



Africa's map in the digital inclusion!

Ref: dotafrica/2012/07/18

July 18, 2012

The Chief Executive Officer
Internet Corporation for Assigned Names & Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina Del Rey, CA 90292-6601
United States of America

Dear Sir,

Subject: Reporting a Potential Conflict of Interest on .AFRICA (DotAfrica) new gTLD Applications Regarding Ms. Alice Munyua

DCA Trust has submitted an application for the .AFRICA (DotAfrica) gTLD string.

Ms. Alice Munyua is a government representative on Internet Governance matters from the Republic of Kenya and she is presently serving on the ICANN Government Advisory Committee (GAC). At this time, Ms. Alice Munyua is Chairperson of the Board of KeNIC (Kenyan Network Information Centre). However, we believe that she is deeply conflicted over dotAfrica (.AFRICA) gTLD, and any views she may have on the subject may be biased, and for this reason any GAC Advice she may present on .AFRICA (dotAfrica) should not be considered. We are indeed troubled by the fact that Ms. Alice Munyua would use her presence on the ICANN GAC forum to act deliberately as to pose an unwarranted risk to DCA's application.

We understand from various sources that she is providing undisguised support for the competing application for the .AFRICA (DotAfrica) string submitted by UniForum SA trading as ZA Central Registry (or Registry.Africa). Indeed, Ms. Alice Munyua had travelled from Kenya to South Africa to attend the UniForum Reveal Day. We are aware that Ms. Alice Munyua has always been vocal in expressing her opposition against DCA **and indeed while at KENIC board. In terms of concrete evidence, we wish to provide an excerpt of the published minutes** ('MINUTE 520/59/2012 CONSIDERATION OF THE BOARD PAPER ON DOT AFRICA PROJECT') of the KENIC Board (located at http://www.kenic.or.ke/files/59_Minutes_Mtg.pdf), and we note *inter alia*:

"The CEO introduced and took the Committee through the paper, noting that KeNIC had given conditional support to the ZACR's bid to the AUC, to provide technical services for the dot Africa, subject to amongst others, negotiation and conclusion of an MoU with AfTLD."

This is proof that Ms. Alice Munyua has indeed participated in discussions at the KeNIC Board during which a certain decision was reached to give support to the bid submitted by UniForum ZA Central Registry to the African Union Commission for the registry operation of DotAfrica gTLD.

We strongly believe that **in the past and on different occasions, Ms. Alice Munyua has already taken antithetical positions that are against DCA**, and for this reason we expect that to avoid a conflict of interest, she should recuse herself from participating in any future discussions regarding the .AFRICA (dotAfrica) gTLD applications submitted to ICANN, and should not be allowed to table any GAC Early Warning Advice in respect of the new gTLD application for the .AFRICA geographic TLD name space submitted by DCA Trust. We remain seriously concerned that her presence on the ICANN GAC would be used to continue her adversarial

posturing against DCA by advancing negative positions that would weaken DCA's application whilst advocating for the competing application submitted by UniForum. Please note that DCA had previously sent an advance communication regarding Ms. Alice Munyau to ICANN dated 7th April 2011.

We therefore appeal to the ICANN leaders represented by the ICANN Board and ICANN GAC to disallow Ms. Alice Munyau from taking part **in any discussion or activities relating to the gTLD for Africa (.africa).** To avoid any possible conflict of interest on her part as a government representative on GAC, Ms. Alice Munyau should be asked to recuse herself from participating in any ICANN-GAC discussions or decisions concerning the .AFRICA gTLD.

Thanking you in anticipation of your kind co-operation.

Yours sincerely,

Sbekele

Ms. Sophia Bekele, B.S., M.B.A., C.I.S.A, C.C.S, CGEIT
For DCA Trust (An Applicant for the DotAfrica (.AFRICA) gTLD
Application ID: 1-1165-42560

cc: Dr. Stephen Crocker, Chairman of the ICANN Board;
Chairperson of the Government Advisory Committee at ICANN

[Attach: letter 07 April 2011](#)

07 April 2011

Ms. Heather.Dryden
The Chairperson
Government Advisory Committee

ICANN

Re: Potential Conflict of Interest Observations Relating to Ms. Alice Munyau, Member of the ICANN GAC

Dear Chairperson,

During the recent ICANN meeting in San Francisco it came to our attention that Ms Alice Munyau has been appointed as the Vice Chair of GAC.

