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ICANN82 | CF – ccNSO: Policy Gap Analysis Working Group Update Session  
Tuesday, March 11, 2025 – 16:30 to 17:30 PST

CLAUDIA RUIZ

Please start the recording. Thank you. Hello and welcome to the ccNSO Policy Gap Analysis Session. My name is Claudia Ruiz and I, along with my colleague, Joke Braeken, are the remote participation managers for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy.

During this session, questions or comments submitted in chat will be read aloud if put in the proper form as noted in the chat. Interpretation for this session will include English, Spanish, and French. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom and onsite participants will use the physical microphone to speak.

Please state your name for the record and the language you will speak if speaking a language other than English, and please speak at a reasonable pace to allow for accurate interpretation. Thank you. And with that, I will now hand the floor over to Jordan Carter, chair of the Policy Gap Analysis Working Group. Thank you.

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JORDAN CARTER

Thank you, Claudia, and good afternoon, everyone. I'm pleased that there are more than zero people in the room given that this is 16:30pm on Day 1 and there are exciting cocktails to come. And I use the word day one, ironically and wrongly because it's officially day two and unofficially day six for me anyway.

I am speaking to you as the chair of the Policy Gap Analysis Working Group, and the purpose of our session today is to remind you of the work that has been done in this course of this working group's short life which began about eight months ago, and which is about to finish actually, but we'll get to that at the end. And I think it's going to take as long as your questions have it taking, so we might be out of here early, is something I would like to say.

I'd also like to acknowledge that the vice chair of the group, Maria Camilla, is online. I actually haven't checked to see if she's online, but she's not in Seattle. So if she's here, she is online. If we go to the next slide, please. And the next one. This sort of just sets out what we're gonna talk about. I'll give you a little bit of background about what the group is for and what its work was to do, the work and output that we've done.

And the combination of that is sharing with you the two priority areas for the next steps that the working group has identified. And then asking for feedback and discussion. And I don't think we're using mentee this time. We're gonna ask you to speak. So if I know you, it's entirely possible I'll ask you for what you think about this as we go. So be warned, be warned. And that is not meant to make you leave.

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The thing I was looking for before I realized it was 4:30 was a glass of water. Annaliese, could you bring me a glass of water, please? Thank you, colleague. I appreciate that. So if we go to the next slide. This work kicked off after a situation in 2023 where the case of the .lb ccTLD highlighted a potential gap in the global policy framework. Thank you so much. Thank you.

And an ad hoc group of ccNSO council members was established to look into this question. And last year, in the middle of the year in June, we agreed that we needed a more formal and transparent structure than just an ad hoc group of ccNSO council members to inquire into gaps, which might be gaps in interpretation, or gaps in the policy framework, or gaps in practice, or gaps in guidance, or other sorts of gaps.

And so the working group was tasked with three things, to prepare an overview of the policies and guidance that are relate to the ccTLDs relationship with IANA. And all of this work is about ccTLDs relationships with IANA. It isn't about what happens within your ccTLD. This isn't policy gaps about judging whether .au is dealing with DNS abuse right, that's not on the table. But to take an overview of what are the, the practices and policies that by and IANA.

Secondly, to look at whether there are possible gaps there, to discover any, if you like or identify them. And then the third was to advise the council whether to act on anything that it found as a gap, and if so, how. So, pretty simple, and the work is almost done. So if we move to the next slide. This is just a bit of a background of the

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list of working group members. I think it's more or less complete, though somehow Stephen Deerhake isn't on it, though he and I both think he is a member, but he wasn't in the council minutes saying he got appointed.

So there's a mystery, one of those ICANN mysteries. So thanks to everyone who has been part of this work. It's been sort of relatively harmonious and constructive group that's been meeting roughly fortnightly since being founded in August. We move to the next slide. There are three sort of phases of work that we've done or are in the process of doing.

The first one was the overview document, and we introduced that document to the community at the last ICANN meeting as a draft, and we asked for whether there was any feedback on it. It had a comment period open until mid-January this year. We had one piece of feedback which was firmly, positively in support of the document and didn't ask for any changes.

And then the next work that we did was to assess the IANA list of potential gaps and available methods. Can we just go to the next slide? Yes, sorry. So I started my explanation too early of what we've done. What happens when Jordan writes the slides at the last minute. So the overview document has been done and what that is meant to be now is a community resource so that if you are a new or even an experienced person in TLD management, you don't have to weave your way through past correspondence or presentations to find which parts of RFC 1591 apply to you or whether there's other forms of guidance and policy.

