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Alejandra Reynoso, Chair, ccNSO Council
Fellow members, ccNSO Council

Greetings Alejandra and fellow Council members,

First, a big thanks to Alejandra for her work on the draft letters to ALAC, as well as a big thanks for those of you who have made significant and useful suggestions to the second iteration of the text.

That being said, I think we need to be considerably more forceful with ALAC. I have replayed the entire Zoom session twice now, and have read the transcript as well. I encourage you to do so as well.

Consider what transpired during this session:

1. Not one, but **two** ccTLDs were libeled by Holly Raiche, a member of ALAC **leadership** no less. Both ccTLDs have no doubt suffered reputational damage as a result of Ms. Raiche's continuing perpetuation of the long-standing canard that ccTLDs are a haven for child exploitation and other criminal activities.
2. Information presented by Ms. Raiche to make her central argument was not only factually incorrect, but she confused which ccTLDs she was talking about during her presentation.
3. It is entirely possible ICANN org has a potential liability issue as a result of this session, since the ICANN website continues to host Ms. Raiche's presentation.
4. Towards the end of the session it was made clear by both an ALAC presenter (Sébastien Bachollet, transcript, p. 35) and the session moderator (Olivier Crepin-Leblond, transcript, pp. 41 – 42) that there is a clear sentiment on the part of ALAC to do a similar session regarding ccTLDs at ICANN72.

In its advisory capacity per the ICANN Bylaws (Article 12.2.2, Section (d)), it is in ALAC's remit to provide advice ("Participating in the ICANN policy development processes and providing input and advice that accurately reflects the view of individual internet users." (Article 12.2.2., Section (d)(x)(G)). Thus, it is entirely in their remit to provide advice to ICANN regarding any ccNSO PDP, such as the ongoing PDP3.

There is nothing in their remit that I can see that authorizes them to begin an open-ended investigation of ccTLDs, either collectively or individually. That is where this is going.

It needs to be shut down, full stop, and prior to ICANN72.

Back in ICANN's early days, the ccTLDs fought ICANN long and hard to establish that ccTLDs could not by fiat from ICANN be bound contractually, financially, or to ICANN policy. A few of us who were there then are still around.

I see no reason why it might be considered proper, by any part of the ICANN multi-stakeholder community, to initiate sessions about other SO/ACs. I have no issue with their coming to us to ask questions; I have no doubt we would bend over backwards to accommodate them with a session during the ccNSO members meeting. Under no circumstances do I think it's appropriate for ALAC to be initiating sessions where the topic is another SO/AC. How do you think the GNSO would react if ALAC did something similar to them what they did to us in a future ICANN meeting? Or for that matter, if the ccNSO did it ourselves?

I cannot stress the seriousness of this ALAC meddling in the affairs of the ccTLDs enough. If having another part of ICANN having sessions where the subject is another SO/AC isn't the camel's nose poking into the tent, I do not know what is.

I think that the Council needs to consider a fundamental "re-think" regarding our response to the ALAC ICANN71 session.

Best Regards,

/signed/

Stephen Deerhake
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