



April 02, 2013

Mr. Fadi Chehadé
The President and 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

Dr. Stephen Crocker
Chairman of the Board
Internet Corporation for Assigned Names and Numbers (ICANN)
Marina Del Rey, CA
U.S.A

Dear Sirs,

Subject: *Regarding the letter sent to ICANN by Dr. Ben Fuller of the Namibian Network Information Centre & the non-existent endorsement for the UniForum/African Union bid by the Namibian Government*

It has been brought to the attention of DotConnectAfrica Trust that Dr. Ben Fuller, a Director of the Namibian Network Information Centre (Pty.) Limited (NA-NiC), has sent an official letter to Mr. Fadi Chehadé, President/CEO of ICANN, regarding the statements we made about Dr. Eberhard Lisse in our recent letter to ICANN.

We believe that Dr. Fuller's letter is of no consequence, and should actually be ignored by ICANN. The letter is a red-herring and has been deliberately introduced by Dr. Ben Fuller to distract the attention of ICANN away from the important issues that DCA Trust had earlier communicated in its letter to ICANN. Dr. Fuller speaks of facts that he does not know about, and as such, is a very unreliable witness who cannot vouch for anyone, least of all, Dr. Eberhard Lisse.

We strongly recommend that Dr. Fuller should be immediately sanctioned for engaging in blatant chicanery. Dr. Ben Fuller does not hold brief or a power of attorney for Dr. Eberhard Lisse, and as such should not speak for any named party in our letter to ICANN. Dr. Fuller should have been more circumspect, and allowed the named individuals to respond first, instead of attempting to intervene prematurely in the discourse just to prove that he is more Catholic than the Pope.

Indeed, retracting nothing, we stand firmly by our position, and hereby wish to re-confirm the facts that we know as follows:



1. The Namibian country-code Top-Level Domain (ccTLD) has been delegated by ICANN to the Namibian Network Information Centre (NA-NiC).
2. The IANA delegation record for the Namibian ccTLD may be found at <http://www.iana.org/domains/root/db/na.html>
3. It is not in doubt that Dr. Eberhard Lisse is the managing partner of the Namibian Network Information Centre. Please kindly refer to Eberhard Lisse's ICANN Wiki record which may be found at: http://icannwiki.com/index.php/Eberhard_Lisse
4. According to Dr. Eberhard Lisse's own testimony, the Namibian ccTLD is 'personally' registered to him. We hereby cite as our evidence, a copy of the presentation made by Dr. Eberhard Lisse at the ICANN Meeting in Sao Paulo, Brazil in 2006. A copy of this presentation may be found in the ICANN archives which is available at: <http://archive.icann.org/en/meetings/saopaulo/presentation-lisse-07dec06.pdf>

It is quite possible that Dr. Ben Fuller is not aware of this particular presentation that was made by Dr. Eberhard Lisse in 2006 hence our statement that "Dr. Fuller speaks of facts that he does not know about."

5. Whilst it is true that the NA-NiC manages the .NA country-code Top-Level Domain (ccTLD), Dr. Eberhard Lisse continues to treat the Namibian ccTLD operation as something that was registered to him 'personally', hence our insinuation of a 'one-man show' ccTLD operation. As a matter of fact, Dr. Eberhard Lisse's personal/family web site <http://www.lisse.na> actually contains a contact link "**for NA-NiC or DNS related purposes**".

We therefore believe that we have not made any false or misleading statements about Dr. Eberhard Lisse. Even so, if he thinks that DCA Trust has misrepresented him, Dr. Eberhard Lisse is free to follow whatever legal channels that are available to him, and pursue his case against DCA Trust in any jurisdiction anywhere in the world, and seek redress. We stand ready to defend ourselves.

Having made the above substantiation; **we now wish to squarely address the issue of the non-existent endorsement for the UniForum/African Union bid by the Namibian Government:**

The letter dated 16th November 2012 (with AU Reference No. CIE/L120/321.12) that has been forwarded by Dr. Ben Fuller was presumably **written on the letterhead of the Ministry of Information and Communication Technology of the Republic of Namibia**, and addressed to Dr. Elham M. A. Ibrahim, the Commissioner of Infrastructure and Energy of the African Union Commission.



