2ND EDITION

KENYA SCHOOL OF INTERNET GOVERNANCE

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Kenya School of Internet Governance

KICTANet
KENYA ICT ACTION NETWORK

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Acronyms

CA	Communication Authority of Kenya
ccTLDs	Country Code Top Level Domain
DNS	Domain Name System
EAIGF	East African Internet Governance Forum
gTLDs	Generic Top Level Domains
ICANN	Internet Corporation for Assigned Names and Numbers
IGF	Internet Governance Forum
KENIC	Kenya Network Information Centre
KIGF	Kenya Internet Governance Forum
IPv4	Internet Protocol Version 4
IPv6	Internet Protocol Version 6
KeSIG	Kenya School of Internet Governance
KICTANet	Kenya ICT Action Network
NARC	National Rainbow Coalition
TCI/IP	Transport Control Protocol/ Internet Protocol

INTRODUCTION

The Internet a common global resource plays a major role in our economic and social opportunities both presently and far into the future. Aspects of the Internet such as security, new market opportunities, cybercrime, infrastructure development, e-commerce, freedom of expression, privacy, net neutrality and Internet of things now influence local and international affairs. However, Africa and Kenya in particular has not built enough capacity to engage effectively in shaping the future of the Internet.

Since 2008, Kenyans have come together to discuss local Internet governance issues at the Kenya Internet Governance Forum (KIGF). The outcomes of KIGF would feed into regional and finally the global IGF. In 2015, there was an increase in persons attending the forum for the first time. While they were passionate and ready to engage in shaping the discussions, it was noted that there was need to enhance their capacity in order to make their engagement more meaningful. It was on this premise that the first edition of the school was held in 2016. This second edition in 2017 enhanced the previous one. The curriculum was updated to localise issues such as multistakeholder participation and there was focus on Internet and elections as Kenya headed up to polls in August. Participants in 2017 were drawn from more diverse stakeholder groups such as government agencies, private sector, academia, civil society, technical community and users.

Objectives

The specific objectives of the training workshop were to familiarize a new cohort of students to issues of Internet governance and to get them more active in local and international Internet governance discussions.

Specifically, KeSIG 2nd edition aimed to:

1. provide a platform where new entrants to the field of Internet governance can increase their knowledge on field;
2. build capacity among traditional human rights actors in digital rights so as to create a critical mass of actors in local and international Internet governance discussions;
3. strengthen existing capacity stakeholders in the field of Internet governance;
4. pool together individuals from the government, civil society, academia, business and other stakeholder groups to interact and discuss local Internet governance issues;
5. provide participants hands on experience on African perspectives through practical sessions that involve topics on Internet governance; and
6. strengthen the participation of youth and women in the Internet governance.

Structure

This was a three-day training with a mix of presentations and practicums. Topics covered on day one included the historical development of the Internet, Internet and human rights, characteristics that underpin the Internet and classification of the main Internet governance issues. Practical exercises were included to assist participants to identify Internet governance issues in Kenya and classify them into baskets. Plenary sessions provided participants with opportunities to make comments and ask questions from earlier sessions.

Day two topics addressed the milestones in Kenya's journey in Internet governance, characteristics of Internet model of development, the main stakeholders in Internet governance in Kenya and their respective roles, cyber security, and perspectives on key policy and regulatory issues. In a practical session, participants mapped issues identified in earlier exercise and identified stakeholders who can help resolve the issues.

The third day of the training commenced with legal issues in Internet space including privacy, intellectual property rights and jurisdiction. Participants were also introduced to Internet shutdowns and they role-played different actors in a situation of a communication disruption. They also covered the Internet economy and African perspectives in Internet governance. Towards the end, facilitators shared on ways to participate in Internet governance and highlighted opportunities provided by organisations such as Internet Governance Forum (IGF), Internet Corporation of Assigned Numbers and Names (ICANN), World Summit on Information Society (WSIS), Diplo Foundation and KICTANet.

PARTICIPATION

Participants of the workshop were national and county officers in various fields ranging from human rights, government's relevant line departments, legal departments, and Information and Communication Technology (ICT). KICTANet associates provided logistical and administrative support.

