ICANN80 | PF – GAC Capacity Development Session
Tuesday, June 11, 2024 – 13:45 to 15:00 KGL

GULTEN TEPE:
Hello and welcome to the ICANN80 GAC Capacity Development Session on Tuesday 11th, June at 13:45 local time. Please note that this session is being recorded and is governed by ICANN Expected Standards of Behavior. During this session, questions or comments submitted in the chat will be read aloud if put in the proper form.

Please remember to state your name and the language you'll speak in case you'll be speaking a language other than English. Please speak clearly and at a reasonable pace to allow for accurate interpretation and make sure to mute all other devices when you're speaking. You may access all available features for this session in the Zoom toolbar. With that, I will leave the floor over to Karel Douglas. Thank you, Karel, or maybe Nigel.

NIGEL HICKSON:
I'm so sorry, but it will be Karel, don't worry, I'm not going to speak to you about capacity building. But I did want to just thank you for coming back after lunch. I hope a few more colleagues might join us. We regard this in the GAC leadership team as a very fundamental part of our agenda. And I think it's been something which our chair, Nico, who sends his apologies for not being in this session, really is committed to having at ICANN meetings.

And the agenda this afternoon, I think is very pertinent indeed to the great collaboration, we've already seen this week, starting at the High Level Government meeting and our discussions on capacity building there and on the need to have a more holistic approach to many of these issues. And we are be hearing about the wonderful projects that ICANN has been enrolled in, including smart, of course. But I won't say anything else because Karel will introduce our colleagues, and I will just moderate the questions perhaps later if there's time or whatever. I'll stop talking. It's all right. Yeah.

KAREL DOUGLAS: Thank you so much Nigel. And good afternoon or good morning, or good evening, depending on where you are remotely. And thank you all for coming back and I hope you enjoyed your lunch. The capacity building sessions and week have in the past proven to be very helpful to members who are either new or refreshers for those who are regulars in the GAC.

And there are many, many issues that members do face and would like more information on. What we hope to do here in these sessions is to allow persons the opportunity to know more about a topic, to ask questions, to be involved. So this opportunity today is another opportunity like that, particularly we have been in the African region and we chose a topic that is quite important to our colleagues in this region, and it was based on the feedback that they gave us that they wanted to hear more about these issues.

So again, I know we have some fantastic speakers and of course, you're always welcome to ask as many questions as possible. We have Thelma Quaye, who will speak and give some comments, and also, we have Kim Davies from the president of IANA. So I don't want to say too much because time tends to run out on us with the questions. So without any further ado, I'm going to ask Thelma Quaye to give us a short presentation.

THELMA QUAYE: Thank you, Karel. So good afternoon once again and welcome back. I'm here representing the Director General of Smart Africa, who would love to be here, but he couldn't make it. At Smart Africa, we do have over 34 projects, and one of them is the Digital Academy, which is focused on capacitating policy makers and regulators across Africa. And this session is very crucial for us because it gives us the opportunity to partner with ICANN and to be able to address a very topical issue based on specifically the participation of African representatives in GAC discussions. We've seen it that it's a pertinent problem that happens very, very often. And so we want to be able to address three main issues.

One is the context and objectives for this training, which I've said already. Two is to also give you highlights of some of our activities under internet governance within the Africa region and the various consultative processes we are embarking on. First of all, we believe or think that the high apathy levels within these GAC sessions could be due to lack of awareness or capacity building for those involved. And

we feel like that this negatively impacts Africa's representation on issues.

And so, we want to be able to support our policy and decision makers to be able to participate productively in such meetings. And as a result in collaboration with ICANN, we've organized today's capacity building workshop. And we are looking for it to contribute to one, improving the understanding and representation of African countries in global internet governance so we can maximize the social economic benefits of the digital transformation in Africa. We want to ensure equity in the representation of African interests when we are making decisions concerning the internet. And finally, we want to be able to promote the inclusion of all African stakeholders at all levels.

Dear Representatives, I'm also delighted to let you know that we are developing an internet governance blueprint for Africa together with ICANN, and we had the inaugural session yesterday. We know it's very ambitious, but the blueprint will help us to develop a roadmap that will identify the key challenges of internet governance and solutions as well, long-term solutions, and we do invite the Coalition of Digital Africa to participate in this.

As we begin this training session, I'd like to ask us to focus on key themes aligned within the objectives. Among others, we want to be able to improve your understanding of the regulatory framework development process and effectively combat cyber threats. We also want to enhance the members of GAC's understanding of internet policy development process.

We have very little across the continent. And then we also want to be conducting discussions around the creation and operationalization of a coordination forum for GAC members on issues of interest on the continent, specifically for Africa. I would like to express Smart Africa's readiness to support these frameworks for consultation on internet governance.

And I would also like to express my gratitude to ICANN, our esteemed partner in this initiative, and to all the experts here today. Together, we can shape the future of internet governance in Africa, be more productive, and ensure that the voices of African stakeholders are heard and valued on the global stage. Thank you very much, and over to you Karel.

Thank you very much, Thelma. And those are really important topics, and I certainly hope that Smart Africa continues the work that it is doing and those policy issues are formulated. But I will pause to see if there are any questions from the room. I'm not seeing any questions online, but correct me if I'm wrong. Thank you. Nigel. Sorry.

Okay, well thank you so much, Thelma. Having said that, let me take the opportunity to thank you again, and certainly I will ask Kim Davies, the President of IANA to give us presentation on the ccTLDs and redelegation, another very important issue for us all, in particular in the African region, we've seen something. And I want to invite, again, colleagues to intervene if you do feel you want to ask something. Fortunately, in this session, we want to have as much engagement as

possible. So I do welcome persons to intervene, ask questions, make comments as we proceed. So Kim, over to you. Thank you.

