

For Discussion Purposes
Draft 3:00

DRAFT LETTER TO ICANN AND IANA

Mr Paul Twomey

President

Internet Corporation for Assigned Names and Numbers

cc Mr Doug Barton

General Manager

Internet Assigned Numbers Authority

Dear Paul

REDELEGATION OF THE SOUTH AFRICAN ccTLD (.za)

The .za Domain Name Authority is of the view that the South African Government, the current .za administrator and the local community are ready for re-delegation of the South African ccTLD to the za Domain Name Authority and the .za Domain Name Authority is willing to accept such re-delegation.

The current .administrator of the South African ccTLD (.za), as indicated in the Internet Assigned Numbers Authority ("IANA") ccTLD database, is the UNINET Project and the Administrative Contact is Mr Mike Lawrie.

The South African Parliament passed the Electronic Communications and Transactions Act, 25 of 2002 in terms of which the .za Domain Name Authority (a non-profit South African corporation) was designated to accept redelegation of the South African ccTLD (.za).

The legislation was passed after a lengthy public consultation process, including the publishing of a discussion document and soliciting comment thereon, the holding of a public policy colloquium, the publishing of the draft legislation and soliciting public comment thereon and the holding of public hearings. There were some criticisms of the initial draft provisions regarding the .za ccTLD and the process, however the openness of the process is indicated by the fact that extensive amendments were effected to the proposed legislation during this

process and in particular from time of publication of the draft legislation until the time that the legislation was finally passed by Parliament. Mr Lawrie was involved in the later stages of this process.

Notwithstanding his criticism of the legislation and certain of the processes it envisaged, following substantial amendment, the legislated environment has been accepted by Mr Lawrie. Indicative of this is the fact that Mr Lawrie served on the selection panel which recommended the Board of Directors of the .za Domain Name Authority. Mr Lawrie also serves on the Authority's Technical Committee and remains an important " contributor to the Authority on technical and policy matters.

The South African Government, the current administrator and the local community have accepted the .za Domain Name Authority as the new administrator of the South African ccTLD (.za). This is evidenced from –

- Sections 59 and 65(1)(a) of the Electronic Communications and Transactions Act, 25 of 2002;
- The letter from the South African Department of Communications, which is the South African government department that has responsibility in this area; and
- The letter from Mr Lawrie,

copies of which are attached.

The .za Domain Name Authority has accepted the responsibility of becoming the trustee of the TLD and it is committed to open and transparent processes, with appropriate opportunity for comment and participation by the local Internet community. These principles are enshrined in the Articles of Association of the .za Domain Name Authority as well as the Promotion of Administrative Justice Act, 3 of 2000. To this end the .za Domain Name Authority has called for public comment on this request for re-delegation and to this end has enabled a the community to comment on this process on its Internet web site (www.zadna.org.za/delegation) and by e-mail, fax and post. It has also advertised the opportunity for public comment on relevant local mailing lists and in newspapers with a very large national and regional circulation.

We note for certainty that, to all intents and purposes, the UNINET Project has been subsumed into various other national tertiary institution academic research projects and accordingly, Mr Lawrie's support outlined above can be regarded as that of the UNINET Project.

We look forward to completing this re-delegation as soon as possible.

We are interested in discussing and agreeing on an appropriate Accountability Framework between the .za Domain Name Authority, as the South African ccTLD

(.za) Sponsoring Organization and ICANN, which formalizes our relationship in a way that we jointly consider appropriate.

We understand that a review of the elements of such Accountability Frameworks is underway and that, among other things, the ccNSO will be asked for its views. Upon solidification of thinking on these Accountability Frameworks, we would appreciate being informed, with the objective of concluding an appropriate framework between .za Domain Name Authority and ICANN.

We hope that moving forward in this way will allow the redelegation to be completed as soon as practicable. In the interim, we would appreciate you allowing the changes to the IANA ccTLD database to be affected to allow for the changes in Sponsoring Organisation, Administrative Contact and Technical Contact to be affected.

In the meantime, we look forward to continued cooperation with ICANN.

With kind regards

Dr Hasmukh Gajjar
Chairperson