There were participants from human rights organisations who advocate for human rights but are not in the digital rights movement. The school was also honoured to host law enforcement officers who provided a practical perspective on issues such as cybersecurity. Annexure C-List of participants

FACULTY

Trainers were sourced from local and international practitioners in different areas. Their expertise ranged from cybersecurity, human rights and Internet, policy development, regulation, Internet economy, legal issues that underpin the Internet to African perspectives of the Internet.

Locally, participants benefitted from hearing from officers and leadership of the Communications Authority, Computer Society of Kenya, Article 19 Eastern Africa, Multimedia University, Kenya Network Information Centre (KENIC), Serianu Ltd, Kenya Private Sector Alliance (KEPSA), private professionals and KICTANet Associates. There were also trainers from Africa Union Commission, Afrinic, Paradigm Initiative Nigeria, Diplo Foundation and the Internet Society.

SESSIONS

The training was covered in three days with 16 presentations altogether, with about 5 sessions each day. Table 1 shows the distribution of sessions per day.

Day 1
5 presentations and a basket exercise aimed at promoting participants to classify Internet governance concepts/ topics and make presentations on the issues

Day 2
5 presentations and a practical session where participants mapped out issues identified and identified stakeholders who can resolve the issues

Day 3
5 presentations, a practicum on actors in an Internet shutdown, a recap of the 3 days of training and closing of the training

MAIN LESSONS

a) The participation of practitioners such as lawyers from government agencies, law enforcement, civil society and technical community provided an opportunity for all present to not only identify challenges with Internet governance issues but also propose solutions that were critiqued by fellow participants.

b) Sourcing the faculty from professionals in practice was advantageous as it allowed participants to ask relevant questions and get practical answers. Some participants were able to identify future projects and mentors who could be of assistance in their professional lives.

c) The time allocated for the training was not adequate to cover all topics that were of interest to participants. It was also noted that some participants such as the technical or legal community desired more advanced discussions in some topics that were of interest to them.

PROCEEDINGS OF THE TRAINING

Day One- 3 July 2017

Opening Session

Grace Githaiga

The training was opened by Grace Githaiga, the Co-convener of the Kenya ICT Action Network (KICTANet). She welcomed all participants, partners, faculty and KICTANet community members to the annual Kenya School of Internet Governance (KeSIG). She introduced the multistakeholder approach to Internet governance elaboratingwith KeSIG participants who represented different stakeholder groups. She also gave the history of KeSIG, an idea which was mooted during the 2015 Kenya Internet Governance Forum (KIGF).

Ms. Githaiga also explained to participants the bottom up approach of the Internet Governance Forum (IGF) where for instance, after KeSIG, participants would attend the annual KIGF in Nairobi. The outcome of KIGF would be presented during the East African Internet Governance Forum (EAIGF) set to be held in Rwanda. It would be followed by the African Internet Governance Forum in November and then the global IGF in Geneva in December.

She also introduced participants to KICTANet, explaining the network's efforts to bring together stakeholders from government, technical, civil society, academia, users through a mailing list focused on as an engagement platform, advocacy, and capacity building. She mentioned cybersecurity, online pornography, electronic fraud and plagiarism, and the need to add new entrants into the Internet governance processes as some of the issues that that necessitated the organisation of KeSIG.

Fadzai Madzingara from Facebook also welcomed participants to the training. She gave an overview of Facebook's new mission of helping people build communities and noted that KeSIG was one such opportunity to foster learning. For this reason, Facebook had supported both editions of KeSIG. She reiterated Facebook's commitment to projects that build communities and emphasised on the importance of multi stakeholder engagement. She also let participants know that she and Facebooks's Africa policy team would be in the country during the duration of Kenya's election to provide support to emerging issues. She therefore invited them to make use of the opportunity to discuss issues such as Facebook's community policies and other issues of interest.

Participants thereafter introduced themselves. They also intimated on their expectations for the training and lay ground rules for the three-day period. Expectations of most of the participants revolved around acquiring skills to keep abreast with ongoing technological changes, gathering insights on cyber security/ online safety, child online safety, and understanding the Internet Governance Forum Framework. Some desired to explore the policy environment, understand the multistakeholder model and gain knowledge on legal aspects such as cybercrime prosecution, intellectual property and privacy issues.

