Charter Framework of Interpretation Working Group

A. Background and Purpose
The Delegation, Re-delegation and Retirement Working Group ("DRDWG") was created by the Country Code Names Supporting Organisation ("ccNSO") Council to advise whether it should launch a Policy Development Process ("PDP") to recommend changes to the current policies for delegation, re-delegation and retirement of country code Top Level Domains ("ccTLDs").

To understand the current policies, guidelines and practices the DRDWG performed an initial analysis of the following documents ("Policy Statements"):
- RFC 1591
- ICP-1
- GAC Principles 2000 and 2005

These policies and guidelines provided a baseline against which to evaluate the actual practices of IANA, and the decisions of the ICANN Board, as reflected in the following documentation ("Documentation"):
- All available IANA reports on ccTLD delegations, re-delegations and retirements
- All ICANN Board decisions affecting ccTLD delegations, re-delegations and retirements.

If a difference was noted between the Policy Statements and the processes and outcomes reflected in the Documentation, and this suggested a change in policy had occurred, the DRDWG considered whether or not such a change was implemented in a manner consistent with the procedural requirements covered by the ICANN Bylaws. The results of the analysis undertaken by the DRDWG ("Key Findings") are contained in four reports, on delegation, re-delegation (with and without consent) and retirement of ccTLDs, as well as a final summary report which were published in March 2011 (See References).

The DRDWG has recommended the ccNSO Council undertake, as a first step, the development of a "Framework of Interpretation" for the delegation and re-delegation of ccTLDs. This framework should provide a clear guide to IANA and the ICANN Board on interpretations of the current Policy Statements.

The DRD WG recommended further that the results of the use of such a Framework of Interpretation should be formally monitored and evaluated by the ccNSO Council after a pre-determined period. If the results of this evaluation indicate that the Framework of Interpretation has failed to provide logical and predictable outcomes in ICANN decision-making, the ccNSO Council should then launch PDPs on the delegation and re-delegation of ccTLDs.

The purpose of such a Framework of Interpretation is to provide a framework to resolve the issues identified by the DRDWG and create an environment for making

consistent and predictable decisions regarding the delegation and re-delegation of ccTLDs (including IDN ccTLD's) while enhancing accountability and transparency for all stakeholders involved.

B. Objective, Scope, and Deliverables
1. Objective
The objective of the Working Group is to develop and propose a "Framework of Interpretation" for the delegation and re delegation of ccTLDs. This framework should provide a clear guide to IANA and the ICANN Board on interpretations of the current Policy Statements.

2. Scope
Based on and taking into account the findings of and issues identified by the DRDWG as recorded in its Final Reports, the Working Group is tasked to develop interpretations of the Policy Statements to resolve the issues identified by the DRDWG in a consistent and coherent manner.

Any proposal to amend, update or change the Policy Statements is outside the scope of this Working Group.

The IANA functions contract between the US Government and ICANN, including any contract implementation issues or procedures relating to it, are outside the scope of this Working Group.

3. Deliverables and Timeframes

Work Plan
As a first step the FoI WG shall establish and adopt a work plan and associated schedule. The Work Plan and schedule should include times and methods for public consultation and reporting to the ccNSO and GAC, based on the list of findings and issues identified by the DRDWG and determine the order in which these topics will be dealt with. The Chair of the WG shall inform the Chairs of the ccNSO and GAC accordingly.

Reporting
The Chair of the WG shall regularly update the ccNSO and GAC on the progress made. At appropriate times, as identified in the work plan, the WG shall produce a Recommendation for Interpretation Report on each of the topics indentified and in the order indicated in the work plan and in accordance with the method defined in Section D of this charter.

Final Report
Following the submission of its last (Supplemental) Recommendation for Interpretation Report the WG will submit a Final Report to the ccNSO Council and

GAC, which will include an overview of all endorsed Recommendations for Interpretation, and an overview of the methods and associated timeframes to be used by the ccNSO Council to monitor and evaluate the use and implementation of all Recommendation of Interpretations.

In the event one or more Supplemental Recommendations for Interpretation Reports is not endorsed by the ccNSO or the GAC, the WG may also submit a Final Report to the ccNSO and GAC. This report will include an overview of the endorsed Recommendations and the Recommendation(s) for Interpretation which was/were not endorsed and the reasons it was not endorsed.

C. Process for the development of a Recommendation for Interpretation

1. FoI WG Interim Report for Interpretation
The FoI WG shall publish for public consultation an Interim Report for Interpretation, which shall contain a review and analysis of the topic for Interpretation and a draft Recommendation for Interpretation and its rationale. The FoI WG, at its reasonable discretion, is not obligated to include all comments made on the Interim Report, nor is it obliged to include all comments submitted by any one individual or organisation. The Interim Report shall be published for public consultation at the time designated in the FoI WG work plan

2. Review of FoI WG Interim Report
At the end of the public consultation on the Interim Report, the FoI WG shall review and analyse the comments received and may, at its reasonable discretion, add appropriate comments in preparation of a Recommendation for Interpretation Report. The FoI WG shall not be obligated to include all comments made during the comment period, nor shall the FoI WG be obligated to include all comments submitted by any one individual or organisation.