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The document steps them out by the various functional areas. And we are going to be recommending in our closing report that the ccNSO Council keep that document up to date so that, for example, when the PDP3 review mechanism is finally cleared by the Board and put into effect, that will get added into the document as a review mechanism that's available for people.

I didn't put a link to the document in the presentation because I couldn't find it, but we're working on finding it and hopefully before the end of this presentation, we will pop a link in the chat. And when we do sort of finalize and close out the working group's report, it will include links to that document. So it's been finalized by the working group, and that was one of our key tasks that was done. Next slide, please.

The second task was to identify possible gaps in the framework. And the working group started out, there was the obvious case of the retirement question raised by .lb. But we asked IANA to give us a list of the things they experience as gaps or pain points in the policies where they would like more clarity from the ccNSO about how things work. And they gave us a list of, I think, 11 issues that we did a bit of grouping and a bit of an analysis of, and came down to these six. So we had the question about IANA public records, what is recorded in the root zone for ccTLDs?

And that was really a bundle created up from three issues. Why do we collect the records in the first place and publish them? What is the degree of data accuracy in those records? And what should be done if inaccuracies are not corrected? What are the consequences

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of that? That's what the graduated enforcement thing means. The second one here is IANA's role, if there is one, in the disaster recovery approach that ccTLDs can take.

Today there isn't any such role in a formal sense. I think there have been some cases where there's been some help of various sorts. So doing some thinking about that was another issue. Eligibility checks before changes are made to IANA records for ccTLD is the third topic. There is the question of how does IANA implement its responsibility to make sure that a change in a manager is done right and the changes from one eligible entity to another where it's a transfer. The fourth I've mentioned a couple of times, resignation of a ccTLD manager.

That's not quite the same as a transfer. A transfer is when one entity stops being the manager and it's transferred to another one. What we're calling retirement- resignation, sorry, is where there isn't another one. So if someone wants to stop being the manager of a ccTLD, but no one has been identified to start, that was the Lebanon situation, at least in part. The fifth was about requests for confidentiality, and the sixth was about local presence requirements for ccTLDs.

And that, again, was a bundle of two issues. What those requirements are and what the minimum level of involvement for a CC is, i.e. at the moment, it's, I think the administrative contact must be in the country in general. But there's lots of aspects to the way ccTLDs operate and different people have different views about how much of that should be done in country versus not. So

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those were the issues that we worked through. And no one had identified any other big gap in the policy framework.

So it isn't like we said we'll only look at the IANA issues, it is that when we asked people whether there were other gaps in the policy no one in the working group had proposed those in the community engagement that we've done, no one had suggested any either. I want to make one more point here before we move on to the next thing. Disagreeing with the policy does not mean there is a policy gap.

So sometimes, people will come along and say, well, I think blah, blah, blah, it's a gap in your framework, and often it isn't a gap in the framework. So if you are going through this and you think, oh, I think something should be done differently, that's an excellent thought, but it isn't a gap necessarily. A gap is where it isn't clear what should be done in a given situation, it's where there is an absence of guidance or insight about what should be done in terms of IANA's relationship with a ccTLD.

So it's just important to kind of restate that because sometimes we hear complaints from various parts of our community or other communities that assemble here at ICANN that are not gaps, but are requests to do things differently. And we decide how we do things in the ccTLD world. Just want to make that point. If we move on to the next slide. We thought about how you would go about solving any of those problems.

And the group kicked that around for quite a few meetings, and in the end, for each of those issues, we decided that the next logical

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step would be the assembly of a study group. And none of the issues that we think the immediate next step should be a policy development process. So if you're thinking I was gonna announce a new PDP or two today, I'm sorry to disappoint you, but the group's conclusion was that a study group would let a dedicated team develop a more full understanding of an issue and to see whether any future action is required.

Future action might in fact end up being a PDP. But we had a small team, we had, I don't know, 15 meetings of one hour each. That is not enough time to go into depth in really understanding all of the nuances of an issue. And so if we do do study groups, we'll have much greater clarity around the nature of the issue and maybe end up with some guidance, or at least some propositions for how things might be done differently or how to explain why things are done the way that they are done.

That will then form part of the record as a contemporary mid 2020s investigation into how to deal with that issue. And if we do end up needing to make new policy or change existing policy through the reflection and work of such groups, the work of the study group will provide a solid base for that. So it should mean not with saying the different process steps of a PDP, that some of the research and thinking that would be needed to complete one would already have been done.

