

Name: Gideon Rop

Organization: DotConnect Africa Trust

Submission ID: 44

Dear IANA Stewardship Transition Coordination Group (ICG) Team,

Please find attached DotConnectAfrica Trust' submission to the Call for Public Comment on IANA Stewardship Transition Proposal.

Best Regards,

Gideon Rop

Project Manager

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Press Room

DotConnectAfrica is a non-partisan, not-for-profit organization incorporated in Mauritius Africa, and will sponsor, establish and operate a TLD registry with global recognition and regional significance dedicated to the needs of the Pan-African and African community. DCA Reg. ID.CT8710DCA90.

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DotConnectAfrica Trust Comments to the IANA Stewardship Transition Proposal - Public Comment Form

Disclaimer: The ICG will not use the information collected for any purpose other than analyzing public comments. Submitters' names, affiliations, and comments will be public.

Identifying Information

** Indicates required field*

First Name * Gideon

Last Name * Rop

Email Address REDACTED

Country/Economy

Organization: DotConnectAfrica Trust

Questions Concerning the Proposal as a Whole

These are comments submitted by DotConnectAfrica Trust.

DCA Trust General Comments:

In our submission on the 2nd Draft Proposal by the CWG-Stewardship¹ it was our view that the Draft Proposal has highlighted an "Internal to ICANN Model" of a wholly-owned subsidiary - the Post Transition IANA (PTI) - that belongs to ICANN. This implies that the PTI will only be accountable to ICANN as its only controlling parent. This conceptual framework is faulty. The proposal assumes that ICANN is absolute owner without also seeing ICANN as a stakeholder in the Transition, albeit with the status of being 'first amongst equals'.

We also mentioned that ICANN's accountability track record has been of major concern because in most cases has not been able to uphold accountability to the public and to the Multistakeholder community, and especially in the advent of the new gTLDs.

While making our [submission to Congressional Hearing on "Stakeholder Perspectives on the IANA Transition"](#)², DCA Trust stated that there will be need for additional time so as to enable

¹ DCA Trust comments to the CWG-Stewardship 2nd Draft Proposal <http://forum.icann.org/lists/comments-cwg-stewardship-draft-proposal-22apr15/pdfvqtrqfKcTB.pdf>

² DCA Trust submission to Congressional Hearing on "Stakeholder Perspectives on the IANA Transition" http://www.circleid.com/posts/20150710_dca_submission_congressional_hearing_stakeholder_perspectives_iana/

the United States Government Accountability Office (GAO) to properly review the IANA Transition proposals; and until such a review is completed and a formal report submitted by the GAO to Congress, the US-NTIA should retain all existing DNS responsibilities. This is so as to allow time for proper and reflective deliberation; and time for the enactment of relevant governing legislation to shepherd the entire process.

We are of the view that this proposal still needs enough time for proper analysis and deliberation towards an acceptable model that does not award ICANN all the powers in managing the DNS resource without enough oversight.

- 1) **Completeness and clarity:** Is the combined proposal complete? Each of the operational community proposals contains aspects to be completed in the future when the proposal is implemented. Is the combined proposal specified in sufficient detail such that it can be evaluated against the NTIA criteria?

Comments: *There is need to restructure the proposal in an understandable manner that can be utilized by the multistakeholder community so that they are able to comment appropriately.*

It is important to also stress that ICANN was supposed to only facilitate the Transition Process on behalf of the NTIA, but the Draft Proposal that has been developed by the IANA Stewardship Transition Coordination Group has now positioned ICANN as the principal IANA Functions Operator, with both policy making and operational responsibilities; the latter role to be exercised through a wholly-owned ICANN subsidiary. There is therefore no proper separation of powers - and such a structure would lack the necessary checks and balances required for proper accountability. The PTI will only be accountable to ICANN and not to the community that is expected to take responsibility for the Post IANA Transition system

- 2) **Compatibility and interoperability:** Do the operational community proposals work together in a single proposal? Do they suggest any incompatible arrangements where compatibility appears to be required? Is the handling of any conflicting overlaps between the functions resolved in a workable manner?

