

AFRALO / AfrICANN joint meeting

Barcelona, Monday 22 October 2018

Statement

We, African ICANN Community members participating in the ICANN 63rd International Public meeting in Barcelona and attending the joint AFRALO / AfrICANN meeting on Monday 22 November 2018, discussed the initial report of the new gTLD subsequent procedure 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 want 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:

- We believe that the program didn't gain sufficient maturity to be able to decide if it is better to go to a first come first served open round. We also are still not yet in a position to definitively announce with certainty when the next round should be
- We propose to Conduct one additional “round” followed by an undefined review period to determine how future applications for new gTLDs should be accepted.
- 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 mechanism be established to allow for course corrections mandated by policy development processes to make substantial, policy-driven changes to the Program;
 - Community-based applications be prioritized in the first instance;
 - The Community Priority Evaluation (CPE) panel composition and procedure be reviewed;
 - Greater transparency in ICANN Org's selection of Dispute Resolution Service Providers (DRSPs);
 - Outreach efforts be undertaken to better create 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 (eg 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 used 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 "*.

We believe that communities should continue to be given special consideration:

- Differential treatment for community applications in the form of Priority in case of string contention.
- Eligibility for support through the Applicant Support Program (ASP), particularly those from underserved regions and/or those which are conceived to serve underserved Communities.

For the Community Priority Evaluation (CPE), We are of the opinion that:

- 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;
- 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.
- Background information about CPE participants, including support teams must be fully available to enable conflict of interest oversight;
- Data/documentation/research materials consulted in decision making must be referenced and released as part of the decision.
- Applicants should also be updated periodically about the status of their application.
- 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.