8 March 2012

Elham M.A. Ibrahim
Commissioner, Infrastructure and Energy Commission
African Union Commission
P. O. Box 3241
Addis Ababa
Ethiopia

Re: Communiqué of 21 October 2011 from ICT Ministers attending the African Union Commission Round-Table in Dakar
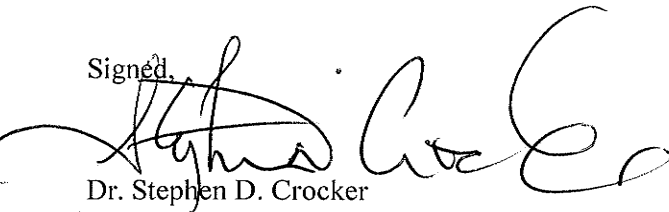
Your Excellency,

Thank you for the commitments to ICANN, including the expression of support of the African Union Commission for ICANN's work and the multi-stakeholder model, expressed in the 21 October 2011 Communiqué of the African ICT Ministerial Round-Table on the 42$^{nd}$ Meeting of ICANN, Dakar, Senegal.

The meeting of the African ICT Ministers in preparation for the ICANN meeting in Dakar serves as a model for regional engagement in ICANN. Your communiqué and presentation to our Board were instrumental in encouraging progress on a number of areas of mutual benefit and interest to our organizations. We look forward to continuing the productive communications arising out of the Round-Table.

You will recall that the ICANN Board recognized the work of the African ICT Ministers through a resolution at the Dakar meeting [ICANN Resolution 2011.10.28.35]. As resolved, ICANN now provides you with a response to each of the 12 requests presented within the Communiqué. Please contact us if you require additional information. We remain available for further feedback and any questions you may have.

We welcome this opportunity for enhanced engagement and look forward to continued dialogue on the work of ICANN and related Internet governance matters.

Signed,

Dr. Stephen D. Crocker
Chairman of ICANN Board

cc: Moustapha Guirassy,
    Minister of Communication Telecommunications and ICT, Republic of Senegal

    Rod Beckstrom,
    President and Chief Executive Officer, ICANN

**Request 1:** *Include (.Africa, .Afrique, .Afrikia .ايقيرفا), and its representation in any other language on the Reserved Names List in order to enjoy the level of special legislative protection, so to be managed and operated by the structure that is selected and identified by the African Union.*

**Response to Request 1:**

ICANN understands and acknowledges the strong interest expressed by the African Union and a number of its member states requesting special treatment for variations of a top-level domain name string representing Africa. ICANN is not able to take actions that would go outside of the community-established and documented guidelines of the program to provide the special treatment you have requested. ICANN does wish to explain, however, that protections exist that will allow the African Union and its member states to play a prominent role in determining the outcome of any application for these top-level domain name strings.

The requirements and procedures ICANN will follow in the evaluation of geographical names are described in the gTLD Applicant Guidebook in Module 2, sections 2.2.1.4 *et seq.* All applied-for gTLD strings will be reviewed according to the requirements of those sections, regardless of whether the application indicates it is for a geographic name. A broad set of protections is available for geographical names. For example, applications for gTLD strings must ensure that appropriate consideration is given to the interests of governments or public authorities in geographic names.[1]

A string listed as a UNESCO region[2]; or appearing on the United Nations' "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list[3] is considered a geographic name. "Africa" – at least in the official languages of the United Nations – qualifies under both of these criteria.

In the case of an application for a string representing a geographic name documentation of support will be required from at least 60% of the respective national governments in that region, and there may be no more than one written statement of objection to the application from relevant governments in the region and/or from public authorities associated with the continent or the region.

Over the course of the six years of development of the New gTLD Program, ICANN – along with the international ICANN community – have developed additional procedures that will allow the African Union and others the opportunity to view all requested strings and consider whether there is grounds for objection to any of the strings.

