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REPUBLIC OF GHANA

MINISTRY
OF
COMMUNICATIONS AND
DIGITALISATION

P. O. Box M38, Accra-Ghana
Digital Address: GA-079-0539

Kindly quote this number and date on all correspondence

My Ref No. SC/AA.277/297/14

Your Ref No. _____

Date. 9/6/2023

**THE PRESIDENT
ICANN
12025 WATERFRONT DRIVE, SUITE 300
LOS ANGELES CA 90094
USA**

Dear Madam,

CONCERN FOR THE GH DOMAIN NAME SPACE

This is with reference to the redelegation of the .GH domain name to the Ghana Domain Name Registry (GDNR) set up by the Electronic Transactions Act which was passed in 2008. Upon my assumption of office in 2017, after a thorough review of the sector, we took steps to establish the GDNR properly and appointed staff to act in the various positions. A Governing Board composed in accordance with our law was also sworn into office in 2021 and has been operating fully since. I have had several discussions with the designated Administrative Contact to advance a smooth, consensual redelegation process but this has still not yielded any results and I am concerned about how long the process of completing the delegation of .GH to GDNR has taken, and how much longer it will take given that talks have been ongoing for a few years now.

To provide some context to this, a brief narration of the facts as we understand it is set out here.

In 1995, the Internet Assigned Numbers Authority (IANA), delegated the .GH ccTLD to Network Computer Systems(NCS) as Manager, with Prof. Nii Narku Quaynor as the Administrative Contact (Admin POC) and Mr William Tevie as the Technical Contact. Per RFC 1591 the designated manager was a trustee for the nation in the case of country code Top Level Domains.

Ghana passed the Electronic Transactions Act, Act 772, (ETA) in 2008, which mandated the GDNR to be the manager of the GH domain. In spite of the 15 year long existence of this legislation, the .GH domain is yet to be delegated to the GDNR. Around 2012, the Ghana Government took a loan to procure new servers for the Registry. The Registry Systems were

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physically installed at the National Data Centre managed by the National Information Technology Agency (NITA) while Ghana Dot Com, an entity unknown to IANA, controlled and managed the system. No major upgrade of the system has been done since then.

In 2017, as indicated above, I took steps towards implementing the law by establishing GDNR to administer the .GH domain name. We held extensive discussions with Prof Nii Quaynor, as the Admin POC, to reach the consensus necessary for requesting redelegation from IANA.

GDNR offered various forms of compensation to Prof Quaynor in recognition of the services he had rendered to the internet community and the industry, however he rejected these and preferred to receive a percentage of the proceeds of domain names sold and renewed in Ghana in perpetuity. Prof Quaynor later changed his position to direct that the payments be made to ISOC Ghana Chapter in perpetuity.

A draft MOU was developed and the GDNR Board reviewed it in September 2021 and took over the negotiations with Prof. Quaynor, offering a fixed sum as compensation.

Prof Quaynor again rejected this offer, preferring instead a percentage of proceeds to go to ISOC in perpetuity. Payments in perpetuity are against the laws of Ghana so GDNR counteroffered a percentage of proceeds of domain names sold and renewed for 5 years, subject to review and renewal for a specified term.

Prof Quaynor again rejected this offer. The draft MOU was sent to the Attorney General's (AG) office for its opinion and in accordance with the ETA, Act 772 and the Companies Act, 2019 (Act 992), recommended that the GDNR make a one-off payment for the rights and interests of the Registry. This recommendation is similar to the previous offers made by the GDNR which had all been rejected multiple times by Prof Quaynor.

The GDNR has notified Prof Quaynor of the AG's response and is currently awaiting his response but it appears these negotiations are deadlocked which is a source of great concern to me. We would be grateful for your guidance on this matter as we are keen to comply with our law and achieve redelegation in an amicable manner. No entity can operate in Ghana in violation of our domestic law and this is a source of concern to me as nothing must be done to impede access to and use of the internet in Ghana.

Another issue of concern to me is the status of the Technical point of contact currently on the records of IANA, Mr William Tevie.

In 2010, he was appointed Director General of the National Information Technology Agency (NITA) and was later appointed the Director General of the National Communications Authority

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(NCA) in 2015. He has played no role in the management of the registry since he obtained these full time national appointments and is currently indisposed. It is therefore impossible for him or anyone to fully and effectively, play the role of Technical Contact for this Critical Information Infrastructure, the National Domain Name Registry. I would be grateful for your prompt resolution of this matter which I believe is a serious concern.

The last issue on which I seek clarity from you is in respect of the company mandated to manage the registry. Your records indicate that the .GH domain was delegated to Network Computer Systems (NCS) as manager. The domain has not been delegated to any other company since then and NCS remains in your records as the manager of the .GH domain. Our checks at our Companies Registry indicate that NCS is defunct and no longer operational. Its functions appear to have been taken over by Ghana.Dot Com, another company Prof. Quaynor is involved with which is however not the company the .GH domain was delegated to. It appears this company has been managing our registry without reference to IANA since it is no longer managed by NCS and I would appreciate if you could clarify which company the GDNR and any other interested party must communicate with regarding the .GH domain name space.

We are determined to develop a vibrant digital economy and proper management of our domain name space is indispensable to the growth of the digital; ecosystem. I am determined to work with all relevant stakeholders to achieve this and believe by raising these issues now, we can collectively address them in a timely manner to develop and grow a strong local Internet landscape for Ghana.

Yours sincerely,



**MRS URSULA OWUSU-EKUFUL, MP
MINISTER**

CC:

Kim Davies, Vice President of IANA
Ghana Domain Name Registry
National Information Technology Agency
Prof. Nii Narku Quaynor ✓

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