DotConnectAfrica Trust Comments to the NTIA Notice of Inquiry on International Internet Policy Priorities

July 3 2018

Contribution by DotConnectAfrica trust to the NTIA request for comments. These comments will help inform NTIA to identify priority issues and help NTIA effectively leverage its resources and expertise to address those issues.

Introduction of DotConnectAfrica

DotConnectAfrica (DCA) is a not-for-profit, non-partisan organization that has its base of operation in Nairobi, Kenya and headquartered in I/F River Court 6th Denis Street Port Louis, Mauritius, Africa. Its main charitable objects are: (a) for the advancement of education in information technology to the African society; and (b) in connection with (a) to provide the African society with a continental Internet domain name to have access to Internet services for the people of Africa as a purpose beneficial to the public in general. www.dotconnectafrica.org

<u>**II. Multistakeholder Approach to Internet Governance**</u>

A. Does the multistakeholder approach continue to support an environment for the internet to grow and thrive? If so, why? If not, why not?

(i.) Multistakeholder approach continue to support an environment for the internet to grow and thrive

Answer: YES and NO

Yes

The multistakeholder model has been an evolving approach brings stakeholders to a dialogue, decision making fora, and proposal making platform for solutions to enumerated common problems or goals.

In the past few years the approach has seen several policies developed with consensus and near-consensus therefore providing solutions to many issues such as the resilience of the internet, privacy, censorship, cybercrime among many others.

In forums such as the ICANN and IGF meetings most often policies have been generated from the "bottom up" model where working committees work in specified timeframes to deliberate issues and craft solutions.

The principle behind the multistakehoder approach is that in a case where acceptably 'enough' input on a chosen theme is provided by all participants or stakeholders in the working group/committee/meeting/work stream, the resulting decisions/agreements consensually gains legitimacy, and therefore would be implied to have reflected a bigger level of input and thus validated as a better set of perspectives as opposed to a policy or proposal from one individual or stakeholder.

Multistakeholder model would work best in the environment of transparency and accountability and devoid of conflict of interest by the stakeholders.

No:

The quality of a decision/policy from multistakeholder approach is sometimes negatively impacted by the following reasons that sometimes make the approach to internet governance an incomplete model;-

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1. Time consuming: Time taken to device and general a suitable solution to an identified problem sometimes supersedes the solution, such that by the time a solution is provided, the problem is obsolete. Thus despite the time taken the solution becomes stale.

2. Not all stakeholders are equal: Decisions from the multistakeholder models may be affected by more vocal/dominant stakeholders who then cause the decisions made to fully consensus based. This is a danger of a good percentage of the internet governance discussions.   It also leaves room for "exclusivity", as one group dominates the other and voices are marginalized as a result. See article by Sophia Bekele discussing the rise of "Exclusive Mulistakholder" on *ICANN Africa Strategy - A View from the Inside* [1]

Sometimes prior campaigns/lobbying to support a certain result end up destroying the purity of a decision in a multistakeholder process.

3. Most talk, less action: the multistakeholder process often makes policies or designs solutions that are seldom implemented; this results in many shelved ideas that took time, sweat and money.

4. Same stakeholders all the time/new stakeholders not heard: The multistakeholder model would be good if it could continuously accept and adopt new stakeholders. Most internet governance fora/ work streams have the same individuals and discussants over and over leading to stagnation of ideas, retention of the status quo and creation of a club of insiders who then tend to block out any new ideas.

Recommendations:
- Improve transparency and accountability mechanisms.
- Weed out conflict of interest.
- Prioritize discussions.
- Implement results of work groups to reduce much talk and less action.
- Set serving periods for members to ensure fresh leadership from time to time to catalyze growth and resilience.

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[1] ICANN Africa Strategy - A View from the Inside
http://www.circleid.com/posts/20150216_icann_africa_strategy_a_view_from_the_inside/

C. Are the existing accountability structures within multistakeholder internet governance sufficient? If not, why not? What improvements can be made?

Accountability structures within the multistakeholder internet governance environment are not sufficient.

Specifically within ICANN and GAC mechanism, there needs to be actual tangible efforts made that would ensure that all decisions made are made out of a transparent and accountable manner. Many issues especially within the new GTLD program were tarnished by inherent conflict of interest and poor decision making that ended up destroying the prospects of applicants who invested their resources to apply for the different domains. The ICANN Statutory Application Fee was set at $185,000 yet ICANN panels and board did not properly secure the interests of the applicants as implied and promised in the applicant guide book. Examples include applications such as the .Africa whose case is currently in court.

Recommended improvements:

- Review the accountability, transparency and conflict of interest mitigation mechanisms.
- Review the current leadership within the ICANN ecosystem.
- Resolve all currently pending complaints by new generic top level domains applicants.

D. Should the IANA Stewardship Transition be unwound? If yes, why and how? If not, why not?

The IANA transition should implement a visible oversight role of ICANN and ensure actuall accountability in ICANN.

There are examples of conflict of interest and opportune lack of transparency that negatively impacts ICANN decisions.

There is need for leadership in ensuring that ICANN and its third-party contractors are routinely scrutinized for all decisions made to ensure there is ownership of any board and organizational proposals and actions.

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E. What should be NTIA's priorities within ICANN and the GAC?:

- Audit the accountability and conflict of interest issues.
- Audit the current new gTLD program and all complains by applicants that have been placed.
- Scrutinize how ICANN/GAC leadership are handling the interests of the internet users to ensure ICANN's primary principles of operation and espoused commitment to enhance the operational stability, reliability, resiliency, security, and global interoperability of the systems and processes, both internal and external, that directly affect and/or are affected by the Internet's system of unique identifiers that ICANN coordinates. This will help preserve the operational stability of the Internet; to promote competition; to achieve broad representation of the global Internet community; and to develop policies appropriate to its mission through bottom-up, consensus-based processes.

IV. Emerging Technologies and Trends

A. What emerging technologies and trends should be the focus of international policy discussions? Please provide specific examples.

- Artificial Intelligence
- Machine learning
- Robotics
- Virtual and augmented realities (VR & AR)

C. What are the current best practices for promoting innovation and investment for emerging technologies? Are these best practices universal, or are they dependent upon a country's level of economic development? How should NTIA promote these best practices?

- Promote and empower women and youth in the DNS Business.
- Create an auditable feedback system that can gauge the results from every project.
- Promote the development of local solutions rather than duplication what is perceived to be successful elsewhere, this localization of ideas can catalyze innovation.
- Build open data systems to increase transparency.