

Interim Names Council recommendations on ICANN Evolution May 2002 v8

Introduction

This document contains interim recommendations from the Names Council on issues of high-level principle as a contribution to the 2002 discussions on ICANN evolution. The Names Council will continue to add recommendations as the debate continues and will also add detail (especially on policy development and board composition) to some of its earlier recommendations as time allows. The recommendations are shared by all NC constituencies unless where indicated in the annotated footnotes.

These recommendations evolved during a series of telephone conferences and exchanges of e-mail beginning March 2002 and going forward. These conferences were held jointly with the chair and alternate chair of the General Assembly and included sessions with ICANN CEO, staff and advisors and the chairman of the ICANN evolution committee.

Scope and mission of ICANN

In broad terms the Names Council (NC) agreed with the factual description of ICANN's functions listed in "What ICANN Does" at: <http://www.icann.org/general/toward-mission-statement-07mar02.htm> which (in summary) cover:

1. General operational functions (such as IP address allocation, maintaining the DNS root zone file).
2. gTLD administrative functions (such as registrar accreditation, supervising the Uniform Dispute Resolution Policy, determining the process for new gTLDs).
3. ccTLD administrative functions (such as updating the IANA database entries concerning ccTLD Managers, or requests for delegation and re-delegation).
4. Policy coordination for infrastructure security.
5. Policy-related functions including:
 - 5.1. IP address and AS number allocation,
 - 5.2. ccTLD global policy coordination,
 - 5.3. Protocol numbering via the IANA registries,
 - 5.4. gTLD registry-level policies.

Recommendation 1 - mission. The Names Council proposes the following re-statement of ICANN's mission:

"ICANN's mission is to coordinate technical and policy functions of the domain name system in order to promote a stable, secure and commercially viable domain name system, promote competition in key aspects of the DNS, and achieve broad representation of global Internet communities, all for the benefit of the users of the global Internet¹."

The Names Council specified the following existing functions of ICANN where the NC notes that improvements and enhancements in delivery of services or improvements in relationships are needed:

- IANA administrative function for ccTLDs
- root server administration
- gTLD Registry and Registrar contract enforcement e.g. escrow, the UDRP and Whols.

Recommendation 2 - structure. Create clearly delineated divisions within and under ICANN responsible for the administration of operational and policy functions. This would establish separate staff functions for policy and operational functions but maintain a clear authority within ICANN management for all such functions.

Some of the Names Council noted that the greatest potential for mission creep lay in the areas of additional security and additional consumer protection. The Names Council recognised that the functions expected of ICANN as viewed today may, be different in a changed world of tomorrow.

¹ The gTLD registry constituency did not agree to the wording of the last phrase of this mission statement

That future world may dictate that ICANN's functions are more, or are fewer, than those today. Focus of the core functions of the moment will be a key to success.

Recommendation 3 - functions. ICANN's functions should not be extended at this time beyond what is outlined in the note "What ICANN Does" .

Funding ICANN

Short-term

The NC believes that the debate over the longer term funding of ICANN should not be distracted by any short term funding problem.

Recommendation 4 - short-term funding. The NC urges the existing funders to reach at least interim agreements quickly to avoid any short fall in ICANN's existing budget.

Longer term

Recommendation 5 - core funding. Funding could potentially come from more than one source but the bulk of funds should ultimately derive from the revenues of gTLD Registrants' fees and be administered via Registrars and/or Registries.

Recommendation 6 - secondary sources. Secondary sources should include the ccTLDs and RIRs, but should not include governments.

(Consideration should be given to the relevance of ccTLDs which are marketed in non-geographic ways to recommendations 5 and 6).

Recommendation 7 - supplementary sources. Supplementary sources could be found from sources such as secretariat service fees to the GAC.

Recommendation 8 - budgeting. Further to recommendation 2, ICANN budgeting should reflect a delineated structure.

Policy Development bodies

Recommendation 9 - policy making. ICANN policy development bodies should formulate policy recommendations based on a bottom-up, consensus process of all stakeholders². There must be a clear process and that process should be managed by the ICANN Board.

Recommendation 10 - impact. The policy recommendations from such policy development bodies should be ordinarily binding on the ICANN Board and ICANN entities, but with rejection possible subject to a 2/3 Board majority.

Recommendation 11 - staff support. ICANN's policy development bodies should be made more effective by the provision of full-time staff to support all aspects of policy making including a co-ordinating secretariat and staff support to policy-making task forces and similar groups.

Recommendation 12 - ccTLDs. Create a new policy development body for the ccTLDs. This would need means of collaborative decision making with the gTLD policy development body on relevant areas of policy.

Recommendation 13 - gTLDs: Create a new policy development body for gTLDs³. This would need means of collaborative decision making with the ccTLD policy development body on relevant areas of policy.

² The gTLD registry constituency did not agree to the wording of the last phrase of this statement

³ The non-commercial constituency did not agree to this phrasing wishing instead to add detail about the participants in the gTLD policy development body. This debate is planned later in May 2002.

Board composition and size

Recommendation 14 – Board elections. The policy development bodies should elect or select a number of voting Board members.

Recommendation 15 – Board size. The Board should be set at a size that balances two goals – large enough to be representative, small enough to be functional⁴.

Transparency

Recommendation 16 – independent review. Create a committee for independent review of appealed decisions of the ICANN Board.

Recommendation 17 – ombudsman. Create the office of a professional ombudsman.

Next steps

As stated in the introduction, the Names Council will continue to add recommendations as the debate continues and may also add detail (especially on policy development and Board composition) to some of its earlier recommendations as time allows.

Annex

Please find enclosed Constituency positions submitted to the Names Council as at 3 May 2002 from the following constituencies.

1. Business Constituency
2. Intellectual Property Constituency
3. Internet Service Providers Constituency

Position papers from remaining Constituencies will be forwarded with the next report once they are received.

⁴ a representative of the Registrars wanted more substance to be added to this recommendation. That debate is planned later in May 2002.