For example, the New gTLD Program allows ICANN's Governmental Advisory Committee, comprised of representatives of over 120 governments, to inform ICANN that there are concerns with an application via a "GAC Early Warning" notice. There are also four formal objection processes that can be initiated by the public, each administered by a well-known international dispute resolution service provider. Among these is a Community Objection process, for cases where there exists substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

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[1] The African Union's request asks that the identified strings be placed on a reserved name list. It is important to consider that placement on a reserved list would result in no entity – not even an entity supported by the AU – being allowed to apply for a string

[2] See http://www.unesco.org/new/en/unesco/worldwide/.

[3] See http://unstats.un.org/unsd/methods/m49/m49regin.htm.

In short, while ICANN is not able to offer the specific relief requested in the Communiqué, the robust protections built into the New gTLD Program afford the African Union (and its individual member states), through the Governmental Advisory Committee, the opportunity to raise concerns that an applicant is seen as potentially sensitive or problematic, or provide direct advice to the Board. In addition, the African Union (and its individual member states) can avail itself of any of the appropriate objection processes mentioned above in the event an application is received for any string – even those beyond representations of .Africa – that may raise concern.

**Request 2.** *Provide more fellowship to support government and other stakeholders from least developed countries in Africa to increase their participation in the various meetings of GAC and ICANN*

**Response to Request 2**

The ICANN Fellowship program seeks to create a broadening base of knowledgeable constituents and build capacity within the ICANN community of volunteers by reaching out to the less developed regions of the world. Since the inception of the fellowship program in June 2007, ICANN has identified 66 fellowship recipients from Africa. At each of ICANN's three public meetings per year, ICANN strives to have fellows representing each of its five geographic regions.

Participation in the program encourages individuals to apply their expertise and explore areas of interest across the broad scope of the work of the ICANN community. The program also seeks to enhance the diversity of voices and experiences that are brought to bear upon the work of ICANN, seeking input from all geographic regions. Many former participants of the program go on to become representatives or advisors to the Governmental Advisory Committee, and members of the Supporting Organizations and additional Advisory Committees.

Recently, ICANN has also significantly increased the level of travel support provided to members of the Governmental Advisory Committee. ICANN has committed to provide travel support for up to 20 individuals per ICANN public meeting, and the GAC then determines who among its members will fill those 20 spaces. This recent advancement in funding allows for increased participation of GAC members who may not otherwise have funding sufficient to allow for meeting participation. In addition, in the past couple of years, ICANN has made great strides in its remote participation tools, including providing streamed translation of meetings, to encourage participation of community members wherever they happen to be.

ICANN continually reviews its support programs with an aim toward enabling ever-increasing participation. We are pleased to count participants from least developed countries in Africa among those who benefit from these programs. Their participation enriches and strengthens the work of the ICANN community.

**Request 3.** *Support and implement the opening of an ICANN Africa Office like in other regions, to be closer to African stakeholders to provide direct advice on Africa's participation to ICANN and outreach, and also to facilitate ICANN's mission.*

**Response to Request 3:**

ICANN is an organization of fewer than 150 employees coordinating the work of an international multi-stakeholder community. Consistent with the practice of Internet organizations working within a dynamic and innovative field, however, ICANN is perhaps the foremost example of a seamless, cross-border collaboration among the various constituents of the Internet community. ICANN also recognizes the importance of establishing closer relations with regional communities.

In pursuit of this goal, ICANN has begun appointing regional Vice Presidents throughout the world and is in the process of identifying candidates for the position of ICANN Vice President, Africa, to be based in Africa. The regional Vice Presidents have as their mission to strengthen relationships with civil society, the private sector, and (in coordination with representatives of the Governmental Advisory Committee at ICANN) senior levels of government.

ICANN is already ably represented by regional relationship managers, who are part of the Global and Strategic Partnerships team, and these regional relationship managers will work closely with the regional Vice Presidents. Each member of these regional teams already engages in rigorous levels of outreach, travel and communications, and ICANN is committed to further extending and deepening multi-stakeholder engagement in all regions. ICANN currently has a regional relationship manager for Africa who travels continually throughout the region and maintains a base of operations in Niamey, Niger.

