



The Internet Corporation for Assigned Names and Numbers

28 September 2015

Mr. Thomas Schneider
Chair, Governmental Advisory Committee (GAC)

Re: DotConnectAfrica Trust (DCA) v. ICANN independent review process (IRP) proceedings

Dear Mr. Schneider:

On 16 July 2015, the ICANN Board considered the Final Declaration (Declaration) issued by the Independent Review Process (IRP) Panel (IRP Panel) in the IRP proceedings initiated by DotConnectAfrica Trust (DCA). (See <https://www.icann.org/resources/board-material/resolutions-2015-07-16-en>.) After discussion, the Board determined that: (i) ICANN shall continue to refrain from delegating the .AFRICA gTLD; (ii) ICANN shall permit DCA's application to proceed through the remainder of the newgTLD application process as set out below; and (iii) ICANN shall reimburse DCA for the costs of the IRP. (See *id.*)

The Board also resolved as follows:

Resolved (2015.07.16.04), with respect to the GAC's consensus advice in the Beijing Communiqué that DCA's application for .AFRICA should not proceed, which was confirmed in the London Communiqué, the Board will ask the GAC if it wishes to refine its advice concerning DCA's application for .AFRICA, and/or provide the Board with further information regarding that advice and/or otherwise address the concerns raised in the Declaration.

Resolved (2015.07.16.05), in the event that DCA's application for .AFRICA successfully passes the remainder of the evaluation process, at that time or before, the Board will consider any further advice or information received from the GAC, and proceed as necessary, balancing all of the relevant material information and circumstances.

(Resolutions 2015.07.16.04 - 2015.07.16.05 at
<https://www.icann.org/resources/board-material/resolutions-2015-07-16-en>.)



The Declaration raised the following concerns relevant to the Board's request with respect to the GAC's advice DCA's application for .AFRICA:

- “[T]he GAC did not act with transparency or in manner of insure fairness.” (Declaration ¶ 102, <https://www.icann.org/en/system/files/files/final-declaration-2-redacted-09jul15-en.pdf>.)
- The GAC did not provide a rationale for the consensus objection. (Declaration ¶¶ 104, 110.)
- DCA Trust was not given any notice or an opportunity to make its position known or defend its own interests before the GAC reached consensus advice. (Declaration ¶ 109.)
- The GAC reached consensus advice without any discussion of the substance behind reasons for each country's objections. (Declaration ¶110.)

In light of the foregoing, please let us know if the GAC will consider refining its advice concerning DCA's application for .AFRICA, and/or provide the Board with further information regarding that advice and/or otherwise address the concerns raised in the Declaration.

If you have any questions, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to read "Stephen D. Crocker", is written over the typed name.

Stephen D. Crocker
Chairman, ICANN Board