

Equal footing with respect to ccTLDs

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1. This submission addresses the question: “2. Taking into consideration the work of the previous WGEC and the Tunis Agenda, particularly paragraphs 69-71, what kind of recommendations should we consider?”

2. The specific proposed recommendations are shown as underlined text in paragraphs 10-12 below.

Background

3. The Tunis Agenda states:

68. We recognize that all governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet. **We also recognize** the need for development of public policy by governments in consultation with all stakeholders.

69. We further recognize the need for enhanced cooperation in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues.

4. On 6 June 2016, as part of the IANA transition process, the Internet Corporation for Assigned Names and Numbers (ICANN) and the US National Telecommunications and Information Administration (NTIA) exchanged letters². In its letter, ICANN confirmed that it will not take any action to re-delegate the top-level domain names “.edu”, “.gov”, “.mil”, and “.us” (which are administered by the US Government) without first obtaining express written approval from NTIA.

5. This exchange of letters is presumably a binding contract between ICANN and the US government. That is, ICANN cannot take actions regarding these domain names without the agreement of the US government.

Equal treatment of ccTLDs

6. The top-level domain name “.us” is a country code domain name, that is, a ccTLD.

7. According to the Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains³ of ICANN’s Government Advisory Committee (GAC), approved on 5 April 2005 (emphasis added): “4.1.2. Every country or distinct economy with a government or public authority recognised in

¹ <http://www.apig.ch>

² <https://www.ntia.doc.gov/page/exchange-letters-us-government-administered-tlds>

³ https://gacweb.icann.org/display/GACADV/ccTLDs?preview=/28278844/28475457/ccTLD_Principles_0.pdf

accordance with article 3.8 above should be able to ask for its appropriate country code to be represented as a ccTLD in the DNS and to designate the Registry for the ccTLD concerned.”

8. The term “should” is used elsewhere in the cited GAC Principles and Guidelines.

9. Thus the cited GAC Principles and Guidelines do not create a binding obligation for ICANN not to take actions regarding ccTLDs without the agreement of the concerned government.

10. In line with the principles of equal footing and equal roles and responsibilities of all governments enunciated in the Tunis Agenda, it is proposed to recommend that ICANN provide to all governments the same treatment that it has given to the USA.

11. Specifically, it is proposed to recommend that ICANN exchange letters with any country that so requests, stating that it will not take any action to re-delegate the country’s ccTLD without first obtaining express written approval from the government of the country in question.

12. Further, given that the US government administers four top-level domain names, and again in keeping with the principles of equal footing and equal roles and responsibilities of all governments, it is proposed to recommend that ICANN delegate to any country that so requests up to three additional ccTLDs, with names of the form “ccXYZ”, where “cc” is the two-letter country code, and “XYZ” are strings chosen by the country, for example “gov”, “mil”, “edu”, or “01”, “02”, “03”. Thus, if “rt” were a valid country code (which it is not), the corresponding country could request delegation of “rtgov” or “rt01”m etc.
