Africa's map in the digital inclusion!

29 October 2008   **URGENT/CONFIDENTIAL**

Hon. Peter Dengate Thrush
Chairman of ICANN
4676 Admiralty Way, Suite 330
Marina del Rey, CA, 90292-6601, USA
(pdf via email: chairman@icann.org)

RE: Complaint letter – Interference of ICANN staff in the DotAfrica initiative

Dear Hon. Chairman:

First, let me congratulate you on your election to be the Chairman of the ICANN organization. The DotConnectAfrica organization has a positively evolving relationship with the institutions of ICANN in the past and we would be pleased to see this relationship continue under your leadership.

However today, it is with great disappointment and concern that I write to you and your esteemed Board.

It has come to our attention that a staff of ICANN, Ms. Anne Richell (from Niger) has used the good offices and positions granted to her at ICANN to undermine and tear down our hard won efforts, by improperly intervening with the DotAfrica project we have initiated with ICANN and the rest of the African community.

As a result we are sharing with you the **detailed account of activities** for the DotAfrica project **as evidence and record of our footprint** with the Regional organizations that are key stakeholders of Africa, introducing them to ICANN and its activities through our project.

You are well aware from our past communications to you and ICANN that we have planned carefully and put our efforts to keep our voice on DotAfrica afloat and our reporting and collaborations as transparent as possible, including most recently our briefing at the ICANN public forum in Paris, in your presence.

Despite our wide spread efforts in time and cost, we have had many challenges primarily from another **rival initiative that has treated us unkindly and dismissively** to undermine our efforts, given that we have asked its members to willfully work with us. The final straw that broke the camel's back, Mr. Chairman, is when we learned from our Pan African organization African Union (AU) recently, that they **were approached by Ms. Richell, regarding the dotafrica initiative** and disclosed to us the following, which we are sharing with you.

1. Ms. Richell made presentation about DotAfrica to the African Union; as a result, AU is now coordinating with ICANN on DotAfrica effort with a group she has introduced.
2. Ms. Richell has informed the AU regarding the undersigned the following:
     o the undersigned has **nothing to do** with ICANN
     o the undersigned has **nothing to do** with DotAfrica
     o the undersigned is a US **private sector entity; lives in the USA**, therefore does not qualify for applying for DotAfrica project with ICANN. It is in fact a 'Sophia Bekele" project and not for Africa.

It is important to note that this incident above occurred one (1) year after we have approached the African Union with our proposals and ITU's recommendation to the Africa Union that the DotAfrica project should be commissioned, as a result of our efforts and initiative.

Towards the above, the undersigned has also received an email from Ms. Richell in July 2008, stating that she has written a letter towards the above intentions to all Pan African organizations; however, did not send to us copies of those letters.

Hon. Chairman,

While we both know that Ms.Richell's statements above are not criteria that will determine the success or failure for the DotAfrica project, Ms. Anna Richell, whose responsibility should have been to encourage, engage and support the African community, instead, has provided the African Union with partisan insinuations and information to interfere with our activities in support of the initiative she favors. Her partisan position has demonstrated to us, an **'either you are with us or not without us' attitude** in supporting her favorated DotAfrica group. This action is clearly outside the norms of ICANN and has overstepped her duties and responsibilities and should be considered as an act of irresponsibility to ICANN and our company. Moreover her actions has attempted to damage our names, compromise our integrity, re-track all efforts made and literally accuse the undersigned as charlatan to the relationship the undersigned have with ICANN.

By African Union disclosing the above, Ms. Richell has caused irreparable damage on the credible image and status that we hold in the African community and with our African institutions. Mr. Chairman, this the website to our initiative – www.doctconnect.africa.org , is there anything illusory about our work? **We have been brutally attacked.**

Mr. Chairman, allow me to ask pertinent questions.
- Since when has a private company not been able to bid for a Top Level Domain (TLD)?
- Since when does anyone have to be involved in ICANN to bid for any TLD? and
- Since when should ICANN (the bid issuer) collaborate with the bidding organizations, such as: AU?

