DRAFT 0.1

ALAC Response to IDN Variant TLD Projects Team (Project 2.1) First Public Draft Report

Dear IDN Variant TLD Projects Team,

First of all, we thank you in advance for your willingness to receive comments from the ALAC to your work on Project 2.1, outside of the general public comments forum. IDN continues to be a topic of high interest for the ALAC because of its broad implications on internationalization, multilingualism and the respect for the multi-cultural diversity of the Internet. Most importantly, appropriate implementation, including IDN Variant TLDs, are paramount to the adoption of IDNs, which in turn advances the aims above.

Specifically regarding the published draft of Project 2.1: <http://www.icann.org/en/news/public-comment/lgr-procedure-24sep12-en.htm>, we would like to commend the good progress of the working team since Costa Rica, and are encouraged by the inclusion of an ALAC observer in the working teams. We would also like to commend the proposed overall framework of utilizing a 2-panel/step process in the development of the label generation rule sets for the root. This is consistent with the community consensus, which would allow for different IDN language/script communities to form, in a bottom-up approach, the first panel to complete linguistic and community IDN Variant TLD requirements, and the second panel to check for the security and stability impact on the root. This arrangement is also compliant with the community consensus that different IDN language/script communities may move at their own pace through the process in the implementation of IDN Variant TLDs to the root.

However, several aspects regarding the formation and accountability of the panels cause some concern:

* Lack of policy expertise specified for the panels. It is understood that IDN Variants are matters of a policy implementation nature, i.e. that they may not be technical requirements but required by users and identified by operators as a matter of policy. A purely technical view of the matter may render an overly simplistic binary view (approve/reject) without enough regards to the compromises necessary to balance the strict security and stability conservativeness (which ultimately produces a tendency to “do nothing”) versus the support for acceptable IDN implementation by users (which could introduce some clearly identified risks, which would then need to be addressed).
* Lack of expressed accountability and review of process. The proposed processes do not have a home at any of the Supporting Organisations of ICANN (ccNSO or GNSO) and are not subject to accountability and review processes. More specifically, it has been proposed that the secondary-panel be formed exclusively by paid consultants of ICANN and without any review mechanism of its processes. In correspondence with the work team, we further understand that the global pool of expertise on the matter is very small, which in turn raises additional concerns by ALAC regarding the sustainability of the process and its safeguard against capture.
* Insufficient explanation of how this specific process fits into the wider processes regarding new gTLD and IDN ccTLD. Even though much is beyond the scope of the project team, the way in which the output of the project fits into the overall processes at ICANN is important for all those concerned, many of whom may be new gTLD (and/or new IDN ccTLD) applicants (or aspirants). Clearer description of how current (and future) applicants and the evaluation processes are impacted should be provided.

The ALAC therefore advises the project team to:

1. Include specific provisions to ensure transparency and accountability of the process. For example: to identify how the bottom-up multi-stakeholder framework of ICANN is used in the maintenance and review of the process (i.e. how the SOs are involved); to include policy and community expertise in the oversight of the processes, e.g. as advisors to the panels; to specify measures and potential remedies to detect and mitigate against dereliction of duty; and to ensure the transparency of the deliberations and formation of the panels.
2. Explicitly explain the problem of the limitation of the pool of experts required for the panels (especially the secondary panel), and provide for necessary strategies and undertaking by ICANN to ensure the sustainability and integrity (against capture) of the process. Furthermore to better specify the qualities and requirements of panelists instead of their contractual and remunerated relationship with ICANN (i.e. instead of “ICANN-paid consultants”).
3. To publish its reports in multiple languages and to ensure that the process, including formation of panels, respects the cultural diversity of the global IDN community. More importantly, the geographical and geo-political diversity of language communities should be taken into consideration in the formation of primary panels, while the diversity of cultural backgrounds within the secondary panel should also be taken into account.