

CWG-Stewardship 2nd Draft Proposal Input Template

The CWG-Stewardship has developed a template to facilitate your input on the 2nd Draft Proposal as well as subsequent review by the CWG-Stewardship. Use of the template is strongly encouraged, but not required. This template provides the opportunity for general input on the proposal as well as specific comments per section. Please note that there is no obligation to complete all of the sections – commenters may respond to as many or as few as they wish. Following your completion of the template, please save the document and submit it as an attachment to the public comment forum (comments-cwg-stewardship-draft-proposal-22apr15@icann.org). The CWG-Stewardship looks forward to receiving your feedback.

1. Please provide your name: **DotConnectAfrica Trust**
2. Please provide your affiliation: **DotConnectAfrica Trust**
3. Are you providing input on behalf of another entity (e.g. organization, company, government)? Yes/**No**
4. If you answered 'yes' to the previous question, please list the entity on whose behalf you are submitting these questions:

General Comments

5. **If you have any general comments you would like to provide on the CWG-Stewardship Proposal, please provide these here.**

***Comments:** There is no need to rush the public comment period for the 2nd Draft Proposal. The 40-day minimum should be observed. The shortened period (only 28 days) suggests that the process is being rushed. The limited time window would deprive many stakeholders the opportunity to prepare and submit relevant comments.*

The shortened time-frame for public comments on this Draft Proposal also implies that many stakeholders will not have an opportunity to properly weigh the pros and cons of the Draft Proposal - to the extent that many of the 'structural arrangements' that have been initially considered have also been quickly jettisoned by the proposers in favour of an entirely ICANN-controlled structure without allowing members of the community to do a proper assessment of those proposed options and alternatives that were earlier conceived.

An extension would allow different opinions to be gathered so as to result in more robust comments. The public comment period should therefore be extended by two weeks so that the final proposal would be delivered by the end of June.

ICANN is an organization that is tasked with the responsibility to enhance the operational stability, reliability, resiliency, security, and global interoperability of the DNS.

These responsibilities are coupled with the requirement to uphold the tenets of the unique bottom up strategy and model of internet governance called Multistakeholder Model.

Accountability: ICANN's accountability 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.

ICANN has not dealt fairly with the applicants especially in the controversial application where issues such as the conflict of interest within the ICANN board has affected decision making mechanisms.

ICANN's work is anchored on the ability to be transparent and accountable to every entity that deals with it directly or indirectly.

Section I - The Community's Use of IANA

6. Do you have any specific comments or input you would like to provide with regards to section I - The Community's Use of the IANA? Section I lists the specific, distinct IANA services or activities the naming community relies on.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section II - Existing Pre-Transition Arrangements

7. Do you have any specific comments or input you would like to provide with regards to section II - Existing Pre-Transition Arrangements? This section describes how existing IANA-related arrangements work, prior to the transition.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section III - Proposed Post-Transition Oversight and Accountability

Do you have any specific comments or input you would like to provide with regards to section III.A - Elements of this Proposal? This section describes in short the main elements of the proposed post-transition oversight and accountability.

***Comments:** 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'.*

Therefore the proposal team of the IANA Stewardship Transition Coordination Group (ICG) should look again at the possibility of creating an external trust that is jointly owned between ICANN and the community.

The PTI structure should be owned by multiple stake-holders in keeping with the accepted multi-stakeholder model. ICANN's legal ownership of the structure should be pegged at 10 per cent. The remaining stake-holding should be distributed to, and owned by, technical groups, individuals, corporates, country-code top level domains (ccTLDs), domainers, registries/registrars, etc. within the community. No individual or group should own more than 4 per cent, and a threshold of 50 percent must be mustered to pass a decision of the majority. This will make ICANN to achieve the support of an additional 40 percent of stakeholders before major decisions can be taken. Such a threshold would strengthen the level of consensus, cooperation and consultations amongst stakeholders that jointly own and operate the PTI. Such an ownership structure will ensure that the PTI will not just be used to rubber-stamp ICANN decisions, but would truly reflect the wishes of the broad community ownership that is envisaged.

If applicable, please reference the sub-section your comment relates to.

8. Do you have any specific comments or input you would like to provide with regards to section III.A.i - Proposed Post-Transition Structure. This section provides an overview of the different elements of the proposed post-transition structure.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

9. Do you have any specific comments or input you would like to provide with regards to section III.A.i.a. - Post-Transition IANA (PTI). This section describes the proposed post-transition IANA.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Do you have any specific comments or input you would like to provide with regards to section III.A.i.b. - Post-Transition IANA Board. This section describes the proposed Board for the post-transition IANA.

If so, please provide your comments here.

