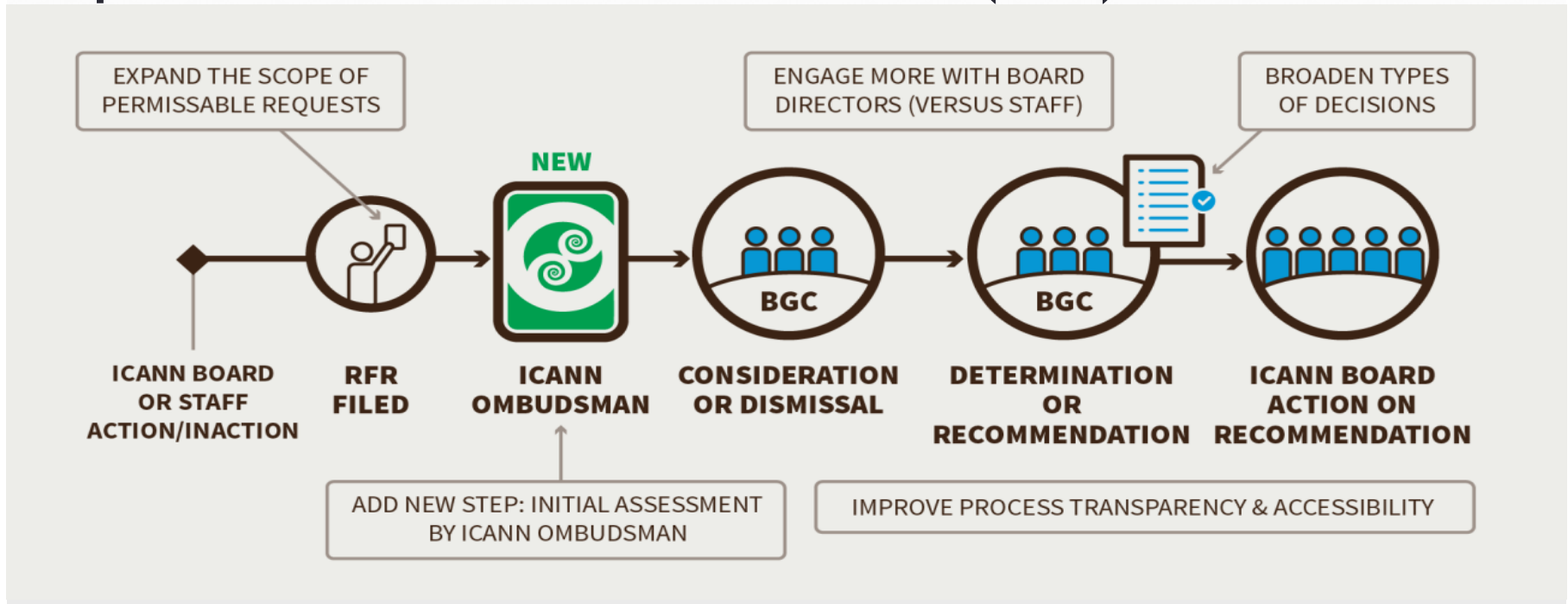
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Appeal Mechanisms

- **Request For Reconsideration Process (RFR)**
 - ▶ Any person or entity affected by an ICANN action may request review or reconsideration of that action by the Board.
 - ▶ **Expand Scope** to include Board or staff actions or inactions that contradict ICANN's Mission, Commitments or Core Values
 - ▶ **Extend Time** for filing Requests from 15 to 30 days
 - ▶ **Board to make determinations** rather than the Board Governance Committee

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Request For Reconsideration Process (RFR)



Enhancing ICANN Accountability

Threshold for decision making

	Required Community Powers	Threshold for consensus to exercise a Community Power
1	Reject a proposed Operating Plan/Strategic Plan/Budget	4 support rejection, and no more than 1 objection
2	Approve changes to Fundamental Bylaws and Articles of Incorporation	4 support approval, and no more than 1 objection
3	Reject changes to regular bylaws	3 support rejection, and no more than 1 objection
4a	Remove an individual Board Director appointed by a SO or AC	Invite and consider comments from all SO/ACs.
		75% majority within the appointing AC/SO to remove their director
4b	Remove an individual Board Director appointed by the Nominating Committee	3 support, and no more than 1 objection.
5	Recall the entire board of directors	4 support, and no more than 1 objection
6	Initiate a binding Independent Review Process	3 support, and no more than 1 objection
		Require mediation before IRP begin
7	Reject ICANN Board decisions relating to reviews of IANA functions	4 support, and no more than 1 objection

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Stress Tests

Purpose: to test the ICANN stability in the event of consequences and/or vulnerabilities brought by the exercise of the proposed accountability mechanisms

Implementation: Applying stress tests identifies the changes to ICANN Bylaws that might be necessary to ensure that proposed accountability mechanisms are adequate for the ICANN security and stability

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Work Stream 2

- Improvement of ICANN transparency
- Improvement of ICANN's standards for diversity
- Consideration of the **jurisdiction's** issue
- Interpretation of ICANN Human Rights Commitment
- Enhancement of the Ombudsman's role and function

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Conclusion

All these accountability mechanisms (new or enhanced) related to work stream 1 **must be implemented or committed to before the transition of IANA Stewardship from NTIA can occur.**

The CCWG will address the accountability mechanisms related to work stream 2 that are not necessary for the transition to happen, together with the Work Stream 1 implementation issues, as soon as the final proposal is approved by the chartering organizations.

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Deadline for Public Comment
21 December 2015

Participate in the public comment
<https://www.icann.org/public-comments/draft-ccwg-accountability-proposal-2015-11-30-en>

Questions
Email: acct-staff@icann.org

IANA Transition & ICANN Accountability

Conclusion

The Transition of the IANA Functions Stewardship from the USG to the multi-stakeholder community would reshape the governance of the Internet Unique Identifiers. If well succeeded, the multi-stakeholder model will gain more credibility and may be extended to other environments. If not, it will send the bad message that this governance model is not workable.



Merci / Thank you

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