ICANN's number of physical offices is limited, but growing. More crucial to the current work of ICANN, however, is maintaining and growing the geographic distribution and global coordination among its staff, the diverse global composition of its Board of Directors and the work of the diffuse community. ICANN's representation in Africa will continue to increase through staffing and engagement efforts, and the establishment of a physical office in the African region will be considered in the course of ICANN's regular review of its overall strategic plan and internationalization strategy.

**Request 4.** *Support the integration of an ethics charter for board and staff at ICANN to prevent conflict of interests not addressed at the moment. This should be done as soon as possible and as independently as possible from the organization itself.*

**Response to Request 4:**

ICANN maintains a strong policy regarding the identification and handling of Board member conflicts of interest, as well as a Code of Conduct setting out the ethical standards to which Board members are required to adhere. In addition to the strong existing protections, on 8 December 2011, the ICANN Board voluntarily adopted heightened conflict of interest rules regarding Board consideration of new gTLD applications. These rules preclude directors from taking positions with new gTLD applicants within 12 months after a director voted to approve the application, as well as restricting access to materials for applications that may relate to applicants with whom a director or liaison has an existing relationship. Prior to the June 2011 approval of the New gTLD Program, ICANN's President and CEO noted that the era of New gTLDs requires ICANN to be even more vigilant in addressing conflict of interest issues.

Additional work is underway towards strengthening and continual improvement of conflicts and ethics practices. This work includes: (1) review of Conflicts of Interest Policy and Code of Conduct by one of ICANN's main outside counsel, to identify proposed revisions; (2) a review of ICANN's Conflicts of Interest Policy, Code of Conduct and other governance documents by new counsel who are expert in governance issues; and (3) compiling a panel of international ethics experts to recommend enhancements to ICANN's ethical culture after a review of standards from similar organizations from around the world.[4]

All ICANN Board and staff members are bound by a conflicts of interest policy. In addition, all are subject to restrictions regarding contact with potential new gTLD applicants. They are prohibited from accepting any gifts, meals or entertainment from potential New gTLD applicants.

The Board, staff and executive leadership of ICANN are committed to continued improvement and the establishment of world-class best practices in these areas.

**Request 5.** *Support ICANN's efforts to ensure that all ICANN documents, meetings and training sessions are open and conducted in all the UN languages, especially in French, given that it is the official language of many African countries.*

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[4] This work was described in detail during the Dakar Meeting and is reflected in the Rationale for Resolutions 2011.10.28.29 and 2011.10.28.30, reflecting the ICANN's commitment to this work.

**Response to Request 5:**

ICANN has long aspired to be an organization that is capable of communicating comfortably in a variety of languages and to encourage dialogue amongst the diverse participants in ICANN's global multi-stakeholder process. While English will remain the internal operating language of ICANN for business consultations and legal purposes, ICANN is continually expanding the availability of translation and interpretation services.

In 2008, ICANN adopted translation principles that set out commitments for the production of timely and accurate translations to encourage real dialogue, the translation of core strategic and business documentation, and providing transcriptions for major sessions at ICANN meetings to assist those who do not have English as a first language, among other items. ICANN is now translating hundreds of documents a year to facilitate community discussion. French, as one of the six UN languages, is one of the most frequently requested languages. At its public meetings, ICANN provides real-time interpretation services for many of the sessions, to allow for contemporaneous participation across differing language skills. ICANN has also started providing real-time interpretation services for GAC meetings held at the ICANN Public Meetings, to facilitate participation and discussion among GAC members.

To meet the recommendations of the Accountability and Transparency Review Team, ICANN is now working to finalize a Translation Policy that will soon be available for public comment, which will provide further commitment on the scope of translation of materials. Your request for French translations will be considered as that policy is formulated. Further, in 2011 ICANN began providing translations of all Board resolutions and minutes, as well as the ICANN Bylaws, to keep the broad ICANN community apprised of the actions of the organization.

ICANN is placing a priority on multi-lingualism within its staff, to broaden the ability of staff to communicate with the ICANN community in their native languages. Among the newer, multilingual members of the ICANN executive team, the Chief Financial Officer and the Chief Operating Officer are native speakers of French and Arabic, respectively.

