

Background paper, agenda item 5.2 Council agenda 2015

Introduction & Issue

As part of the discussion on the IANA transition and accountability, concerns have been raised around some missing elements in the set of existing policies for ccTLDs. Examples are the lack of a policy for the Retirement of ccTLDs, and perceived need by some for an independent appeals mechanism on delegation and redelegation decisions, as outlined in RFC1591.

The PDP on Retirement of ccTLDs has been included in the ccNSO Work Plan since 2010, since the adoption of the recommendations of the DRDWG. At the time it was decided to defer the launch of such a PDP until such time the FOI work was completed. The need for an independent appeals mechanism with respect to delegations, revocations and transfer of management of ccTLD surfaced as part of the discussions of the FOIWG. Further discussion has emerged in the debate over IANA transition and enhancement of ICANN's Accountability Processes. These examples are clearly within the policy scope of the ccNSO, and through the work on the FOI, the ccNSO has also demonstrated to be able to provide colour and depth to existing policies.

In order to avoid misunderstandings around the expected outcome of these processes and to assist the CWG Stewardship and CCWG Accountability it is suggested the ccNSO send a letter to the co-chairs of the CWG-IANA and CCWG-Accountability, which addresses the following points:

- The CGW-IANA and CCWG-Accountability are requested to note and advise in their final reports those issues that are specifically pertaining to ccTLD policies which will need resolution or clarification after the IANA transition.
- The CWG-IANA and CCWGAccountability are not expected to resolve these and other policy issues, which are within the policy remit of the ccNSO.

Such a letter would need to go out sooner rather than later given the time frame within which both groups are working.

Draft letter to the chairs of the CWG and CCWG

Dear

We are pleased to inform you that the Framework of Interpretation is proceeding to implementation phase following ICANN's acceptance of the final report by the ccNSO.

The ccNSO Council is aware of other issues raised by the DRDWG and the FOIWG, which require a formal PDP through the ccNSO as there are no existing policies or guidelines on these specific issues. Examples include the "Retirement of ccTLDs" when removed from the ISO 3166 list, and most critically, the "Appeals Mechanism" on issues of

delegation, revocation or retirement of ccTLDs, as referred to in RFC1591, but which has never actualised.

While it is not possible or necessary to resolve these issues as part of the immediate priority for the IANA transition, it is critical that they be resolved in the near future. To this end, the ccNSO Council suggests that the ccNSO commit to initiate policies on these issues, after implementation of the FOI is completed and within a reasonable timeframe after completion of the IANA Stewardship Transition process. The ccNSO will also advise ICANN its intentions in regard to these policies as part of the transition process.