

**MINUTES OF THE 3<sup>RD</sup> BOARD MEETING HELD ON THE 23<sup>RD</sup> JANUARY 2003 IN THE BOARDROOM OF THE COMMUNICATIONS COMMISSION OF KENYA, LONGONOT PLACE 5<sup>TH</sup> FLOOR, KIJABE STREET.**

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**PRESENT:**

Mr. Richard Bell	-	Chairman
Mr. F. Wangusi	-	CCK Alternate Director
Mr. M. Katundu	-	Administrative Manager
Mr. M. Mureithi	-	KIS representative
Mr. V. Kyalo	-	KENET Representative
Mr. S. Kiptinness	-	Acting Secretary

**ABSENT WITH APOLOGIES**

Mr. K. Sitonik	-	Director of IT Services Government of Kenya.
Mr Alex Maina	-	Representing the NTFecom

On realization of the quorum, the Chairman called the meeting to order at 10.21 a.m.

**MINUTE NO.23/3/2003 - NOTICE OF MEETING**

Notice of the meeting was taken as having been read. The Board however noted that notices are still late in getting to members therefore efforts should be made by the secretariat to ensure that notices are sent to members at least 5 clear days before the next meeting.

**MINUTE NO.24/3/2003 - ADOPTION OF THE AGENDA**

The agenda was adopted with the following amendment: A new item No. 3 was inserted, being the welcome by the chairman of the new members of the board.

**MINUTE NO.25/3/2003** - **WELCOMING OF NEW MEMBERS**

The Chairman welcomed the following new members of the board:

~The Kenya Information Society (KIS) represented by Mr. M. Mureithi, who presented their certificate of registration, a letter of acceptance and a letter of acknowledgement on behalf of KIS.

~The Kenya Education Network (KENET) represented by Mr. V. Kyalo, also communicated their acceptance and acknowledgement of membership to KENIC, however the KENET Certificate of Incorporation was to be availed to the secretariat at a later date.

~The National Task Force for e-commerce (NTFe-com ) and the Director of I.T. Services Government of Kenya, were also nominated and welcomed as members in absentia, subject to their formal acceptance vide a letter to the Board.

**MINUTE NO.26/3/2003** - **MESSAGE FROM THE CHAIRMAN**

The Chairman gave a background into how and why a KENIC Board was set up in a hurry. After re-delegation, Randy Bush indicated that they were no longer going to deal with technical issues in Kenya. Therefore KENIC as a legal entity needed to move fast to sort out these technical details, which required that a Board be in place to carry this out.

A Board meeting constituting CCK and TESPOK was convened and a Chairman appointed. Since CCK is not allowed to hold the position of Chairman, naturally TESPOK became the Chair of the same. A Company Secretary was also appointed and it was agreed that Mrs. Mercy Wanjau be nominated to this position

Letters were written to other members of the KENIC task force seeking to nominate them as members of the new KENIC Board, which was thus to be confirmed at this meeting upon their attendance.

Since then an account for KENIC has been opened at the First American Bank and a post box also acquired.

The Chairman further informed the members that the NTFe-com representative Mr. A. Maina, called to him and complained that a “board room coup” had been carried out in constituting the KENIC board at the 1<sup>st</sup> Board meeting.

After receiving comments from members in response to this issue, the Chairman with the members approval concluded that in view of the prevailing circumstances at the time, there was no choice but to convene a Board meeting in that manner.

The Chairman indicated that upon the incorporation of the new members they should be properly represented at the Board meetings and absolute commitment to attendance was required.

**MINUTE NO.27/3/2003 - CONFIRMATION OF MINUTES OF 2<sup>ND</sup> BOARD MEETING HELD ON JANUARY 14 2003**

The minutes of the 2<sup>nd</sup> Board Meeting held on January 14 2003 were confirmed as a true record of the Boards deliberations.

**MINUTE NO.28/3/2003 - MATTERS ARISING FROM THE MINUTES OF THE 2<sup>ND</sup> BOARD MEETING HELD ON JANUARY 14 2003.**

**1. (A) MINUTE NO. 17/2/2003 (Min. No. 5/1/2002)  
Implementation of KENIC Mandate**

The Policy Sub-Committee met on the 21<sup>st</sup> January 2003 and prepared the documents to be presented at today’s Board meeting.

**(B) MINUTE NO.17/2/2003 (Min. No. 6/1/2002)  
KENIC BankAccount**

A KENIC bank account has been opened at the First American Bank, and a cheque book issued. The Chairman will forward the same to the Administrative Manager.

