



Africa's map in the digital inclusion!

12th July 2012

H.E. Ambassador John Shinkaiye

Chief of Staff

Bureau of the Chairperson

African Union Commission Headquarters

P. O. Box 3243

Addis Ababa, Ethiopia

Your Excellency Ambassador Shinkaiye,

Subject: A Note to Raise an Exception on the DotAfrica (.AFRICA) Application Submitted to ICANN by UniForum ZA Central Registry and an Official Request to the AU Commission to Withdraw its Support for the .AFRICA Application Submitted by UniForum ZA Central Registry

DotConnectAfrica Trust (DCA Trust) has submitted an application for the .AFRICA (pronounced as 'DotAfrica') geographic name string to the Internet Corporation for Assigned Names and Numbers (ICANN), a U.S.-based non-profit organization that is overseeing the global Internet expansion project to introduce new generic Top-Level Domain Names (gTLDs) under the new gTLD Program. If successful in this application round, DCA Trust intends to operate .AFRICA (DotAfrica) as a standard gTLD with special focus on Africa and for the benefits of the Pan-African and global Internet community. **DCA remains however strongly committed to serving its defined constituency and would like to reaffirm its commitment to collaborate and actively cooperate with important Pan-African agencies such as the African Union Commission (AUC) and the United Nations Economic Commission for Africa (UNECA) and other stakeholders for the success of the project.**

The application window for submitting on-line applications to ICANN for new gTLDs was opened on 12th January 2012 and closed on 30th May 2012. Following this, ICANN had on 13th June 2012 published the list of Applied-for gTLDs and the organizations that have submitted complete applications for evaluation. Only two (2) competing applications were submitted for .AFRICA. Apart from DCA's bid for the DotAfrica (.AFRICA) namespace, the other application for .AFRICA was submitted by UniForum SA trading as South Africa (ZA) Central Registry. Both applications are for the 'AFRICA' geographic name.

However, we believe that the application submitted by UniForum is already problematic for a variety of reasons. **After examining the published parts of it, we strongly believe that UniForum has committed some infractions by not following the stipulated guidelines of the new gTLD program in**

many important respects. DCA intends to raise these very important issues and exceptions with ICANN, so there is a huge possibility that the UniForum application for .AFRICA will be disqualified by ICANN. **In addition to the grave issues of not following the specified guidelines and respecting other mandatory ICANN requirements, we also believe that UniForum has been rather duplicitous in the mission and purpose of its application, and has generally misled the African Union Commission (AUC) and other stakeholders in terms of the type of application that it was supposed to make, and the type of application it submitted eventually to ICANN.** We believe that UniForum had sought the AU's support ostensibly on the basis that it would make its application for .AFRICA **on behalf of the African Community** for which reason it received a letter of appointment dated 4th April 2012, a copy of which is attached herewith.

Following the ICANN 'Reveal Day' on 13th June, 2012 and the subsequent publication of the submitted application details, **it was revealed that UniForum had not made any application on behalf of the African Community, in spite of ICANN's written recommendations (dated 8th March 2012) to the African Union to, perhaps, safeguard the interest of the African Community in the applied-for .AFRICA string by using Community TLD/Community Objection in addition to also employing the GAC Early Warning Advice approach. In a nutshell, UniForum has not made a Community Top-Level Domain (TLD) application for .AFRICA, thereby betraying the original intentions under which the support and letter of appointment was granted to it by the AUC to apply on behalf of the African Community.** Therefore, by changing its intentions and not applying on behalf of the African Community, we believe UniForum has been rather duplicitous to the extent that they obtained the AU's support on Community TLD grounds; and further used that to influence other African governments (and country code Top-Level Domains, the ccTLDs) to provide their support also on 'African Community' grounds, but did not actually submit a Community TLD application to ICANN for .AFRICA. **We need not over-emphasize that UniForum has actually betrayed the confidence reposed in it by the African Union that required it to submit an application on behalf of the African Community.** DCA therefore believes that by failing to submit an African Community TLD application for .AFRICA, UniForum no longer deserves to retain the support of the African Union Commission or any African national government or ccTLD for that matter. **UniForum should now bear ultimate responsibility for betraying the African Community interest over .AFRICA.** If the trust must be told, the stark reality is that no African Community TLD application was submitted to ICANN during this current gTLD applications round and nothing can change this.

As already mentioned, it is the express intention of DCA Trust to raise these serious infractions that have been committed by UniForum to ICANN leaders, and we expect that the global Internet regulatory body shall impose certain severe penalties on UniForum, which could include either immediate disqualification or outright failure in the Evaluation Process, because, as already mentioned, UniForum did not abide by the stipulations of the new gTLD program of ICANN.

Accordingly, we hereby request the African Union to now withdraw its avowed support for the .AFRICA application submitted by UniForum. We also request the African Union not to provide any support to UniForum that would enable it obtain any support(s) for its application from individual African country governments. **The fact that UniForum failed to submit a Community TLD application**

for .AFRICA vindicates our earlier claims that a special interest group, acting as a 'DotAfrica Task Force', had used the machinery of the African Union to hijack the .AFRICA gTLD to serve the purposes of a narrow clique. We need not overstress our belief and profound understanding that in the absence of a Community TLD application submitted to ICANN, any continued AU support to UniForum's application for .AFRICA will be generally interpreted in many quarters as active connivance by the AU in a travesty. The African Union Commission cannot be seen to be supporting UniForum for an African Community TLD application for .AFRICA whilst in reality UniForum did not submit any Community TLD application for .AFRICA to ICANN. Therefore, since the basis of support does (or should) no longer exist because of the duplicity of UniForum, **the African Union Commission will be aiding and abetting partiality and injustice by continuing to provide any form of support to UniForum.**

Thus, we hereby implore the African Union Commission not to engage in any GAC Early Warning Advice against the .AFRICA application submitted by DCA since the preference of the African Union for a DotAfrica (.AFRICA) application on behalf of the African Community does not exist anymore. We also expect that no African national country government should lodge or sponsor any GAC Early Warning Advice at ICANN against DCA's application for .AFRICA since no African Community TLD application has been submitted to ICANN. We believe that any such Early Warning Advice will have no foundation and be seriously lacking in merit.

Thanking you in anticipation as we hope that you will use your good offices to seriously consider the grave issues that we have attempted to communicate in this letter and act accordingly in the interest of justice, transparency and accountability.

Most respectfully yours,

Shekele

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For and on behalf of:
DotConnectAfrica Trust & DCA Registry Services (Kenya) Limited

- cc: H.E. Dr. Jean Ping
Chairperson of the African Union Commission
Addis Ababa, Ethiopia
- cc: Dr. Elham M.A. Ibrahim
Commissioner for Infrastructure & Energy, African Union Commission
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- cc: H. E. Mr. Abdoulie Janneh
UN Under-Secretary-General & Executive Secretary
United Nations Economic Commission for Africa
Addis Ababa, Ethiopia
- cc: Dr. Stephen D. Crocker
Chairman of the ICANN Board of Directors
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Attach: AUC Letter of Appointment