

EXHIBIT A

From: icann-board-bounces@icann.org on behalf of [REDACTED]
Sent: Thursday, October 27, 2011 11:02 AM
To: icann-board@icann.org
Subject: [icann-board] GAC Communique - Dakar
Attachments: Communique Dakar - 27 October 2011.pdf; ATT00002.txt

Dear Steve, Board colleagues,

Please find the attached GAC Communique for Dakar.

Best,
Heather





Governmental Advisory Committee

Dakar, 27 October 2011

GAC Communiqué – Dakar

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Dakar, Senegal during the week of October 22-27, 2011. Forty-nine Governments participated in the meeting: 46 present and 3 by remote participation and six Observers. The GAC expresses warm thanks to the local hosts, The Ministry of Communication, Telecommunications and Information Technology (MICOMTELTIC) and the Regulatory Authority for Telecommunications and Post (ARTP) for their hospitality in organizing the meeting and ICANN for supporting the GAC during the meeting.

II. New gTLDs

The GAC further discussed and decided on the formulation of GAC advice for inclusion in Module 3 of the Applicant Guidebook [Annex I].

During the discussion ICANN Staff underlined their understanding that advice regarding the definition of Geographic Names should be adopted by the GAC.

The GAC congratulates the JAS working group on the final report and recommendations, which are consistent with GAC advice. The GAC looks forward to the Board providing clear timelines for implementation of the recommendations to enable needy applicants to join in full and meaningfully in the first round.

The GAC raised concern about the unpredictability of the actual number of applications that governments would have to digest to proceed after the end of the application period. The GAC made clear, that if the number of applications published by ICANN significantly exceeds 500, GAC members might not be able to process a very large number of applications in the very short early warning procedure and in the limited time for issuing GAC advice on all these strings.

Further, the GAC asked ICANN for clarification about its intention to process these applications in batches of 500, in the case that there are more than 500 applications. The GAC urges ICANN to clarify the procedures and implications for applicants being processed in different batches, as this might have implications for competition and applicants' business models.

Following presentations by the ICANN staff and the Security and Stability Advisory Committee, the GAC took note of the SSAC consideration of the combined impact of new gTLDs and other changes such as the introduction of IPv6, DNSSEC and IDNs to the root. The GAC welcomes the confirmation of the commitment by the ICANN Board to provide a full report with a complete analysis, including all underlying data, of the root system scalability well before the opening of the new gTLDs application round. The GAC further welcomes the confirmation of the commitment by the Board to evaluate the impact on the system after the 1st round, with the understanding that the launch of a second round is contingent on the outcome of this evaluation, in particular the absence of negative effects on the root system. The GAC believes that in order for this evaluation to be effective, an appropriate and trustable monitoring system needs to be in place.

In its discussions with the Board regarding the Communication Plan for new gTLDs, the GAC emphasised the importance of promoting the gTLDs application round in all countries, including developing countries. The GAC suggested that levels of awareness be continually assessed and reviewed, and priorities and target areas under the Plan be adjusted accordingly in the run up to the launch of the round.

The GAC welcomed the assurances received from the Board and staff that the evaluation of applications will ensure a level playing field for applicants and that any conflicts of interest will be identified and avoided accordingly.

III. Law Enforcement (LEA) Recommendations

In recent years, the Internet has grown to have over two billion users and be a significant contributor to the global economy.

Cyber-crime is a growing threat to the security and stability of the Internet, with broad and direct public policy impacts. Recent estimates suggest that the direct financial impact of cyber crime is extremely significant.

Law enforcement agencies have identified a series of specific problems which are limiting their ability to address this growing problem.

As part of this, law enforcement agencies have identified specific areas of concern in the ICANN context, relating to contractual weaknesses and a lack of necessary due diligence.

To address these urgent problems, in 2009 law enforcement agencies made 12 concrete recommendations to reduce the risk of criminal abuse of the domain name system.

These recommendations were informally socialized with the registrar community, the GAC, and with ICANN compliance staff over the course of several months, before the GAC advised the Board in its Brussels communiqué that it formally endorsed the recommendations.

Direct exchanges between law enforcement agencies and registrars continued in September 2010 in Washington D.C., in February 2011 in Brussels, and during the March and June 2011 ICANN meetings.

As a complement to the June exchanges in Singapore, the GAC urged the Board to support actions necessary to implement those recommendations as a matter of urgency.

To date, none of the recommendations have been implemented, and the risks remain. The GAC therefore advises the ICANN Board to take the necessary steps to ensure that ICANN's multistakeholder process effectively addresses these GAC-endorsed proposals as a matter of extreme urgency.

IV. Accountability and Transparency Review Team Recommendations (ATRT)

The GAC welcomes the update provided by ICANN staff on the ATRT Recommendations progress and the suggestions presented with regards to the implementation of recommendations 9 through 14 on the GAC role, effectiveness and interaction with the Board.