Comment: *I think the proposal is still complicated and needs further analysis and simplification so that it can be understood by the end user who does not know much about internet governance*

- 3) **Accountability:** Do the operational community proposals together include appropriate and properly supported independent accountability mechanisms for

running the IANA functions? Are there any gaps in overall accountability under the single proposal?

Comment: *Item X021 states that while the names proposal calls for the IANA functions operator to be transferred to the PTI, the PTI will be an affiliate (subsidiary) of ICANN and ICANN will be responsible for the stewardship of the PTI. Hence operational roles are maintained. The proposal envisages the names aspect of the current NTIA oversight and contracting authority is transferred to ICANN. The separation of PTI as a subsidiary will ensure the independence of that oversight role from the contractor providing the service.*

DCA Trust notes that "Internal to ICANN Model" of a wholly-owned subsidiary - the Post Transition IANA (PTI) - that belongs to ICANN implies that the PTI will only be accountable to ICANN as its only controlling parent. This conceptual framework is faulty. The proposal assumes that ICANN is absolute owner without also seeing ICANN as a stakeholder in the Transition, albeit with the status of being 'first amongst equals'.

- 4) Workability: Do the results of any tests or evaluations of workability that were included in the operational community proposals conflict with each other or raise possible concerns when considered in combination?

Questions Concerning NTIA Criteria

- 5) Do you believe the proposal supports and enhances the multistakeholder model? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Comment: *The proposal still does not meet the criterion of the multistakeholder model, this is because the community as yet has not been involved fully in the development of this proposal, largely because of the timeframe allocated to producing an agreeable documents that can meet the NTIA requirements*

There is still need for enough time to be allocated and better awareness made so that this drafting can go outside the usual ICANN circles and into the hands of the community who need to understand their role first. Especially from the developing nations such as Africa which are yet to participate fully in this drafting.

- 6) Do you believe the proposal maintains the security, stability, and resiliency of the DNS? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Comment: *ICANN needs to ensure that the current records of attacks and breaches on its systems be addressed at a precautionary and not reactionary level.*

- 7) Do you believe the proposal meets the needs and expectations of the global customers and partners of the IANA services? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary. Please indicate if you are a customer or partner of the IANA services.

Comment: *As stated in the comment on enhancing the multistakeholder model, this proposal falls short in supporting and meeting the needs and expectations of the global customers and partners of the IANA services, more opportunities should be provided to the stakeholders to be able to make valuable and actual comments and changes to the composition of decision makers.*

For independence and purpose of accountability and non-interference, the CSC should not be part of the governance structure of ICANN. The CSC should have an independent board that is comprised of its members to ensure that it is separately governed from ICANN. This would ensure that ICANN will not be able to influence, nor play any role in the, activities of the Customer Standing Committee.

The CSC's performance of the monitoring of the IANA Functions Operator Performance should also be subject to monitoring and evaluation; and its activities subject to independent juridical review as may be necessary. This is to ensure that the CSC takes full responsibility and remains accountable for the work that it is supposed to do.

The escalation of any matter that is within the purview of the CSC Escalation should be to the CSC's supervisory board.

- 8) Do you believe the proposal maintains the openness of the Internet? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Comment: *This proposal needs to be modified to be able to allow community participation and not just stakeholders who have been in the ICANN and internet governance realms. It needs to be structured to allow the end users to feel the responsibility of effecting and improving change in the oversight.*

- 9) Do you have any concerns that the proposal is replacing NTIA's role with a government-led or inter-governmental organization solution? If yes, please explain why and what proposal modifications you believe are necessary. If not, please explain why.

Comment: The proposal does not give enough assurance that it will be open to accountability and therefore there is task of putting ICANN in the hands of a body that will not be accountable to anyone.

- 10) Do you believe that the implementation of the proposal will continue to uphold the NTIA criteria in the future? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Comment: *No, until all assurances of accountability and transparency have been strengthened*

Questions Concerning ICG Report and Executive Summary

- 11) Do you believe the ICG report and executive summary accurately reflect all necessary aspects of the overall proposal? If not, please explain what modifications you believe are necessary.

General Questions

- 12) Do you have any general comments for the ICG about the proposal?

Comments: *There is need to allow for more time for the all the stakeholders to submit their input and also give more awareness to the public to generate more input.*