

Dear Kurtis and Members of the ICANN Board,

URGENT: Request for Clarification on ICANN's Engagement with Smart Africa and the Proposed Council of African Internet Governance (CAIGA)

The Non-Commercial Stakeholder Group (NCSG) writes to request clarification regarding ICANN's relationship to Smart Africa and its proposed Council of African Internet Governance (CAIGA).

This request is based on documented community concerns already on record, including independent expert analysis published by Alice Munyua, former Chair of the UN Internet Governance Forum (2011) and former Vice Chair of ICANN's Governmental Advisory Committee, as well as concerns raised within AFRINIC's technical community and broader Internet governance circles. These materials raise substantive questions about whether CAIGA is consistent with ICP-2 governance principles and with ICANN's own governance model, which is based on nonstate actors in private sector nonprofits and not intergovernmental treaties or organisations..

NCSG understands that formal concerns regarding ICANN's role in CAIGA have been communicated directly to ICANN leadership by members of the AFRINIC community. We believe these concerns warrant a public response and clarification.

NCSG emphasizes that this letter does not purport to speak on behalf of any regional or national community. Rather, we are fulfilling our role to ensure that ICANN follows consistent, transparent, and globally applicable policy principles. We recognize and support regional and governmental efforts to strengthen Internet infrastructure and policy coordination across Africa. However, ICANN's participation in initiatives that may restructure or influence the governance of a Regional Internet Registry raises questions of alignment with the principles of bottom-up, community-driven governance embodied in ICP-2.

Given ICANN's global responsibilities and its commitment to maintaining parity across the RIR system, the NCSG respectfully seeks clarification on the following points:

1. Does the governance structure proposed by CAIGA comply with the ICP-2 principles of bottom-up governance, self-governance, and community accountability? Specifically, please explain how each of the following mechanisms aligns with ICP-2 requirements:

- Political endorsement by Smart Africa Heads of State as an alternative to AFRINIC member ratification
- Paid participation structures replacing open community processes
- Dual reporting structures to the Smart Africa Secretariat
- Governmental recommendation authority directly to the AFRINIC Board

2. Would ICANN participate in similar governmental override mechanisms if proposed for other RIRs? For example, a European Commission supervisory framework for RIPE NCC, an ASEAN governmental framework for APNIC, or an OAS coordination structure for ARIN or LACNIC. If not, what principle distinguishes AFRINIC from other RIRs in this regard?

3. Was ICANN's participation in the development of CAIGA disclosed to the broader AFRINIC/RIR community prior to a presentation at the Africa Internet Summit in September 2024? What consultation occurred with AFRINIC's membership prior to this disclosure?

4. Has ICANN provided funding or other support for consultancies related to AFRINIC governance restructuring?

5. What guiding principles inform ICANN's decision to participate in or fund initiatives that involve governmental restructuring of one RIR but not others? If such governmental restructuring mechanisms comply with ICP-2, this establishes precedent that similar frameworks are acceptable for all RIRs globally. If they do not comply, ICANN's participation requires explanation and reconsideration. Either interpretation has significant consequences for the future of RIR independence and the integrity of the bottom-up governance model worldwide.

6. Was AFRINIC's broader membership and technical community consulted before ICANN engaged in the CAIGA initiative? What is ICANN's standard for community consultation when governance restructuring may affect an RIR's autonomy?

7. How does ICANN define its role in relation to RIR governance autonomy? At what point does ICANN's participation in regional or governmental initiatives risk conflicting with the principle of RIR independence from ICANN oversight or influence, and what norms does ICANN follow to prevent that from happening?

These questions arise from the principle of fairness and accountability that underpins the global Internet governance ecosystem. ICANN's relationships with RIRs have long been founded on parity, independence, and adherence to bottom-up processes. Any deviation from these norms, particularly through participation in government-driven restructuring efforts, could set a precedent that undermines community trust and the integrity of ICANN's governance framework.

In addition, recent statements by African governments acknowledging irregularities in the regional Internet number governance context heighten the importance of ICANN maintaining transparency and consistency in its engagement. We request an expedited clarification, given that the ongoing Transform Africa Summit may subject CAIGA's governance frameworks to political endorsement processes. Expedited timing is critical to ensure that any ICANN-related engagement aligns with the multistakeholder principles embedded in ICP-2.

NCSG reaffirms that transparency, accountability and global consistency are essential to maintaining community trust in ICANN's coordination role. We look forward to ICANN's public response to these questions and to continued dialogue on ensuring that ICP-2 principles are applied uniformly across all regions.

Best regards,

Rafik Dammak

NCSG Chair