So we're not trying to push off the idea of policy development, but we weren't convinced that any was needed for any of the issues in a direct sense and certainly not the top two priorities. So once we'd



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worked out the groupings of the issues and how they might be addressed, we then thought about prioritizing them. And if we go to the next slide. We thought about a few factors here. We looked at the impact of the issue on CCs, and we thought that if there was a bigger positive impact, it should have higher priority.

We thought about the amount of work that would be involved, and we thought in principle that less work should lead to a higher priority, which might not seem obvious, but the idea is that if there are some quick wins out there, it would be good to do those. And we also looked at IANA's own priorities, which are based at least in part of their operational experience of dealing with these questions every day in their work with ccTLDs. It's not an exact science, do not come away from this discussion thinking that it was a mathematical process of assigning points and looking through things, because people interpret words differently, impact, a positive impact.

How do you make sure that everyone's brain is in exactly the same place as they're assessing that? So we looked at these factors, we discussed them, I did a chair's proposal to the group, and in the end, the group has settled on the priorities I'm about to reveal in the next exciting slide. And the part of the feedback I'll be asking you for is if you don't agree with that prioritization, if you think that one of the other issues is more important, now's the time to say so.

Because the feedback that we're gonna get in this session as we go on, will then inform the ccNSO council's decisions about what to do next. And so the working group's largely finished and it has its

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recommendations, but the council decides after listening to the community's feedback. So if we go to the next slide. The two issues that we thought were top priority were firstly dealing with the question of IANA public records.

What is the purpose of these records? How do we maintain and even understand the current state of data accuracy here? And where data is inaccurate and is known to be inaccurate and if the manager involved doesn't update it to be accurate, what then should happen? At the moment, the resources that IANA has or the options IANA has to do with that are very limited. And they fall at two ends of a spectrum of asking again and asking again and asking again, that's about it. The only other thing you can do is something you can't do.

You can't revoke a delegation just because someone wouldn't keep their records up to date because you can only revoke a delegation for substantial misbehavior that isn't put right. So that's why a look at this process, and there was also a bit of a feeling that in addressing that sort of possible set of steps that could be used to encourage people to meet those obligations that might be applicable in other areas of policy as well in the future. So that was number one. And then the second is the IANA role in disaster recovery.

Obviously, IANA doesn't operate ccTLDs. It has a very narrow role in the work that we do. But it is in situations where something goes horribly wrong, sometimes IANA gets asked for help. I think it's fair to say, Kim, is that a fair statement? And there is no guidance about

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what help it might, ought, should, should not give, and given disasters in the world happen from time to time for various natural or human induced reasons, having some guidance there seem to be a useful thing.

And so the proposal to wrap it all together would be to appoint two study groups. One, to look into each of these issues, analyze the issues, and provide a report back to the ccTLD community on what they found and recommending whether any future work is needed, i.e. if any policy needs to be made for IANA in either of these two questions. The other four issues that were on the list, we didn't prioritize further between them.

And the recommendation would be that once these two are done, if it's the right time to continue working on them, things will have changed, sometime will have gone by, so a new group should take a look and make a future recommendation after engaging with the ccTLD community about what should be done next.

So if we go to the next slide. We are looking for some feedback, some thoughts. Do you agree with the working group's recommendations in terms of the two priority topics or the approach of doing a study group? Do you have any other feedback on the working group's work so far on policy gaps?

Those are the questions we're looking for some feedback on right now as it happens. This is the heart of the session and we have plenty of time available. So give me an indication if you want to speak. I see Pablo, and then I see, do I see Pierre here? I do.

PABLO RODRIGUEZ

Thank you, Jordan. This is so low. Definitely the study group approach, it seems to be one way in which we can add clarity to the topics at hand and the one that I favor. Thanks.

JORDAN CARTER

Thanks, Pablo. This will come up later, but the, the next step if the council agrees will be to charter those study groups, and then the charter will be some more specificity about the sorts of outputs that are being looked for, and then the call for volunteers will happen as well. Pierre Bonis.

PIERRE BONIS

Thank you very much, Jordan. To support the two priority topics and the study group approach, just a question about what is behind the idea of disaster recovery. Is it facilitating a change in the zone because someone is going to manage the ccTLD on behalf of the disappeared ccTLD? Or is it asking IANA to manage the ccTLD because there is a disaster? And you understand that the two options there is one that is pretty obvious, that is the first one. IANA does its job and change very quickly the records. The other one, if IANA had to manage directly, would be more difficult to talk about.