KIM DAVIES: Thank you. And thanks for the invitation to present to this group today. I'm excited to talk to you about this topic because it's, I think, frankly, one of the more misunderstood aspects of the work that ICANN does, and I think it's particularly important for policymakers, regulators, and other administrators to understand a lot of how ccTLD assignment works, the relevant global policies, the relevant global procedures, and I hope to share that with you today.

For those that don't know me, I'm Kim Davies, I'm the Vice President of IANA Services for ICANN, I'm also president of Public Technical Identifiers. PTI, as it's called, is the affiliate of ICANN that performs the IANA functions including managing the DNS root zone. Next slide, please.

So, let's start by just reminding ourselves what actually a ccTLD is. When we talk about top level domains with a few minor exceptions, we generally divide these into two broad categories. We have the generic top-level domains, which have a global purpose, and fundamentally, the product of ICANN policy making and oversight.

The rules that govern what may be a gTLD, who may operate a gTLD, the processes for applying for operating a gTLD, they're all conducted directly by ICANN, and it's a significant percentage of the activity that happens at a meeting like this. So if you're interested in that, there's

plenty of places to discuss it. But Country Code Top Level Domains on the other hand have a very specific purpose, which is to empower countries to have a name space to operate for their own purposes. And the way they've been devised really emphasizes the role of local policymaking and oversight within the country.

ICANN in fact, has very little to do with the day-to-day operation of a ccTLD in contrast to its role for gTLDs, and I'll get into the specifics as I go further into the presentation. Another attribute of ccTLDs is what I've described here is automatic qualification and disqualification. The rules about what can be a ccTLD are defined objectively. We do not decide which countries deserve a ccTLD, for example. It's codified in the policy to follow an independently administered standard. Now the policy for these two types of TLDs are covered by ICANN, by the two respective supporting organizations, the GNSO and the ccNSO.

For the ccTLD policy, there is one specific document I wanted to call out before I go any further, that is really seminal in the creation of the concept. It wasn't the first document that described ccTLDs, but it has proven to be the most important. It's called RFC1591, it was published in 1994 by Jon Postel, at that time the administrator of the IANA functions, and it really elucidates a lot of the key concepts of what a ccTLD should be that still remain true today. So that is a document you'll hear a lot about, and it's because essentially it established the framework that we still depend upon today for what is a ccTLD. Next slide, please.

KAREL DOUGLAS: I recognize Nigel Cassimire from the CTU.

NIGEL CASSIMIRE: Thank you very much, Karel. If you could just go back to the first slide. And I didn't quite understand the automatic qualification, disqualification point you were making. If you could clarify that for me, please.

KIM DAVIES: So I'll ask you just to hold on a few minutes because I have a slide on exactly that topic coming up. Thank you. Okay. So as the name implies, Country Code Top Level Domains, these are not top-level domains for countries per se, but for country codes. The ccTLDs that we have today, at least for the most part, are not .rwanda, for example, .rw.

So where do these country codes come from? They come from an international standard called ISO3166, part one. ISO3166 is not purely there to define ccTLDs, it's actually has multiple applications. These codes are used in passports, they used currency codes, mail delivery, and various other forms of identification for countries.

Essentially, what the standard does is identify countries and territories that need a unique encoding for a general purpose, and then gives them a set of identifiers. There's two letter identifiers, three letter identifiers, and numerical identifiers in the standard. For the purposes of the work that we do, we only use those two letter identifiers, and to

come to the question about qualification, this is the standard that qualifies whether a ccTLD can exist or not.

Its presence on the ISO3166 standard is the arbiter of what is eligible to be a ccTLD. And we use the standard for two purposes. One is to define what is an eligible country or territory to have a ccTLD, and secondly, what the actual code should be, what the two-letter code should be to represent that country. And this was one of those fundamental principles that was established by that early policy document.

Jon Postel stated that IANA is not in the business of deciding what is or is not a country. And this is something that is reflected by the decision to use this independently administered standard by the international organization for standardization, who in turn rely upon the United Nations designation of countries and territories to inform their decision making. Next slide, please.

So here's a graphic, probably a little hard to see, but just to give you a general sense, these are all the possible two letter combinations and their status in the ISO standard. The green codes are ISO assigned code points for a country or a territory. I think at last count, all but five of them are active ccTLDs today. There are a few that are reserved codes for different purposes. Reserve codes don't automatically become ccTLDs, so that's not automatic qualification, but an assigned code point is. Next slide, please.

Now, the ISO standard only provides encodings in ASCII characters, Latin characters. When internationalized domain names were rolled

out roughly 15 years ago, there was a need to establish a mechanism, how do we assign representations for country and territories that are not in Latin script, that are in Cyrillic or in Arabic, or any number of other kinds of writing systems.

So in that case, there is a separate process known as the IDN Fast Track. And what happens there is that the underlying eligibility of the country and territory is still derived from the ISO standard, but that country or territory can then apply to ICANN to suggest its preferred representation in those other scripts. And then ICANN as a process of linguistic evaluation before deciding to accept that representation. And so, fundamentally, eligibility comes from those two pathways.

You need to be in the ISO standard as a country or territory, and if all you want is a Latin representation, the letters A through Z, then ISO standard provides all that information. If, however you want, additionally, an IDN and internationalized representation, you would go through this string selection process that is operated by ICANN. Next slide, please.

So how are ccTLDs managed? Fundamentally, ccTLDs are designed to be operated within jurisdiction, within the country or territory to which they're associated. And in doing so, a trustee is appointed in that country or territory. The formal name for this trustee is the ccTLD manager, and that ccTLD manager is essentially responsible for all facets of operating the ccTLD in the country.

