

Methods to address GAPS/ issues

Over time the ccNSO has used various instruments to address policy and policy related issues:

i. **Policy Development Process** - As defined in Annex B). Structured approach. **Limited in scope and remit (Annex C)**. Assumption accountability of ccTLD is handled locally.

ii. **(Cross) Community group making recommendations to the Board** and IANA on how to interpret the current policy. Examples:

- Framework of Interpretation of RFC1591 - <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-25-06-2015-en#1.d>) – note the related discussion with the GAC and related GAC -communique: <https://gac.icann.org/advice/communiqués/gac-52-singapore-communique.pdf>)

- At request of the Board Joint ccNSO-SSAC Group the Risk Mitigating panel was introduced which is part of the Fast Track process.

- Method to select IDNccTLDs (2007-2008) resulting .e Fast Track process (2009)

iii. **Working Group to develop voluntary Best Practice for ccTLDs** (from Article 10. 1

However, as the ccNSO may also engage in other activities authorized by its members. **Adherence to the results of these activities will be voluntary** and such activities may include: **seeking to develop voluntary best practices for ccTLD managers**, assisting in skills building within the global community of ccTLD managers, and enhancing operational and technical cooperation among ccTLD managers.)

Examples: Study Group with light weight advise to ccTLDs on wildcards; Study group on use of Emoji 's;

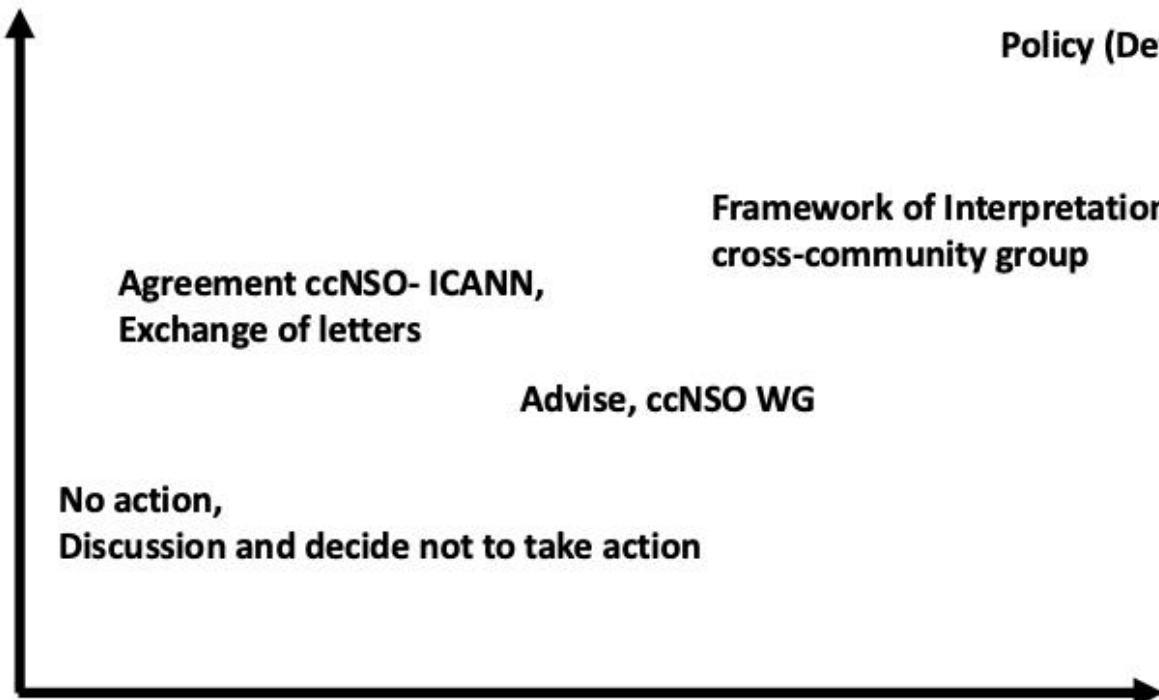
PDP4 WG Advise to ccTLDs on IDN tables, which is included in Final Report

iv. **Exchange of letters** between ccNSO and ICANN (example the .lb case: ICANN informing ccNSO Council of decision and event, Council acknowledging event and decision and start to ascertain if policy is needed, and inform ICANN accordingly) of result.

v. **No action**

Each of these instruments has its own strengths and weaknesses, and range of applicability. The selection of an instrument will determine the kind of resolution (impact on issue, scope of work) and efforts required to reach a positive use of the instrument.