The letter communicates the position of the Namibian Government regarding the DotAfrica project and ***“applauds the AU initiative and urges the AU to proceed in earnest to have the .africa registry established to avoid a potential hijack of regional names on Africa for private use.”***

The same letter further expressed the notion that ***“the regional geographic TLD strings ‘.africa, .afrique and .afrika’ be set aside by ICANN for the region’s use under the auspices of the AU and that the new gTLD bid process should not result in the string(s) being inadvertently assigned without the AU determination.”***

Again, we are shocked that **Dr. Ben Fuller has tried to ‘pass off’ the above letter as an ‘endorsement’ for UniForum’s .Africa new gTLD application** by the Namibian Government just to prove that the Namibian Network Information Centre has not endorsed UniForum in any way.

As a matter of fact, this letter simply conveys the notion that the Namibian Government supports the idea that the .Africa name should be reserved for the African Union Commission for determination. **No one should confuse a letter sent by an African country government to the AU to support the request made by the AU to ICANN that the .Africa name should be reserved for it by ICANN, as a valid endorsement for UniForum ZA Central Registry as an applicant for .Africa.**

To further buttress our position, we wish to state the following in the most unequivocal terms:

- i. The official applicant contending for the .Africa string is UniForum ZA Central Registry. We wish to note that a careful reading of the letter that was written by the Namibian Ministry of Information and Communication Technology has not mentioned UniForum and its .Africa application anywhere. **It is therefore crystal clear that this is not really a letter of endorsement for UniForum’s application for the .Africa new gTLD.**
- ii. The letter cited by Dr. Ben Fuller that was written by the Namibian Ministry of Information and Communication Technology was dated 16th November 2012 to confirm to the African Union that **the Namibian Government supports the notion that the .Africa name(s) should be reserved by ICANN for the AU’s determination; meanwhile that case had been thoroughly treated and the results communicated by ICANN to the African Union Commission as of 8th March 2012.**

We kindly refer you to see the letter that was written by Dr. Stephen Crocker, Chairman of the ICANN Board to the AU Commissioner, Dr. Elham M. A. Ibrahim in response to the request(s) made by the AU and the African Ministerial Roundtable in Dakar, Senegal in late 2011. <http://www.icann.org/en/news/correspondence/2012>

Therefore, it is quite apparent that the letter from the Namibian Ministry of Information and Communication Technology was written to the African Union Commission nearly eight (8) months after ICANN had formally communicated its non-approval of the African Union’s request to have the .Africa TLD name reserved for it.



Based on all of the aforementioned fundamentals, **we rightly believe that the .Africa new gTLD bid submitted by UniForum ZA Central Registry has not been endorsed by the Namibian Government, despite that public claim that Uniform has done on various media.** <http://www.telecompaper.com/news/namibia-endorse-zacr-bid-for-africa-domain-name--911198> and <http://www.balancingact-africa.com/news/en/issue-no-633/web-and-mobile-conte/namibia-endorse-zac/en>

Namibia's formal letter of support for South Africa's ZACR follows a Southern African Development Community (SADC) ICT ministers meeting held in Mauritius in November 2012, says ZACR.

We have always maintained that the UniForum application is fraudulent, and we hereby assert that **passing off this type of letter as a valid Namibian Government endorsement for its bid is legally problematic and perhaps, fraudulent.**

The Namibian Government has simply expressed support for an AU position that was already denied by ICANN, and the communication does not in any way serve as an endorsement for the .Africa new gTLD bid that was submitted by UniForum ZA Central Registry.

Our contention that Dr. Eberhard Lisse has 'endorsed' UniForum is actually based on what we have gathered from his open antagonism towards DCA's application for .Africa, and his undisguised support for UniForum's application. Again, whichever way you look at it, we still maintain that such **'subjective support' does not really count as an official endorsement by the Namibian Government for UniForum's .Africa new gTLD application.**

This then brings us to the issue of accountability.

Now that we have exposed the fact that UniForum has no endorsement from the Namibian Government, we believe that **proper due process accountability will also show that UniForum ZA Central Registry has not obtained valid endorsements from many African country governments.** This calls into question the validity of the GAC Early Warning that was contrived against DCA's application by the 'representatives' of many African country governments who had gathered during the IGF in Bali, Azerbaijan to **'perform a cut and paste'** effort; as we have maintained in our official response to the ICANN GAC Early Warning notification.

Therefore, we hereby wish to reject the farcical notion that UniForum's application for .Africa gTLD has the support of many African country governments whilst DCA Trust's application for .Africa gTLD lacks the necessary support of African country governments. We stand ready to **legally substantiate** our position if there is proper due process accountability regarding the issue of governmental endorsement over .Africa.

