



Africa's map in the digital inclusion!

January 31, 2013

Mr. Fadi Chehadé
Chief Executive Officer
Internet Corporation for Assigned Names & Numbers (ICANN)
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Marina Del Rey, CA 90292-6601,
United States of America

Dr. Stephen D. Crocker
Chairman of the ICANN Board
(By email: steve.crocker@icann.org)

Dear Sirs,

Subject: On Our Previous Allegation of Possible Conflict of Interest on .AFRICA (DotAfrica) new gTLD Applications Regarding Mr. Mike Silber and Mr. Chris Disspain, Following the Review Conducted by the ICANN Ombudsman

You may recall that DotConnectAfrica Trust (DCA Trust) had in July 2012 reported a matter of Conflict of Interest on .Africa new gTLD applications regarding Mr. Mike Silber, a member of the ICANN Board from South Africa, and Mr. Chris Disspain, a member of the ICANN Board from Australia; and also wrote another letter in October 2012 which necessitated a review by the ICANN Ombudsman, Mr. Chris LaHatte.

According to the outcome of the review conducted by the Ombudsman, his report noted that ***“it is clearly apparent when the records are examined, that the 2 board members have not participated in any decision-making about .africa”***, and concluded that ***“no disqualifying conflict of interest, or indeed any conflict of interest at all is present in the actions of both Chris Disspain and Mike Silber.”*** It is the belief of DCA Trust that such a conclusion is not only rather ‘convenient’, but is also, quite significantly, a ‘no-brainer’ to the extent that no new gTLD discussions have so far taken place prior to the Ombudsman’s review, but it is quite obvious that such discussions would quite possibly take place in the very near future.

Since the Ombudsman’s report was published **we note that the two Board Members and new gTLD Program Committee Members have since revised their disclosed ICANN Board Statements of Interests as an aftermath measure.**

However, we write to express our lack of dissatisfaction with the report of the Ombudsman to the extent that **no recommendation was made by the Ombudsman regarding any future Conflict of Interests** when the two Board Members are confronted (at some futurity) with a decision to be made regarding the new .Africa gTLD. In our estimation, this remains a critical but unresolved issue.

DotConnectAfrica Trust has always insisted that Messrs. Mike Silber and Chris Disspain should recuse themselves from participating in any ICANN Board-level and new gTLD Program Committee discussions and

decisions regarding .Africa. Our position remains unchanged. Even though we had requested certain reassurances from ICANN on this issue, we have not yet received any.

As the Ombudsman has already observed in his report, **“there is a considerable amount at stake both financially and for other reasons”**.

Therefore, as we continue to follow the new gTLD process, we believe that in order to avoid any possible Conflict of Interest in the future, and despite the revised Statements of Interests (SOI) as already disclosed, Mr. Mike Silber and Mr. Chris Disspain should **AGREE** to recuse themselves from participating in any future **Board-level, Executive-level or Committee-level discussions and or decisions** regarding any of the .AFRICA (dotAfrica) gTLD application(s) submitted to ICANN.

Thanking you in anticipation as we look forward to the earnest intervention of ICANN leaders to ensure that this matter is resolved and settled to our complete satisfaction.

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

Link Attachment: [Mike Silber COI Letter](#)
[Mr. Chris Disspain](#)

cc: Cherine Chalaby, Chair, New gTLD Program Committee
cc: Heather Dryden, Chair, Government Advisory Committee
cc: Christine Willett, General Manager, New gTLD Program
cc: Suzanne Sene, U.S. Representative to ICANN Government Advisory Committee
cc: Dr. Olivier M.J. Crépin-Leblond, Chair, ICANN At Large Advisory Committee
cc: Mandy Carver, Global Stakeholder Engagement Executive Director
cc: Sally Costerton, Senior Advisor to the President — Global Stakeholder Engagement
cc: John Jeffrey, General Counsel
cc: Chris Lahatte, ICANN Ombudsman

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