Changing A cctld manager

Developing The ccTLD manager's approach

"Change of manager"

- NOT "Delegation" and "redelegation" which have specific and different meanings in the DNS

- "Delegation" implies a power, by a "delegator" who "authorises".

- Many of us do not accept that IANA "authorises" us in our role as manager.

- Most of us do accept that IANA's job is to record who is the manager.

Change of Manager

- Many of us believe we get our authority from our local internet community.

- Some of us believe we get our authority from our own Government.

- Some of us believe we get our authority from an agreement with the US government

- Some believe it came from Jon Postel

- All of us may be right…..in our own country, or circumstances.

Change of Manager

- No one view is going to be always right.

- Not only that, but different cctlds are operated in different ways:

- Variables include: where the registry is, where the registry manager is, where the technical contact is, what the government's role is (if there is a government in control)

- The different combinations probably = 243

Change of Manager

- Some matters are probably agreed -

- IANA should record the instructions given by the incumbent (RFC 1591)

- Problems - where there is a dispute involving the local government.

- Must be careful not to require local manages to have to sue their own government

- Must also avoid a system where local manager has to sue ICANN, or the US government.

- Can't rely on "rule of law" solutions in many countries where there is no rule of law

- Where the government is in control, de facto or legally, no need to do anything new

Change of Manager

- A message will come from what is, or amounts to a government department.

- IANA has no choices to make and makes any changes.

- Only where the government is not involved do major issues involving governments arise. Governments are wanting to insert themselves between IANA and the manager

Change of Manager

- If governments pass laws, "nationalise" a registry, and pay compensation, they must be treated by IANA as authorised by Local Internet Community.

- But what if a manager is arbitrarily removed, by an illegal government?

- Does the international internet community have a role in protecting one of our own?

Change of Manager

- Currently, IANA goes into countries like Sudan, where there is a civil war, and "picks" one side as the manager.

- Recent experience in Libya suggests other problems….

- IANA staff have for some time also demanded a manager sign what many regard as an inappropriate contract.

Change of Manager

- There are different problems where the manager is outside the country - national law does not apply.

- May be cases where the registry is not as originally intended, actually serving a Local internet community in "the territory for which the ISO 3166 2 letters correspond"

- May be wrong for country to call it "our cctld"

- Similar issues arise when the registry is out of the territory, and beyond a country's laws

Who is responsible for making this policy?

- We are.

- No policy is made in ICANN in a vacuum, or by a single interest group - "transparent bottom up means consultation with all interest groups.

- Governments have an interest.

- The ICANN bylaws give the ccNSO the responsibility for policy in this area.

Who is responsible for this policy?

- Annex C - Scope of the ccNSO gives the policy role - " the ability and power to define a policy"- over the root level registry- IANA - to the ccNSO

- To be developed via the Policy Development Process ("PDP").

- No other entity in ICANN has this role.

How will we exercise this responsibility?

- Carefully
- By developing a set of principles or practices which separate out the various options - in country, out of country, government controlled, private enterprise,
- Suggest by using consultative cctld process BEFORE completing through the PDP process

- A recommendation to the Board on this is within the Scope of the ccNSO

- This means that the Board cannot change this policy, and do what it likes, instead.

- The board can only, if it disagrees, stick to the status quo.

- We say status quo is RFC 1591…..

Political Reality

- The board is strongly pressured to comply with written directions from the GAC

- A PDP recommendation on this that was not negotiated with the GAC is likely to be sent back.

- Where there is ultimate conflict on a point, we need to be able to prove our consultative process, and rely on "our" board members, and lobbying, with support from "siblings"

Where to next?

- Prepare an agenda item for Capetown
- Identify and prepare a schedule setting out the various "scenarios"
- Set out possible responses on each issue
- Set up ccTLD discussion threads on each scenario
- Have a wider debate (GAC) in Capetown
- When issues and answers clear, run a PDP

Not just change of manager...

- This actually applies to all entries in IANA

- Need to monitor and interact with current staff efforts to develop new "procedures" and software.

- Possibly need a council committee formed to take this process forward.

- Discussion?