

To: Structural Improvements Committee

Our comment seeks to explain the grounds why we are opposed to the creation of the new Consumer Constituency as follow:-

- a) Whereas, we are both members of the Non-Commercial Users Constituency (NCUC) in the GNSO (Alex Gakuru - elected by the Internet community to NCUC's Executive Committee to represent Africa while Rafik Dammak is a NCSG Counselor selected by the Board), we feel that the proposed constituency will not improve policy development process responsibilities relevant or important to Africa.
- b) Our region's longstanding consumer advocacy has been globally recognised in Consumer Protection, yet we were never consulted nor involved by those proposing the consumer constituency. Implying that from its formation, this initiative will driven without our involvement and representation.
- c) Recalling our various local experiences of telecommunications stakeholders discreet sponsorships of parallel internet users and 'consumer protection' initiatives to hijack, obstruct to frustrate and abuse our genuine consumer protection advocacy work.
- d) Recognising, the role played by the ICT Consumer Association of Kenya in supporting to formation of Uganda ICT Consumer Protection Association – and our continued open collaboration.
- e) Our leadership and continued NCSG outreach requested towards formation of various other African consumer associations, such as in Tanzania, Burundi, DRC, Cameroon, and most recently, Zambia, Botswana, and Burkina Farso in addition to the existing consumer associations in other parts of the region.
- f) Appreciating that consumer protection can never be 'whole' unless considered along other individual and Human Rights, therefore, must be part of - and working with diverse Civil Society organisation to uphold those rights – threatened by known commercial and corrupt interests.

Therefore conclude:

ICANN Bylaws, Section 5(4) of Article X stipulate that applicants for new a constituency must explain (1) why “the addition of such a Constituency will improve the ability of the GNSO to carry out its policy-development responsibilities” and (2) why “the proposed new Constituency would adequately represent, on a global basis, the stakeholders it seeks to represent.”

In view of which we strongly believe that:

- i) the proposed new Constituency will not improve the GNSO in its policy development responsibilities,
- ii) the proposed new Constituency is not representative of the global>> stakeholders it seeks to represent nor a balanced geographical diversity
- iii) the rich diversity of participants on the Non-Commercial Stakeholder Group adequately represents our interests and Africa region.

State that:

iv) It is our considered view that the Board should reconsider recognising the proposed new Consumer constituency and request improvements:

Recommending:

That the Board advises the concerned parties to consider joining the NCSG for synergise with our diverse membership base and where we warmly welcome working with them and in order to reach a real broader global participation and respecting the core value of geographical diversity.

Respectfully submitted,

Alex Gakuru
Elected Africa Representative,
To the Executive Committee,
Non Commercial Users Constituency
Nationality: Kenyan

Rafik Dammak
GNSO Counselor
Nationality: Tunisian