

## **Guidelines for ccTLD managers**

### **Accountability Framework discussions with ICANN**

An Accountability Framework (AF) should be a simple statement in which ICANN and the ccTLD manager clearly define areas of responsibility and accountability as well as confirm mutual undertakings to each other to work to ensure the continued stability and interoperability of the DNS.

It is recommended that an AF should, at a minimum, contain the following;

1.1. A paragraph setting out mutual recognition.

Given that an AF attempts to set out what ICANN and the ccTLD manager are accountable to each other for, it is necessary to first state that each recognises that the other has a particular role.

1.2. A paragraph in which ICANN states that it will use its best endeavours to co-ordinate the DNS in a manner that maintains it as a stable and interoperable global naming system for the Internet and to do this it shall (for example);

- a) maintain an authoritative-root database
- b) update name server information in a timely manner
- c) publish root zone WHOIS information
- d) ensure the secure and stable operation of the authoritative-root name server system
- e) maintain authoritative records

1.3. A paragraph in which the ccTLD manager states that it will use its best endeavours to manage the ccTLD in a manner that maintains it as a stable and interoperable naming system for the Internet and to do this it shall (for example)

- a) generate and maintain the zone files for the ccTLD
- b) maintain the name service for the ccTLD
- c) adhere to relevant standards (it is up to each ccTLD manager to designate which current RFCs they consider to be relevant standards)
- d) maintain a reliable and stable interoperable DNS within the ccTLD
- e) preserve the security and stability of the DNS within the ccTLD
- f) provide ICANN with accurate and complete information about the ccTLD

1.4. A paragraph about financial contribution to ICANN.

The ccNSO is currently working with ICANN staff to ascertain a) an agreed amount within the total ICANN Budget that could be paid by ccTLD managers and b) a model by which to fairly apportion that amount between ccTLD managers. Once the ccNSO and ICANN have reached consensus on a) and the ccNSO members have reached consensus on b) it will be possible, although not mandatory, for a ccTLD manager to agree to make a financial contribution to ICANN in accordance with the ccNSO recommendations. Until such time, an AF should address the issue by the ccTLD manager agreeing to make a voluntary annual financial contribution to ICANN in an amount to be agreed between ICANN and the ccTLD manager.

1.5. A paragraph dealing with dispute resolution.

Dispute resolution measures could include ICC arbitration and the like. However as there are so many possible variances in the details (such as location and funding) of

such dispute resolution mechanisms the AFWG believes that these details are a matter for negotiation between the individual ccTLD manager and ICANN. The AF should contain a paragraph stating that termination of the AF can only occur with the consent of both parties or where one party is found, as a result of the dispute resolution process, to be in breach of its commitments in the AF the other party shall be entitled to terminate the AF.

Other matters

2. Government involvement.

2.1 With the exception of circumstances where a) the ccTLD is managed by the government of the country or b) the ccTLD managers is under contract to the government of the country or c) at the choice of the ccTLD manager, the AFWG does not believe that the entering into of an AF should need to involve consultation with the ccTLD managers government and it does not believe that an AF should contain any terms related to government.

2.2 In addition there may be circumstances where an AF includes provisions which ensure a ccTLD manager enjoys, in the execution of its responsibilities, the appropriate rights under applicable law, and is not subject to discriminatory or arbitrary practices, policies or procedures from ICANN.

3. Re-delegation is not an issue to be dealt directly with in an AF. However the AFWG believes that in any re-delegation discussions the existence of an AF should be taken into account and, where applicable, disputes resolved in accordance with the method agreed in the AF in advance of any re-delegation decision.

4. The AF should be set out in a communication which may take a variety of forms. In negotiating an appropriate communication the ccTLD manager and ICANN should work to address each others mutual concerns regarding the core AF recommendations above. Additionally, ICANN and the manager MAY wish to address the issues below and any other issues of mutual concern:

1. Modifications to AF
2. Limitation of liability
3. Disclaimer of warranties
4. Severability.
6. Governing Law
7. Entirety