African Union Commission Communiqué on the declaration of the Independent Review Panel (IRP) in the matter between Dot Connect Africa (DCA) and the Internet Corporation for Assigned Names and Numbers (ICANN)

The African Union Commission (AUC) is deeply concerned by the final declaration of the Independent Review Panel (IRP) in the matter between Dot Connect Africa (DCA) and the Internet Corporation for Assigned Names and Numbers (ICANN).

The declaration raises serious questions on the role of governments in the ICANN multi stakeholder model and the broader Internet governance ecosystem as well as the effectiveness and reliability of government protection mechanisms as outlined in the new gTLD Applicants Guidebook

We reiterate and re-emphasize that African governments mandated the African Union Commission (AUC), through the Abuja Declaration to "set up the structure and modalities for the implementation of the dot Africa Top Level Domain". The AUC adopted an open and transparent process at the regional level through the Request for Proposals (RFP) and at the end of this process exclusively endorsed the application submitted by the ZA Central Registry (ZACR) for the. Africa Top Level Domain, dot Africa (.AFRICA)
Recalling that African governments raised concerns in the Dakar communiqué, regarding the protection of geographic names in the new gTLD program and ICANN assured African governments that there were adequate protections for geographic names, such as. AFRICA contained in the new gTLD Applicants Guidebook.

We note that in response to these assurances the AUC elected not to pursue previous requests to have the. AFRICA TLD string added to the reserve name list and through our endorsement of the ZACR application for the. AFRICA TLD, the AUC became an active participant in the new gTLD process. We participated in the formulation and adoption of the geographic name protection mechanisms as contained in the Applicant Guidebook. This set of rules, applicable to all new gTLD applicants and affected parties, was the result of a multi-stakeholder engagement process that was eventually adopted by ICANN.

We reiterate that the processes leading up to the establishment of the final Applicant Guidebook, and all material times thereafter, including during the application and evaluation periods, was open, transparent and provided several avenues for applicants to engage with individual African governments, the GAC and the ICANN board regarding any concerns raised. All new gTLD applicants would have and should have, been acutely aware of these considerations prior to submitting their applications.

We recall that African governments, individually and collectively through the mechanisms of the GAC, engaged with all reasonable means at their disposal, as outlined in the Applicants Guidebook, to:
- Submit public comments;
- Raise early warnings (which provided an opportunity for other applicants to engage in an open and transparent manner with the various governments regarding

concerns expressed); and

- Issue GAC objections and GAC advice to the board.

We emphasize that GAC consensus advice contained in the 2013 Beijing communiqué was the culmination of a lengthy process of public engagement in order to provide fairness and transparency regarding governments concerns and objections relating to geographic name protections and to provide rationale to the board and ICANN community, including applicants, on future government related responses to new gTLD applications.

The Africa region, African Internet stakeholders, the ZACR and AUC are the unfortunate victims of a dysfunctional accountability process and an independent review panel that did not delve more deeply to understand the new gTLD process, the role of governments in that process and how the ICANN multi stakeholder model functions in general.

We note that while the IRP does not refute that governments, through the issuance of consensus GAC Advice, formally objected to the DCA application, the final declaration raises concerns about the role of government engagement in the ICANN multi stakeholder model and more broadly in the internet governance ecosystem.

The AUC endorsed ZACR dot Africa (.Africa) application has been, and continues to be, a collaborative African led initiative involving African governments, ICT stakeholders and the broader African community.