Historical background to the development of the Internet

Dr. Waudo Siganga - Computer Society of Kenya

In this session, participants were taken through development journey of the Internet.Dr Siganga reminded participants about the early 2000's when there were renewed discussions on Internet governance. Many scholars differed on the definition of Internet governance but during UN hosted discussions, multistakeholderism was acknowledged as part of Internet governance. He noted that at the time, there was little participation from governments except the United States (US) largely because governments saw themselves as regulators who would exercise control when need arose.

He went further back to the cold war period when after the successful exploration of space by the United of Soviet Socialist Republics (USSR), APRANET, a project which led to development of the Internet was initiated. APRANET was improved over the years to give modern day Internet. With the commercialisation of the Internet, there was need to institute guiding principles to manage its use, and so international bodies such as ICANN were formed towards the beginning of the 21st Century.

In Kenya, the Internet "came" in 1991 with a first point to point connection in Nairobi. A Kenyan, Dr. Shem Ochuodho set up the African Regional Centre for Computing (ARCC) and administered .ke, the country code top level domain for Kenya.

Dr. Siganga summarized that in important period that shaped Internet governance. In 1998, ICANN was formed, and Internet governance became an issue during the preparations for WSIS in 2002. This was followed by a UN Working Group on Internet Governance (WGIG) in 2003 leading to the first IGF in August 2006 in Athens, Greece.

Plenary Discussion

In discussions that followed, some of the points that stood out include:

1. ARCC was the first Internet Service Provider (ISP) that existed in Kenya and served as the sole provider of email addresses. Back then the Internet was very costly and out of reach for even corporates. In a bid to further Internet literacy ARCC started training courses.

2. Great leaps happened with advancements that made computing easy. With the advancements also came complex issues such as cyber security.

3. The IANA transition, referring to a shift in control Internet control from the US Government to a multistakeholder forum has increased representation and participation of Africans, and subsequently an African statement is issued and read at every ICANN meeting

Introduction to Internet governance

John. Walubengo, Multimedia University

Mr. Walubengo introduced the topic by telling participants that each device on the Internet has a unique identifier. At one level, Internet governance involves questions around who assigns those identifiers and how as well as who presides over the assignment of domain names together with corresponding numbers.

While definitions of Internet governance can vary greatly, they typically comprise two elements: the running of the technical infrastructure of the Internet, including Internet Protocol numbers, domain names, Internet protocols and root servers; and the impact of the Internet on society, usually described as 'public policy issues', including content control, cybercrime and intellectual property. According to Raul Echeberria (2007), when people speak of Internet governance, they are referring fundamentally to the administration and management of domain names, Internet addresses (IP numbers and autonomous numbers), the coordination of technical aspects and the definition of the technical parameters for the operation of the domain name system, and root servers.

He noted that Internet Governance was a relatively new and complex field. The complexity of Internet governance is related to its multidisciplinary nature: it encompasses aspects such as technology, socio-economics, development, law, and politics. To chart this new field, various groups have done work on the mapping and classification of Internet governance issues. They include IGF, Diplo, WSIS, ITU, and UN.

Diplo Foundation for instance has mapped Internet governance issues into seven areas, or 'baskets', which reflect the four Internet governance issues identified in the WGIG Report namely infrastructure and standards; legal; development; economic; and socio-cultural.
Internet governance keeps evolving – the issues, actors, fora and processes change as the discussions advance. The following broad areas shape these discussions;
a) Framework – context and format of the discussions
b) Issues – content and standards involved
c) Actors – who are involved in these discussions and are they genuine stakeholders

In plenary discussions, participants noted that the system of domain names had become very dynamic but also opened up to make it more inclusive and attractive. At the same time, the system has been made deliberately resilient to allow users the flexibility to be creative and have a multiplicity of names while maintaining the stability of the Internet.

