IANA Retirement issues
(Draft notes)

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• **Issues impacting how retirement process is to be conducted**

  ◆ Lack of well defined expectations on how transition is to occur
  ◆ Largely rely on precedent, no requirements or best practice guidelines from the community, etc.
    ◆ Draw from experience in other areas (e.g. telephone renumbering)
    ◆ Sometimes lack of consensus that retirement is required at all
      ◆ Retirement is a byproduct of adherence to ISO 3166-1 per RFC 1591, but is not explicitly addressed as its own topic in existing policies.
  ◆ Personnel can change over time during prolonged transition
    ◆ Parties in manager/registry/government etc. can move on and their replacements may be unfamiliar with the process, previous plans, etc.
    ◆ Process can stall and IANA or ICANN staff often informally reignite process only by performing extensive followup.
  ◆ Lack of clear communication during transition process
    ◆ Registrants under the domain may not be sufficiently educated as to the process, timeline etc.
    ◆ Blame often laid at ICANN because registry was not forthcoming that domain is due for phasing out.
      ◆ From registrants who feel the domain is expected to be permanent
      ◆ From those who want the domain to cease, and feel it needs to be done sooner
        ◆ IANA hasn’t (to date) explicitly denoted status of domain eligibility (i.e. in the root zone database) but has not hidden that in presentations or when asked either.
  ◆ Lack of willingness to perform the transition
    ◆ The TLD manager may reject the notion they need to close down the domain even if the underlying ISO 3166-1 code is no longer assigned.
TLD manager may not take even basic steps to limit future impact of retirement (i.e. stop new registrations under the TLD)

Lack of well defined checkpoints

Board resolutions in recent cases have asked transition recipients to report routinely in their progress to flag progress and potential roadblocks

- In last two cases regular reporting was not forthcoming, both asked for relatively late extensions, Board granted short extension

Lack of consequence

- Fundamentally, a manager of a code removed from ISO 3166-1 may take no good faith steps to retire the domain, and there is no specific mechanism by which there could be sanction/penalty for doing so
  - The ICANN Board has considered such steps but thus far no action has been taken.

Lack of clarity of linkage with subsequent delegations

- Almost all retirements coincide with new allocations (i.e. unless an entity is wholly subsumed by an existing country)
- In practice, we’ve interpreted such acts as a whole, and thus paired delegation of new codes with plans to retire the old codes
  - Usually actors are the same

Issues relating to the country no longer existing

- During the phase-out period, the manager may need to change as with an active TLD
- Transfer criteria implicitly expect a country/code to continue to exist/be eligible to be properly assessed
  - String eligibility test fails
    - No longer eligible
- Government/SIP endorsement
  - “FOIWG interprets [SIP] to include, but not limited to: a) the government or territorial authority for the country or territory associated with the ccTLD and b) any other individuals, organizations, companies, associations, educational institutions, or others that have a direct, material, substantial, legitimate and demonstrable interest in the operation of the ccTLD”
  - No defined government
    - Any single successor government may not speak credibly for the population of former country
    - Multiple successor governments may have entirely opposed views
    - No clearly defined community
Even in simply scenarios, community in new country may not have had time to form representative organizations etc. to give voice to impact of transfer proposal.

Peoples of the former country may have entirely opposed views on proposal.
  - Often there is sensitivity of the “name” of the country, as it bring up connotations either positive/negative depending on the circumstances of the country’s succession.
  - Does not meet requirement to be based in the country
  - “FOIWG interprets the requirement … IANA Operator must be able to validate that the administrative contact resides in the country or territory associated with the ccTLD.”

Local law
  - New jurisdiction may differ from previous jurisdiction
  - Users may no longer have remedies under local law, as registry is now in a different country.
  - Registry may now be outside of successor country.
  - FOIWG interpretation assumes jurisdictional oversight that no longer exists e.g. “Recognizing the ultimate authority on public policy for any country is its government and legislature…”