

Joint AFRALO-AfrICANN meeting

Barcelona, Spain

Monday, 22 October 2018

Statement

We, the African ICANN Community members participating in the ICANN 63 International Public meeting in Barcelona, and attending the Joint AFRALO-AfrICANN meeting on Monday, 22 October 2018, discussed the initial report of the new generic Top Level Domain (gTLD) Subsequent Procedure Policy Development Process (PDP) Working Group and especially the concept of “rounds” and the community application recommendations.

First, we want to congratulate the new gTLD Subsequent Procedure PDP Working Group members for the huge amount of work undertaken to prepare the initial report and thank them for their time and efforts. Nevertheless, we would like to make the following comments:

1. Concept of “rounds”

Regarding whether the new gTLD program should continue in the form of successive rounds or one open round:

- i. We believe that the program did not gain sufficient maturity to be able to definitively announce with certainty when the next round should be as well as if it is better to go to a first come first served (FCFS) open round or stay with consecutive rounds.
- ii. We recommend that more time is provided for the Top Level Domains (TLDs) that emerged from the previous round and necessary mechanisms are put in place to reach a certain level of maturity before a next round is started.
- iii. We propose to conduct one additional “round” followed by an undefined review period to determine how future applications for new gTLDs should be accepted.
- iv. But in any case, and regardless of whether re-introduction of the Program is done via consecutive rounds or an open round on a FCFS basis, we think that there is a need for:
 - a. A mechanism to be established to allow for course corrections mandated by policy development processes to make substantial, policy-driven changes to the Program;

- b. Community-based applications be prioritized in the first instance;
- c. The Community Priority Evaluation (CPE) panel composition and procedure be reviewed;
- d. Greater transparency in ICANN Org's selection of Dispute Resolution Service Providers (DRSPs);
- e. Outreach and capacity building efforts be undertaken to create better awareness of not only the Program but also parallel programs such as the Applicant Support Program (ASP). Promoting greater awareness of the Program in regions where numbers of applications from the 2012 round were comparatively very low (erg Global South), using appropriate means and channels is key for the success of the program.

2. Community Application

With respect to the definition of communities, we think that the following definition inspired from the one adopted by the European Court of Human Rights is the most accurate: *"Any not for profit group of individuals or legal entities brought together for at-least 3 consecutive years in order to collectively act, express, promote, pursue or defend a field of common interests"*.

- i. We believe that communities should continue to be given special consideration:
 - a. Differential treatment for community applications in the form of priority in case of string contention.
 - b. Eligibility for support through the Applicant Support Program (ASP), particularly applications from underserved regions and/or those that are conceived to serve underserved Communities.
- ii. For the Community Priority Evaluation (CPE), we are of the opinion that:
 - a. The CPE process needs to be more transparent and predictable. Details about all the procedures used in decision making must be available to applicants well in advance of the deadline for submissions;
 - b. The concept of membership must be flexible enough to take into account the fact that geographically distributed communities often do not have traditional membership lists and should not be penalized for this;
 - c. Background information about CPE participants, including support teams must be fully available to enable conflict of interest oversight;
 - d. Data/documentation/research materials consulted in decision-making must be referenced and released as part of the decision.

- e. Applicants should also be updated periodically about the status of their application.
- f. It is important that the CPE team include representatives from grassroots community organizations

Finally, we consider that the real issue is ensuring that members of the CPE have a full understanding of the types of communities bringing applications forward and are able to deal with them in a flexible way. Subjective interpretations and biased definitions applied on an ad hoc basis discriminate valid community applications.

Thank you!