



African Internet Service Provider's Association

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Tuesday, March 8, 2005

AfrISPA's position on the dissolution of the The Communications Commission of Kenya Board

The African Internet Service Providers Association (AfrISPA, www.afrispa.org) learns with regret the recent state of affairs in the Kenya Communication Sector. We join the Telecommunication Service Providers Association of Kenya (TESPOK, www.tespok.co.ke) to utterly condemn in the most strongest terms the action of the Kenyan Government of suddenly dissolving the Communications Commission of Kenya's Board of Directors and relieving the Director General of his duties – we contend that due process should have being engaged.

This is a direct subversion of the established legislative and constitutional structure. It is our understanding that the position of Director General has tenure of office under the Communications Act '98 and his removal from active duty without any explanation begs the question as to whether the government really respects the rule of law and upholds due process as demanded by the constitution of the Republic of Kenya. This same law has safeguards to protect the regulator from interference but these seem to have been completely ignored.

This case compares to the recent constitutional ineptitude displayed in the Togolese republic at the untimely passing of President Gnassingbe Eyadema a few weeks ago where we as a people demanded the Togolese authorities return to constitutional order. We also hereby demand that the Kenyan authorities rescind their decision to interfere with this State institution in the manner in which they have done and return to due process and command respect to the regulatory structures that have attracted a lot of private capital into the Kenya economy.

We are of the view that it is totally unacceptable to tamper with State institutions that uphold democratic tenets and the rule of law on our continent. The CCK is providing a beacon of hope in the regional regulatory caucus through the attraction of private capital into the ICT sector through it's forward looking and level headed regulatory disposition and must not be tampered with this way.

We are of the view that this has a direct bearing on other sectors like water, electricity etc and can happen anywhere in Africa. Utility regulatory institutions are very important and we must push back actions that treat them this way - this is a major threat to the rule of law and due process. It is also important for us to see this as a major setback for public policy, donors, private sector, regulators, consumers that are not only represented in the IP and Telecom sector but also in the other state sectors.

We fully support the Press Release below by TESPOK and join them to not only demand an explanation but to request the Kenyan government to restore it's reputation and address the needs of it's people by restoring the Board and Director General, allowing them to serve out their tenure as stipulated by the Kenyan Communications Act '98.

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