Review of the Country Code Names Supporting Organization (ccNSO)

Draft Final Report

of the ccNSO Review Working Group

15 November 2010

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0. Executive Summary

With the present report the ccNSO Review Working Group submits its draft conclusions on the review process of the Country Code Names Supporting Organization of ICANN (ccNSO)[1] to public comment.

What are the purposes of ccNSO?

ccNSO is a **supporting organization of ICANN**[2] with a number of roles, including:

- Developing policies relating to ccTLDs;
- Nurturing consensus across the ccNSO's community;
- Coordinating with other ICANN entities;
- Developing voluntary best practices for ccTLD managers, assisting in skills building and enhancing technical and operational cooperation.

How well is ccNSO serving those purposes?

The WG shares the view expressed by the independent reviewers that those purposes are **being served well with the present structure**.

What measures to increase ccNSO effectiveness?

To increase the effectiveness of the ccNSO, there are potentially two types of measures:

- **Structural changes** to its mandate and reporting. In line with their overall findings, the reviewers do not propose any changes of this nature.
- **Operational changes**, such as: formalizing lightweight response mechanisms, introducing term limits, providing translations and others.

Conclusions of the Working Group

The Working Group finds that **no structural changes to the ccNSO are called for based on this Review**, but also notes that structural changes may be required as a consequence of changes like the introduction of IDN ccTLDs and that the preparation for such changes are at the core of current ccNSO work. Furthermore, the Working Group finds it essential that such work not be adversely affected by implementation of **proposals for operational change**.

The Working Group decided therefore to close its mandate by:

- Noting, with satisfaction, that the ccNSO has come a long way in **realizing the overall objectives** established for its creation in 2003.
- Commenting and **concluding on the operational measures** suggested by independent reviewers.
- Recommending that implementation of these operational measures be done in **close cooperation with the ccNSO**, in order to time any implementation steps to the

[1] *The review process of ccNSO –steered by a specific review Working Group reporting to the Board of ICANN through the Structural Improvements Committee - included an external review performed by an independent selected contractor, and a series of interactions of the WG with interested members of the community. In order to formulate its draft final conclusions the WG considered the evidence gathered by reviewers, their recommendations, and the feedback sought and received from community.*

[2] *As defined by Article IX of the ICANN Bylaws*

ongoing ccNSO work schedule without detracting attention from high priority matters.

1. Background

As part of its program of Organizational Reviews, ICANN has undertaken a review of the Country-Code Names Supporting Organization (ccNSO), whose role[3] is expressed in ICANN Bylaws, Art. IX as follows:

"1. Developing and recommending to the Board global policies relating to country-code top-level domains;

2. Nurturing consensus across the ccNSO's community, including the name-related activities of ccTLDs; and

3. Coordinating with other ICANN Supporting Organizations, committees, and constituencies under ICANN.

Policies that apply to ccNSO members by virtue of their membership are only those policies developed according to section 4.10 and 4.11 of this Article. However, 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".

Organizational Reviews (see website) are part of ICANN's program of continuous improvement and are intended to ensure an in-depth examination of the role and operation of key structures of ICANN, with support from external, independent professional consultants.

As specified in Article IV, Section 4 of ICANN's Bylaws, the "goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness."

Supervision of the Organizational Review processes is performed by the Structural Improvements Committee (hereinafter SIC), which is a standing Committee of the Board. The SIC is authorized to set up specific Working Groups (hereinafter, WG) for each of the Reviews.

With support from ICANN staff, the Review WGs have two main tasks:

- To ensure that the selected external reviewers carry out their task in full autonomy and independence of judgment, basing their conclusions and recommendations on evidence and in observance of the selected methodologies and work plan;
- After delivery of the reviewers' report, to formulate a report to the Board through the Structural Improvements Committee on measures to be adopted as to increase effectiveness of the key structure under review.