You can think of it a bit like a mini ICANN that would sit inside the country to administer the ccTLD. The idea here is that that entity is

accountable to the local community to which it serves that ccTLD for. What is IANA's role as administrator of the DNS root zone in this? We are here to essentially recognize who the ccTLD manager is.

We're not involved in the day-to-day operation within the ccTLD, but we are involved in certain touchpoint throughout the process, firstly beginning with appointing the ccTLD manager in the first place. So we receive requests from people who wish to become ccTLD managers and we are involved in evaluating these requests to make sure that they meet global policy requirements. When we are satisfied that all the global policy requirements are met by the request, then we would proceed with implementing the change to who the ccTLD manager is. Once the ccTLD manager is empowered to operate the ccTLD, then they do the day-to-day administration of that ccTLD.

We do have an ongoing operational relationship with that manager, but it's not frequent. It's to update who the authorized points of contacts are for the ccTLD, it's to update the technical configuration for the ccTLD, anything that's related to how the DNS root zone is administered to make the ccTLD continue to operate, that is the operational relationship between IANA and the ccTLD administrator. But as I said, IANA's not involved in the day-to-Day administration at the lower level, how domains are registered within that ccTLD is not something IANA or for that matter, ICANN is involved in. Next slide, please.

So I mentioned that we evaluate ccTLD managers against the set of global policy criteria. What are those criteria? Essentially, the criteria

boils down to these key areas. Firstly, is the string eligibility. Are you in the ISO standard? Are you eligible to be a ccTLD? In the case of IDNs, is it an authorized representation in an alternative script. There is incumbent consent. When you're transferring a ccTLD from an existing operator to a new operator, it is a requirement that the current operator consent. And so, we will obtain that consent and demonstration of that consent before making a change. There's public interest criteria in the global policy.

Essentially, it boils down to, is the request the result of an appropriate consensus building process within the country. There is a specific requirement that the manager perform its role in a fair and equitable manner. Can that be demonstrated by the application? There is a local presence requirement? So is the manager based inside the country or territory, and can that be demonstrated? There's a stability requirement.

Obviously, we don't want to transfer the ccTLD to a new operator only for the ccTLD to stop working because the new operator isn't sufficiently capable of transferring the ongoing operation in a way that makes the domain unstable or not work anymore. So we look to the transfer planning on how operations will move ensuring that the ccTLD keeps operating. And then there's more fundamentally operational competency ensuring that the manager has a certain baseline level of skills that are appropriate for an entity that will operate critical internet infrastructure. Next slide, please.

KAREL DOUGLAS: Kim, can I ask a question?

KIM DAVIES: Of course.

KAREL DOUGLAS: I think I wanted to ask a question, Karel Douglas, for the record, just in case. Is there anything there that the evaluation criteria must include that the ccTLD manager is either associated with the government of the country that has the code or a delegate of the country so there's a nexus between the government and the ccTLD manager.

KIM DAVIES: There is no requirement that the entity has any kind of formal relationship with the government that said part of the sort of the public interest test is to assess the views of what are called significantly interested parties in the policy.   And in our implementation of the policy, the government is always a significantly interested party. So every applicant is required to demonstrate the government's position on the application. Doesn't have to necessarily be support, it could be nonobject, some governments very explicitly say, we do not want to be involved, but we want to get that on the record as part of our assessment. The question, please.

KAREL DOUGLAS: Jorge Cancio, Switzerland.

JORGE CANCIO: Thank you. Jorge Cancio, Swiss government for the record. And thank you very much for coming and for explaining this criteria to the GAC because in the past, this used to be a topic discussed time and again in the GAC, but maybe nowadays we are very absorbed by the new gTLDs.

I find this list very interesting, at the same time I wonder, for instance, how you balance these criteria. For instance, imagine we would have in Switzerland, the .ch, and we would have a tender because we have this obligation according to Swiss law, to have a tender each 5 or 10 years, and the incumbent wouldn't release the ccTLD even though the law provides that they have to release because the tender has, for instance, resulted in attributing the registry function to a different operator. And we would go to you and say, we have done this, and they resist. So how would you go about it? Thank you.

KIM DAVIES: It's an excellent question. I would start by saying that the entire purpose of ccTLDs as stated earlier, is to have them accountable and answerable locally. And to that end, that is why we have a local presence requirement. So the expectation is that generally speaking, the remedies for that kind of conduct that you mention would happen in jurisdiction. So if you have a legal system or whatever, that would be the opportunity to address that kind of problem. I think I have a bit more on it later, but in brief, I will say that there's a practical

dimension to this, above and beyond IANA recognition. To use your example to say that I'll just play it out a little bit.

So the incumbent operator, they had some kind of fixed term contract, it's lapsed, they're not willing to transfer to a new manager. Let's say hypothetically, IANA, and this would deviate from policy, but let's say for the sake of argument that IANA would just accept the advice of the government or the new operator to say, okay, fine, they're not being cooperative, we will now recognize you as the ccTLD manager. That wouldn't actually solve half the problem, which is that the current manager has the database of domains that are registered. And that is really fundamental to ensuring the ongoing operation of the ccTLD.

So at some level, you need the cooperation of the incumbent manager sort of in almost any scenario you can imagine at some point in the process, unless as a country, you're comfortable with essentially hitting reset on your ccTLD, going back to zero registrations, and having everyone apply again, which is generally not tenable. It's happened, but it's not a common practice. So that is a real challenge and that's where I think-- and I'll talk about some other ideas like escrow a bit later on, but there are other approaches to it as well.

KAREL DOUGLAS: Thank you. Can I invite Ashwin, Indonesia for a quick question? Thanks.