Impact on issue, scope of work



Policy (Development Process)

**Framework of Interpretation,
cross-community group**

**Agreement ccNSO- ICANN,
Exchange of letters**

Advise, ccNSO WG

**No action,
Discussion and decide not to take action**

**Resources
Time, volunteers, staff**

What is nature of the a Gap identified by PGA WG?

The WG has nearly completed its initial analysis of the issues identified by IANA i.e. assessed whether an IANA issue is a gap there is a gap from a ccTLD/ccNSO perspective. After completion of this assessment the WG will need to assess whether a is a lacunae in or lack in:

- A Policy (RFC1591, Retirement),
- Interpretations of Policies (Framework of Interpretation),
- IANA procedures or process
- Guidance/expectations for ccTLDs non-issue from ccTLD/ccNSO perspective,
- An issue that unique i.e. expected to be so rare that it is once in a lifetime
- No issue from a ccNSO/ccTLD presective

IANA Issue	Lack/gap in policy	Interpretation of policy	Gap in IANA procedure	Gap / Lack of Guidance to ccTLDs	Unique, once I a lifetime	None issue ccNSO
Accuracy IANA Whois						
Local Presence						
To be completed						

Starting meeting 22 Ocotber and continuing on 5 November the WG will be asked to completed this analysis

Combining the Gap analysis and instruments The combination of Issue/ nature of a Gap will determine, the instrument(s) that can be used to address the issue/gap.

Two examples:

1. Issue is Enforcability. It was agreed it is an issue, however contractual compliance or enforcement is not an instrument that is available. Related, is that the issue can not be addressed using a ccNSO PDP as instrument. The scope Annex C of the ICANN Bylaws excludes ccNSO Policy Development Processes that are directed at ccTLD Managers (see examples provided in Annex C), which includes forcing ccTLD to enter into a contract and/or terms of a contract. If the WG will suggest that such a gap needs to be addressed at some point (determined by priority setting), the suggested way to address this is through developing procedural guidance for IANA and/or advise to ccTLDs) and/or interpretation of RFC 1591.
2. Local Presence – Assume this issue is considered a gap in or wrong interpretation of RFC 1591. This implies the policy itself does not need to be adjusted, but an interpretation of the policy will need to be provided. The suggested instrument to provide this interpretation would be a cross-community group. As case in point, In the past this was used for interpretation of “re-delegation” in RFC1591. Through developing the Framework of Interpretation, the concept of “re-delegation” has been replaced with two distinct other concepts: “transfer” and “revocation”.

Going forward note that the determination of the nature of the GAP, limits the method available to address or resolve an issue. A gap in the policy or lack of policy can only be addressed through a ccNSO Policy Development Process.

If the gap has been determined to be an issue of interpretation of policy, and therefore guidance needs to be provided, two instruments are open:

- ccNSO Policy Development process, to restate the policy and address gap
- ccNSO initiated Cross-Community group, with buy-in from the ICANN Board as they will need to direct ICANN and IANA to use work according to guidance.

If the gap is qualified as lack of guidance to ccTLDs, a ccNSO WG is probably most appropriate route.

Using the methodology as described would require the working group to complete the following:

IANA Issue	Lack/gap in policy		Interpretation of policy		Gap in IANA procedure		Gap / Lack of Guidance to ccTLDs		Unique, once in a lifetime		None issue ccNSO	
	GAP?	Use PDP	GAP?	USE CCG?	GAP?	USE WG OR CCG?	GAP?	USE WG	GAP?	USE Letter		
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
Accuracy DNS records												
Local Presence												
To be completed												

Final step is to suggest priority to address issues.