The GAC looks forward to an expedited implementation of the Joint Working Group and ATRT recommendations and is keen to continue working with the Board on the Recommendations related to the GAC.

V. Conflict of interest

The GAC expresses extreme concern about the inadequacy of the existing rules of ethics and conflict of interest in the light of recent events and therefore welcomes the approval of the motion by the Board Governance Committee on 15 September 2011 concerning "ethics and conflicts of interest". The GAC looks forward to the publication of a timeline with clear and effective actions as a conclusion of the Dakar meeting or shortly thereafter. In order to ensure the legitimacy and sustainability of the multi-stakeholder model as enshrined in ICANN, the GAC underlines the extreme urgency of putting in place effective and enforceable rules on conflicts of interest.

The GAC will keep this important issue under review and may come forward with further advice before the Costa Rica GAC meetings.

VI. Meeting with the Generic Names Supporting Organisation (GNSO)

The GAC and the GNSO exchanged views on a number of issues, beginning with an overview by ICANN staff of the GNSO policy development process. Consistent with the recommendations of the Accountability and Transparency Review Team and the related GAC-Board Joint Working Group, the GAC stressed its interest in ensuring that GAC views are provided and taken into account at early stages in the policy development process.

The meeting also discussed the implementation of the Law Enforcement Agency (LEA) recommendations to mitigate Domain Name System abuse, which were endorsed by the GAC in June 2010. The GAC expressed its disappointment that registrars were only able to report on their consideration of three of the twelve LEA Recommendations. Further, the reported progress fell substantially short of what GAC members believed had been achieved during its meetings with registrars in Singapore in June 2011. The GAC also expressed concern that there was no clarity on how the other nine recommendations were being progressed, despite the registrars' agreement at the Singapore meeting to provide regular status

reports. The GAC informed the GNSO Council of its intention to request the ICANN Board to take prompt and concrete action to implement the GAC/LEA recommendations.

The meeting also addressed the GAC's proposal to the GNSO on the protection mechanism for the International Olympic Committee and Red Cross/Red Crescent names at the top and second levels. The GAC requested feedback from the GNSO on the proposal as a first step in collaborating on advice for the ICANN Board in this regard, consistent with the ICANN Board Resolution in Singapore.

The GAC looks forward to further engagement with the GNSO to work more effectively within the ICANN processes and reinforce the sustainability of the multi-stakeholder model.

VII. Meeting with the At-Large Advisory Group (ALAC)

The GAC met with the ALAC to discuss Conflict of Interest issues within the ICANN Board and staff. The GAC agrees that this is a critical matter that needs to be addressed as a high priority within the community.

The GAC and ALAC also discussed the Joint Applicant Support (JAS) Working Group as well as the ALAC and GAC Joint Statement. The GAC expects a decision to be taken for implementation in time for the opening of the first new gTLD round.

In light of the common interest of advancing improvements in the ICANN model, the GAC and ALAC also discussed the ongoing work of the Accountability and Transparency Review Team (ATRT). The GAC shared the areas identified as a priority in the framework of the ATRT and the Joint Working Group recommendations, looking forward to an expedited implementation.

VIII. GAC Operating Principles

The GAC amended Principle 47 of its Operating Principles clarifying its understanding of consensus. The definition now introduced derives from United Nations practice and understands consensus as adopting decisions by general agreement in the absence of formal objections. The GAC noted that according to UN practice individual members may make reservations, declarations, statements of interpretation and/or statements of position regarding a consensus decision, provided such texts do not represent an objection to the consensus [Annex II].

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The GAC is eager to further engage with the ccNSO to provide timely inputs on the different stages of the Fol work.

X. Meeting with the Security and Stability Advisory Committee (SSAC)

The GAC thanks the SSAC for providing an update on its work including blocking and reputation systems, WHOIS matters and single label domain names. Further, the GAC thanks the SSAC Chair for discussions on Root Zone Scaling and Resource Public Key Infrastructure (RPKI).

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The GAC has reelected the current vice-chairs, Choon-Sai Lim (Singapore), Maria Häll (Sweden) and Alice Munyua (Kenya) to continue their mandate for another year.

The GAC warmly thanks all those among the ICANN community who have contributed to the dialogue with the GAC in Dakar.

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icann-board mailing list
icann-board@icann.org
<https://mm.icann.org/mailman/listinfo/icann-board>

From: icann-board-bounces@icann.org on behalf of Ray Plzak Contact Information Redacted
Sent: Thursday, October 27, 2011 12:49 PM
To: ICANN Board ICANN Board List
Subject: [icann-board] GAC Communique Hi Lited
Attachments: Communique Dakar - 27 October 2011-hilite.pdf; ATT00001.txt

Attached is a copy of the GAC Communique that I have hi lited.

Ray



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Dakar, 27 October 2011

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icann-board mailing list
icann-board@icann.org
<https://mm.icann.org/mailman/listinfo/icann-board>

EXHIBIT B

From: Trang Nguyen
Sent: Friday, July 05, 2013 8:04 AM
To: Mark McFadden
Subject: Re: .AFRICA
Signed By: trang.nguyen@icann.org

Hi Mark,

I wanted to check in with you to see if the verification letter went out. Also, can I have the name and contact info for your back-up who will be performing the review of this application while you are on vacation?