3. FoI WG Recommendation for Interpretation Report
In considering a Recommendation the FoI WG shall seek to act by consensus. The consensus view of the members of the WG shall be conveyed in a report to the GAC and the ccNSO as the Recommendation for Interpretation Report. If a minority opposes a consensus position, that minority position shall be included in the FoI WG Interpretation Report. The Report shall be published within seven days after adoption of the Report by the FoI WG and conveyed to the Chairs of the GAC and the ccNSO.

4. GAC and ccNSO support for Recommendations of Interpretation Report
Following submission of the Final Recommendations for Interpretation the ccNSO and GAC shall discuss and decide whether they endorse the Recommendations. The Chairs of the ccNSO and the GAC shall notify the Chair of the FoI WG of the result of the deliberations as soon as feasible.

5. Supplemental Recommendation for Interpretation Report
In the event that the ccNSO or the GAC does not support a Recommendation it will inform the FoI WG of the reasons for this. The FoI WG may, at its discretion, reconsider and submit a re-drafted Supplemental Recommendation for Interpretation to the ccNSO and GAC to seek support.

In the event the ccNSO or the GAC does not support the Supplemental Recommendation for Interpretation, the Chair of the WG informs the Chair of the ccNSO accordingly.

6. Submission of Recommendations of Interpretation to the Board
In the event the FoI WG Recommendation for Interpretation Report or FoI WG Supplemental Report is endorsed by the ccNSO and GAC, the Chair of the ccNSO shall, within 10 working days, submit to the ICANN Board of Directors:

   a. The adopted Recommendations or Supplemental Recommendations;

   b. The written confirmations of support from the ccNSO and the GAC

The Chair of the ccNSO shall inform the Chair of the GAC and the Chair of the WG accordingly.

D. Members, Experts, Observers, Liaisons and Staffing

1. **Participants of the FoI Working Group**

The FoI will have the following participants:

Members of the ccNSO including the ccNSO Chair and the appointed Chair of the FoI WG;

Members of the GAC including its Chair or a person designated to represent the Chair of the GAC.

The ICANN Board of Directors is invited to appoint one or more liaisons according to its own rules and procedures.

Liaisons are not considered members of the WG, but otherwise are entitled to participate on equal footing.

ccTLD Regional Organisations may nominate a representative, to be appointed to the Working Group by the ccNSO Council as an observer. Observers are not considered members, but otherwise are entitled to participate on equal footing.

The Chair of the Working Group, in consultation with the members of the WG may also appoint experts to the Working Group. Experts are not considered members, but otherwise are entitled to participate on equal footing. ICANN staff responsible for performing the IANA function is invited to participate as experts.

The Chair of the Working Group, in consultation with the members of the WG may nominate one or more vice-chairs, to be appointed by the ccNSO Council.

Members, Liaisons, Experts, Observers and ICANN staff support will be listed on the Working Group webpage

2. ccNSO Membership
Membership of the Working Group is open to all representatives of ccTLD managers (members and non-members of the ccNSO) who meet the following criteria:
- An ongoing long-term commitment to actively participate in the activities of the Working Group;
- An ability and willingness to attend face- to-face meetings and the teleconferences.
- Commitment to read the background material (full reports) before the activities of the Working Group start.

The ccNSO members of the Working Group will be appointed by the ccNSO Council taking into account the background of the applicants to reflect the diversity of the ccTLD community.

3. GAC Membership
The GAC will appoint members to the FoI WG in accordance with their own rules and procedures.

4. The GNSO and ALAC are invited to appoint a liaison.

5. Staffing
ICANN is requested to provide adequate staff support

E. Miscellaneous
1. Listing of participants
All participants of the Working Group, its Chair, members, liaisons, observers and experts, if any, will be listed on the webpage of the Working Group.

2. Omission in Charter
In the event this charter does not provide guidance and/or the impact of the charter is unreasonable for conducting the business of the FoI WG, the Chair of the WG shall decide if they think charter needs to be modified.

3. **Unreasonable Impact of Charter**
In the event it is decided that the charter needs to be modified to address the omission or unreasonable impact, the Chair may propose to modify the charter. A modification shall only be effective after adoption of the adjusted charter by the participating SOs and ACs in accordance with their own rules and procedures.

4. Closure of the Working Group
Following the submission of its Final Report (Section 2.4. above) the Working Group will be closed.

F. References

Final Report of the DRDWG:
http://ccnso.icann.org/workinggroups/final-report-drd-wg-17feb11-en.pdf

Full reports of the DRDWG

Final, full Report on delegation of ccTLDs:
http://ccnso.icann.org/announcements/announcement-4-07mar11-en.htm

Final, full report on the re-delegation of ccTLDs with consent of the incumbent operator:
http://ccnso.icann.org/announcements/announcement-2-07mar11-en.htm

Final, full Report on the re-delegation of ccTLDs without consent of the incumbent operator:
http://ccnso.icann.org/announcements/announcement-3-07mar11-en.htm

Final, full report on the retirement of ccTLDs:
http://ccnso.icann.org/announcements/announcement-07mar11-en.htm

RFC 1591:
http://www.iana.org/go/rfc1591

ICP-1:
http://www.icann.org/icp/icp-1.htm

GAC Principles on delegation and administration of ccTLDs (2005):
http://www.gac.icann.org/system/files/ccTLD_Principles_0.pdf