**Request 6. *Strengthen the internationalization of ICANN by introducing the principle of geographical rotation in line with other international bodies in their management (Board of Directors and Management).***

**Response to Request 6:**

ICANN's Bylaws, at Article VI, Section 2.2, in fact require the consideration of geographic diversity in the appointment of members of the ICANN Board, as well as the appointment of leadership within ICANN's Supporting Organizations and Advisory Committees. Within the ICANN Board, the Nominating Committee is charged with assuring that no more than five of the voting members are from any single geographic area, as well as assuring that the Board is comprised of voting members representing all geographic regions.

ICANN has been determined and successful in broadening the geographic diversity and language skills among the staff, including the executive team. Although the laws under which ICANN operates preclude hiring on the basis of national origin, there are in place strict requirements that all newly engaged personnel possess international experience and are proficient in multiple languages. Current senior executives come from a wide variety of countries, including Mexico, the People's Republic of China, Lebanon, and France. A currently open Vice President for Africa position, when filled, will likely further complement this diversity.

**Request 7. *Support the US Government draft "statement of work" in the recent Notice of Inquiry On the IANA contract, and also ICANN's own bylaws. To the greatest degree possible, decisions about ccTLDs (including what strings are utilised, who operates the registry and what policies the registry should follow besides those set out by ICANN) should be made by the responsible public authority and the local Internet community concerned and not by the IANA contractor.***

**Response to Request 7**

ICANN agrees that it is important to respect national sovereignty, the legitimate interests of governments, the local Internet communities, and the primacy of national laws. ICANN continues to execute administration of ccTLD root zone management and delegation requests based on RFC 1591[5], "Domain Name System Structure and Delegation", ICP-1[6], and the International Organization for Standardization (ISO) Standard 3166-1 for two letter country codes. Reliance on those standards means that delegation and root zone management requests by ccTLDs are evaluated based upon local Internet community support, in-country oversight of the ccTLD, and independent standards.

With regard to Internationalized Domain names (IDNs), delegation requests for IDN ccTLDs may be considered after successful completion of the Fast Track Implementation Plan, which was designed in consultation with GAC and ccNSO members to allow ICANN to be responsive to the needs of the world-wide Internet community and allow for the swift and secure introduction of ccTLDs in native scripts. Evaluations are based upon community support for the new TLD and also upon the findings of an independent technical panel.

The ICANN community is currently engaged in a review of the policies and procedures related to the delegation and re-delegation of ccTLDs. Following the publication of the Final Report from the Delegation and Re-delegation Working Group[7], a new "Framework of Interpretation Working Group," was recently created. It is comprised of members of the Governmental Advisory Committee (GAC) and ccTLD operators. Its stated objective is "to develop and propose a "Framework of Interpretation" for the delegation and re-delegation of ccTLDs.[8]

**Request 8.** *Impart an early warning period to all applicants whether a proposed string would be considered controversial or to raise sensitivities, including; geographical, cultural and community names. This will provide opportunity to governments to review potential new gTLD strings and to advise applicants whether their proposed strings would be considered controversial or would raise national sensitivities.*

**Response to Request 8:**

The *Applicant Guidebook* incorporates a "GAC Early Warning" period that will operate concurrently with the 60-day comment period after the posting of the information on applied-for strings. Using the Early Warning system, the Governmental Advisory Committee may issue a notice concerning an application, which will provide an indication that the application is seen as potentially sensitive or problematic by one or more governments.

To initiate the GAC Early Warning notice, one or more governments may provide notice to the GAC that an application might be problematic. That notice is sufficient for the GAC to provide an Early Warning Notice. The GAC Early Warning notice may then be sent from the GAC to the Board, and the applicant will be notified. This provides the applicant with an indication that the application is seen as potentially sensitive or problematic by one or more governments. Applicants may withdraw their application, or may elect to continue with the application (which may include meeting with representatives from the relevant government(s) to address the concerns. More details on the GAC Early Warning process are available in Module 1, section 1.1.2.4 of the Applicant Guidebook.