JORDAN CARTER

I think both of those questions have been asked, and I don't think that IANA is keen to become a registry operator dealing with direct registrations. The way that they communicated to the working

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group about this was that, generally, disaster recovery for a CC is considered wholly the responsibility for the manager and its local community to address.

But it turns out that people being people, sometimes people have not put the plans and the systems in place to allow for this. And when that happens, IANA is sometimes expected to do what it reasonably can to address threats to the operation of the ccTLD. And so the question IANA suggested was what requirements, if any, should be established around this and or the ability to sustain ongoing operations in the case of disaster or non-compliance with global policies.

So I hope that fleshes it out. And then another area that was mentioned is where ccTLD managers have sought to make private arrangements with IANA on special procedures to perform in such emergencies. They could seek to predefine some conditions under which IANA would seek to recognize another party through mutual agreement. So should there be any policies regarding how such arrangements were made?

So I think it's about understanding and discerning at the scope to which we're comfortable with IANA acting or not acting either operationally or contractually. I think that's the topic that needs to be delved into consistent with the appropriate scope of IANA's operations and its responsibilities. Kim, having read your words out or your team's words out, is there anything you want to add to nuance that or comment further?

KIM DAVIS

Thanks, Jordan. I think you're pretty much on the mark, so not much to add. I think it's a generally an open topic. These kinds of issues come up from time to time. Each one is different, I don't want to suggest that there's a general pattern there, but we're talking critical infrastructure.

Every ccTLD is extremely valuable and it's just in our view, not acceptable to just say, well, that's a local problem and walk away. So I think further refining or establishing roles and responsibilities, what IANA is expected to do, the policy is essentially silent in this area and it feels like a very valuable area of inquiry to explore what that should look like.

JORDAN CARTER

Great. Thanks, Kim. Who else has any thoughts or feedback on these two core recommendations? What is in those bags from us? Are they cookies? Well, obviously you're not all eating the cookies because you're not all jumping around like jelly beans. This process has been a bit of a, in a funny kind of way, a triage type process of assessing the issues that have come in and coming to some conclusions about where to go.

And it is no part of my agenda to draw out this discussion. I might show you the next slide and then come back for another opportunity if we do do the next one. The next steps that we will take is to prepare a closure report for the working group that sets

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out its work and what it's done and that suggests the various pieces of follow up that need to happen.

So for the council to maintain that overview document so that there's always an up-t-date record of what policies are enforced, what procedures are worth referring to, what guidance is available for how IANA and ccTLDs relate to each other, to do the chartering and recoupment of the study groups. So that'll be a second recommendation. And then we do need, I think to have a way for the gaps that have been identified to be raised with us.

Clearly, it's very helpful to have a collegial and open relationship with IANA in that context because part of what we do is create the policy environment within which they operate. So I think we want to foster and maintain a really good open door for IANA to raise issues. And in terms of the global policies framework, of course, the council, the ccNSO council through its chair is the right way to raise any questions or queries that come up.

And so I think what the recommendation there will be to have somewhere on the ccNSO website, the new website, which will arrive at some point and maybe even the old website depending on the timeline. Just a very clear statement of that regard, issues about interpretation, issues around identified gaps, even frankly issues about disagreements with what the policy is, should come through to the ccNSO Council as the port of call to then raise with the community, do some analysis of and so on.

So we're planning to do that work in the next few weeks, and then give the report over to the council and then to do a retrospective of

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the eight months of work that we did. Our three tasks will then be done.

We'll have prepared the overview, tick. Identified some gaps, tick. And advise the council on how to act, tick. So it's quite nice to be able to sit in front of you suggesting more or less that in eight or nine months you can start something and finish it. I've got a very waving Bart at the back.

BART BOSWINKEL

Because I think there is one maybe detail that people should be aware of. It's, you got two out of six items prioritized. There is a role for council going forward as well, which we haven't included yet, but I think that's an important one, so it doesn't stop with the two study groups. Thanks.

JORDAN CARTER

Yeah, those are the issues, I haven't gone away in the group. We thought that it would be bit over the top for us to suggest more than two issues be worked on, and we think the council will need to make a decision about whether there's capacity in the community to have two study groups working at once.

I think part of the thinking around the two topics we've chosen is that it might be slightly differently interested people interested in different topics. And we will have to be careful with the selection because for example, in the disaster recovery thing, we don't need particularly people who are operational disaster recovery experts.