Ms. Munyau is active in the internet community both in Kenya and internationally and we certainly recognize she is an energetic and impressive advocate. However we **see a conflict of interest that may develop during any advice that GAC may need to provide regarding the upcoming gTLD for Africa. (.Africa).**

It is conceivable that GAC may be asked for an opinion on the “.africa” domain and its clear that any potential conflict of interest is identified. In keeping to the **highest ethical standards**, it is usually recommended that those with a **potential conflict should recues themselves from any formal or informal discussion** on the matter to ensure impartiality whilst avoiding the “creeping-in” of bias and possible personal interest.

Some of the reasons that Ms. Alice Munyau may be conflicted are:

1. She **coordinates and leads the .EAC East Africa Community Domain**, which is being promoted to apply for the .EAC gTLD. Clearly, DotAfrica and .EAC are potential competitors in the East Africa Sub-region .
Please see media coverage on subject at:

http://www.newsciencejournalism.net/index.php?news_articles/view/is_dot_eac_domain_needed

2. She is a board advisor to kenNic, which is host to the .ke ccTLD and as such, is likely to be linked to the AfTLD expression of interest. (AfTLD, whose 24 ccTLD members include .ke, recently announced it wants to express an interest to win the mandate for a dotafrica gTLD from the African Union and ICANN.)
3. She serves as a moderator on Kicktnet, which is a Kenyan discussion group for ICT matters including gTLDs and specifically “.africa”.

3a) Last year a series of **unsubstantiated postings appeared on Kicknet that were highly prejudicial to DCA’s DotAfrica bid.** Despite written legal representations to Ms. Munyau to control the discussion no action was taken by her or her group. See **Demand letter filed here:** <http://www.scribd.com/doc/40764489/Document-6A-BCEC>

4. Is a facilitator at the UN sponsored East Africa Internet Governance Forum (UNIGF), and during which time a forum took place in Kampala for ccTLDs represented by .ECA, there was her resistance to the promotion of DCA &.africa, **despite DCA was a sponsor of event and speaker at the forum.** Ms. Alice also had issues including our recommendations to the UNIGF conclusions, as exhibited in report in **4a above.**

Clearly, we believe that **Ms. Alice Munyau has already taken antithetical positions that are against DCA,** and her presence in the GAC, could be used to further negative impacts **unless she elects to first recues herself** from any future discussions regarding the DotAfrica gTLD. We are therefore **seriously concerned** that her appointment to the GAC might provide her an exalted platform to continue her adversarial posturing against DCA whilst advocating for those competing against DCA.

Therefore, we are kindly requesting that:

1. GAC and ICANN ensure that Ms. Munyau **not partake in any discussion or activities relating to the gTLD for Africa (.africa) or the East African Community (.eac).**
2. Ms. Munyau’s **potential conflict of interest and other personal and or corporate interests and affiliations are fully declared to all GAC members** prior to any discussion. This may then be taken into account when considering any comments or submissions or advice she may proffer.

We appreciate if you **will bring this to the attention of all GAC members** to address to concern in order that everyone is aware regarding her appointment.

Finally we congratulate Ms. Munyau on her appointment as **Vice Chair of GAC** and wish that **her tenure would be one of impartial and faithful service that would promote and represent all stakeholders and of key Internet constituency in Africa.**

Most respectfully yours,

Sbekele

Ms. Sophia Bekele, B.S., M.B.A., C.I.S.A, C.C.S, CGEIT
Executive Director (.Africa)
Ex. gTLD Policy Advisor to ICANN (2005-07)
www.dotconnectafrica.org
sbekele@dotconnectafrica.org

cc: **Office of the CEO, ICANN Corp. USA**
Office of Chairman, ICANN Corp, USA