KICTANET VALIDATION MEETING
DISCUSSIONS HELD AT STRATHMORE UNIVERSITY ON KENYA'S PROPOSED ICT POLICY

<u>**Group A (Feedback)**</u>
  1. **Open Access**

I.   A policy statement promoting Net Neutrality should be added to the section of the draft policy on open access, particularly in relation to the infrastructure aspect of the promotion of net neutrality, e.g in so far as it is dependent on/related to the service providers.
II.
III. In addition, the word 'may' should be removed from the statement in the policy below, and replaced with 'shall':

"*A net neutrality policy* ~~*may*~~ ***shall*** ~~*need to*~~ *be developed to ensure fair competition between different content and service providers. However, a blanket open Internet policy could inadvertently undermine key policy objectives—such as* ~~*the promotion of innovation local content production and*~~ *universal service*"

IV. We also propose to delete part of the last statement in that clause. The statements leans towards protectionism and would not only be impractical but would also take away from the overriding policy objective of open access, which is to safeguard fair competition.

  2. **Infrastructure sharing**

I.   Clause 4.3.4 of the policy should be amended to insert the word 'incentivise' as follows:

*"Regulatory intervention should wherever possible be based on open access principles to ensure maximised, efficient and fully-leveraged use of available infrastructure and services, through encouraging and **incentivising (e.g. through favourable fiscal and tax policies)** infrastructure sharing, spectrum re-farming, optimal interconnection, balanced with the need for fair returns on investment."*

II. Clause 5.5 (K) should have the following inserted into it:

*"The government will provide support infrastructure such as energy, security, roads to support the faster, safer and cheaper deployment and maintenance of ICT infrastructure. **The government will also provide for infrastructure planning and design that allows for the development, maintenance and sharing of ICT Infrastructure**."*

  3. **Spectrum Management**

The following should be added to clause 11.3 of the policy as an additional objective:

"(**h**) **Enhancement of research and development through a spectrum management policy that allows individuals, corporates of all sizes and educational institutions access to the spectrum under the regulation of the Communications Authority of Kenya for purposes of research and development**"

4. **Investment in ICT Infrastructure**

Clause 5.5 (e) should be amended to insert:

"Promote investment in ICT infrastructure and access by creating an enabling and supportive environment **and by giving incentives, such as fiscal and tax incentives, to private sector players who make investments into the development of ICT infrastructure.**"

5. **E-Government**

Clause 19.2 (e) should be amended as follows:

"(e)Providing affordable public internet access points (Wi-Fi) built around digital primary **and secondary** schools."

6. **General**

Clause 23.2.1 should be amended to insert:

"(d) Ensuring meaningful public participation in ICT legislation and regulation, including ensuring that notice is given to all stakeholders in media that is widely accessible, sufficient notice is given to stakeholders on legislation and policy to allow for participation and comment and ensuring that public forums are convened to discuss issues arising from proposed ICT legislation and regulation."

General Points

- The policy should recognize and encourage collaboration of actors in the content industry
- Content creation should be embedded in the school curriculum
- The policy should lower barriers of entries and provide incentives into the broadcast industry for community based information service providers.
- The policy should promote research and innovation through resource allocation.
- The policy should promote accessibility of broadcast content to underserved areas.
- The policy should promote the upgrading and enhancement of infrastructure for the National Broadcaster.
- The policy should encourage service providers to utilize local internet exchange points thus promoting the growth and usage of local data centres and hosting industry.

