

Charter
ccNSO Policy Gap Analysis Working Group (PGA WG)

Version 1.0
13 June 2024

1. Introduction and background

The ccNSO Council was informed by IANA staff in June 2023 that operational measures would need to be taken for an extraordinary and temporary operational situation, without being able to rely on specific policies that would govern the situation at hand. This led to an invitation by the ccNSO Council to IANA staff to participate in discussions relating to curing the policy gap in that instance, and more broadly across ccTLD-related policies that pertain to IANA functions.

To understand the breadth and scope of the situation, a small group of ccNSO Council members (Ad-Hoc Group) began to explore a range of issues, including:

- Potential for consolidation of core policy - currently there are a variety of policy documents, which only partly describe the actual policy. For example, RFC 1591 includes a lot of language around gTLDs and language that has become obsolete with respect to ccTLDs.
- Unaddressed identified issues – Over time situation have emerged and been identified that are not addressed in policies or agreed upon practices
- Emerging issues that have never been contemplated.

The initial findings of the Ad-Hoc Group were shared with the ccNSO Council at the Council workshop and to the broader community during ICANN78 in Hamburg.

To raise community awareness around the issues identified the Ad-Hoc Group introduced a series of hypotheticals and discussed these with the community during ICANN79 in San Juan.

As a result of these meetings and further consideration of the issues at stake the Ad-Hoc Group advised Council to mandate and establish a working group to further analyse the issues at stake and involve the broader community in this work.

The ccNSO Policy Gap Analysis Working Group (hereafter: the PGA WG or WG) is created as a follow-up of the ccNSO Council ad-hoc policy Gap analysis group.

2. Objective

The objective of the PGA WG is to:

- A. Complete preparation of an overview of ccNSO policies and guidance related to ccTLDs and present the overview at ICANN81.
- B. Provide details to Council and ccTLD community on any gaps in the current policies, guidance or practices pertaining to the delegation, transfer, revocation and retirement of ccTLDs, and other related IANA Naming Functions for ccTLDs (hereafter: Gaps, or Gap), and
- C. Advise the ccNSO Council if, the order and how these Gaps need to be addressed by the ccNSO.

3. Scope

In achieving its objective, the PGA WG will undertake, but is not limited to, the following activities:

- In close cooperation with the PTI, the IANA Naming Functions Operator, analyse those topics and Gaps relevant from a ccTLD and/or ccNSO perspective, building on work of the ad-hoc group and relevant staff papers, and propose an order to address those Gaps.
- Identify, and further detail the various methods to address Gaps, and propose to the ccNSO Council and community which method to use to address a specific Gap.
- Organise a ccTLD-focused working session during ICANN81 to introduce the Gaps, order to address them, and related proposed methods.
- Take any other activity deemed necessary by the WG to achieve the objective of the WG.

4. Membership

Membership of the WG is open to all ccTLD managers (whether members of the ccNSO or not). At least one of the WG members should be a ccNSO Councillor.

The ccNSO Council appoints the members of the WG.

ccTLD regional organisations may nominate a liaison to be confirmed by the ccNSO Council.

The Chair of the WG may invite other ICANN Supporting Organisations (SO) and/or Advisory Committees (AC) or constituencies to appoint a participant.

It is expected that IANA staff will be involved with this work as experts. The Chair of the WG may also request other ICANN Staff to participate in (part of) a meeting of the WG as Experts.

The Chair may invite individuals with expert knowledge in an area the WG is discussing (experts).

Participants and Experts participate on an equal footing in the deliberations and sessions of the WG with Members, unless the Chair of the WG at their discretion explicitly requests participants and/or experts to refrain from actively participating in a specific meeting. Participants or Experts shall not participate in the process of seeking out and fostering involvement and input from ccTLD managers.

Other members of the broader community may attend meetings of the WG that are designated as “open” as Observer. However, Observers are not expected to participate actively in the proceedings of the WG.

The list of members, participants, experts and observers is published on the relevant ccNSO webpage by the ccNSO Secretariat. The members archive is kept for five years after closure of the WG.

Staff support. Support is provided by ICANN’s ccNSO Support staff.