After actively serving and giving time of two years to an international organization that esteems itself as non-partisan, independent and promotes high ethics and professionalism, we has been alienated by ICANN's very own staff. Ms. Richell's level of nepotism and the behavior that she has exhibited cannot be acceptable by any professional standard and should be reprimanded immediately. While there is recognition that ICANN is a maturing organization, the undersigned have made tireless voluntary contributions towards its mission successfully during tenure and has hoped to **carry on the work of ICANN through a project that will inform, empower and build an internet society in Africa.**

Ms. Richell's presentation of ICANN and DotAfrica to our Regional Pan African organizations, in following our footprint, has **deliberately created confusion to our policy makers and civil servants to favor an outcome that alienates our efforts** to assist another initiative she supports. We are very stunned by the level of **deceitfulness and false representation** by Ms. Richell's of the intent of the undersigned. On behalf of all the people and organizations that have supported us on the DotAfrica project, the actions of Ms. Richell is highly unethical and should cease and decease immediately.

On the issue of neutrality in the regional bodies: As the issuer of the RFP, ICANN should not be seen as collaborating with any institution that is interested to bid for the project aside from providing information. The institutions that we have approached are critical in uniting Africa together, since they have the capacity and the network reach to influence policy and implementation. Ms. Richell's campaign on taking a position of non-neutrality to our institutions on the DotAfrica project has affected our endorsements.

Mr. Chairman, why should a project fail due to a lack of endorsements, simply because another competing entity puts pressure on institutions to remain neutral and not make the endorsement? Our organization took to lead in obtaining endorsements from the regional and international institutions that will play a role in the DotAfrica project and thus, we should not be penalized. How could project be implemented in Africa or elsewhere in the world if an organization took a position of neutrality? These organizations might as well cease

to exist if they do not support projects that benefit communities. I submit that forcing institutions to claim **neutrality after a project is initiated is a way of disempowering our initiative and confusing the issues. We feel that such practices should be rejected on this principle.** How can Ms. Richell and her collaborators spin politics of fear and neutrality to stop a project that is well grounded; sacrificing the African people from evaluating and embracing the choices that they could make?

We have ample evidence that the senior members of AfriICANN that have also long been members of ICANN, (AfriNog and AfriNic) are detracting our initiative, by threatening us with waging war, and conspiring to block us from further discussions of the DotAfrica project that we have initiated within ICANN. I am attaching several links to support our assertion. Please note that all of these are public record on the AfriICANN servelist.

- http://lists.aftld.org/pipermail/aftld-discuss/2006-August/000050.html
- https://lists.afrinic.net/pipermail/africann/2007-November/000542.html
- https://lists.afrinic.net/pipermail/africann/2007-November/000544.html.

Based on the aforementioned, therefore, we kindly request **that ICANN disclose Ms. Richell's communication letters, which, she herself has claimed to have sent to all Regional bodies relative to the undersigned, so we can defend ourselves rightfully and appropriately**. This is the only fair and transparent way of solving this issue. Less this approach, we are left in a position to counter her claim by distributing copies of this letter in our defense, which will lead to no less than a public relation catastrophe for ICANN and the DotAfrica project.

Add insult to injury, we received yet another email via the AfriICANN list, which we have attached with this letter as further evidence of Ms. Richell's misrepresentation of us. While it is unclear whether she wrote the message or simply forwarded something written by the CEO of Afrinic the following is clear:

(1) The message "summarizes" or uses as supporting evidence an attached Ethiopian newspaper article (translated into good English by the original reporter himself) to claim the involvement of a "3rd party" connected with a DotAfrica initiative in the circumstances leading to the re-location of an upcoming AfriNIC meeting away from Ethiopia. The trouble is that little in the attached article supports the thesis and claims regarding the reasoning and history behind relocation made in the message itself. **As such the message is a misrepresentation of the article.**
(2) The message makes various claims about Government and other involvement initiated by this "third party", where the description of the identity of this third party leaves no doubt that they mean us, the DotAfrica initiative. These unsubstantiated rumors are nothing but that. Unfortunately these insinuations in the message are and **have already negatively impacted our Company's reputation with investors and have had significant financial impact.**
(3) The very fact that it was sent out by an ICANN staff member using an ICANN email address as presumably some kind of response to the question "Why was there such re-location of the Afrnic meeting?" unquestionably legitimizes in the mind of many that ICANN believes these rumors and innuendos that have negative fiscal impact to us.
(4) The message is written much in the first-person as an Afrinic supporter - whether Ms. Richell wrote it or not, either way it strongly suggests in the reader's mind that AfriNic is an ICANN organization (i.e. a subsidiary) and Ms. Richell is paid by ICANN to defend and act as an AfriNic member.
(5) Since DotAfrica is an initiative (working for two years) to ultimately publically apply to ICANN for the ".africa" TLD, the very fact that an ICANN staff member with responsibility for the African region, is either writing or forwarding defamatory email (i.e. basically outright slander and misrepresentation with not a shred of evidence) in an authoritative manner to one and all in the African community (and public in general) **can only be taken as an official action by ICANN to deny an application for ".africa" from us even before the process has begun**. The negative financial implications to us in the investor community, even before we begin, should have been readily apparent to any ICANN staff member, let alone a legal professional.

