Changing A ccTLD manager

Developing The ccTLD manager’s approach
“Change of manager”

• NOT “Delegation” and “redelegation” which have specific and different meanings in the DNS

• “Delegation” implies a power, by a “delegator” who “authorises”.

• Many of us do not accept that IANA “authorises” us in our role as manager.

• Most of us do accept that IANA’s job is to record who is the manager.
Change of Manager

- Many of us believe we get our authority from our local internet community.
- Some of us believe we get our authority from our own Government.
- Some of us believe we get our authority from an agreement with the US government.
- Some believe it came from Jon Postel.
- All of us may be right.....in our own country, or circumstances.
Change of Manager

• No one view is going to be always right.
• Not only that, but different cctlds are operated in different ways:
• Variables include: where the registry is, where the registry manager is, where the technical contact is, what the government’s role is (if there is a government in control)
• The different combinations probably = 243
Change of Manager

• Some matters are probably agreed -
• IANA should record the instructions given by the incumbent (RFC 1591)
• Problems - where there is a dispute involving the local government.
• Must be careful not to require local manages to have to sue their own government
Change of Manager

• Must also avoid a system where local manager has to sue ICANN, or the US government.
• Can’t rely on “rule of law” solutions in many countries where there is no rule of law.
• Where the government is in control, de facto or legally, no need to do anything new.
Change of Manager

- A message will come from what is, or amounts to a government department.
- IANA has no choices to make and makes any changes.
- Only where the government is not involved do major issues involving governments arise. Governments are wanting to insert themselves between IANA and the manager.
Change of Manager

• If governments pass laws, “nationalise” a registry, and pay compensation, they must be treated by IANA as authorised by Local Internet Community.

• But what if a manager is arbitrarily removed, by an illegal government?

• Does the international internet community have a role in protecting one of our own?
Change of Manager

- Currently, IANA goes into countries like Sudan, where there is a civil war, and “picks” one side as the manager.
- Recent experience in Libya suggests other problems.
- IANA staff have for some time also demanded a manager sign what many regard as an inappropriate contract.
Change of Manager

- There are different problems where the manager is outside the country - national law does not apply.
- May be cases where the registry is not as originally intended, actually serving a Local internet community in “the territory for which the ISO 3166 2 letters correspond”
- May be wrong for country to call it “our ccTLD”
Change of Manager

- Similar issues arise when the registry is out of the territory, and beyond a country’s laws
Who is responsible for making this policy?

- We are.
- No policy is made in ICANN in a vacuum, or by a single interest group - “transparent bottom up means consultation with all interest groups.
- Governments have an interest.
- The ICANN bylaws give the ccNSO the responsibility for policy in this area.
Who is responsible for this policy?

- Annex C - Scope of the ccNSO gives the policy role - “the ability and power to define a policy”- over the root level registry- IANA - to the ccNSO
- To be developed via the Policy Development Process ( "PDP").
- No other entity in ICANN has this role.
How will we exercise this responsibility?

• Carefully
• By developing a set of principles or practices which separate out the various options - in country, out of country, government controlled, private enterprise,
• Suggest by using consultative cctld process BEFORE completing through the PDP process
Process

- A recommendation to the Board on this is within the Scope of the ccNSO
- This means that the Board cannot change this policy, and do what it likes, instead.
- The board can only, if it disagrees, stick to the status quo.
- We say status quo is RFC 1591.....
Political Reality

- The board is strongly pressured to comply with written directions from the GAC.
- A PDP recommendation on this that was not negotiated with the GAC is likely to be sent back.
- Where there is ultimate conflict on a point, we need to be able to prove our consultative process, and rely on “our” board members, and lobbying, with support from “siblings”
Where to next?

- Prepare an agenda item for Capetown
- Identify and prepare a schedule setting out the various “scenarios”
- Set out possible responses on each issue
- Set up ccTLD discussion threads on each scenario
- Have a wider debate (GAC) in Capetown
- When issues and answers clear, run a PDP
Not just change of manager...

- This actually applies to all entries in IANA
- Need to monitor and interact with current staff efforts to develop new “procedures” and software.
- Possibly need a council committee formed to take this process forward.
- Discussion?