



14 August 2014

By Email

Jonathan Robinson:

GNSO Chair,

ICANN

Email Address: jonathan.robinson@xxxxxx

Dear Mr. Chairman,

Subject: Note of Thanks on the unanimous endorsement in support of the creation of an Independent Accountability Mechanism & a further proposal from DCA Trust

I am writing both in my personal capacity as a former policy advisor to GNSO (2005 -07) and as a representative of DotConnectAfrica (DCA). DCA is an applicant contending for the .africa gTLD

So congratulations to you and your members for the excellent work being done by the Generic Names Supporting Organization (GNSO). In particular the recent call for unanimous endorsement of a joint statement at the ICANN 50 public meeting in London. This was to support of the creation of an independent accountability mechanism with the aim to "provide meaningful review and adequate redress for those harmed by ICANN action or inaction in contravention of an agreed upon compact with the community".

DCA Trust has been at the forefront of such accountability calls publicly for very long time. It was pleased with the announcement from gNSO. Thus we have expressed our support and appreciation to this announcement in a public commentary on CircleID, a popular industry blog on ICANN matters. (http://www.circleid.com/post/20140703_thank_you_gnso_from_the_she_dot_africa)

As part of ICANN's multi-stakeholder community I would like to also bring to your Council's attention, an example of how the IRP process that ICANN designed is actually operating - DCA v. ICANN is an IRP that the organization I founded is currently engaged in.

In brief, ICANN halted the processing of DCA's application in June 2013. This was on the basis of advice from the GAC – rendered at the request of the AUC, but contested by the Kenyan GAC representatives – to reject DCA's application because it allegedly did not have enough governmental support. DCA subsequently initiated an IRP challenging ICANN's acceptance of that advice. During the IRP, ICANN continued to proceed with preparations for delegating .africa to UniForum/ZACR, the AU-backed applicant competing with DCA for .africa. In order to preserve DCA's right to be heard and its right to meaningful relief should it prevail in the IRP, the IRP Panel issued an interim order directing ICANN not to take any further action on the UniForum/ZACR application, since delegation of .africa to ZACR would effectively deny DCA any remedy whatsoever. **The IRP is currently ongoing and the proceedings can be found here:** <http://www.dotconnectafrica.org/icann-related-2/independent-review-process-dca-vs-icann>

In what we consider a procedural surprise, the London meeting saw the GAC give the ICANN board another Advice on DCA's, application on .africa. This whilst in the midst of an IRP.

DCA strongly believes the matters raised and responses we have provided can be very useful to the accountability work that the gNSO is proposing. These will also be to the public interest. **DCA's formal GAC response is available at this link.** <http://www.dotconnectafrica.org/wp-content/uploads/2014/08/DotConnectAfrica-Trust-GAC-Response-August-3-2014.pdf>

I believe that our case will provide many of the blueprints you will be looking for towards the implementation of a meaningful accountability structures that go beyond the IANA specific issues. We hope it would be useful to you.

Thanking you in anticipation, as we count on your earnest acceptance of our proposal on the accountability measures and subsequent action by your Council

Most respectfully yours,

Sbekele

Ms. Sophia Bekele, B.S., M.B.A., C.I.S.A, C.C.S, CGEIT

Executive Director, DCA Trust

Former Policy Advisor to gNSO, 2005-2007

For: DotConnectAfrica Trust (An Applicant for the .Africa gTLD) Application ID: 1-1165-42560

Cc: Rafik Dammk, Chair, Non-Commercial Stakeholder Group Release Statement on ICANN Staff's Accountability Plan (rafik.dammak@xxxxx.com , NCSG-Discuss@xxxx.edu)

Cc: William Drake, Chair, Non-Commercial Users Constituency (wjdrake@xxxx.com, ncuc-discuss@xxxxx.org)