Internet and Human Rights

Henry Maina, Article 19 Eastern Africa

This session was aimed at helping participants understand the link between human rights and the Internet. It had many lessons on the practice of human rights drawn from Article 19's work on defending freedom of expression in Eastern Africa and globally.

Maina started from the premise that human rights laws that apply offline also apply online. The rights that are absolute offline, for instance the right not to be tortured must be absolute online. Where there are acceptable limitations offline, the same should apply online. Rights such as freedom of expression and the right to privacy, for instance, can be limited. Such limitations can however must abide by the following conditions:

a) they must be provided in law;

b) they must be necessary in a democratic society; and

c) they ought to be proportionate to the legitimate aims they seek to protect

For limitations to qualify as applicable in a democratic society, the test includes threat to public morality, interference with public order and protection of the right of others. Mr. Maina gave examples of interventions were Article 19 had tested the application of the limitations such as the decision that rendered criminal defamation under the Penal Code unconstitutional. Another example was Article 19's case against the then section 29 of the Kenya Information and Communications Act (KICA) that criminalised misuse of a communications system in an overbearing way.

In explaining "indecency" and "obscenity", he clarified that indecency defines content that may be adjudged inappropriate but has social value, while obscenity referred to content that lacks moral and social value.

Plenary Discussion

The issue of national security emerged as a concern during plenary, with participants asking Mr. Maina to define the balance between national security and human rights. He referred them to the conditions for limiting human rights, illustrating that national security ought to be looked at as a limitation.

In another example, he showed that procurement within departments such as the Ministry of Defence not purely matters of national security but also transparency. The media should therefore be able to report on such matters.

Other themes included Kenya's 2007 post-election violence and the provisions on hate speech and incitement that were made thereafter. These provisions were borrowed from the Indian Constitution and had not provided a lasting solution to the problems in Kenya. The issue of Internet shutdowns was also discussed with participants urging that any government's rationale to shut down the Internet must be within the necessary and proportionate principles. Privacy and data protection and the limitations to these rights were also discussed with local examples such as how government agencies collect personal information.

Fundamental principles and characteristics that underpin the Internet

Mwende Njiraini, Communications Authority of Kenya

Ms. Njiraini introduced participants to the concept of the Internet as a network of networks, that each single computer network interconnects other computer networks, on which end-user services, such as world wide web sites or data archives, are located, enabling data and other information to be exchanged. The communication between computer networks takes place using packets.

In packet switched network, messages are broken into packets (datagrams) that are transmitted independently across the Internet sometime by different routes. The route chosen for each datagram depends on the traffic at any point in time (best effort) Transmission Control Protocol/Internet Protocol (TCP/IP) is the main Internet technical standard based on three principles namely packet-switching, end-to-end networking and robustness.

Participants were also taken through processes and for a for introduction of new standards. They learnt about the IETF, IANA, ICANN, regional registries and local Internet registries. She used the example of introduction of IPv6 to show how a new standard has been introduced and how it is being implemented.

She also explained how the openness of the Internet makes it available on public networks using open and public Internet standards. The Internet is also unregulated, meaning that it is not subject to legislation promoting unfettered growth. At the same time, it is unfiltered providing users ability to publish any information with limited censorship. Net neutrality also calls for upholding of principles of transparency, access, and non-discrimination.

Participants were also introduced to the Domain Name System (DNS), the system through which an ordinary user interacts with computer networks. For instance, the KICTANet website consists of numbers that would be difficult for every user to remember. Through DNS, the user types kictanet.or.ke on their browser to access the site. DNS consists of root servers, top-level domain (TLD) servers, and DNS servers. There exists many types of TLDs such as generic top-level domains (gTLDs) and country code top-level domains (ccTLDs). In management of the DNS, the registry manages gTLD and ccTLD registry, registrars manage registration of domain names by end-users, while the registrants are the end-users.

Participants appreciated the challenges in managing Internet infrastructure such as TCP/IP and DNS. For instance, which country code should be registered when dealing with countries and entities with unclear or contested international status such as newly independent countries, resistance movements? For this question, ICANN adopted guidelines for the delegation and administration of country code top level domains. Other questions that were explored during plenary included jurisdiction and how different stakeholders participate in Internet governance.