Thank you,

Trang

From: Mark McFadden Contact Information Redacted
Date: Thursday, July 4, 2013 7:10 AM
To: Trang Nguyen <trang.nguyen@icann.org>
Subject: RE: .AFRICA

Hello:

I've sent out the UniForum letter to the evaluators and requested a meeting on Monday or Tuesday of next week. I'm also attempting to get the verification letter out the door in the next 24 hours. Not as sure about that because I'll be travelling all day on Friday. Also, I've seen the press on the .dotafrika application. So far, so good, I think. The ball is now in Sophia's court - if she wants to invoke Independent Review, then good luck to her.

Redacted

mark

Mark McFadden
Internet Names, Addresses and Numbers
InterConnect Communications
Consulting in Communications Regulation and Strategy

Redacted

e: Contact Information Redacted
w: <http://www.icc-uk.com>

From: Trang Nguyen [trang.nguyen@icann.org]
Sent: Wednesday, July 03, 2013 1:21 PM
To: Mark McFadden
Subject: .AFRICA

Hi Mark,

A couple of developments today that I wanted to inform you:

1. 1-1243-89583: the applicant responded. The revised support letter is saved on the external shared drive for your review. Given that this came a couple of days later than we expected, can you let me know if the review and verification communication can go out this Friday?

2. 1-1165-42560: we updated the status of this application to "Not Approved" per the the NGPC's resolution. The IE result for this application is "Incomplete." As of this point, we ask that you do not upload any results into TAS for this application.

Redacted

Thanks, Mark!

Trang

This e-mail has been scanned for all viruses by Star Internet. However, InterConnect makes no warranty that this email is virus-free.

EXHIBIT C



The Internet Corporation for Assigned Names and Numbers

15 June 2014

Dr. Elham M.A. Ibrahim
Commissioner, Infrastructure and Energy
African Union
P.O. Box 3243
Addis Ababa, Ethiopia

Dear Commissioner Ibrahim:

Thank you for your letter of 2 June 2014 regarding the .AFRICA TLD and for the opportunity to address some of your concerns. We deeply appreciate the African Union Commission's support in ICANN's African Strategy work and look forward to continuing to work together in expanding ICANN's multistakeholder processes into the African region.

We understand the concerns that you've raised in connection to proceeding towards the delegation of the .AFRICA TLD as applied for by the ZA Central Registry and the import of this launch to your constituents. As discussed in your letter, ICANN's evaluation of ZACR's application for the .AFRICA TLD resulted in ICANN and ZACR entering into a registry agreement for ZACR's operation of the .AFRICA TLD.

I sincerely appreciate your acknowledgement of ICANN's Bylaws and the accountability procedures afforded through the Bylaws, including the Independent Review Process (IRP) that has been invoked by the competing applicant for the .AFRICA TLD. Even when challenges are not well taken (such as the way that we view the .AFRICA IRP), it is essential for all stakeholders – including those just joining ICANN from the developing world – to see ICANN's commitment to upholding its accountability processes. Unfortunately, at times this requires delays such as those faced by ZACR and the AUC in seeing the launch of the .AFRICA TLD.

As expressed in your letter, ICANN is also frustrated with the time required for a final determination in the .AFRICA IRP to be issued. The IRP is envisioned as an expedited process, with even the Bylaws suggesting that an IRP reach conclusion within six months of filing. ICANN has, at every opportunity, encouraged the panel overseeing the .AFRICA IRP to proceed with expediency and requested the prompt consideration of matters before the .AFRICA IRP panel when appropriate, and will continue to do so.



Upon the issuance of the Panel's declaration in the .AFRICA IRP, ICANN must complete its obligations under the Bylaws and allow for Board consideration of the declaration. If ICANN were to immediately proceed with delegation of the .AFRICA TLD with ZACR without waiting for Board action, that could result in a violation of the Bylaws that would provide further opportunity for challenge – and further resulting delay. It is only through careful adherence to ICANN's processes that we will mitigate against the opportunities for further challenge that you identify in your letter. I can assure you that ICANN does not wish for any delay with proceeding with the .AFRICA TLD beyond that which is necessitated by the interim stay that ICANN is currently respecting regarding further actions on the ZACR Registry Agreement.

You have my commitment that our Global Domains Division team and all other necessary teams at ICANN will work expeditiously with ZACR to bring the .AFRICA TLD to delegation and launch, just as soon as it is appropriate for that work to proceed. I am excited to see the opportunities that the launch of the .AFRICA TLD will bring to the constituents of AUC, and we look forward to working with you in the future.

Warm regards,

A handwritten signature in blue ink, appearing to read "Fadi Chehadé", written over a horizontal blue line.

Fadi Chehadé
President & CEO