Chair and Vice-Chair of the Working Group. The Chair and Vice-Chair of the WG are generally appointed by the ccNSO Council at the nomination of members of the WG (except that the initial Chair and Vice-Chair will be appointed by the Council). The Chair will manage ongoing activities and ensure an appropriate working environment by:

- Promptly sharing the relevant information with the entire WG.
- Planning the work of the WG in order to achieve its objective and lead the WG through its discussions.
- Monthly assess and report on progress of the WG on the various activities and on achieving the objective of the WG.
- Keeping track of participation.

The Vice-Chair will work in close cooperation with the Chair and take on any responsibilities of the Chair, when so requested and all responsibilities in case of absence of the Chair.

5. Working Method

The WG shall conduct its business in a manner it considers most appropriate and effective. Meetings will be open to the public, unless otherwise decided by the WG, and announced in advance of the meeting that will be closed. Recordings of calls, transcripts (if provided), and documents produced by the WG will be archived and available to the public.

In conducting its business, the PGA WG is expected to use and build upon the material already developed by and/or under auspices of the ad-hoc Policy Gap Analysis group, and the outcomes of the various Council and Membership sessions on this topic (see section References).

Participation of members. A member of the WG commits to attend the meetings and participate actively in the work of the WG. Where a member does not participate in three consecutive calls/meetings, the Chair may reach out to the member to re-engage that person in the work. If that member still does not participate in the following call/meeting, the Chair will advise the ccNSO Council to terminate that member's membership of the WG.

- **Standards of Behaviour.** All WG participants (members, participants, experts, observers, and support staff) are expected to behave in a mature and professional manner when they participate in the WG. This includes communicating with fellow members professionally and ensuring that the WG remains inclusive and productive.
- The following steps are proposed to resolve incidents of unprofessional behaviour and communication:
 - Any concern regarding the behaviour of a person should be raised with that person first.
 - If the issue is not satisfactorily resolved, a formal complaint should be raised with the Chair, who will attempt to mediate and find resolution.
 - If that is not possible, or if the complaint is deemed sufficiently serious in nature, the Chair is empowered to restrict the participation of the person against whom the complaint was raised, and if continued participation would not be appropriate and/or would significantly disrupt the WG in the conduct of its business.
 - Generally, a person against whom a complaint is raised should first be warned privately, and then warned publicly before such restriction is put into effect. However, in extreme circumstances, this restriction may be put into effect immediately.

Should the person against whom the complaint was raised disagree with an imposed restriction, the complainant disagree with a restriction (or a lack thereof), or should there be other matters regarding the complaint that cannot be resolved satisfactorily, the person against whom the complaint was raised, the complainant, or Chair of the Working

Group can raise the issue with the Chair and Vice-Chairs of the ccNSO Council or their designate(s). The Chair and Vice-Chairs of the ccNSO Council or their designate(s) will review the matter and then decide the case at hand. The ccNSO Council, Chair of the Working Group, person against whom the initial complaint was raised, and complainant shall be informed accordingly and comply with the decision as an ultimate and unchallengeable one.

Reporting. The Chair or Vice-Chair of the WG or Council liaison, in case both the Chair or Vice-Chair are not a member of the ccNSO Council, will report regularly and inform the ccNSO Council of the activities of the WG. Upon request the WG will report to the broader community.

6. Miscellaneous

Review of charter and activities of the WG. A review of this charter and activities will take place when considered necessary by the WG or Council.

Update of the charter. An updated charter of the WG is effective after it has been adopted by the ccNSO Council and has been published on the ccNSO website. Before the Council adopts the amended Charter, the members of the WG need to support changes.

Before publishing the updated charter, the ccNSO Secretariat will include the version number and insert the date of adoption.

Omission or unreasonable impact of the charter. If this charter does not provide guidance, and/or the impact of the charter is unreasonable to conduct the business of the WG according to the charter, the Chair of the WG, after consulting the WG members, will decide on the most appropriate remedy.

7. Closure

The WG shall be closed by the ccNSO Council once the ccNSO Council has considered and decided upon the Advice of the WG to the ccNSO Council.

The WG may also close at the suggestion of the WG, or if the ccNSO Council, after consulting with the Chair of the WG, determines that the WG is inactive or cannot achieve its objective anymore.