Chronology

In May 2009 the Board of ICANN approved the composition of a specific ccNSO Review WG, which includes the following individuals: Jean-Jacques Subrenat (Chair), Ram Mohan, Demi Getschko, Alejandro Pisanty and Vittorio Bertola. The WG was initially supported by Marco

[3] *See previous footnote2*

Lorenzoni, ICANN Director for Organizational Reviews. From June 2010, support was provided by Olof Nordling, ICANN Director Services Relations. The WG also liaised with Bart Boswinkel, ICANN Senior Staff Support for the ccNSO

Following an open selection procedure, the Board of ICANN appointed ITEMS International to undertake the independent, external review of the Country Code Names Supporting Organization (ccNSO).

The independent reviewers started their work in November 2009, released a survey and presented an overview of the survey results in January 2010. The final version of the independent reviewers' report was released in June 2010 and posted for public comments, originally until 30 July 2010. The independent reviewers' report was also presented at the June 2010 ICANN meeting in Brussels, in order to obtain feedback from the ccNSO and the wider community. The final report was shortly thereafter completed with an addendum from the reviewers and the public comment period was extended from 30 July to 15 September 2010.

The initial comments to the report expressed at the ICANN meeting in Brussels were further elaborated and detailed in 7 written comments, all from the ccTLD community. These comments (see summary) provided the WG with informed views on the advantages and drawbacks of the recommendations put forward by the independent reviewers. The WG has taken this input into consideration during its deliberations and has concluded with advice on how to modify the recommendations, where justified.

The WG wishes to take this opportunity to thank both those providing comments and the independent reviewers for their valuable contributions.

Structure of the Present Report

The present report contains three sections, namely:

- Section 0 – The Executive Summary of the report.
- Section 1 – The present Section, containing background information
- Section 2 – This section presents the conclusions of the WG on each of the Recommendations formulated by reviewers. It is organized along the lines of the recommendations issued by the independent reviewers, in order to facilitate reading and reference.

Public Comments

Public comments to the independent reviewers' final report have been carefully considered in preparing this draft final report from the ccNSO Review Working Group. The draft final WG report will be published for public comment. Based on comments received, a final WGreport will be produced by the WG for approval by the ICANN Board and subsequent implementation measures.

2. WG conclusions on Independent Reviewers' Recommendations

In carrying out its task, the Working Group has constantly kept in mind the overall objective of this Review. Key elements in the WG's mandate are:

1. To determine whether the ccNSO still fulfills a role in ICANN: the WG has concluded that it does, and well;
2. To determine whether there are any changes to be made: the WG agrees with several proposed changes.

In addition, the WG examined whether the premises of the 2003 Evolution and Reform Process are fulfilled. The WG concluded that the ccNSO is functional within ICANN and ICANN is functional for the ccNSO. It considers that the perceived need is satisfied with an equitable relationship in which every SO or AC, each able to influence the policies created by ICANN, is equally obligated to commit to their developments and to abide by them. It is within this context that the WG considered the recommendations of the independent reviewers.

The Reviewers' Final Report contains 12 recommendations numbered from 1 to 12. No recommendations are of a structural nature (i.e. envisaging changes to the present structure and mandate of ccNSO) - all are of an operational nature. The Board WG agrees to this approach, with overall considerations as follows:

- There are inherent structural changes prompted by developments like the introduction of IDN ccTLDs and planning for such changes is already part of the IDN ccPDP. It is essential that such work not be adversely affected by the implementation of any review recommendation and that any such implementation steps are undertaken when considered appropriate by the ccNSO from this perspective.
- Review recommendations of an operational nature can be addressed and implemented in a gradual way, in phase with the implementation plan of the ccNSO[4].

This report presents the Review WG draft conclusions. Below are summaries of all recommendations as proposed by the independent reviewers, and – for each recommendation – a comment presenting the draft conclusions of the Review WG itself.

Readers may wish to refer to the Reviewers' Final Report for full background information.

Reviewers' Recommendations	1. The ccNSO should consider the adoption of alternative, consensus-based, lighter and faster policy development mechanisms: a) A comments mechanism would allow the ccNSO to provide a prompt response to a request from ICANN's Board or another Supporting Organisation. b) A position paper mechanism would allow the ccNSO to elaborate common Statements on relevant ccTLD issues in a way that reflects the general position of the ccTLD community. The fast tracked comment mechanism as with

[4] Following the finalization and adoption of the WG Report for an organizational review, the ICANN Board requests staff to develop an implementation plan in cooperation with the reviewed entity, for adoption and subsequent implementation in practice.

	the position paper mechanism would be non-binding to ccNSO members.
WG's Conclusion	Both recommendations 1 a) and 1 b) are in line with current de facto practices within the ccNSO and essentially require formalization of these practices for clarity and transparency. The WG is in support of taking such steps, noting that guidelines to this effect are already foreseen by the ccNSO. However, as noted in multiple community comments, these are **not** policy development mechanisms and do **not** substitute for PDPs.

