

Our Ref: DR/MS/044

Your Ref:

Date: 16<sup>th</sup> August, 2018

The Director General,  
Communications Authority of Kenya,  
Waiyaki Way,  
P.O. Box 14448 - 00800  
**NAIROBI**



Dear Sir,

**RE: COMPLAINT ON THE UNETHICAL RUNNING OF KeNIC BY THE BOARD**

We write this letter to request for your urgent intervention to save KeNIC from an eventual collapse due to the ongoing unethical running of the organization by the board.

The Domain Registrars Association of Kenya (DRA.KE) was established as an independent entity that acts to promote the internet and its integration into Kenya's technological, research, educational, social and business infrastructure. The Association is managed by a board and works towards developing and advancing infrastructure services vital for the existence of the internet in Kenya, narrowing the country's digital divide and representing Kenya in international forums that are significant in determining the future of the internet.

Currently the Association is working on the '*KE Ecosystem Masterplan*' a roadmap pegged to the National Broadband Strategy (NBS) and aiming to build a Kshs. 100 Billion .KE Ecosystem that will create at least 10,000 jobs annually. In many jurisdictions globally, the best practice has been established that ccTLD registries like .KE are better of managed by the respective country's Registrar Association since the registrars are the primary client domain contact and can thus react quickly to their changing demands. A good example of a successfully registrar-managed Registry is the Dot UK (.UK) domain registry, known as Nominet.

The Kenya Network Information Centre (KeNIC) was established through the facilitation of the then Communications Commission of Kenya (CCK), and Dra.Ke appreciates the positive effort by CCK/CA. Following the licensing of KeNIC by CA to manage the .KE registry in 2015, a multi stakeholder board was appointed comprising of nominees from Dra.Ke (Kimathi Kamundeh), KENET (Prof. Meoli Kashorda), TESPOK (Geoffrey Shimanyula) and ICTA (Francis Mwaura). In addition, KeNIC board has three (3) Associate directors and an EX-Officio Director (1 Year period for the outgoing Chairperson) as follows: Google (Rosemary Momanyi), ICEA Lion (Enid Otieno), KO Associates (Stephen Kiptinness) and Telkom Kenya (Kris Senanu).

It is the expectation of the Regulator (CA) that KeNIC is operated within the license conditions. However, currently KeNIC's operations are geared towards personal interests rather than being in line with the CA licensing conditions.

Examples of the personal interests are as follows:

1. On the 26th of April 2018, the board appointed an Associate Director as the Chair of the Board of Directors. Despite advice by the Company Secretary that this action conflicts with KeNIC's Memorandum and Articles of Association (MEMARTs), majority of the Board went ahead to vote and install an Associate Director as the Chair of the Board.
2. Upon the next board meeting, the DRA.Ke representative revisited the validity of the election of the Chair, and after back and forth deliberations, the Board agreed to remove the Chair and appoint Professor Meoli of KENET as the interim Chair to the Board.
3. Despite several advice by the Company Secretary, the Board has failed to appoint a Vice chair as per the requirements of the KeNIC's MEMARTs.
4. Due to the lack of the board to adhere to the CA Licensing conditions, MEMARTs and the Board's Charter requirements has led to the resignation of the Company Secretary.
5. Lack of compliance with the public procurement law due to personal interests.

The continued disregard of the Law by the majority of the KeNIC board is stifling the organization's ability to effectively discharge its national mandate of the management of the .KE registry.

DRA.Ke is hereby requesting CA, as the regulator and as a matter of urgency, to intervene and save KeNIC from an eventual collapse. In this regard, the following is proposed:

1. CA should constitute a relevant stakeholders committee, Chaired by the Regulator, to audit the status of KeNIC's compliance with the Law (Licensing Conditions, MEMART, Corporate Governance, among others);
2. A review of the Governance structure of KeNIC and propose a structure which is in line with global best practice, among others.

We thank CA for your effectiveness in regulating the ICT Sector in Kenya and we look forward to your stewardship in driving the Kenya's dot KE namespace to greater heights.

Yours faithfully,  
**For Dra.KE;**

  
Kariba Moko,  
**Chairperson.**