ASHWIN SASONGKO: Yeah, thank you very much. Just want to know several things. Currently, several ccTLD including Indonesia ccTLD is offering the, so-called generic second level domain, dot anything dot ID. Now, do they have to follow, the dot ID operator has to follow ICANN bylaws for the gTLD? For example, if gTLD .amazon.spa, we have to ask the country.

Now, how about if second level domain of ID use, for example, .amazon.id? Do we have to ask ICANN again, or what should I do? That's number one. Secondly, is that the gTLD in this morning session, GNSO meeting with GAC was mentioned that there are several things they have to follow. For example, they have to look or follow the report about DNS abuse.

How about the ccTLD operator, do they have the same obligation just like the .com operator, for example? And another one is perhaps similar with our friend from Switzerland, if a ccTLD operator for any reason cannot carry on its job, its obligation, what the government should do? I mean, look after that or ICANN as another simple, okay, if this ccTLD operator in your country do not work properly, then whatever, I mean, whether APNIC will carry it out or ICANN and you will look after it or whatever? Thank you.

KIM DAVIES: I think I can answer the first two questions with the same answer. There is no obligation to do either of the things you requested. Again, the accountability for ccTLDs is local. ICANN might have best practices, and I'm not saying you shouldn't necessarily follow what ICANN community has decided is appropriate for some of these

measures, but ccTLD managers are under no obligation to follow ICANN policies.

The idea is that they're accountable locally and maybe their local community is asking them to have those kinds of policies. But that's where the accountability lies, that the communities within your country should be setting the expectation for the ccTLD manager on what their policies, what their practices should be, not ICANN. So that is clear.

As for what to do in those kinds of scenarios, I mean, I do have a bit more on those topics later in the slide deck. But it is context dependent, there's so many different scenarios of kind of failure, and I think it depends on what options are available. But I will summarize by saying I don't think that there are good solutions in every case.

I mean, part of the problem, I would suggest that because ICANN doesn't really have a role in ccTLD day-to-day management, we're not empowered in any meaningful way to do anything in the case of a ccTLD failure. And we expect that the proper accountability and redundancy and resiliency measures that should exist for ccTLDs, will exist in country.

So ICANN doesn't really have a role in the same way we do for gTLDs. I'll give it one quick example. For gTLDs, there is a requirement for data escrow. Every gTLD must deposit all their business data to a recognized provider that ICANN has accredited, and then in the event there is a business failure of the gTLD, ICANN is then empowered to get that data and reestablish the gTLD in a matter of hours.

Through that process, there is no such process between ccTLDs and ICANN for a ccTLD. There may be processes within the country where perhaps between the ccTLD and the government or the ccTLD and other parties within the country that they've established such a regime, but there's no regime with ICANN to do such a thing. But it can be complicated. There's a lot of different scenarios you could explore, and I suspect we don't have the time to go through them all.

KAREL DOUGLAS: Thanks. I have three more questions, but very brief questions if it's okay. So on my list, I do have Mauritania first and Iran, and okay. Yeah. So maybe Mauritania first. Thanks.

MOHAMED EL MOCTAR: Hello, everyone. For the record, it's Mohamed El Moctar Mohamedine, the GAC representative of Mauritania. Just a quick question about the public interest criteria and how you go about assessing it. Since the ccTLDs are local and are intended to be managed and operated within the country, how do you have the local visibility to go about the public interest criteria here? Thank you.

KIM DAVIES: So in the context of IANA's evaluation of that criteria, what we ask applicants to do is in essence, explain the process that led to this application for them to describe what consultative activity happened in the country, who has agreed to this proposal, what other proposals were considered, things like that.

And so generally, that's provided in a narrative form, we ask them to evidence some aspects of that as appropriate, but really as part of the application. They're required to submit to us what is the consultative process, what was the engagement process in the country, and explain to us how it is appropriate for the purposes of this application.

And then insofar as if they've mentioned government, for example, as being engaged, we would look for evidence of that. Often, for example, we would ask for written communication from a representative of the government to correlate that, that we can confirm that that it's indeed the position of the government, for example.

KAREL DOUGLAS: Thank you. And after, Iran. Iran, thank you so much.

UNKNOWN SPEAKER: Thank you for the sessions. I had exactly the same question. It was already responded to.

KAREL DOUGLAS: Okay. So then we could move to my colleague. Just identify yourself.

NANA KOFI ASAFU-AIDOO: Yes. Thank you very much. Nana Kofi Asafu-Aidoo, GAC representative for Ghana. So I was going through the assessment criteria listed up here, and I don't know when these criteria were put together but I

think maybe it was at a time when the internet did not have the same social and economic impact on sovereign nations. These days, most nations seeing the economic impact of the internet, have made laws that direct the governance of such national assets as ccTLDs. So I want to know whether you are considering including the legal framework of a sovereign country as part of the decision making or assessment process.

And the second question is, if a democratically representative elected government of a country, which basically represents the people, writes to you directly to say that this is the entity that we want to manage and administer our ccTLD, what weight do you put to that? Thank you.

KIM DAVIES: So to answer the last question first, governments are free to write to us to identify that they've identified a particular party that should operate the ccTLD. However, our obligation is to make sure they meet all the stated criteria. So there is not a provision in the policy for unilateral appointment of a ccTLD manager obviating these other criteria.

So for example, if the string is not eligible, we will not issue the ccTLD. If they're not based in the country, even if the government says we want the ccTLD manager to run our ccTLD, but they're located in a different country, they will not be eligible. So there is still a requirement to meet these other aspects as part of the evaluation process. And then, sorry, I've forgotten the first part of the question.

NANA KOFI ASAFU-AIDOO: Legal framework.