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[5] RFC stands for Request For Comments. These documents are produced by the Internet Engineering Task Force (IETF) containing technical and policy specifications about the Internet. RFC 1591 describes the DNS system structure and the delegation of top-level domains within that structure. The text of RFC 1591 is available at http://www.ietf.org/rfc/rfc1591.txt.

[6] ICANN published ICP-1 (Internet Coordination Policy) in May 1999 to summarize current practices in administering RFC 1591. ICP-1 is available at http://www.icann.org/en/resources/cctlds/delegation.

[7] *See* http://ccnso.icann.org/workinggroups/drdwg.htm.

[8] *See* http://ccnso.icann.org/workinggroups/foiwg.htm

In addition to the GAC Early Warning system, the GAC can provide formal GAC Advice to the Board on any individual application. The Early Warning and GAC Advice systems are outcomes of the consultation between the GAC and the ICANN Board on the New gTLD Program. This is in addition to the objection processes described in the Response to Request 1.

**Request 9.** *Support Africa to have root servers in countries in order to minimize the connectivity exchanges and for better utilization of the available bandwidth.*

**Response to Request 9:**

ICANN works together with eleven other organizations to operate the infrastructure supporting the Root Server System. The twelve organizations have distributed root servers widely around the Internet and they collaborate on operational matters. An increasing number of root servers are based in Africa. Information on their locations is available publicly.[9]

The specific Root Server operated by ICANN is known as L-Root. ICANN launched a pilot program to provide local instances of L-root server infrastructure for geographically remote parts of the Internet protecting the local DNS environment against failures in external network connectivity. The design of the pilot is to deploy root server infrastructure within Internet Service Provider networks or at Internet exchange points supported by exchange point route servers. Some of the locations where L-root nodes have been deployed are Nairobi, Cairo, Johannesburg and Cape Town. An L-root node was deployed most recently in Dakar, Senegal. The project has been pursued with the active participation of local organizations.

ICANN is actively exploring opportunities to expand the number of L-root deployments in a number of locations, including in locations on the African Continent that meet the requirements profile.

**Request 10.** *Adopt the final report of "Joint Applicant Support" Working Group and also urge to proceed to the establishment of the related implementation plan to be ready for the upcoming application round.*

**Response to Request 10:**

On 8 December 2011, the ICANN Board considered the final report of the Joint Applicant Working Group and approved an Applicant Support Program. The Applicant Support Program is available to applicants in this first round, which opened on 12 January 2012. The Applicant Support Program will allow meaningful assistance to be given to qualifying applicants, particularly those from developing economies.

One part of the Applicant Support Program is embodied in the New gTLD Financial Assistance Handbook, which was released on January 11, 2012, and details the criteria for applying for financial assistance. Under this program, there are multiple types of assistance available: (1) a reduction in application fee to $47,000, reduced from $185,000; (2) allowing an applicant to pay the $185,000 according to a payment plan, instead of requiring full payment at the time of application; (3) non-financial support such as translation services, and (4) a directory that matches potential donors with applications requiring assistance. In accordance with the criteria developed by the Joint Applicant Support Working Group, those who qualify for financial support will have to meet demonstrated thresholds, including that the proposed TLD will operate in the public interest, as well as demonstrating financial need and the financial capability to operate a registry. Operation in developing economies is one of the criteria that gain an applicant priority in demonstrating eligibility for applicant support. The evaluation of Financial Assistance applications will be performed by an independent Support Application Review Panel (SARP) that is being comprised.

ICANN has committed $2 million to a seed fund for applicant support, and is evaluating how additional funding could be contributed to expand the size of this fund.

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[9] More information on the operations and locations of root servers can be found at http://www.root-servers.org/.

Another part of the Applicant Support Program intended to reduce costs for potential applicants is the Applicant Support Directory, an online workspace created to connect potential applicants who wish to establish a new public interest gTLD registry in their community with organizations who wish to offer either financial or non-financial assistance.