**(C) MINUTE NO.17/2/2003 (Min. No. 12/1/2002)**  
**KIXP and Jambonet Leased Line.**

The Administrative Manager, assisted by the Alternate Director has been following up this issue, but no breakthrough has been achieved yet. Nonetheless they are optimistic that this should be up and running by the 24<sup>th</sup> January 2003.

The Chairman informed the members that the Kenya Data Network has offered to give KENIC a gratis connection at the beginning of April when they are up and running.

**2. MINUTE NO.18/2/2003**  
**Invitation of New Members to KENIC**

The letters of invitation were sent to the four additional members: KIS, KENET, NTFe-com, and the Director Of IT Government of Kenya.

It was felt that a letter ought not to be sent to Telkom Kenya (TKL) nominating them as members, despite their having participated in the KENIC task force, since they didn't warrant representation as an entity, but rather as part of the Network Operators Association. This association is yet to formally convene to nominate a representative to the KENIC Board.

**3. MINUTE NO.19/2/2003**  
**Technical Implementation – Time Frames**

The Chairman advised the members that this should be operational by the end of the week commencing 26<sup>th</sup> January 2003, and further that the invoices will be sent by the 1<sup>st</sup> week of February.

The chairman also indicated that total support of the country's ISPs is forthcoming, with many of them informing their respective members about KENIC.

The CCK Alternate Director moved to accept these minutes and was seconded by the Chairman.

**MINUTE NO.29/3/2003** - **ADOPTION OF KENIC DISPUTE  
RESOLUTION RULES AND  
COMMERCIAL POLICY  
(BOARD PAPER NO. 13)**

The Administrative Manager introduced the Board Paper on this matter and led the members through the same.

It was suggested by the Alternate Director that a proviso be incorporated that if any conflict arises between KENIC's dispute resolution mechanisms or policy and the country's laws then the country's laws shall take supremacy.

The Chairman suggested that before registering with the World Intellectual Property Organization (WIPO), we ought to find out how other ccTLDs deal with this issue at forums such as the ICANN meetings.

The Chairman also suggested that the Administrative Manager find out which local institutions KENIC should deal with locally and internationally.

Under the KENIC commercial policy and procedures, TKL was deleted from the proposed membership, for reasons hereinbefore stated.

It was proposed that the restrictions that had been previously been put in place with regard to the .CO and .OR domain names by ICANN, be removed forthwith.

The policy sub-committee recommended that a 6 month window be made available, during which registration will only be allowed for Kenyan organizations, and thereafter the same be lifted to allow other organizations be allowed to register. This Board will decide when this period will commence and the same may be subject to a further extension.

The billing system is still subject to further discussions by the Board.

It was also proposed that should the interests of any special groups require a special consideration, the same shall be looked into by the Board, for instance the issue of a discount to schools unable to afford the registration fee.

Mr. Kyalo moved a proposal to accept the Policy and Rules and which was seconded by Mr. Mureithi. The Chairman directed the Administrative Manager to post them immediately on the KENIC website.

**MINUTE NO. 30/3/2003 - ANY OTHER BUSINESS**

The Board discussed the need to have elections to elect new members to the posts of Chairman, Vice-Chairman and Treasurer.

It was accepted that the new members nominated to the Board are full members and the matter of putting their names down in the register for notification to the Registrar of Companies, is a mere formality.

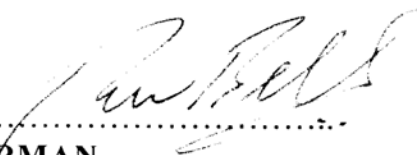
The notices to members for the next meeting should highlight that elections will be carried out as a priority matter before anything else.

The Company Secretary was invited to note that KENIC's documents are not confidential in any way rather they are documents to be made available in the public domain. To this end, the Administrative Manager was instructed to ensure that all KENIC documents are posted on the website.

The Chairman requested the members to begin thinking about the need to have a full time manager to handle the affairs of KENIC, particularly once the operation is on its feet, and the same shall be discussed at the next meeting as a full agenda item. A committee will be appointed to look into issues related to the minimum qualifications and remuneration necessary for such office. This should result in a Board paper to be presented at the next Board Meeting.

**MINUTE NO. 31/3/2003 - CONCLUSION**

There being no other business, the Chairman closed the meeting at 11.59am. The next meeting will be on Tuesday 4<sup>th</sup> February 2003.

  
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**CHAIRMAN**

  
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**SECRETARY**