Classification of Main Internet governance Issues-

Judy Okite, Fossfa/Diplo Foundation

In order to given participants a deeper understanding of key classification of main Internet governance issues, Judy gave participants the basket exercise. This involved identifying Internet governance issues in Kenya and classifying them into areas/ baskets.

The basket taxonomy was developed by Dr Jovan Kurbalija who classified the Internet governance issues into 5 baskets namely: infrastructure and standardization, legal, social cultural, economic and development. This has gone through several iterations over the years to reflect development and trends and currently, there are 7 baskets as human rights and security have been added.

Participants went through the exercise by writing issues on sticky notes and placing them on different walls. A summary of issues identified is as follows:
a) Infrastructure and standardization basket: IPv6 in Kenya/ Africa; national fibre optic cable; open source software; and demonopolization of technical standards.
b) Economic basket: E-Commerce; digital signatures; mobile money; quality of service; cost of Internet in Kenya
c) Social cultural baskets: Kenya Film Classification Board, child safety online;
d) Legal basket: Kenya Information and Communications Act; who created M-Pesa, patents, cybercrime, labour law, privacy and international regulation of privacy and data protection as key components.
e) Development basket: lack of Internet in rural Kenya; Universal Service Fund
f) Human Rights: Internet shutdowns; data protection in Kenya; Africa Cybercrime Convention
g) Security: Cybersecurity versus cybercrimes

During plenary discussions it was noted that many issues are interlinked. For instance, child safety online is a human rights as well as a security issue. Participants agreed that it was important to have general knowledge of all issues in order to understand how they interlinked.
They also noted that more issues and baskets were likely to developed with evolution of technologies such as artificial intelligence and Internet of Things.


KENYA ICT ACTION NET
CATALYS

PROCEEDINGS OF THE TRAINING

Day Two: 4 July 2017

The second day of the training started with a recap of what participants had learnt the previous day. All participants contributed on key issues they had learnt about and the presentations for the second day commenced.

Main stakeholders in internet governance and their roles

Mwendwa Kivuva, Afrinic

Kivuva begun by introducing participants to the idea of a 'stakeholder' is a person with an interest or concern in something. He described Internet stakeholders in their groups - government (inter-governmental organisations), technical community, academia, civil society, business and users.

In Internet governance, all stakeholders had an opportunity to influence policy unlike in many other fields where governments alone shape policy. For instance, technical bodies such as Internet Engineering Task Force (IETF), Internet Architecture Board (IAB), World Wide Web Consortium (W3C), Institute of Electrical and Electronics Engineers (IEEE) and the International Telecommunications Union (ITU) set standards for hardware, software and protocols.

The Internet governance model is characterized by open technical standards, freely accessible processes for technology and policy development, transparent and collaborative governance, and distributed responsibility for technical, management, and administrative functions. Its participation processes are 'bottom-up' as opposed to 'top-down', and they are accessible to all stakeholders. This is known as multistakeholderism

Multistakeholderism is evident in various meetings where Internet governance is discussed. These include the annual Internet Governance Forum as well as ad hoc processes such as Net Mundial(2014). Multistakeholderism has picked up in regional and national meetings and for example in Kenya, stakeholders come together every so often to discuss emerging issues during the Kenya IGF and other public participation processes. They present the issues and proposed solutions to government.

Kivuva also explored how different stakeholders manifest in global policy processes. For example, he noted that the business community active in ICANN included big brands that sought to protect their names. Content companies such as Facebook, Google and Netflix were taking more interest in issues such as human rights online and jurisdiction. Civil society on the other hand represented the public interest and was present in many discussions. However, they suffered challenges of lack of resources and lack of coordination. This had partly been addressed through collaboration platforms such as best bits, Internet Governance Caucus (IGC) and KICTANet (Kenya).

Other actors are the Internet Society (ISOC), ICANN, Regional Internet Registries and IETF who are part of the technical community. Intergovernmental organisations include the United Nations (UN), International Telecommunications Union (ITU), World Summit on Information Society (WSIS), and the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

In plenary discussions, participants discussed the merits and demerits of the bottom up approach. They used the example of AFRINIC lists where beneficial policies are discussed. However, persons with vested interests and affected business often use their influence to manipulate policy making processes. Another issue that came up in the discussion was whether some stakeholders had more influence than others in multistakeholderism.

