ALAC Comments on NTIA NOI Question 3 - March 2011

3. Cognizant of concerns previously raised by some governments and ccTLD operators and the need to ensure the stability of and security of the DNS, are there changes that could be made to how root zone management requests for ccTLDs are processed? Please provide specific information as to why or why not. If yes, please provide specific suggestions.

Proposed Reply

In consistence with the ALAC comments on Question 1, ICANN should ensure the stability and security of the DNS, particularly in the management of root zone. If IANA functions continue to be performed by ICANN, they should be viewed in the framework of AoC that persistently pursue the goals of internationalization, accountability and transparency. Currently the approval process by the DoC of the US Government in respect of requests of change of root zone records is hardly consistent with the above-mentioned goals. It may be suggested that the DoC's approval process be eliminated including but not limited to ccTLD request of change process.

It is important that root zone administration not only acknowledge the existence of a larger pool of stakeholders but develop effective mechanisms to engage them in the policy development and implementation process. With regard to re-delegation and while there is a policy statement that recognizes a "local internet community", we have not seen from our experience much in the way of engaging a broader cross-section of this "local internet community". The public interest is underserved if the relevant IANA functionary does not improve its apprehension of the constituents of the "local internet community" and develop - or cause to be developed - an effective mechanism to engage this community in re-delegation matters.

At present, the process of ccTLD re-delegation is a very opaque one. We believe that it deserves special treatment due to its international nature and because it is often likely to affect local communities, sometimes in a potentially very negative way.

Some of our member's wishes are that in the interest of increased accountability, the process should be made more transparent, as follows:

- Full details of a request to IANA for ccTLD re-delegation should be published, so as to show details of the authority asking for the re-delegation request.
- The re-delegation request should have the support of the local community. We suggest that there should be a public comment period associated with the re-delegation request, so as to obtain information about local support.
- An element of accountability to the local community should be asked from the requestor; simply being a government entity does not show enough accountability. We suggest that one element of such accountability be shown through the Governmental Advisory Committee (GAC).

That said, we fully support the Final Report of the Delegation, Re-delegation and Retirement Working Group of the ccNSO (http://ccnso.icann.org /workinggroups/final-report-drd-wg-17feb11-en.pdf) which recommends:
"...as a first step, the ccNSO Council undertakes the development of a "Framework of Interpretation" for the delegation and re-delegation of ccTLDs. This framework should provide a clear guide to IANA and the ICANN Board on interpretations of the current policies, guidelines and procedures relating to the delegation and re-delegation of ccTLDs.
The results of the use of such a Framework of Interpretation should be formally monitored and evaluated by the ccNSO Council after a pre-determined period. If the results of this evaluation indicate that the Framework of Interpretation failed to provide logical and predictable outcomes in ICANN decision making, the ccNSO Council should then launch PDPs on the delegation and re-delegation of ccTLDs."

Furthermore, while ICANN is yet to fully realize its potential as a bottom-up multi-stakeholder policy development organization, we envisage a time when its role in the process for root zone management as defined in (http://www.ntia.doc.gov/DNS/CurrentProcessFlow.pdf) might be expanded to encompass the role of the Administrator, in addition to its current role as the IANA Functions Operator, provided that ICANN has established a process for the role of the Administrator that is accountable, transparent and serves the global public interest.