KIM DAVIES: Yes.   So the legal framework is part of our assessment for any applicant. We ask them to describe any relevant, specific regulation or laws that would govern the selection of the ccTLD, and should they exist, we would ask them to explain how they comply with that requirement.

KAREL DOUGLAS: Thank you, Kim. We have several questions, and I want to be fair to Kim as well, and I know he's in the middle of his presentation, so if it's okay, we will take some more questions in a short bit. But Kim, I think you could just continue for now, and we'll come back to some questions. But I do have your names on the queue here, so thanks.

KIM DAVIES: Thank you. Next slide, please. So I wanted to talk a little bit about the phases of a ccTLD because we throw around on some of these terms and what they actually mean might not be well understood.   So I thought it would be good to talk about it. Previous slide. Yes.

So there's different phases and different forms of assessment that we would conduct in the life cycle of a ccTLD. The first is what we call a delegation, this is the initial creation of a ccTLD. When we do a delegation, it means that the ccTLD has not existed prior. The next

kind of assessment we do, which is the most common, is what we now call a transfer. A transfer is when there is a consensual transfer of a ccTLD from an incumbent to a new manager.

And as we've been discussing, this is conditional and meeting certain policy requirements that IANA is responsible for reviewing. Now, I suspect most of you would call this a redelegation, and certainly we have for the longest time as well. However, the ccNSO formally took a position that that term should be deprecated and no longer used. So transfer it is, but transfer, redelegation, they're interchangeable.

Now, there is a process called revocation. A revocation is when essentially the ccTLD manager has been identified as misbehaving and no longer being fit for purpose. And there's a very specific set of cases where this can be invoked, very narrow cases, but in essence, they need to have breached some fundamental requirements of the global policy, they need to have been informed of these breaches, they need to have been given the ability to cure these breaches, and then if it continues to be persistent over a long period of time, that is when it is eligible for revocation.

And then there's the case of retirement, which is, and I'll get to this a bit soon as well, which is ccTLDs are only eligible so long as the underlying country or territory exists. And as we know over the arc of history, countries come and go, and so ccTLDs reflect that as well. So there is a process when a country ceases to be that there is a process to ultimately remove that ccTLD from the DNS, a process known as retirement. Next slide, please.

So, a little more specifically about the mechanics of how the evaluation process works. The way it usually starts is that a prospective applicant who is seeking to become a ccTLD manager would start talking with the IANA staff, me and my team. And this should happen early in the process. A lot of this process is not something that you would expect someone to understand right away. And we spent a lot of time at the beginning educating applicants about what the policy criteria are, what the procedures are. And in fact, we spend a significant percentage of our time at meetings like this to have bilateral meetings with prospective applicants to discuss these procedures.

Once an applicant feels that they're ready and they meet all the eligibility criteria, they would submit an application to us, and then there is an iterative evaluation process. Our staff will start doing analysis on the provided documents. I can't think of a single case where in the first instance everything was met.

So there's usually an ongoing dialogue and remediation process where we highlight areas that need further justification. The applicant will submit additional materials and it would go on usually for several months in that vein. Once IANA is satisfied that we think it should proceed, it's eligible under the policy, there is a procedural review conducted by the ICANN board of directors.

That's a relatively minor piece of the process, but it's there nonetheless. And then once IANA recognizes the change, in the case of when we're transferring, that is essentially a green light for the

incumbent manager to start transferring the operations to the new manager in accordance with the transfer plans. Next slide, please.

So this touches on some of the questions we've received, significantly interested parties in local law. So one of the aspects of the policies is that there is a local consensus around how ccTLD should be administered and that it'll be through some kind of locally convened process. And I feel like I've kind of addressed this slide in response to some of the questions.

The third point, there is no basis to unilaterally appoint ccTLD managers. It's expected that there is some kind of process where diverse perspectives are considered. And in that context, governors are key stakeholders, their opinion will always be sought. So in a way they're the preeminent stakeholder in the country, but not considered to be the only one per the policy. And ccTLD managers, as I mentioned, need to be in jurisdiction so they can be accountable under the local law. Next slide please.

Another key attribute of the ccTLD manager that I think is a particular interest to this audience is that ccTLD managers are designed to be actively involved in the ccTLD. ccTLD manager is not there purely as an oversight role. The oversight mechanisms should be in the country overseeing how the ccTLD manager does its job. It shouldn't be configured such that an overseer becomes a ccTLD manager to then use that as a basis to perform oversight of some other entity that IANA does not recognize.

It's important for the way the procedures are established, for the way the policy is established that IANA recognizes and deals directly with a party that does day-to-day administration of the domain. Now, that doesn't mean that that party has to do all the work, the well-established practice in many countries, if not most of using backend registry service providers, these companies that will provide a technical platform to run your ccTLD on.

So that's fine. But you know, it's relatively common that a ccTLD manager may only concern themselves with, perhaps setting policies, coming to ICANN meetings to engage with other ccTLDs, things like that. But it becomes problematic when essentially the ccTLD manager has no real active role in day-to-day operations. As I mentioned, sort of the model breaks down when that happens. So I think that's an important attribute to consider.

And I will note that ccTLD managers do have an obligation to keep the IANA records up to date, and when we have a situation where we have a manager that is sort of in name only, but not practically involved, that's often where we have cases of data quality problems where they don't even think to tell IANA that circumstances have changed in the country. And then this becomes a real stability problem when let's say the TLD is down or is having serious problems, like we don't know who to talk to. And even if we do, like the person that actually runs it has no standing to talk to IANA to remediate the problem. So this is something we want to avoid. Next slide, please.