Milestones in Kenya's journey in Internet governance

Alice Munyua, African Union Commission

Alice Munyua shared perspectives on decisions that Kenya had taken in ICT sector to emerge as one an Internet governance leader in Africa. She drew on her experience in Kenya's ICT policy making where she had participated in many processes since the liberalisation of the communications sector in the late 1990s.

She noted that Kenya was the first African country to convene a local national IGF and this started the country on a journey of an open Internet and multistakeholder discussions. However, she lamented that Africa still lagged behind in Internet governance and one reason for this was non-participation in policy making processes such as ICANN and IETF as a continent. For instance, IETF, a standards setting body, lacked African perspectives as it has had very few Africans participating. The result is that Africans become mere users and makers of the Internet.

Looking at Kenya, she identified the NARC government (from 2003) as one which had taken Kenya to great strides in ICT. This begun with the formation of a standalone Ministry of Information, Communication and Technology that spearheaded development of Kenya's ICT policy.

She affirmed that the Internet governance requires stakeholder participation since the Internet is open and meant for all. She called for more understanding of how the Internet actually works in order to resolve current debates on Internet shutdowns.

In discussions that followed, participants were encouraged to seize opportunities available to Africans and participate more fully in policy making. The presence of security agents was noted as a best practice and law enforcement present were encouraged to strengthen their expertise as Africa faces more cybersecurity challenges.

Cyber security- What are the issues?

Presenter: William Makatiani, Serianu Ltd

This session highlighted contemporary cybersecurity issues and sought to inform participants on the need for continuous research in cyber security. Participants benefitted from Makatiani's experience as a researcher in the annual Cyber Security Report that he has produced for a number of years. Quoting from the 2016 edition of the report titled: "Achieving Cyber Security Resilience" and using local examples, he highlighted several issues:

a) The estimated cost of cybercrime in Kenya has soared to about $175 million. This cost is anticipated to grow with the number of organisations automating their services increasing.

b) Malware targeting critical mobile and banking infrastructure are on the rise.

c) Insider threat is still the largest contributor of direct losses in cybercrime in Kenya.

d) E-commerce platforms continue to face threats through identity theft, online scams and ATM card skimming.

e) IoT threats have also increased significantly.

f) Security professionals are struggling to demonstrate business value to senior management because they are providing very technical operational metrics whereas business managers are looking for more business-oriented metrics.

g) Lack of practical regulatory guidance from industry regulators and government is leading to poorly implemented and unenforceable security controls since they are not local focused and instead are copied and pasted regulations.

In discussions that followed, participants identified the need for African countries to enhance their resilience in cyberspace. Some of the proposed solutions included more local research and corporation among African governments in combating cross border cybercrime.

Characteristics of Internet Development

Kevin Chege, Internet Society

This session exposed participants to key developments of the Internet. It was presented by Kevin Chege from the Internet Society.

He introduced the Internet Society (ISOC) as an organisation that works with governments, industry, and others to ensure the technologies and policies that helped develop and evolve the Internet will continue into the future. It is a membership organisation with over 100 chapters worldwide, 65, 000 members worldwide, 145 organisation members, 6 regional bureaus and about 18 countries with ISOC offices.

Chege took participants through how the Internet is connected and how it is envisioned to develop.
He introduced them to satellite and fibre optic cable connections in East Africa and also to system through which IP addresses are assigned. Connections determined cost and stakeholders influenced governance and policy development. It was therefore important to have an environment that encouraged participation of all stakeholders. He used the example of ccTLDs which were previously managed by individuals then delegated to more representative bodies. ccTLDs that did well were those where all those with interest were involved in governance. Examples of stakeholders are government agencies, private sector (ISPs, Telco's, Web companies), and academia (research and education networks).

Kevin also highlighted security issues around the Internet? Some security issues around the Internet include spam (unsolicited email), eavesdropping, snooping, malware, encryption and copyright infringement.