Reviewers' Recommendation	2. Consider the translation into the main UN languages of key documents concerning and produced by the ccNSO (Bylaws, the Rules and Guidelines document, major Policy papers) of a brief summary of ccNSO position paper.
WG's Conclusion	Recognizing that it is an objective within ICANN to have essential documentation available in the main UN languages, the WG views this recommendation in a positive light. However, such an objective cannot be open-ended without regard for the budgetary context and there is a need to carefully consider the costs in relation to the potential benefits for translations in each individual case. Such assessments are best undertaken by the relevant community and the WG leaves this for the ccNSO community's consideration and resolve for each detailed suggestion put forward. The WG also refers to its conclusions regarding the closely related recommendation 3, below. The WG frther notes that comments received do not express overall support for recommendation 2. Some call for limiting translations to only core documents and some state that financing of translations should be resolved first, before undertaking any translations.

Reviewers' Recommendation	3. Due to the significant cost of translating documents on a regular basis we suggest that the task of translating all documents related to the ccNSO's activity could be carried by the ccNSO membership itself. This could be facilitated by the setting up of a multilingual wiki (as used by Wikipedia). In this way, the translation of documents would become the responsibility of the linguistic communities themselves, and there need be no limit to the number of languages that documents could be translated into. If such a mechanism were adopted we would also suggest the appointing by the Council of a "linguistic community manager" for each language who would have responsibility to check the accuracy of the translations
WG's Conclusion	The WG agrees that this voluntary approach could be beneficial for the community and notes that it would not contradict the WG's conclusion for recommendation 2 above. Accordingly, this is an approach that is left for the ccNSO community to decide upon, as and when and to the extent it is considered useful and practical. At the same time, the WG notes that some community comments express doubts about the viability of the proposed

	approach.

Reviewers' Recommendation	4. The ccNSO staff should regularly engage in outreach activities to enlarge membership / better communication with non-members. ICANN should increase resources in order to propose attractive and value-added services for the ccTLD community. These value added services would require a dedicated "online community manager" whose responsibilities it would be to attract new members, especially from underrepresented regions.
WG's Conclusion	The WG agrees with the general objective to strive for ccNSO membership growth and wishes to highlight the outreach role already performed to this end by the ICANN Regional Liaison staff. The WG also agrees with public comments stating that no additional expenditure should be incurred to this end until financial contribution issues have been resolved. Regarding the point about "attractive and value-added services", the WG notes that this is a generic expression lacking the needed specificity. The WG is in principle positive to considering new services to attract new members, but only provided any such services are strictly within the mandate of the ccNSO and explicitly requested by the ccNSO membership, as highlighted in public comments.

Reviewers' Recommendation	5. The ccNSO should engage with the GAC and ALAC to determine a joint initiative to boost the membership levels of all the SOs and ACs within ICANN.
WG's Conclusion	The WG considers that the membership growth objective of this recommendation has merits. However, the WG notes that the rationales for joining or not joining these entities vary, both between the entities and across the potential members. Accordingly, the WG doubts that an overall joint campaign would be crowned with success. The WG further acknowledges the comments received regarding this recommendation.

Reviewers' Recommendation	6. When ccNSO develops a policy which could impact the activity of registrars and registrants, ccNSO should be able to collect their position.
WG's Conclusion	The WG notes, first of all, that the scope of a global ccNSO policy development is very focused. The WG also notes that extensive opportunities for public comments are provided in line with the ccNSO Policy Development Process. The WG also recognizes public comments highlighting the differences between the roles of the GNSO Registrars and the registrars for

	ccTLDs.

