TRANSITION ACTION PLAN

Where are we now and how did we get here?

Ten years after its founding, ICANN is recognized as fulfilling its original vision of being the global coordinator of the Internet's unique identifier systems. This position has been reached through ongoing participation by ICANN's stakeholder communities, supporting ICANN to achieve the development goals set out in various versions of a Memorandum of Understanding with the US Government from 1998 until 2006 and a Joint Project Agreement (JPA) since then,

The President's Strategy Committee (PSC) has since 2006 undertaken research on various options, conducted community consultations, published periodic reports, and taken specialist advice on the steps necessary for ICANN to continue to fulfill its mandate at the expiry of the JPA.

The JPA Midterm review process[1] further demonstrated that the Internet community recognizes and supports ICANN as the multi-stakeholder, private sector-lead organization responsible for the global coordination of the Internet's unique identifier systems. It identified some final steps necessary to complete ICANN's ability to fulfill this role.

The JPA concludes in September 2009. The PSC has prepared this Transition Action Plan, setting out the requirements of a post-JPA ICANN, and the steps needed to consult the community and then implement that Transition Action Plan.

Where are we going?

ICANN will continue to be the secure, global coordinator of the Internet's critical infrastructural resources. It will continue to operate as a multi-stakeholder organization, in which the private sector plays a leadership role, with informed participation by a wide and diverse stakeholder community, including governments providing support and advice. This will allow the Internet to expand its reach and scope, to ultimately serve all the peoples of the world.

The key requirements, for ICANN to fulfill its mandate are:

1) ICANN will be sufficiently safeguarded against capture.
2) ICANN will be sufficiently accountable to its multi-stakeholder community and will preserve the principles of bottom-up development of policies by those parties affected, and will maintain the structures, practices and bylaws of the ICANN model that have been developed by the community – including their regular review.
3) ICANN will be internationalized, to allow it to meet the needs of the global Internet Community of the future.
4) ICANN will be financially and operationally secure.

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[1] Summary of review process, see: http://www.icann.org/jpa/index.htm#submission

5) ICANN will maintain its focus on organizational and operational excellence in performing its technical mission of ensuring safe and stable operations relating to the unique identifiers of the Internet, and of the IANA functions.

The PSC considers the following initiatives may be appropriate to meet the objectives listed above:

1. To address freedom from capture

1.1. Ensure consensus or super-majority requirements for policy making, based on broad and diverse participation of affected stakeholders;
1.2. Ensure recruitment and maintenance of large and diverse constituencies
1.3. Maintain presence in a jurisdiction with strong anti-trust law;
1.4. Continue to adopt best practice transparency measures;
1.5. Place limitations on cross-participation in councils and constituencies by single or related entities;
1.6. Improve participation so that all relevant stakeholders around the world are able to interact with ICANN, including by establishing ICANN's presence in different jurisdictions.

2. To strengthen ICANN's accountability to its community

2.1. Implement a mechanism whereby the community can require the Board to re-examine a decision based on a proposed new structured and well defined process;
2.2. Construct an extraordinary mechanism by which the community can remove and replace the Board in special circumstances;
2.3. Continue regular periodic reviews of ICANN structure, and of Reconsideration, Independent Review and Ombudsman functions;
2.4. Enhance and expand contractual compliance and enforcement.

3. To internationalize ICANN

3.1. Explore adjusting the bylaws to confirm ICANN's historic headquarter location in the United States, while allowing for the establishment of legal presence in other jurisdictions;
3.2. Establish a subsidiary entity, or entities, in those locations whose jurisdictions best meet the defined objectives for ICANN subsidiary entities offices;
3.3. Maintain and develop as required the physical location of ICANN staff and operations around the globe in offices that best allow ICANN to meet the needs of the global Internet community;
3.4. Enhance efforts to make ICANN multilingual, including providing interpretation and translation services.

4. To Ensure Financial and Operational Security

4.1. Maintain and enhance the current Reserves Policy;

4.2. Ensure Alternative Sources of funding to lessen dependence on current registries and Registrars funding;

4.3. Continue and enhance the business processes of ICANN, building on the experiences gained with Strategic Planning, Operational Planning and Budgeting to ensure international organizational best practices are achieved.

5. To Maintain Secure and Stable operations

5.1. Make recommendations for improving the efficiency and responsiveness of the IANA function, through the automation of processes;

5.2. Implement, after discussions with Verisign and the US Department of Commerce, the Root Server Management Transition Completion Agreement.

Supporting information

Historical information, research advice and background information about the elements raised in the Transition Action Plan are outlined in the accompanying document, "Improving Institutional Confidence in ICANN.

An FAQ answering many of the background questions arising in this context is provided at http://icann.org/jpa/iic/faq.htm.

Consultation Topics and Timeline for consultation

A number of key initiatives are recommended in this paper, many of them arising from previous consultation, including the JPA midpoint review. The essence of the Transition Action Plan now requires testing in a further community consultation, around the following key questions;

A. Have the key elements required for an un-capturable, accountable, internationalized, stable and secure ICANN post-JPA been accurately and sufficiently identified?

B. Are the initiatives described sufficient to meet the objectives?

C. Is the timeline set out sufficient to allow sufficient community consultation, and bylaw changes and other implementation steps to occur?

The PSC recommends that the process be broken into two, substantive pieces of work: a first "analysis and design" as part of the project, and a second "Implementation" project. The first phase should be completed before the end of calendar 2008. Implementation should occupy the first half of 2009, so that it is complete and can be assessed before September 2009

It is vital to the success of the entire project that the broad stakeholder community be consulted, and kept informed of outcomes. The PSC will engage the community through a comprehensive consultation process on the Analysis and Design project, the key dates for which are:

- 13 June 2008: PSC Papers presented to Board.

- 16 June 2008: PSC papers put out to public comment period.

- 22-27 June 2008: Paris meeting / PSC meeting and public consultation session based on structured and formatted set of questions.

- 31 July 2008: End of on-line public comment period.

- August - mid September 2008: PSC summary/analysis of public comments so far. Produce revised Transition Action Plan

- 7 September 2008: Second public comment period

- 15 October 2008: End of second comment period

- Mid-October to End October 2008: PSC summary/analysis of public comment. Produce final Transition Action Plan.

- First week November 2008: ICANN meeting / PSC meeting and further public session on final paper.

- December 2008: provision of final paper, including implementation milestones for 2009 to ICANN Board for approval.

Additionally, the PSC may also engage in targeted outreach on a regional basis.

Expert Advisory Group

The PSC recommends the formation of a special Expert Advisory Group to assist with consultations on the Analysis and Design project.