Another thing I wanted to highlight and emphasize is the consent requirement. So the consent requirement was really specified by a ccNSO document called the Framework of Interpretation that was issued in 2014. And essentially what that document did is said that transfers must always be consensual. That transfer can only happen when the incumbent manager agrees. If there is a situation where you want to change the ccTLD manager without that consent, it must be treated as a revocation request. And as I mentioned a little while ago, revocations are for substantial misbehavior.

They haven't carried out their responsibilities appropriately as defined by the policy, and I'll just, I have a quote there on the screen, it must be either egregious or persistent and may include performing the necessary responsibilities of a manager in a manner that imposes serious harm or has a substantial adverse impact on the internet community by posing a threat to the stability and security of the DNS. So that language is the litmus test for a revocation and the basis on which we potentially could act without consent of the incumbent. But in the normal case, it is a requirement that the current manager agree to any subsequent transfer. Next slide, please.

Next is again, I think we touched on this a little bit, but it's pretty fundamental. IANA is not an adjudicator of disputes. The policy language is clear, and I've underlined the relevant part here. IANA is to take no action to change things unless all contending parties agree. The policy is clear, if there are two parties that have different perspectives on what to do, our mandate is to step back and ask the parties to resolve that situation inside their country. Now, we can play

a role, we can often play a role as sort of a neutral third party to any relevant discussions when invited and asked to do so.

But what we're not is essentially a decision maker where we have two competing proposals and we make a value assessment, well, we like that one better, so we'll do that instead of that one. Whenever there is a material disagreement that we're presented with such a situation, we would always send it back to the country to come up with a consensus. Next slide, please.

Just some practical realities on jurisdiction that I wanted to note. A lot of the situations for ccTLDs derived from the very early days of the DNS in the early 1980s, and the requirements and process were very different back then. I mean, the internet wasn't a critical resource as it is today, and researchers and academics that were building out those first networks in most countries reached out to researchers in the US and essentially said, I've established a network in my country, can I get a ccTLD?

And it was not much more formal than that. So obviously it's much more mature model now, but we often have some legacy situations that derive from that era. So that's something to be mindful of, particularly when it comes to jurisdiction. In fact, some ccTLDs back in the day were deliberately placed out of jurisdiction because the country just didn't have connectivity or bandwidth to actually run a ccTLD at the time, always with the notion that down the road it would be repatriated to the country.

But as a practical measure, it was not possible like in the late 1980s to run a ccTLD registry inside the country while things were still being put together. Another point is that in some cases, the ccTLD manager has been in the jurisdiction of the country, but later moved operations somewhere else. In this case, as I mentioned before, it's unfortunate, but it's a local matter on how to address that.

It's not something IANA is empowered by the policies to perform ongoing compliance on. It might be the basis for a revocation request, but acknowledging all those other eligibility criteria in those situations. ccTLD managers can be in country, but use in out of country RSP by design, that's not prohibited by the policy. And again, I've touched on this, but remember that the ccTLD manager has control over the essential business data required to run the ccTLD.

So it's not just being named as a ccTLD manager that gives you full control of a ccTLD manager. You have to have the requisite business records that go with that. So in the case of a transfer, it's not just being recognized by IANA, you also need to work to make sure that that business data is transferred to the new manager. And so, this means that consent has two sides to it. One is sort of the formal legalistic form of consent where we have it recorded that consent exists, but the practical consent that the party is willing to actually move the business to the new entity.

Next slide, please. So what do we do to address some of these challenges that I hinted at the last slide? And I think one thing I wanted to share is escrow is probably the best thing we know about.

Escrow is where you, as I mentioned, ICANN has for gTLDs, you can consider having for ccTLDs.

Having the ccTLD manager backup deposit that essential business data in a place where should the ccTLD manager fail or not live up to requirements, that data could be retrieved and rehomed somewhere else. Excuse me. As I mentioned, ICANN administer such a program that enables it to quickly act in the event of a gTLD registry failure. So for ccTLDs, there's no such requirement. We do counsel applicants to consider it, but there's no obligation. But it is something to consider because it does provide local tools in the event that something happens that might need to be addressed. Next slide, please.

So, I think I'm towards the end of the presentation. There are gaps in the policies and that is relatively clear. The ccTLD policies have evolved in a very organic manner over the years. The basic principles were established in the 1980s as I mentioned, they were refined again before ICANN even existed in the 1990s, but still very unstructured.

When ICANN came into being, ICANN worked pretty hard in its first years to establish standardized practices around this area. The ccNSO was established some years later, the ccNSO then started creating guidance in the 2010s, and now much more recently in the last five years or so, has actually started creating new policies. So I realize we're running out of time, but there's work to be done and there's work still ongoing. In fact, there's a session tomorrow at the ccNSO looking precisely at the kinds of things I've been talking about today to

work out where are there policy gaps? Where do we need to fill some of the gaps in this policy framework. Next slide, please.

One policy that they did implement was that of retirement, I mentioned that earlier. The policy that they implemented is quite simple. When a country no longer exists as evidenced by being removed from the ISO standard, you have five years. You can request an extension for up to 10 years, but once that clock ticks down to zero, the ccTLD will be deleted.

It's really quite that simple. Provide certainty, there's no unambiguity that there is a fixed time window of several years in which time people that are reliant on that ccTLD can do what they need to do. Usually, it's because that country's been replaced by a new country, that new country has its own ccTLD, so that gives you some years to migrate the registrations to the new ccTLD. Next slide, please.

So to wrap up, here are some resources that speak to some of the specifics. I know a lot of what was in the slides here is fairly high level in general, some of the very detailed specifics of what I've mentioned around some of these links. Next slide, please.

