

GAC

Comments on FOIWG Interim Report on “Significantly Interested Parties”

The GAC considers that the FOIWG Interim Report on “Significantly Interested Parties” (SIP) fails to appropriately take into account Section 4.1 in the GAC Principles, which states that “Ultimate public policy authority of the relevant ccTLD rests with the relevant government or public authority”, and Section 7.1, which states that “delegation and redelegation is a national issue and should be resolved nationally”.

The structure of the Interim report appears to place “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, including the incumbent manager” on an equal footing with governments. Based on Section 7.1 in the GAC Principles any such “interested parties” would necessarily be a subset of a national process.

The GAC is concerned that the interim report seems to suggest that IANA would somehow duplicate the national process, and come to a decision on the validity and weight of the views of the relevant government. There are a number of problems with IANA taking on this role, not the least of which is how IANA would be in a position to: “undertake the steps necessary to implement the following interpretation of policies:” as outlined in Section D (Recommendations) 1.

It is important that the working group’s report takes full account of the GAC Principles, as they relate to the role and authority of governments. The GAC considers that implementation of the recommendations outlined in the FOIWG Interim Report would have the unfortunate (and inappropriate) effect of duplicating efforts to determine whether the interests of all interested stakeholders have been taken into account through whatever process is pursued in the relevant national context.

Finally, there are many different models of relationships between governments and their respective ccTLDs. This means that the Interim Report’s attempt to create a single, or “one size fits all”, approach to determining the views of all interested parties for each ccTLD request seems highly impractical.