On the Issue of False (or Fake) Identity



This matter has been adequately explained publicly and we have nothing else to add to it. The undersigned as a party named by Dr. Ben Fuller was the victim of unremitting hatred, and the target of a fierce and merciless campaign of animosity that was directed against her person within the AfrICANN discussion forum; her real name ID was blocked from participation on AfrICANN without any given cause, until a member protested on her behalf.

Therefore, in order to protect herself from the constant bombardment from many of her implacable opponents such as Dr. Eberhard Lisse, who also led (himself) some of those personal attacks and constant mockery/denigration against the undersigned and DCA's .Africa bid, was compelled to use an 'alternate identity' to engage in general discussions on the Forum, which more often than not also referred to the issue of .Africa.

Dr. Fuller's statement that the intention was to garner support for the .Africa new gTLD bid is very incorrect. DCA's .Africa application was the subject of repeated disparagement, and there was an important need by DCA Trust to closely and carefully monitor the discussions that were taking place on the AfrICANN emailing list and respond (as necessary) to certain negative comments from some contributors and balance the debate. **This could not be done in the name of 'Sophia Bekele', who was already the target of constant animus and insults;** for which reason a 'pseudonym' had to be used just to protect herself from the open hatred and diabolical mockery that she was being forced to relentlessly endure by Dr. Eberhard Lisse and his cohorts.

When the matter of 'fake identity' was raised, the undersigned readily admitted, explained herself, and even in a demonstration of honesty and humility, quickly apologized to the members of the AfrICANN Forum; and was readily forgiven when the Forum members discovered that there was really no issue to be fought over, particularly where it was no rules of engagement defined for the Forum participation. Only the .Africa opponents continue to make an issue out of it.

In our estimation, it is not a case that should now warrant the attention of ICANN leaders. Dr. Ben Fuller is simply trying to traduce by mentioning this issue in his unsolicited letter to ICANN.

Conclusion

In closing, we wish to **reiterate that the issue of 'endorsement' as a criterion for .Africa new gTLD applications should not be relevant anymore** as we have already clearly suggested to ICANN as a way forward in a previous communication, since the process of obtaining African country government endorsements, as we have shown even in this matter of Namibia, has been greatly abused, and has also been associated with many irregularities and misrepresentations.

Therefore, at the risk of over-stressing a point already made, the Government of Namibia Ministry of Information and Communication Technology had simply expressed support for an unsustainable position, to wit; agreeing with the unfortunate request that the .Africa gTLD name should be reserved by ICANN for the AU, an impossible request that ICANN has already denied more than one year ago.



We believe that a fine distinction must be made and understood without any ambiguity **that an African country government agreeing with the AU's unsustainable position on .Africa does not legally constitute an endorsement for UniForum's application for the .Africa new gTLD.**

Moreover, **we do not accept any African country government's position which believes that the .Africa name string should be assigned based on the AUC's determination**, since our understanding is that every string assigned under the auspices of the globally-approved ICANN new gTLD program **is done at the determination of ICANN and not of any third-parties.**

We have consistently argued **both on legal and philosophical grounds that the roles, rights, privileges, responsibilities and governance authority of ICANN under the new gTLD program cannot be usurped.** Everyone must be subject to ICANN's determination as per new gTLD Program guidelines and stipulations.

Thanking you in anticipation of your kind cooperation and consideration.

Most respectfully yours,

Bekele

Ms. Sophia Bekele, B.S., M.B.A., C.I.S.A, C.C.S, CGEIT

For: DotConnectAfrica Trust (An Applicant for the .Africa gTLD) Application ID: 1-1165-42560

cc: **Dr. Ben Fuller (Director) and Dr. Eberhard Lisse (Managing Partner),
Namibian Network Information Centre (Pty.) Limited**
Windhoek,
Namibia

Other ICANN Officials copied in this Communication:

cc: Cherine Chalaby, Chair, New gTLD Program Committee
cc: Heather Dryden, Chair, Government Advisory Committee
cc: Christine Willett, General Manager, New gTLD Program
cc: The Honorable 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, ICANN General Counsel
cc: Chris LaHatte, ICANN Ombudsman
cc: Professor Alain Pellet, Independent Objector for the ICANN new gTLD Program
cc: Dr.Tarek Kamel, ICANN Sr. Advisor to CEO (ICANN Africa Strategy)