You'll need some perspectives like that, but you'll also need a sort of policy perspective on the finally narrow role that IANA has to be in the mix as well. But yes, the other issues don't get lost, we don't intend to sort of forget about them, and the council will need to keep a watching brief on those, and also, of course to deal with any other gaps that people raise with us as well.

So is there any other feedback? I'm not sensing anyone in the room is violently disagreeing with the recommendations, but failing to say so. None of you are giving off that kind of energy. So I don't know what my next slide is. This might be the last slide. Oh no, go back. Go back. Don't do that one yet. It's too soon. Too soon. Pierre, your hand is up.

PIERRE BONIS

Yeah. I'm curious about the other topics that are not prioritized. Could you just tell us-- I think Bart told about five or six issues.

JORDAN CARTER

As in what topics are they or what should we do about them?

PIERRE BONIS

Which are they? Because these are the ones that the group decide that they were not as important as the two that you expose us, but it's always interesting to know what they are.

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JORDAN CARTER

Okay. So can we scroll backwards please, Claudia, through the slide deck until we get back to the list. Stop. So the top two were the ones that we've discussed a bit. Eligibility check before changes is really about what process IANA uses to make sure we don't end up in a situation of sort of transfer by stealth, small little changes that might lead to effectively a manager changing when there hasn't actually been IANA able to do its role of scrutinizing and verifying that an incoming manager meets the policy requirements.

The resignation case is the one that I've discussed a little bit. Requests for confidentiality is about the issue that when people ask for changes to a ccTLD to delegate or transfer or evoke it, they're process confidentially by IANA. And it is entirely possible that it's only at the conclusion of a successful request of this nature that a report is published that distills key factors in the evaluation.

So that's the way IANA raised that topic with us. I don't think anyone would want to jump from that to a public comment period on any such changes or any madness like that. But I think there is some scope to dig into that. Kim, do you want to give a little bit of color about what else might be on the table there for that item?

KIM DAVIS

Sorry, which item?

JORDAN CARTER

The requests for confidentiality item.

KIM DAVIS

Generally speaking, it's essentially that we have a practice of confidentiality, but there are probably legitimate public interest reasons to say that there should be an airing of the factors relating to potential transfer of a ccTLD prior to IANA making some kind of final decision. And that's a difference of opinion that I've heard echoed over 15 plus years.

And in the context of policy gap, again, our practice of confidentiality is not rooted in any particular policy, but it felt like this was a good opportunity to explore that issue in greater depth to see if our practice is appropriate, correct, or the best thing to do, or maybe we should take a different approach or something in between. So really that's it.

I did want to highlight that on the wiki space for the working group, there's a more comprehensive document that IANA supplied the working group that lists some case studies around some of these items. So for those that are interested in some of the situations that informed these topics, I would encourage you to read that document.

JORDAN CARTER

Thanks, Kim. And the last one is around the local presence requirements that I think we're all a bit more familiar with in terms of what has to be in country, what relationship does the ccTLD manager have to have with the country given the proliferation of operating models that we have in our community and given what's

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recorded at the IANA level, is the right information available, what are the requirements and so on.

So those were the six that came through the process. So again, if anyone has something in the policy framework that tells IANA how to do its job with respect to us, with respect to CCs that they think is missing, that would be a gap and that would be good to know.

And that relates to the point that Bart made as well. We do have these other gaps that we will need to dig into at some point, but we think that starting with the first two and getting them done and working out whether any policy changes are needed in a relatively orderly way, it's not gonna be an afternoon worth of work, but I don't think it'll be a PDP epoch area of work either.

So hopefully we can proceed through these in relatively orderly manner step by step. So let's scroll forward again to the last slide, but one. Claudia, if that's okay. That one, yeah. Thanks. So that's what we're gonna do next and that really, unless anyone else has got any other feedback, it's the end of the work of this session, and we can all get out of here 20 minutes early.

No, I should check the Zoom room, shouldn't I? Nothing there. All right. Last chance. We'll call it there. Thank you all very much for being here. Thank you to all the working group members. As ever with the ccNSO, if you can do a little bit of a mentee scoring rating. I will not cry if you say it was bad, but I'll hold you all collectively responsible for it just in case anyone was wondering. Thank you very much.

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There are cookies down the back curve .us. There is a ccNSO cocktail function tonight at 18:30. Apparently, it takes about 20 minutes to walk there if you're so inclined, you can walk off your cookie. And we'll see you all bright and early tomorrow morning as well, by which I mean will be incredibly indulgent start time of 10:30am here in this room. Thank you all, day one is done. Have a good evening.

**[END OF TRANSCRIPTION]**