



ARTICLE 19 Response to the ICANN Draft PTI and IANA FY22 Operating Plan and Budgets

Introduction

ARTICLE 19 welcomes the efforts of the Internet Corporation for Assigned Names and Numbers (ICANN) to engage in a multi-stakeholder process by holding this Public Consultation¹ on the Draft PTI and IANA FY22 Operating Plan and Budgets².

We appreciate the opportunity to provide ICANN with our position on the Draft PTI and IANA FY22 Operating Plan and Budgets and we look forward to the discussions that will follow. This statement is made on our own behalf. We also endorse comments by the Non Commercial Stakeholder Group (NCSG) and those of the At-Large Advisory Committee (ALAC).

About ARTICLE 19

ARTICLE 19 is an international human rights organisation that works to protect and promote free expression, which includes the right to speak, freedom of the press and the right to access information. With regional programmes in Africa, Asia, Europe, Latin America and the Middle East and North Africa, we champion freedom of expression at the national, regional and international levels. The work of ARTICLE 19's Digital Programme focuses on the nexus of human rights, Internet infrastructure, and Internet governance.

At ICANN, we engage through the ICANN Empowered Community as members of the Generic Names Supporting Organization (GNSO) under the

1 ICANN Draft PTI and IANA FY22 Operating Plan and Budgets
<<https://www.icann.org/public-comments/draft-pti-iana-fy22-budgets-2020-10-08-en>>
accessed November 17, 2020

2 Draft PTI and IANA FY22 Operating Plan and Budgets <<https://www.icann.org/public-comments/draft-pti-iana-fy22-budgets-2020-10-08-en>> accessed November 17, 2020

Non-Commercial Users Constituency (NCUC) and as members of the At-Large Advisory Committee (ALAC) directly as part of the European Regional At-Large Organization (EURALO). We work within the ICANN community with the main purpose of raising awareness and coalition building within the community about how the Domain Name System (DNS) affects human rights. This aim would ensure that Section 27.2 of ICANN Bylaws (on Human Rights) and other Bylaws with an impact on Human Rights are implemented in full and put the user at the centre of policy development processes.

Response

In our review of the ICANN Draft PTI and IANA FY22, ARTICLE 19 has found two major issues of concern: the lack of clarity of key terms in the budget and the failure to address Workstream 2 implementation goals in the operating plan. We urge ICANN to consider the recommendations below, which would improve transparency and openness and better align the Draft PTI and IANA FY22 Operating Plan and Budgets more closely with ICANN's bylaws and Workstream 2 implementation goals.

1.Lack of clarity of key terms

While we welcome publication of the budget, it appears that numerous key terms are used interchangeably, creating confusion. Some of these key terms include: "Core IANA Services", "IANA Services", "PTI Services", "PTI Operations", "IANA Operations", "PTI O&B", "Contract Oversight and Auxiliary Services".

This confusion makes it difficult to provide detailed feedback that would be helpful for the work of PTI and IANA. More fundamentally, it creates the risk of duplicating resources that could be used for other activities, while limiting the ability of others to evaluate how ICANN prioritises resources to carry out its Strategic Plan and key projects, including relevant Workstream 2 implementation sections.

We recommend that drafters review and deconflict these inconsistencies in terms. Additionally, we recommend the provision of an appendix that provides a list of definitions, as is common practice in the professional services industry. This will assist both ICANN community members and internet users to fully understand the use of these financial resources.

2.Failure to address Workstream 2 implementation goals

Additionally, the operating plan fails to mention any Workstream 2 implementation goals, despite the fact that they have been anticipated in ICANN's Strategic Plan for Fiscal Years 2021-2025 and the Strategic Plan For Public Technical Identifiers (PTI) (FY21-24).

We note that both strategic plans envisage PTI's role to include supporting ICANN in its governance efforts to sustain and improve openness, inclusivity, accountability, and transparency. The Workstream 2 recommendations provide the necessary cornerstone for ensuring that these efforts are successful. Therefore, the failure to explicitly include or address Workstream 2 implementation goals creates a gap in the improvement of governance efforts, and represents an oversight in setting out the full range of responsibilities that PTI's operations seek to meet.

Conclusion

ARTICLE 19 is grateful for the opportunity to engage with ICANN in this process in light of the five objectives under ICANN's Strategic Plan for Fiscal Years 2021-2025.

We look forward to continued collaboration to strengthen human rights considerations in the Domain Name System and particularly in ICANN's policies and procedures. We welcome further engagement opportunities and avail ourselves in case of any questions or concerns.

If you would like to discuss this analysis further, please contact Ephraim Percy Kenyanito, Senior Digital Program Officer, at ephraim@article19.org.



Additionally, if you have a matter you would like to bring to the attention of the ARTICLE 19 Digital Programme, you can contact us by e-mail at digital@article19.org.