

Comments to WGIG Working Papers

By: Oscar Robles, Director-General of NIC-Mexico

Noteworthy

First of all, publishing a document three days before you close the period for public comments represents huge problem to you own process of openness and participation. Then, modify that papers just two days before your deadline, is definitely not serious.

You will find that my comments are only about one document “**Issues relating to the logical infrastructure of the Internet: Domain Names**”, not the current version on your website, but the first one. I hope you could manage that.

Specific comments to drafting working paper on Domain Names.

Section 3.

In addition the tables contain information such as is useful to contact the persons or organizations responsible for a domain name.

Although this still exists, it is not used by most DNS managers.

Section 4. gtlds.

ICANN started negotiations with Network Solutions Inc./NSI (today owned by VeriSign Inc.

It is not owned by Verisign Inc., anymore.

Section 4. cctlds.

In numerous countries, the ccTLD Domain Name Space has been regulated by national law, very often as a special part in or an Annex to the National Telecommunication Law.

At least in Latin-American countries there are no examples of successful regulation about ccTLDs. Furthermore, I wonder if the wording “numerous” is appropriate without showing the actual figures.

Section 5.1

There exist differing views as to whether this is “fully democratic”, one emerging view being that the only way for the process to be fully democratic needs to place it under full global intergovernmental authority. More specifically, the step of approval of IANA recommendations by the US DoC cannot be seen as multilateral or democratic since it does not involve other governments, the private sector, civil society and international organizations, which do, however, contribute to all other steps of redelegations.

This document is not a neutral vision of the DNS management but a slanted one to the author wishes, showing only one ‘side of the coin’, why it doesn’t say that there is another *emerging view*, where no government involvement? So, for the sake of neutrality, you should refrain from making suggestions in

factual documents, otherwise we could interpret it as someone already decided what to do with the DNS governance, and you are just being the messengers.

Section 5.2

The ccNSO so far (March 2005) includes only about 30 ccTLD registries but communicates and obtains input and feedback from many more.

So far, ccNSO has more than 40 ccTLD registries, and what is more relevant, many of them are from developing countries, thirteen from Latin-America and twelve from Africa.

Section 5.2

the ccTLD sections of the ICANN Bylaws expressly consider the supreme rule of national law and public policy and indicate that no policy agreed globally can be made to override them. However, since the GAC has no decision-making powers, it is not possible in this context for governments to exercise their sovereign right to determine public policy.

This paragraph is, in the best scenario, inconsistent in itself. Governments do have their sovereign right to determine public policy. ccNSO policy development process takes this into account.

Conclusions

You just were established as the ‘court of justice’ for the Internet future and one of your main pledges is openness and wider participation. If this is the way you know how to aim it, I think we’ve seen enough and your endeavor is over.

You are sending the wrong message. We look forward to see real improvements on the way you allow not only public comments to working drafts, but actual participation of private sector, civil society and current players to your discussions and your decisions.