Again, this is beyond professional ethics and evidence of Ms. Richell's continued bias, sabotage and malicious activities she long ago launched against us since past two years. To date we are unclear as to whether it is simply personal or whether her activity is officially sanctioned by ICANN with full institutional knowledge and support. Whatever the case, all-in-all with her latest email to the African group**, she not only misrepresented the Ethiopian newspaper and the Ethiopian government, she has continued to cause serious damage to our project initiative and damaged the profile of the undersigned to our detriment.** To date, we are assessing the damages to our ongoing bid because of questions raised by our investors.

Hon Chairman,

Finally, **we would like to reiterate our commitment of the DotAfrica initiative** by the DotConnectAfrica organization. We will also not allow an important project such as Dot.Africa to be commandeered by misguided civil servants and "few Senior Technical Men" of self-made organizations (Afri*) who intensely believe that concept of technology transfer is "techno-colonialism". We believe that it is best to include a wide array of development actors in the implementation of DotAfrica. Thus **we intend to educate and involve the leadership of the African Continent and the Diaspora Africa,** which are legitimate African communities and who by the way, we have learned do not know the work of ICANN. We have support/endorsement from organizations with demonstrable contributions to economic and ICT policies and implementations in Africa that should not be ignored. Everyone should be welcomed in the debate and implementation of DotAfrica.

We hope to hear from you soon.

The undersigned is available at the contacts below.

Sincere regards,

Sbekele

Ms. Sophia Bekele, B.S. M.B.A; C.I.S.A
Executive Director (Dot.africa)
gTLD policy advisor (2005-2007)
sbekele@dotconnectafrica.org
www.dotconnectafrica.org

cc**: Distinguished Board of directors,** Internet Corporation for Assigned Names and Numbers (ICANN)
    Ombudsman Office, Internet Corporation for Assigned Names and Numbers (ICANN)
    Mr.Nebiyu Yosef, B.S; MSEE, Coordinator (dot.africa) – nyosef@dotconnectafrica.org
    Mr.Ephrem Beyene, B.S., Secretary (dot.africa) – support@dotconnectafrica.org

Attached: - Account of activities on dot.africa initiative (see below)
                 - Forensic and media evidence on Afri* & Ms. Richell activities sabotaging our DotAfrica
                   initiative

Forensic evidence

Account of activities on DotAfrica project:

November 2005 – *The undersigned, Ms. Sophia Bekele, was elected to by **ICANN to advice on Policymatters over** Generic Top level Domain Names.* During initial service 1-2Q of 2006, she approached African members of ICANN, Ms. Anna Richell ICANN Staff and Mr. Mohammed Diop, Board member to initiate an African group to facilitate a united voice from the group to the board, as well as pursue the dot.africa TLD. The response was positive and encouraging.

June 2006, *DotAfrica was introduced formally to via a draft memo to the **UNECA (United Nations Economic Commission for Africa** – the regional body that attends to the economic issues of Africa) and it's relevant departments, DISD, which is part of ICANN's secretariat and the Executive Secretary's offices;* with intent to get their support and that of the AU (African Union – the continental body that attends to the political affairs of Africa), potentially to be a coordinating point.. We had a positive response.

Following the same, few days later, *DotAfrica was introduced formally to **African Union's Department of Commissioner of Transport & Infrastructure** with relevant departments* via a Power Point presentation, with introduction made by the Regional Advisors of the UNECA

June 2006, DotAfrica was introduced to Ethiopian governmental institutions. We have a positive response.

