DCA Commentary on the Position of the

AU Task Force on DotAfrica and

AU Infrastructure and Energy Department

Prepared in Response to the

African Union Addis Ababa, Ethiopia

Department of Infrastructure and Energy

(Information Society Division)

Briefing Note on DotAfrica

INTRODUCTION:

The attention of DCA has been drawn to a document *("Briefing Note on DotAfrica by Dept. of Infrastructure and Energy – Information Society Division" dated May 2011).* From a close reading of the document, it is rather obvious that it was prepared by members of the AU Task Force on DotAfrica and circulated under the aegis of the Dept. of Infrastructure and Energy. The Briefing Note indicates how they intend to mobilize Pan-African support for their unsustainable position, whilst covering up their misdeeds and dishonorable activities.   Both the authors of the document and their cohorts within the relevant supervisory department of the AU have all been exposed as members of the same discredited cabal that is in vehement and sinister opposition to DCA.   **The document is not strategic: at best it is adventitious and inchoate, at worst desultory.**   Instead of owning up to the ignoble role they have played in this controversial saga, **they issued this 'Briefing Note' as an explanation to cover up the sordid fact that they colluded to victimize DCA for no justifiable reason**.

DCA remains encouraged that it is acting based on strong moral convictions, and that truth and justice will ultimately prevail whilst its detractors will encounter failure at their sentinel.

RESPONDING TO THE ISSUES:

DCA will however **use this opportunity to set the records straight and debunk some of their untruthful claims,** whilst exposing their lack of proper knowledge regarding how the ICANN process works:

1. **DCA is not an 'individual'**. Any attempts to vilify and denigrate the person of the spearhead of DCA will be of no effect. DCA is a registered corporation, a non-profit trust that is led by an eminently qualified woman of African descent, Ms. Sophia Bekele; someone that is quite knowledgeable in Internet governance and ICT issues. She has served stints at ICANN as policy advisor to gTLDs, the main subject matter of DotAfrica, and has also worked on, and implemented several successful ICT projects for large governmental, inter-governmental organizations, and provided high-level advisory services to similar bodies. The detractors of DCA know that, as spearhead and strategic leader she represents a critical human resource for DCA,

hence this campaign of denigration and 'individualization'. Again, this very unhelpful and simply aimed at giving a dog a bad name in order to hang it. As spearhead of DCA who is leading a strong and committed team, Ms. Sophia Bekele has recorded an impressive list of achievements in campaigning and winning key endorsements and community support for the DotAfrica gTLD, and the issue is therefore not her ability (or lack thereof) to successfully procure and successfully deliver this important project to the benefit of all stakeholders.

2. They have indeed acknowledged that DCA has been at the forefront, and expressed interest to set-up DotAfrica nearly 4 years ago, thereby avowing that indeed DCA is seriously committed to the DotAfrica Initiative. **Even so, it is already clear that the coordinated opposition to DCA is based on a sinister and self-seeking agenda being promoted by those who, by hook or crook want to own and control DotAfrica for reasons of power, money and influence, and not out of any genuine desire to promote the interests of Africa**. They are using the same proposal that DCA presented to push the agenda, but want to exclude DCA from it.

3. It is rather evident from their own statements that the Task Force made the wrong recommendation for the *"AU to apply to ICANN to own DotAfrica during the next round of the new gTLDs which ICANN"* will launch. The AU never intended to own DotAfrica from the onset. Therefore, even though they knew for nearly two years that the AU had already endorsed DCA, they somehow convinced the AU to shun its endorsed partner and **breach a relationship that was already entered in good faith**. Even though they are aware that their actions are unsustainable, they also recognize that *"the AUC application to ICANN for DotAfrica could be challenged by an individual and or an institution that would like to stake a claim to the namespace",* whilst noting that *"the proper procedure in this case is for the AUC to enter into dispute resolution with the challenger(s)"*. The present controversy over DotAfrica is wholly contrived, and is the invention of the Task Force. **A timely good faith advice is for the AU to now engage in dispute resolution before the fact, and not after**. The task force members can retrace their steps by ensuring that the AU does the right thing at this point in time by reinstating DCA's endorsement without any further delays.

4. Appealing sentimentally to *"AU Member States and stakeholders"* and calling upon them *"to support the proposed AUC process for securing the namespace"* is also insincere. On what basis

are AU member states and stakeholders being encouraged to support an unsustainable agenda? So far, it is only the Ghanaian Minister of Communications that has been prevailed upon to write **an unsolicited letter to ICANN, but it is clear that he did this because of the 'pernicious influence' of Dr. Nii Quaynor, AfTLD Advisor, AU Task force Member and Chairman of .gh ccTLD, and promoter of dotafrica.org.** It is therefore not true that the African Union mandated the Ghanaian Minister of Communications to write to ICANN. This is simply the fabrication of the arch-opponent of DCA. For example, did anybody ask the opinion of the Ethiopian Minister of ICT on this matter; or solicit the official help of the South African or Kenyan or Nigerian Ministers of ICT to write to ICANN? Why only Ghana?