**Request 11. *Make the best use of the available resources for Outreach and Education toward the expected African new gTLD applicants by proposing innovative and efficient programs for all African regions.***

**Response to Request 11**

While ICANN does not specifically target applicants with its outreach efforts, ICANN has been using innovative methods throughout its campaign to raise awareness of new generic top-level domains, and the potential benefits and challenges of the New gTLD Program.

ICANN has placed a strong focus on both social and traditional media outreach. Given Africa's size, as well as its cultural and language diversity, it is sometimes a challenge to accurately determine message penetration. Through the use of social media sites such as Twitter, ICANN has seen tremendous growth in followers across the African continent. For example, the number of ICANN followers on Twitter has jumped seven-fold in Kenya alone, with new followers also seen in Morocco, Senegal, Cote d'Ivoire, Ghana, Nigeria, South Africa, Zimbabwe, Mozambique, Tanzania and Uganda. ICANN also has engaged with the South Africa-based *Highway Africa News Agency* - a partnership between Rhodes University and the *South African Broadcasting Corporation* (SABC), which has reached across Africa to deliver new gTLD information. Online advertising throughout Africa has surpassed expected returns. For example, more than 230,000 digital ads have been displayed across the continent on Google search pages with a "click through rate" more than double Google's average.

ICANN's October meeting in Dakar produced a high level of interest among the media. More than 40 journalists from Africa's news outlets participated in the main press conference, and that interest has continued. *Agence-FrancePresse*, a major news source for French-speaking Africa, has run numerous new gTLD-related stories. In addition, ICANN's engagement with newly-emerging African news agency *PanaPress*, with over five million registered users, has resulted in syndicated stories across the continent. One particular focus of the stories has been of the resources available to support new gTLD applicants from developing nations.

**Request 12. *Speed up the process of resolving and finding resolutions to the outstanding substantive issues on the last version of the Draft Applicant guidebook before the launch of the new gTLD application process.***

**Response to Request 12:**

ICANN has crafted the New gTLD Program with deliberation, intent upon taking into account the views of the broad ICANN community. Drafts of new positions are published and publicly discussed to ensure full vetting. The New gTLD Program has been refined through ten independent expert working groups, 59 explanatory memoranda and independent reports, thousands of comments in no fewer than 47 extended public comment periods, and 1400 pages of comment summary and analysis. All comments were listened to and taken into account across eight versions of the *Applicant Guidebook.* Work proceeds with vigor but not undue haste.

On 11 January 2012, ICANN published a New gTLD Applicant Guidebook that incorporated operational clarifications in response to questions that have been received. The posting of the Applicant Guidebook was accompanied by a chart setting out the summary of changes between the 9 September 2011 and 11 January 2012 versions of the book.[10] . The newest version incorporates updates to reflect the work approved by the ICANN Board, such as the Applicant Support Program, a clarification of the Early Warning system, further information

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[10] The summary of Guidebook updates is available at
http://newgtlds.icann.org/en/applicants/agb/summary-changes-applicant-guidebook-11jan12-en.pdf

on the processing of applications if substantially more than 500 are received in the application round, an affirmative statement that ICANN is committed to opening subsequent application rounds, and more.

All of the overarching substantive issues raised earlier in the New gTLD Program development process were resolved prior to the Board's 20 June 2011 approval of the launch of the New gTLD Program. As seen above, there were specific operational items that required further attention. In addition, ICANN is working according to a project plan for the implementation of the rights protection mechanisms that were designed through the consensus-based work to form the New gTLD Program. Those design decisions are complete. Because the protection mechanisms must be operational by early 2013, service providers are now being recruited and the specific rules by which they operate are being written.

ICANN's work is not done with the opening of the 12 January 2012 application window. ICANN has committed to review the impacts of the rollout of the New gTLD Program in accordance with the Affirmation of Commitments, as well as undertaking a post-delegation economic study on the results of the first set of new gTLDs, and a post-launch study on the effectiveness of the new trademark protections and any effects on root zone operations. These reviews may result in additional changes within future application rounds.

08 March 2012