December 2006, *DotAfrica proposal was presented to **Uniforum (that run the .za TLD) South Africa,*** primarily because they showed interest when we announced our initiative in ICANN as well as volunteer to assist us. The undersigned then met in South Africa to meet with one of the principles of .za active in ICANN and disclosed the organizational model, the business plan, and discussed endorsement plans. The same presentation followed with the head of ISOC, South Africa, who showed interest. We had a positive response. Additionally, suggested inputs made by both parties were incorporated in the original proposal and a tripartide agreement was made to continue future collaboration.

March 2007, *DotAfrica was introduced and presented to **members of AfriICANN,***, at the informal gathering of the ICANN Lisbon public meeting. Mr Pierre Danjinou (Senegal), also, Chair of AfriNic Board and ICANN's President Committee member, who also Chaired the AfriICANN meeting the following day, was present at the gathering and commented on our presentation as "very good and to present our proposal", also commenting "his group is only missing the governance model". Come next day, **we were surprised when Mr. Danjinou announced that they have run out of time for this matter and that another initiative has come to his attention, which is run by Mr. Nii Oquanor (Ghana), also the Chairman of AfNOG**. We requested to include Mr. Pierre's announcement in the meeting minutes, which did not capture it. Our **request was ignore indefinitely**, despite that we sent several emails to the listserve. Yet again, to our surprise Mr. Danjinou sent us a copy of a four page "dotafrica proposal" with a list of supporters that included his name. **This was ample evident that Mr. Danjinou and his collaborators have blocked us from presenting our initiative to the African group gathering.**

For the record, the proposal Mr. Danjinou is pushing currently is an exact replica of the one we have shared with the informal group of AfriIcann and the rest of the Africa to date.

March 2007, *DotAfrica was introduced to **ISOC Africa** in a meeting and presentation held in Addis Ababa, Ethiopia.* We had a positive response. Mr. Dawit Bekele who represents ISOC Africa suggested that we send the proposal to Lyn for endorsement, which we did. We have not received a reply from Ms. Lyne to date.

August 2007, *DotAfrica was introduced and presented to the "**Connect Africa" summit organized by ITU** and hosted by Kigali Rwanda.* We introduced it formally to the top management of ITU and its Secretary General. ITU recommended we work with ITU HQ office for Africa, which is Addis Ababa. After several discussions with ITU HQ, it was recommended that African Union commission a project on dot.africa.

October 2007, *DotAfrica posted its position over* l*DN ccTLDs for the AfriICANN group* *in response to the comments solicited by Chris Dispain, Chairman of the ccNSO at ICANN.* Members of the AfriICANN provided **positive comments on the position we held, and exchanging kind dialogs**. However, Mr. Adiel Akplogan (Senegal), CEO of AfriNic (the org. that provides that platform for our dialog on AfriICANN discussion) intervened with **uncouth remark that we are "agitating the group"** by discussing "dotafrica", followed by Dr. Okuanor (Ghana) stating the dotafrica initiative is being done by the Sr. Technical Member of his group and accused us of **"plagiarism and wedging war against us",** this, after his Sr. Member Mr. Pierre above, admittedly copied our dotafrica model. Further to this, AfriNic email platform optimized the comment of Dr. Okuanor, so that it can appear in 'google' without including the comments of others, who supported us. We protested towards this with the group and Ms. Richell, as ICANN staff. **Our requests were ignored as usual.** We have expressed to the group that dotafrica is a project that should be free to interest anyone, and given that AfriNic & AfriNog doe not want to work with us, we have no choice but to move with our own. Towards this end, **this is another evidence of the group's deceitful interventions with our work (evidence attached and links exhibited on main letter)**.

December 2007, *DotAfrica was introduced and presented* **to the leadership of the African Union Missio***n Washington DC, USA.* We had a positive response.

December 2007, *DotAfrica was introduced and presented to the* **leadership of World Bank in Washington DC** *and S.Africa offices.* We had a positive response.

January 2008, *DotAfrica was introduced and presented to the* **leadership of the African Development Bank in Tunis.** We had a positive response.

January 2008, *DotAfrica was introduced and presented to* **ITU officials in Africa**. ITU recommended that the AU commission a project on dotafrica. ITU admittedly stated they were pleased with our initiative and one thay heard only from us.

Feburary 2008, *DotAfrica posted its position in support of the mid-term review of the Joint project Agreement (JPA)to the* **Office of Internal Affairs, of the National Telecommunications and Information Administration**, *in Washington DC*

April 2008, *DotAfrica's progress was announced at the* **ICANN public forum in Paris**.