And I wanted to emphasize that IANA is really happy to meet in bilateral discussions with anyone that's interested in understanding the policy better, discussing the situation in their country, or exploring how to evolve how ccTLDs are managed. We cannot coach you, but we can provide you neutral advice on what the policies are, how they will be assessed and so forth. We recommend such consultations if you're contemplating a ccTLD transfer because we would rather you

not waste your time going down a path without understanding the policy framework first.

We want to educate you on what the policy framework requires before you invest a lot of effort into these processes. So that can be arranged either with our team, the email addresses there, or any of ICANN's regional engagement staff, whom you might be familiar with, can arrange such engagements as well. So with that, happy to pick up the question queue and answer any other questions you have.

KAREL DOUGLAS: Kim, that's fantastic. We have a lot of questions. I want to be fair to those who had questions prior. I have 13 minutes, so if you don't, hopefully the questions would've been answered in the presentation. But by all means, I will ask. I do see Marco from Netherlands. So Marco, do you want to quickly ask a question?

MARCO HOGEWONING: Yes, quickly. And thank you Kim, this is much appreciated. This is a very helpful presentation, I hope for others as well. Just a quick clarification question because when I look at the IANA registry using the WHOIS IANA service, I get the number of entry points including organization, administrative contact, technical contact in relation to your presentation. Which of these three should I consider the ccTLD manager?

KIM DAVIES: The short answer is organization. ccTLD manager is the legal entity that we recognize as being responsible for the ccTLD. And to clarify what the other data is, we do have points of contact, an administrative contact, technical contact. I'm simplifying, but generally speaking, the points of contact are just that. The points of contact, those parties, whether they're roles or individuals, don't have any formal stand other than being points of contact. And the ccTLD manager is free to replace them as they desire. So they don't carry any particular special standing.

KAREL DOUGLAS: Andrew Molivurae from Vanuatu.

ANDREW MOLIVURAE: Thank you. This is Andrew from Vanuatu. I just want to ask a question in relation to consent. I believe you have briefly mentioned a few of that, but I had a look through the document and the questions, there's not much asked about this. But the scenario is this consent from the incumbent.

Sometimes it's difficult in many cases in the Pacific Islands, and sometimes the incumbent is overseas, and it's quite difficult to get that consent. I know you only want the consent right at the end, but the processes is a bit difficult. This is a criteria, but it could be difficult because when it is an-- excuse me, when it is an economical question and then the consent cannot be that easy. We have an example, I think a few of the islands in the Pacific have these cases. Thank you.

KIM DAVIES: I would agree, it's a complex topic, and I think there are so many different reasons why that consent might not be forthcoming. And I think the answer would really depend on the factors involved. As I mentioned, consensus needs to be built within the country if it's simply a matter of disagreement. I would suggest that the policy really advises that is something that needs to be resolved locally. And where ICANN or IANA can be facilitators or, you know, neutral sort of supporters of that process within the country, we're happy to do so where it's appropriate.

                               But if the lack of consent is because that party is completely unresponsive, they're not doing their job, that, for example might ultimately be grounds for revocation. So I think there's any number of different pathways there. I wouldn't want to give a general answer to say always do this. I think it really depends on the factors as to why that consent is not forthcoming.

KAREL DOUGLAS: Thank you. Nigel Hickson, UK government.

NIGEL HICKSON: I'll concede to Mohamad and Thiago, and I'll come in at the end.

KAREL DOUGLAS: Thiago. Columbia. Thiago.

THIAGO DAL TOE: Thank you so much, Karel. Thiago for the record. Mr. Davies, I just wanted to thank you as a comment more because we were managed to successfully re delegate the ccTLD of the .co in Columbia in 2020, and we had the great support from you and your team, obviously. And I also wanted to ask a question in terms of if you have statistics on how many requests are being lodged every year for redelegation and the percentage of successful redelegation per year, maybe? Thank you.

KIM DAVIES: That's a good question. It's a relatively small number, I will say the exact number is published in our website statistics. So don't quote me, but I guess we have a process of working out, firstly, is it a substantive request? Like we get a lot of junk requests that obviously are meritless, so I wouldn't necessarily count those.

Discarding the meritless requests, the spurious requests, ones that are legitimate requests, we probably get up to 10 a year. I would say in recent years it's tapered off, it's actually much less than that, partly because a lot of countries have stabilized, but if you go back 10 years, we were getting more than 10 a year, we're getting a lot. So really, it's changed over the years, but it's not a high number.

And I don't know, I wouldn't want to guess too hard, but I would say maybe half of them are successful, half are not. I mean, to be clear, we never reject a request.   I think there's probably an important clarification. Either we proceed with the request because we feel it is

qualified or as presented to us at the moment, we feel it's unqualified, but we don't reject it, we simply tell the applicant, here are areas that are unsupported, please provide us additional documentation to demonstrate that we are wrong or go do further work in your country and then come back.

So it's never a flat rejection, it's always a please cure these deficiencies, and then it's up to the applicant what to do. Most will keep pushing at it and perhaps come back a few weeks or a few months later. Here I've done some more work, I had spoken within the country and had that engagement that was missing, and here is a revised application and then it might be successful. But ultimately, they fail because the applicant just stops talking to us that we don't hear from them anymore, but it's never because we've rejected them.

KAREL DOUGLAS: Can I have Mohamad Afiq from Malaysia, question, and we'll take a couple more after that.

MOHAMAD AFIQ: Hello.

KAREL DOUGLAS: I see Kenya as well after.

MOHAMAD AFIQ: Yes, Afiq from .Malaysia. So my question is there any real situation where a country or government decided to appoint or transfer another manager and the incumbent manager refused the transfer if he asked what is the outcome of that situation and how did IANA deal with it? And then my second question would be in the case of revocation, what happened after that process? Thank you.

