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**DOTCONNECTAFRICA TRUST COMMENTS ON
THE AFRICAN UNION DECLARATION ON
INTERNET GOVERNANCE**

June 2015





DotConnectAfrica Trust Comments on the African Union Declaration on Internet Governance June 2015

As a stakeholder in global Internet Governance and our on-going involvement in the Internet Domain Name Service (DNS) Industry; the charitable objects of the DotConnectAfrica Trust (DCA Trust) are designed for the benefit of the people of Africa.

Therefore, our organization has an enduring interest in inclusive and participatory global Internet Governance, especially how this might affect Internet developments that relate to the constituencies we represent in Africa.

We have reviewed the document that has been presented as the [***AU Declaration on Internet Governance***](#)¹ and ***we believe that this has not resulted from a multi-stakeholder process.***

After evaluating the contents of the 'Declaration', we wish to submit the following general and specific comments for considered action by all stakeholders.

General comments:

No consultation of key stake-holders on the AU Declaration

1. Internet Governance is a global undertaking since the Internet is a global resource that attracts users of every shade and hue. **It has many stakeholders** – who have an interest in its continuing availability, stability, security, freedom, usability, resilience, and scalability – amongst other features.
2. Therefore, the governance of the Internet must also be based on a multi-stakeholder ethos, and **no one inter-governmental organization such as the African Union (AU) can speak for other stakeholders.** Every stakeholder has an equal voice, even though roles, responsibilities, levels of contribution and engagement activities may differ.
3. Nevertheless, we note that before this draft AU Declaration on Internet Governance was issued, **people were not consulted, nor were they brought together to discuss and draft this document as a collective effort** after necessary deliberation. Therefore, the present draft document does not reflect the contributions of Internet Governance stakeholders in Africa.
4. Internet Governance must be multi-stakeholder based, to reflect varied stakeholder interests and inputs; and **should also be inclusive, participatory, consensus-driven and non-discriminatory.**
5. The African private sector (including business constituencies) and non-governmental sectors must be properly represented in any Internet Governance Framework.
6. The obvious lack of consultations amongst stakeholders suggests that the 'AU Declaration on Internet Governance' falls far short of the underlying philosophical principles of organized Global Internet Governance.

No Serious call for ICANN accountability on IANA Transition

7. Regarding recent developments in Global Internet Governance such as the IANA Transition Stewardship, we think that the **'AU Declaration on Internet Governance' should have seriously stressed that the IANA Transition should be conditioned on ICANN's accountability improvements** which is the prevailing view in global Internet Governance circles, and also the dominant assessment that is shared by the United

¹ *AU Declaration on Internet Governance*

<http://dotconnectafrica.org/wp-content/uploads/2015/06/AU-Declaration-on-Internet-Governance-draft-0-for-Public-Comments-May-2015.pdf>

States Congress, and other over-sighting authorities, etc. The AU Declaration on Internet Governance conveys the notion that Africans are not interested in accountability issues.

8. We would therefore wish to **call for the inclusion of relevant provisions in the text that would indicate that the IANA Transition** should be tied to the approval of ongoing improvements and strengthening measures that are being sought to ICANN's accountability mechanisms and structure which have to be put in place before any IANA Transition deal is approved by the Global Multi-stakeholder Community and other concerned public authorities.

Cyber-Security and Data Protection is an issue of Sovereignty: African countries are 'Sovereign Nations'

9. Regarding issues of Cyber-security, the 'AU Declaration on Internet Governance' has not taken into account that many different African countries also have their individual Cyber-Security and Personal Data Protection policies. **This remains an issue of sovereignty for every African country to decide** what is most appropriate based on unique socio-political settings, legal framework, history, governance and political experience, national socio-economic context, development strategy, and operative public policy frameworks.
10. African countries should be treated as **'sovereign nations'** and a **'one basket-fits-all approach'** will be both counter-intuitive and counter-productive. The African Union cannot guarantee Cyber-security protections in each African country.

Ownership of African ccTLDs



11. The Internet real estate represented by country-code Top Level Domains (ccTLDs) are truly a matter of national sovereignty, and should be left to the decisions of the African country national governments.

The Declaration is exclusive to self defined African stake-holders

12. The role and influence of organizations such as the Afr* (AfriNIC, AfNOG, AfREN, AFRISPA, AfTLD, etc.) should not be exaggerated in the 'AU Declaration on Internet Governance' to the detriment of other organizations that have been actively involved and legitimately engaged in Global Internet Governance work in Africa. **For example, AfriNIC is the Regional Internet Registry, and its work should remain restricted to this mandate.** Similarly, it must be recognized that the **AfTLD is still not legally owned by the African national ccTLDs**, and as such the AfTLD may not reflect the democratic wishes of African countries in any Internet governance Declaration that is imposed in a top-down manner.
13. The African Union should therefore ensure that it engages with all relevant stake-holders that would result in a truly multi-stakeholder-based Internet Governance in Africa.

The clause on participation should change to "equal footing" not "shared footing"

14. Thus, the notion of **'shared footing'** as conveyed in the AU Declaration on Internet Governance' should be **'equal footing'** so as to be in consonance with 'participative in equal footing'. These principles would be greatly undermined by any wilful, non-consensus agenda that grants some African organizations an extraordinary mandate and influence over Internet Governance in Africa.

ICANN’s New gTLD program is a global policy and is not designed to “tweak the system” to address “African deficiencies” to the benefit of vested groups

15. Participation in the new generic Top-Level Domain (new gTLD) Internet Expansion Program is a global process that is driven by international policy as set by the Internet Corporation for Assigned Names and Numbers (ICANN). Any calls that have been included in the purported ‘AU Declaration on Internet Governance’ document to address perceived ‘African deficiencies’ before a new gTLD application round should not be used as an excuse to ‘tweak the system’ for the benefit of vested interests. Global policy should apply equally to all participants, without any special privileges that could lead to abuse.

The AU Declaration should have adapted a “comment by all” approach versus a Top down “Declaration” authored by few individuals

16. Finally, it must be stressed that any AU Declaration on Internet Governance should result from a bottom-up process that reflects the inputs of regional Internet Governance Forums, African country ccTLD representatives, private sector corporates and non-governmental sector operatives, African civil society, concerned individuals, etc. Comments should have been collected as inputs into a transparent, multi-stakeholder driven process; instead of a ‘Declaration’ that has been putatively authored by one or two persons in the name of a continental organization, and circulated after the fact for comments simply as a mere ‘formality’.



Thus, the detailed listing of all public comments that have been submitted on this ‘draft Declaration’ by different stakeholders should be made available for public viewing by any interested party.