In plenary discussions that followed, inclusion of stakeholders in policy development was discussed from the perspective of ccTLDs governance, dispute resolution policy, registry models, registry registrar relationships, dynamism in registry technical operations and automation.

Perspectives on Key Policy and Regulatory Issues

Mercy Wanjau, Communication Authority of Kenya and
Gichinga Ndirangu, KEPSA

In this session, participants got to hear from the regulator on how public participation is conducted and what public bodies look for when calling for input. At the same time, they got to hear from an organised group that represents private sector interests in public participation.

Ms. Wanjau from the Communications Authority highlighted public participation provisions of the Constitution, Access to Information Act, Kenya Information and Communication Act and the Public Service Commission Guidelines for Public Participation in Policy Formulation. She showed participants how different stakeholders are consulted in decision making processes at the Authority such as development of guidelines, regulations and laws. This involved advertisement of the proposed decisions in newspapers and on its websites, followed by consultations with stakeholders who gave input. In addition, the Authority carries out stakeholder analysis to identify the concerns and evaluate their influence, impact, attitudes towards the proposed decision.

Gichinga on the other hand explained how KEPSA gives input to public policy. Some of the input was in reaction to calls for participation while other times the organisation proposed policy changes to relevant public bodies. He noted that the multistakeholder approach was viable in the ICT space because it could accommodate varied views. He also cited some challenges with public participation among them, lack capacity among some stakeholders which made their participation ineffective.

He gave some best practices in public consultation. For instance, participation is deemed efficient and effective when content is created in a simple and easily understood format. At the same time, a good consultation process would bring divergent views that include persons with diverse backgrounds, have accountability mechanisms thereby giving legitimacy to the entire process. Public bodies with good practices built public confidence and would have ease of implementation due to consensus based decision making.

In discussions that followed, participants decried laws drafted without public participation and noted that Communications Authority had a good culture of seeking public comments before making decisions.

PROCEEDINGS OF THE TRAINING

Day 3: 5 July 2017

The thirf day of the training started with a recap of what participants had learnt the previous day. All participants contributed on key issues they had learnt about and the presentations for the third day commenced.

Legal Issues

Victor Kapiyo -Advocate in private practice and
Rosemary Koech Kimwatu -Legal HackersGichinga
Ndirangu, KEPSA

In this session, participants were introduced to legal issues in Internet governance. At the beginning, participants identified legal issues such as cyber crimes including Denial of Service Attacks (DDos), espionage, sexual exploitation, online identity theft, malware, spam and phishing, drug trafficking with use of crypto-currencies, money laundering, electronic fraud and malvertising.

Presenters discussed the challenges with legal issues on the Internet. For instance, In Kenya, a key problem in prosecuting cybercrime was gathering and preservation of virtual or online evidence, as security agencies are still accustomed to fighting traditional crime. In addition, many laws had still not been updated to respond to cybercrime and some crimes were multijurisdictional.

Apart from criminal law, participants also discussed tensions with private law. The example Ajira – a government online job creation programme was given. Labour laws had not been reviewed to capture employment issues in online work. The lack of a data protection framework also denied many Kenyans access to some jobs.
In plenary discussions participants spoke about Kenya's lack of a data protection framework and the problems arising in cases such as banking where some felt banks retained customer information longer than necessary.

Internet Shutdowns

Grace Mutung'u- Berkman Klein Center for Internet and Society Fellow

With an increasing number of government orderedInternet shutdowns in Africa, this session served to provide participants with in depth understanding of what constitutes Internet shutdowns policy concerns arising. Ms. Mutung'u gave a definition of shutdowns that had been agreed upon by experts- Internet shutdowns are a disruption of communications that is intentional, state sanctioned that affects some mediums of communication. She also gave examples of methods employed in shutdowns such as IP address blocking, deep packet inspection (DPI), border-gateway protocol blocking (BGP), and hypertext transfer protocol (HTTP) throttling. After a general discussion of concerns from human rights, economic, technical and political perspectives, participants were divided into four groups for a practicum.

