

**CENTR Response to
"ERC's Response to Comments Received on ccNSO
Recommendations"**

Status of this document

This document is a *CENTR Draft Comment*.

This document has been developed in accordance with the CENTR Policy Development Procedures, as approved at the CENTR General Assembly in Budapest on 3 June, 2003.

The paper labelled as a CENTR Draft Comment is a position paper developed by CENTR and CENTR members in a very short timeframe.

This document is non-binding to CENTR members, but reflects to the best of our knowledge CENTR member position.

CENTR Response to "ERC's Response to Comments Received on ccNSO Recommendations"

*Version 2.0
16 June 2003*

Please Note

This document was written prior to the publication of the proposed ICANN Bylaw amendments on 13 June 2003. We were not able to submit the document by the 12 June 2003 deadline due to a necessity to ratify the document with our members – and the short timeframe supplied by the ERC to provide comments.

We note that some of our concerns have been addressed subsequently by the bylaws, but believe the comments are still valid and warrant consideration.

The Council of European National Top Level Domain Registries (CENTR) submits these comments on the most recent publication by the ICANN ERC on the development of a Country Code Name Supporting Organisation.

We would like to thank the ERC for the ongoing dialogue on the construction of the Organisation and hope that this will assist in the reform process.

In our last submission, we urged that the ccNSO be an inclusive forum, with open membership to all ccTLD managers, with low entry criteria, a member approved funding structure, and a narrowly defined mandate to set global policy, and that ICANN and IANA policy should be clearly separated.

We welcome that many of CENTR's suggestions have been taken into account, but also note that some fundamental areas of concern have yet to be addressed.

Nominating Committee Appointments

CENTR reiterates that it believes a fair balance of ccTLD regional representation is required on the Nominating Committee, and that an appropriate number of delegates from the ccTLD community would be five – one from each region.

We believe that it is appropriate that the Nominating Committee not make appointments to the ccNSO Council until this representation is increased as requested.

Scope

We consider one of the fundamental requirements of the ccNSO is that it has a limited, well-defined scope that ensures its role is purely for global policy coordination

within the scope of ICANN. ccTLDs are largely locally-governed, responding to their local Internet community needs in developing policy. The global nature of their policy is limited to a coordination role currently fulfilled by IANA.

We reiterate, as per Resolution 2 of the ccTLDs at the ICANN Meetings in Rio De Janeiro, and further in our last submission to the ERC, that the role for global binding policy be clearly defined as only relating to this global coordination role performed by IANA.

We do not agree that members of the ccNSO be bound to follow policies as part of their membership policies. It is only appropriate that policies be binding as part of an agreement between ICANN and a specific ccTLD manager. A distinction must be made between the contractual relationship between the ccTLD manager and ICANN, and between the ccTLD manager and the ccNSO.

We agree that the ccNSO must develop this global policy through a bottom-up, inclusive process that requires regional consensus.

Membership

We still consider the requirement that the ccNSO council vote upon an exemption based on national issues for specific ccTLDs to be inappropriate. If a registry provides documented evidence that a policy with infringe upon nationally agreed policies, then we believe the ccNSO council has no ability to then reject the exemption.

Policy Development Process

CENTR reiterates that it believes that 40 is a more appropriate number of ccTLDs required to being the ccNSO.

Whilst this number will potentially delay the work of the ccNSO, it is nonetheless essential that the ccNSO has sufficiently diverse buy-in for its work in order to have the necessary credibility to represent ccTLD consensus. We do not believe a mere 20 ccTLDs can truly represent the diverse opinions of ccTLDs in an acceptable way.

We recognise and thank the ERC for its clear comments on the role of the board in ratifying, or returning, policy of the ccNSO.

Decision Making

We vehemently disagree that the concept of a quorum is not needed for member votes. Should a motion or policy fail due to lack of participation in voting, that is a clear indication that the proposition needs more work. This is fundamental to the democratic process.

Should a vote pass with a minimum number of votes that does not represent substantial cross-section of members – the result clearly can not be considered as representing a valid position of the entire group.

Staff Support and Funding

We agree with the ERC, that it is for the ccNSO to determine whether such administrative support is suitable or not.

Launching Group

We agree with the role of the launching group, but are concerned about the lack of diversity of membership – and the implications that may have on fair and unbiased elections of to the inaugural ccNSO council.

If members of a small launching group are also permitted to stand for election to the council, there is clearly a lack of separation those who determine the election rules and who are directly governed by them.

We believe either the launching group must have a more diverse membership (or wholly inclusive membership of all willing ccTLDs), or there should be a prohibition on launching group members standing for election to the inaugural council.

Conclusion

CENTR believes it is important to establish the ccNSO with strong support for the organisation by ccTLD managers, otherwise it will not be a success. We look to continue to refining the structure of the organisation so that it can fulfil its potential and meet the expectations of the community.

We encourage the proposed ICANN Bylaws be published as soon as possible so the ccTLD community has the greatest possibility to evaluate them in advance of the approaching ICANN Meetings in Montreal. We are greatly concerned that the late publication of the bylaws will limit the necessary community discussion on them, therefore resulting in a lack of proper consultation before their adoption.