KIM DAVIES: So I think to the first question, I think it has happened. I mean, we do have a practice of not commenting on specific countries, so I don't want to speak to any individual's circumstance. But I would say generally that is a local issue to resolve. Again, all the empowerment is to the countries to resolve these kinds of issues, and we don't act as an adjudicator in such situations.

As for revocations, one has never happened since the current policy was put in place in 2014. So 2014 was when the policy guidance was radically changed, and in the last 10 years we've done zero revocations. But we've done operations that would be called a revocation today, before 2014, but under very different policy requirements. So I wouldn't want to necessarily compare the two because it's more apples and oranges, but under the current requirements, we've done none.

KAREL DOUGLAS: Okay, thank you. I do recognize Kenya as well.

NANAYAA PREMPEH: Thank you very much. Thank you. My name is Reverend Doctor Nanayaa Prempeh, I'm also from Ghana. I want to believe that IANA is interested in the global penetration of internet for the entire world to be connected, talking about connectivity, accessibility and whatnot. But the posture that IANA has right now towards the people who are fighting for transfer, the posture appears to be, I don't care what happens to you, just deal with it. Because there are situations where it goes beyond an individual, it goes beyond what the country can do.

Some of the countries have become helpless, and for how long is IANA waiting for a country to be helpless at the detriment of the natives of that country. So I believe that IANA can review their policies. I'm sure Kim may not be the one who wrote down the policies, but he can help to review them, to consider the current situations on the ground where things have changed over the years, and society has evolved.

And so there may be the need to revisit the criteria, conditions, and legislature or documentation that put IANA in charge of this whole thing, so that they can be able to be more on time, more time conscious to savage situations that are frustrating and make us all live in a happier environment, and when we come to ICANN, we'll be smiling rather than being frustrated and confused. So I'm just requesting that you can look at your policies again, review them, and see how you can work better with countries that are frustrated. And I'm sure your concern and your efforts will be very much appreciated. Thank you very much.

KAREL DOUGLAS: Thank you, Ghana.

KIM DAVIES: Thanks for the observation. And I'm very empathetic to the sentiment, but I think it's important to clarify what IANA is. IANA is a technical operations body that has a certain mandate to process requests. And we are very explicitly not a policy body, none of what I just told you, IANA created, it's all ICANN community policy. And so the right forum to change the policies is the ccNSO, that is why it exists. I will say that to that end, as I mentioned, the ccNSO recommends that there are gaps in the policy, possibly even room for evolving the existing policy. There is a session on this tomorrow, but I hate to be blunt about it, but IANA simply has no power to change these policies.

They're community-developed policies that we are tasked with operationalizing. It's not that we necessarily think the policies are perfect, it's not, but we just simply don't have agency, nor frankly, do I think you want us to have the agency as staff to just unilaterally say, we don't like this policy, we're just gonna do something different. So change needs to come from the community, and the ICANN community has these structures in place to provide advice, to provide policy changes to evolve that.

KAREL DOUGLAS: All right, Nigel.

NIGEL HICKSON: I'll be very brief. Thank you. I just really wanted to thank Kim for that excellent explanation. Also, to refer back to a session we had earlier where we had a very informative talk from, and I've forgotten the gentleman's name already because I'm useless at this sort of thing, but from the African Association of Country Code TLDs. And he spoke of the excellent work that they've done in Africa in terms of, if you like, repatriating country code names to the to the African countries and that sounded very positive, and I know that you've done so much supportive work in this area.

I just have one very quick question. So if a country does go out of existence, and we've had a couple of examples, and the name gets returned, when does it get returned or when does it go back to the 1366 part one list? Is there a timeframe for that? Thanks.

KIM DAVIES: So the trigger for the retirement is the removal from the ISO standard. So what will happen is in the first instance, I mean essentially what happens in the order of events is the United Nations will determine this is no longer a country or territory, as a consequence of that decision in the United Nations, ISO will remove the code from the ISO standard, and as a consequence of that decision, IANA will notify the ccTLD manager that this five year clock now starts and you have five years to wind down operations of the ccTLD.

There are, as I mentioned earlier, provisions to extend it under limited circumstances, but that's fundamentally the process. I don't know if

your question was when the ISO code possibly could be reused. So ISO has an operational practice of 50 years, but that is just ideal.

KIM DAVIES: They've been clear that that's not a guarantee, and as you saw in one of my first slides, the chart of all the assigned codes, two thirds of them are assigned. And if a new country was to come into existence, that there was no semantically meaningful country code available that represents its name except for one that maybe was recently retired, they would probably issue the one that was recently retired.

So it's not a guarantee that it would never be used for 50 years, and that is actually why it's important for ICANN to have a retirement policy, because we don't want to deprive a future country, a country gains independence or some other change happens, let's say seven years from now, we don't want to be in a situation where, sorry, ISO has just issued you with this two letter code, but you can't have a ccTLD because this previous user of that country code hasn't finished using it yet. So that is exactly why we have a retirement policy and exactly why it prescribes fixed timelines so that there is a reasonable amount of time to transition, but doesn't leave it open-ended.

KAREL DOUGLAS: Thank you, Kim. And we're gonna have to have another session, another time because we've literally run out of time today. And I do firstly want apologize to those who had questions. The good news is that we do have another session in 30 minutes or less since we are

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now into the coffee break. So please put your hands together and thank our amazing presenters today. Thelma, thank you so much, and Kim Davies, thank you so much, and by all means, thank you for asking those very hard starring questions, very poignant questions. So we have a 30 minute break and we resume in at 15:30, 3:30. Thank you very much.

NIGEL HICKSON: And thank you Kim, and thank you, Karel. Thank you.

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