Reviewers' Recommendation	7. Beyond the ongoing improvement of the website, we recommend the implementation of a collaborative networking tool allowing ccNSO to create subgroups based on thematic, regional, linguistic grounds. Such a tool could include wiki, agenda, project management functions and allow members to update their own contact details within the register of all ccNSO participants. Articulation of this collaborative tool with existing mailing lists has to be studied. Such a tool would be helpful for the animation of the ccNSO community as well for attracting new members. Animation of such a tool requires "community management" capabilities.
WG's Conclusion	The WG is in favor of applying a demand-driven approach, where the needs are first identified and agreed by the community before new tools are introduced. Accordingly, the WG recommends that the independent reviewers' suggestion be considered by the ccNSO community in the light of the community's evolving needs, as a subsequent potential step once the new website has been established. Such a demand-driven step-by-step approach is further justified in light of the public comments received, expressing doubts about overly ambitious plans.

Reviewers' Recommendation	8. ICANN should provide ccNSO with appropriate "management community" capabilities in order to make the best usage of the collaborative tool.
WG's Conclusion	The WG supports the recommendation that ICANN should provide such capabilities, subject to ccNSO decisions about implementation of the suggestions in recommendation 7 above. Recommendation 8 presents a subsequent step and the sequence must be respected in the planning. Again, as for recommendation 7, the WG notes that the public comments received for recommendation 8 express reluctance to overly ambitious plans and state the need for cost/benefit analysis.

Reviewers' Recommendation	9. Introduce a limit to the number of terms that can be served by ccNSO Council members (item tabled for discussion at ccNSO meeting in Brussels).
WG's Conclusion	In keeping with the rules of good governance, it is necessary to have a robust succession planning process to ensure that leadership roles are properly filled at all times. With this in mind, the WG recognizes that the ccNSO is currently engaged in such a process, and suggests this should be strongly pursued, since external factors, as well as the constraint of term limits, make succession planning even more important. The WG

	supports recommendation 9, while noting that public comments indicate that the number of volunteers for service on the ccNSO seems limited by the workload of the Council, and by other mitigating factors The WG further agrees with those public comments stating that recommendation 9 is dependent upon the implementation of recommendation 10 (see below)

Reviewers' Recommendation	10. ccNSO should consider clarifying of the respective roles of the Council and the Chair in the ccNSO Rules and guidelines.
WG's Conclusion	The WG recommends that this aspect be considered in conjunction with formalization of procedures according to recommendation 1 above. The WG also notes from public comments that such clarification of roles and responsibilities is both supported and already foreseen by the ccNSO.

Reviewers' Recommendation	11. The ICANN Expenditure Analysis by Stakeholder Interest Area represents a major progress in term of understanding the allocation of ICANN budget towards ccTLD and ccNSO operations. In the interests of the members of the ccNSO and the broader ccTLD community, we recommend the institution of a permanent Finance Liaison (a designated member of the Council) whose responsibility will be to act as a go-between with ICANN's Finance Department and to ensure complete transparency regarding this issue and any other budgetary matters linked to the activities of the ccNSO and ccTLDs. The next release of ICANN Expenditure Analysis by Stakeholder Interest Area could be an opportunity to reduce the "perception gap".
WG's Conclusion	The WG considers it is in the interest of the ccNSO to have a thorough grasp of the ICANN budget and budgeting process, insofar as these have an impact on ccNSO matters. The WG also notes that this can be achieved in various ways, and considers it is up to the ccNSO to choose how this can best be achieved. The WG also notes that the ccNSO recently established a standing Financial WG, to fulfill, among others, a liaison function. The WG further notes that this recommendation has received both favorable and critical public comments regarding this recommendation, most of them considering that financial matters lie outside the scope of the ccNSO Review, but some suggesting that they should indeed be included.

Reviewers' Recommendation	12. The ccNSO should develop and publish annually a policy road map for the next two three years to act as a strategy document for current and upcoming policy work and as a general marketing tool for information purposes within and outside the ICANN community.

WG's Conclusion	The WG recommends that such a plan be established by the ccNSO as a high-level living document, with flexibility for change and reviewing at least once a year. The WG further notes that the ccNSO has taken steps in this direction and encourages the continuation of this effort. The WG also notes the overall support for this recommendation expressed in public comments, and the stated need for flexibility.