Group B (Feedback)-

- On universal access fund, public and stakeholder interest should be well balanced.
- Promoting universal broadband connectivity
  - Should include /state the minorities, vulnerable and disadvantaged groups like Kibera, who have inadequate ict infrastructure. ~ Add on clause C ,D and F
  - **Add 'Minorities' in clause** D
- E-literacy
  - It is already supported under clauses E & F
- Persons with disability
  - Already captured under clause D
  - **Providing incentives (USF) to broadcast content producers to promote the dev of broadcast content for PWDs.**

- Way leaves
  - Already Captured in the draft policy document. Clause C, F, G e.t.c

Developing Local ICT Industry

- Establishment of a national addressing system included in the policy.
- Inter-gov depts consultations also stated in page 28.
- Universities to be encouraged to have BPO centers
  - **Promote the establishment and development of incubations centers and BPOs in institutions of higher learning.**
- Promote availability of online services to SMEs
  - Already covered in the policy in another form, too general.
- Promote development of local ICT providers
  - Provide incentives that are market driven for local businesses.
- Affordability of ICT devices and tax incentives ~ Already in the policy page 23, 18, 13
- Promote public e-literacy ~ covered
- Infrastructure sharing ~ already in policy page 14

E-Gov Services

- Encourage e-governance
  - Already Covered already
- Shall Incorporate Muchiri's comment on e-agriculture from jadili platform.
- Promote the standardization on e-learning services. (Disagree) since this may it will stifle freelance online tutors.

Group C (Feedback)

(1) Institutional Legal and Regulatory Framework
Discussion:
• Legal - Parliament
◦   Regulatory - an Act of Parliament signed by the President
◦   Institutional Arrangements - policy to clarify mandate of institutions
▪   Office of The President- monitoring and evaluation
▪   Ministry of Information, Communication and Technology (MOICT) - policy
▪   Strength ICT institutions
▪   Coordinate and implement ICT policy, programmes and projects
▪   Enabling environment
▪   National Communication Secretariat (NCS)
▪   Policy and advisory arm of Government (NCS advises the MOICT)
▪   Origination of policy
▪   Communications Authority (CA) - regulator
▪   ICT Authority (ICTA)
▪   Fostering development of ICT and implementation
▪   Enhancing Government electronic communications
▪   National Cybersecurity Secretariat Where do Cybersecurity matters sit (MOICT
                 vs Ministry of Interior)

Policy Recommendations
• ICT institutions in Government need to work in concert
• The four institutions have overlap on roles i.e. Policy and Regulation
• Duplication creates hindrance in policy development and implementation

(2) Enhancing Cybersecurity
Discussion
• Proponents
◦   Harmonize Cybersecurity matters
◦   Promote and create awareness
◦   Promote adoption of Cybesecurity standard
◦   Cybersecurity rights
◦   Child online protection
• National Cybersecurity Agency (NCA)
◦   Who sits on this board?
◦   Roles and functions

Policy Recommendations
• Identify state and non-state Cybersecurity actors

- Private sector plays a pivotal role
  ◦ Churn and distribute information
  ◦ Quadruple helix approach
- Cybersecurity Emergency Response Team (CERTs)
  ◦ CERTs sits in CA
  ◦ CERTs to be capacity built - strengthening of institutional arrangements
  ◦ Enhance private sector involvement
  ◦ International best practice has CERTs
  ◦ NCA should be placed under ICTA
    ▪ ICTA implemented initiatives have better traction on implementation
    ▪ NCA/CERTs primary mandate is enforcing Cybersecurity policy
- Cyber Security Authority to be established as an independent multistakeholder body
- NCA to have the operational structures of a Task Force
  ◦ Advocacy
  ◦ To work with CA and ICTA
- CERTs to be retained
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(3) Emerging Issues
Discussion
- Policy coverage
  ◦ Recognize net neutrality
  ◦ Promote adoption of Blockchain
  ◦ Promote convergence of technologies
  ◦ Promote cloud computing
  ◦ Promote research and innovation

Policy Recommendations
- Promote economic development
  ◦ Compete and innovate locally and globally
- Challenges and opportunities
  ◦ Economic development
- Policy to serve as a guide
- Research to drive/guide policy agenda on emerging issues
  ◦ Supporting funding arrangements
    ▪ National Research Fund
    ▪ Kenya Innovation and Enterpise Development Fund
    ▪ Communications Authority (research funding)
  ◦ Who governs and coordinates research?
    ▪ NACOSTI - authority to coordinate research