Comment: *In relation to section II.B.i.a, We note that the draft defines **Oversight** (of the IFO performing root zone-related actions and activities) – As that which is performed by an entity that is independent of the Operator (as defined in the NTIA IANA Functions Contract) and has access to all relevant information to monitor or approve the actions and activities that are being overseen and **Accountability** as that which provides the ability for an independent entity to impose binding consequences to ensure the IFO meets its formally documented and accepted agreements, standards and expectations.*

The Issue of the accountability having a binding consequences must be well defined, in the past ICANN has been an institution that has carefully created a set of rules or conditions that makes it well immunized against any external requirements in cases where decisions affecting entities especially those directly involved in the new gTLD program have been made to favor ICANN at all costs making applicants suffer the brunt of not being able to efficiently defend itself.

ICANN's future through the IFO must be well and ready to be accountable and accept any binding decisions or stipulations

If applicable, please reference the sub-section your comment relates to.

Comments on the III.A.i.b. PTI Board:

It would be prudent for the CWG to define the composition of the ICANN-designated board and have the minimum statutorily required responsibilities and powers, how it will be selected, and the recourse mechanisms in cases where the board members are found to be in contravention of the statutory measures such as conflict of Interest.

On the statement: "...Any issues that arise concerning the PTI and the PTI Board would be addressed through the overarching ICANN accountability mechanisms...."

Comments: *It will be important to buttress the ICANN accountability mechanisms and reconstitute to make it more feasible than as currently stipulated, this should include community direct input on measures to be meted on board members that are found to contravene stated requirements of their statement of Interests*

We believe that devolved responsibility for a Post-IANA Transition regime should go to a 'structure' that is controlled by the 'Global Multi-stakeholder Community', and not to a structure that is wholly owned, operated, approved, funded and accountable to ICANN. Therefore, in this particular respect, this Draft Proposal falls far short of the spirit and intent of the framework instructions by NTIA which clearly specifies ICANN as a facilitator of the Transition Process and not the chief beneficiary/owner of a Post-IANA Transition system.

The PTI that stipulates an ICANN subsidiary in essence simply replaces the NTIA's current role with ICANN regarding oversight of the IANA functions contract. ICANN simply creates a daughter organization, and exercises full control over that daughter organization; and it is only ICANN will be able to approve the contract of the IANA Functions Operator agreement with the PTI. This is therefore quite irregular because it is really difficult to contemplate when, and on what basis, ICANN will refuse to grant the implementation of the IANA Contract to its own 'daughter' organization. The in-built mechanism that perpetually protects the over-riding interest of ICANN as the permanent operator of the IANA Functions is rather patent; and since ICANN will invariably select its wholly-owned subsidiary as the IANA Functions Operator, this completely shuts off the possibility of changing the IANA functions operator to another organization at any futurity.

Thus, if the only objective of the Transition is to achieve the replacement of the NTIA with ICANN, why transition at all? Presently, the NTIA approves ICANN as the implementer of the IANA Contract. In a Post Transition regime, ICANN will now be responsible for appointing and approving its own subsidiary to perform the same contract that it currently handles on behalf of the NTIA.

*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'.

Therefore the proposal team of the IANA Stewardship Transition Coordination Group (ICG) should look again at the possibility of creating an external trust that is jointly owned between ICANN and the community.

The PTI structure should be owned by multiple stake-holders in keeping with the accepted multi-stakeholder model. ICANN's legal ownership of the structure should be pegged at 10 per cent. The remaining stake-holding should be distributed to, and owned by, technical groups, individuals, corporates, country-code top level domains (ccTLDs), domainers, registries/registrars, etc. within the community. No individual or group should own more than 4 per cent, and a threshold of 50 percent must be mustered to pass a decision of the majority. This will make ICANN to achieve the support of an additional 40 percent of stakeholders before major decisions can be taken. Such a threshold would strengthen the level of consensus, cooperation and consultations amongst stakeholders that jointly own and operate the PTI. Such an ownership structure will ensure that the PTI will not just be used to rubber-stamp ICANN decisions, but would truly reflect the wishes of the broad community ownership that is envisaged.

10. Do you have any specific comments or input you would like to provide with regards to section III.A.i.c. - IANA Statement of Work. This section describes the proposed IANA Statement of Work, including proposed carryover provisions.

On the Statement "...The issues currently addressed in the NTIA ICANN Functions Contract and related documents would be addressed either in the ICANN-PTI contract or in ICANN bylaws and governance documents...."

Comment: *The Bylaws affected should be well defined*

If applicable, please reference the sub-section your comment relates to.

11. Do you have any specific comments or input you would like to provide with regards to section III.A.i.d. - IANA Function Review. This section describes the proposed periodic as well as special review of the IANA Function.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

12. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.a. - Customer Standing Committee (CSC). This section describes Customer Standing Committee that is expected to oversee performance of the IANA Functions as they relate to naming services.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

13. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.b. - Service Level Expectations. This section describes the proposed service level expectations post-transition.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

14. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.c. - Escalation mechanisms. This section describes the different proposed escalation mechanisms as they relate to the naming services.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

15. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.d. - Separation review. This section describes the separation review that can be triggered by an IANA Function Review if needed

If so, please provide your comments here. Comments:

Comments: *The IANA Functions Review should be every year in the immediate period after the Transition, and every 2 years in the Post-Transition regime. The five years that has been specified is very long.*

16. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.e. - Framework for transition to successor IANA Operator. This section describes the proposed framework for a transition to a successor IANA Operator to ensure continuity of operations.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

17. Do you have any specific comments or input you would like to provide with regards to section III.A.iii.a. - Proposed changes to root zone environment and relationship with root zone maintainer. This section describes the proposed changes to the root zone environment and the relationship with the Root Zone Maintainer.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

18. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.a. - ccTLD Delegation Appeals. This section describes the proposed recommendation in relation to a ccTLD delegation appeals mechanism.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

19. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.b. - IANA Budget. This section describes the recommendations in relation to the IANA Budget.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

20. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.c. - Regulatory and legal obligations. This section describes the regulatory and legal obligations post-transition and how these are expected to be met.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

21. Do you have any specific comments or input you would like to provide with regards to section III.B. - Implications for the interface between the IANA Functions and existing policy arrangements. This section describes the expected implications for the interface between the IANA Functions and existing policy arrangements as a result of the proposed transition arrangements.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section IV - Transition Implications

22. Do you have any specific comments or input you would like to provide with regards to section IV. - Transition Implications. This section is expected to describe the CWG-Stewardship views as the implications of the changes it proposed in Section III.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section V - NTIA Requirements

23. Do you have any specific comments or input you would like to provide with regards to section V. - NTIA Requirements. This section is expected to describe how the proposal community's proposal meets these requirements and how it responds to the global interest in the IANA functions.

If so, please provide your comments here.

Comments: *It is important to 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*

If applicable, please reference the sub-section your comment relates to.

Section VI - Community Process

24. Do you have any specific comments or input you would like to provide with regards to section VI. - Community Process. This section is expected to describe This section should describe the process the community used for developing this proposal.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Annexes

25. Do you have any specific comments or input you would like to provide with regards to section Annex A - The Community's Use of the IANA - Additional Information.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

26. Do you have any specific comments or input you would like to provide with regards to section Annex B - Oversight mechanisms in the NTIA IANA Functions Contract.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

27. Do you have any specific comments or input you would like to provide with regards to section Annex C - Principles and criteria that should underpin decisions on the transition of NTIA Stewardship for names functions.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

28. Do you have any specific comments or input you would like to provide with regards to section Annex D - Xplane Diagram.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

29. Do you have any specific comments or input you would like to provide with regards to section Annex E - IANA Contract provisions to be carried over post-transition.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

30. Do you have any specific comments or input you would like to provide with regards to section Annex F - IANA Function Reviews.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Do you have any specific comments or input you would like to provide with regards to section Annex G - Proposed charter of the customer standing committee (CSC).

If so, please provide your comments here.

Comments: *The Customer Standing Committee should be a legal personality - with non-governmental status - and should be owned by community members and groups - such as those that should exercise stakeholding and ownership over the Post-Transition IANA structure. Its ownership should also thoroughly reflect the multi-stakeholder character of the community.*

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.

Multi-Stakeholder IANA Function Review should form a sort of supervisory role over the CSC.

A Tripartite ICANN-PTI-CSC Framework should be convened every six (6) months to constructively manage any inter-process cooperation issues between these different bodies.

The Customer Standing Committee should be a legal personality - with non-governmental status - and should be owned by community members and groups - such as those that should exercise stakeholding and ownership over the Post-Transition

IANA structure. Its ownership should also thoroughly reflect the multi-stakeholder character of the community.

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.

Multi-Stakeholder IANA Function Review should form a sort of supervisory role over the CSC.

A Tripartite ICANN-PTI-CSC Framework should be convened every six (6) months to constructively manage any inter-process cooperation issues between these different bodies.

If applicable, please reference the sub-section your comment relates to.

31. Do you have any specific comments or input you would like to provide with regards to section Annex H - Service level expectations.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

32. Do you have any specific comments or input you would like to provide with regards to section Annex I - IANA Customer Service Complaint Resolution Process for Naming Related Functions.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

33. Do you have any specific comments or input you would like to provide with regards to section Annex J - IANA Problem Resolution Process (for IANA naming services only).

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

34. Do you have any specific comments or input you would like to provide with regards to section Annex K - Root Zone Emergency Process.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

35. Do you have any specific comments or input you would like to provide with regards to section Annex L - Separation Review.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

36. Do you have any specific comments or input you would like to provide with regards to section Annex M - Framework for transition to a successor IANA operator.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

37. Do you have any specific comments or input you would like to provide with regards to section Annex N - Proposed changes to root zone environment and relationship with root zone maintainer.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

38. Do you have any specific comments or input you would like to provide with regards to section Annex O - ccTLD Appeals Mechanism Background and Supporting Findings.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

39. Do you have any specific comments or input you would like to provide with regards to section Annex P - IANA Operations Cost Analysis.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

40. Do you have any specific comments or input you would like to provide with regards to section Annex Q - IANA Budget.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Other Comments

41. Are there any other comments or issues you would like to raise for the consideration of the CWG-Stewardship?