5. The letter written by the Ghanaian Minister is simply **the same pattern of behavior that has pushed the detractors of DCA to write unsolicited letters to DCA partners to influence them to withdraw their support**. It is very disingenuous for people to be advised to emulate this shameful method of operation. The same people appealing for support are guilty of underhand tactics and willful sabotage of DCA.

6. On face value, the contents of the document seem to be an appeal to ICANN and the GAC; even so, this will not be well received.

    a) First, it is clear that ICANN has the mandate over DotAfrica as a new top-level domain that will be added into the Domain Naming Structure, and not the African Union Commission.
    b) Second, it is rather evident that ICANN may be viewing whatever is happening with a certain level of sardonic amusement, and would put a stop to it at the appropriate time, when the joke has gone too far and can no longer be tolerated, because if it comes to a confrontation over the ownership of DotAfrica, ICANN will triumph, since this is the only recognized Global Internet Governance Authority.
    c) It is clear that the AU has gone beyond simply endorsing the DotAfrica Initiative, but has also instituted the process of choosing the registry operator by stating in its recent Communiqué that *"this will be the sole mechanism for selecting and endorsing prospective companies, groups or individuals prior to the launch of the ICANN gTLD program."* This therefore raises the important question: *What then is the role of ICANN? Is it to simply hand over the*

DotAfrica gTLD to the African Union Commission? Was this not supposed to be an international bid at the ICANN level?

d) It is clear that the extraordinary process instituted by the AU Commission more or less usurps ICANN's bidding process at the international level and could be interpreted as an attempt to blacklist the rest of the competition to the extent that it **(the self-endorsing AU)** wants to apply directly to ICANN and also choose the registry operator. Whereas the open international competitive bidding process regarding the DotAfrica gTLD is owned by ICANN, **it is obvious that the AU now intends to take-over the entire process as a sort of supranational telecommunications regulator and Internet governance body for Africa.** Perhaps the African Union might as well own and operate Air Afrique and become a participant in the airline business sector as well, since 'Afrique' refers to a named geography like DotAfrica.

e) **The globally accepted Internet governance architecture does not favor the AU Commission's objective of direct application and ownership of the DotAfrica gTLD;** therefore, if the AU Commission obligates itself to the wrong procedural approach recommended by the discredited Task Force as contained in the Infrastructure & Energy Department (Information Society Division) 'Briefing Note', it would be committing an egregious error, and the whole process shall be doomed to fail**.**

f) ICANN will not allow its rights, duties, authorities, and privileges usurped or undermined. **<u>Against the backdrop that the AU does not have mandate or ownership over DotAfrica, any attempts to make the process of choosing a firm or organization to be endorsed to operate DotAfrica, as "AU-led" in order to grant specious and or meretricious ownership of the process to the AU will end in a ridiculous failure.</u>** The AU cannot own DotAfrica; therefore, it cannot be a competitor in this process even though its rights as a valid stakeholder and endorser have been fully recognized.

g) The AU is an important organization and its hallowed name should not be dragged into the murky waters of Internet Domain politics, especially in a situation where the AU has no specific authority relating to Internet Governance. **Any specious claims that are contrived to pursue an opaque agenda would at best be a serious embarrassment to the AU,** or at worst be an immitigable fiasco to the eternal shame and dishonor of those backing this ridiculous agenda by purveying unworkable advice and misleading decision makers.

h) The recommendation contained in **the Briefing Note is simply a plan that has been hatched to use supposititious AU machinery to continue denying DotConnectAfrica's initial endorsement** whilst ignoring all the ethical concerns that have been raised so far by DCA. Thus the Briefing Note is a rearguard action appeal of the detractors of DCA, which makes their recommendation unworkable and unattainable. **In DCA's estimation, the Briefing Note highlights the fact that the so-called A UTask Force on DotAfrica has no proper knowledge of how the ICANN process works, in terms of mandate and overall decision making**. Or perhaps they know but insist on deviating from established norms so as to foster an opaque agenda in order to satisfy their selfish objectives.

i) It is known that the GAC cannot dictate to the ICANN whose global stakeholders are already wary that designs like the AU leading the process of controlling, applying for, and owning DotAfrica goes against the very grain of the multi-stakeholder participatory approach of the Internet governance model. There would be strong misgivings that the present course of action will give the AU both *de jure* and *de facto* control over DotAfrica as to make other stakeholders suspect possibilities of constricting the Internet resource space, censorship, governmental interference, etc.

CONCLUSION:

Finally, the DCA would hereby like to reiterate its long-standing position that its existing **endorsement that was freely granted by the AU Commission should now be openly acknowledged** and duly reinstated in the interest of justice and fairness, and that the **infamous Task Force on DotAfrica should be disbanded immediately**, not only for reason of lack of technical performance based on infeasible advice, but also because of the serious ethical questions regarding their cross-cutting affiliations, issues of illegality and illegitimacy, etc. that have already arisen.

Moreover, the EOI process should be discontinued and the African Union should now not risk the embarrassment of applying directly to ICANN with the objective of owning DotAfrica, since such an impossible idea will be considered anathema, and never be supported nor approved by ICANN and other stakeholders who do not subscribe to the idea that governmental and inter-governmental authorities should exercise overt leverage over Internet control and oversight functions.