The groups represented government and regulators, private sector, , civil society and academia and members role played the issues the rationale, issues and practical solutions to a shutdown in Kenya. The government group gave justifications such as protecting state Institutions and leaders, managing election crises, controlling the spread of propaganda, mitigating dissent and upholding national security. They believed they were guarding the public interest by taking away the Internet. They were challenged to explain whether it was proportionate to disrupt the Internet where the issue was exam cheating.

Participants also discussed hate speech propagation in Kenya, voter mobilisation and suppression, fake news, Internet interference, state surveillance of online activity especially social media and mobile monitoring. Regulators were therefore urged to take up their mandate in advising the government to promote human rights and avert an Internet shutdown.

The private sector saw themselves as between a rock and a hard place in the event of a shutdown. While on the one hand they wanted to uphold human rights, they were concerned about their licences should they not adhere to directives by the regulator. Participants urged them to play a more proactive role in policy discussions and consult with government and their customers. They also wanted them to invest in alternative Internet gateways to serve as backup connectivity access points such as VPNs.

Civil society organisations (CSOs) explained the human rights and economic effects of a shutdown in Kenya. They saw themselves as having a role in advocating against a shutdown. They were urged to present a more united front in condemning Internet shutdowns and to have a more harmonious working relationship with governments. They were also asked to be active in fighting vices on the Internet such as terrorism, exam cheating and violence. Many however acknowledged the important role played by civil society in safeguarding human rights.

Participants appreciated how multistakeholder processes took place and the importance of having a diversity of views when making decisions. In particular, they reiterated that while we were entitled to the Internet, Kenya's situation was a fragile one and all present had a role to play in maintaining the Internet as a vibrant space for socio-economic and political development.

Participating in Internet governance

Liz Orembo, KICTANetGichinga Ndirangu, KEPSA

This session was a way forward that showed participants potential opportunities for further participation in Internet governance. Participants were encouraged to use knowledge gained from KeSIG in local and international forums.

Ms. Orembo started by Introducing KICTANet as an ICANN at large structure. She explained how the end users through the at large structures can contribute to the policy development processes and the different community programs run by the ICANN Engagement Center and Africa At-large organization (Afralo). She further described the overall ICANN ecosystem and outlined the other points at which a newcomer can start making contributions. Including the Non User Constituency, Business Community and how they contribute to the ICANN Supporting Organizations. (SOs)

She also described opportunities which included fellowships to attend meetings as well as trainings offered by ISOC, ICANN, AFRNIC, IETF. These opportunities were targeted at technologists, engineers, researchers, professionals, students and youth from developing countries.

She gave the example of the ICANN Nextgen and Fellowship Program of which she had been a beneficiary. The fellowship not only allowed her to attend a meeting but also to build capacity in matters that are discussed in ICANN. She therefore encouraged participants as KeSIG graduates to take their first steps by actively participating in local policy discussions in preparation for the international arena and reminded them that Africa lacked well equipped representatives in these fora.

Internet Economy

Abdalla Omari, Kenya Network Information Centre (KENIC)

Mr. Omari is the Chief Executive Officer of KENIC, the body that administers the .ke namespace. He therefore explained the participants the role of KENIC and opportunities available within the namespace. He took participants through functions of the centre and how it carried out its role of promoting local content in Kenya.

KENIC is the entity charged with the management and the administration of the dot ke Country Code Top-Level Domain name. Currently, KENIC issues third level domains, these include; .co.ke, .ac.ke, .go.ke, sc.ke but will soon launch 2nd level domains. The launch will pave way for a sunrise period of about 90 days to allow registered trademark owners to claim their respective domains. This will be followed by a land rush period where the public may take up names with .ke suffix.

Omari urged youths and interested parties to consider taking a dive into the domain name business. The recommended retail price during the sunrise period is about KES. 8, 000 and about 7, 000 in the land rise period. Registrars may resell domains at their own prices.

At plenary, participants discussed the difference between a domainer and a cybersquatter. Whereas cybersquatting is registering, selling or using a domain name with the intent of profiting from goodwill of someone else's trademark, domaining is the business of speculating with Internet domain names.
They appreciated the knowledge gained about .ke as some were not aware of the business of domain names.

African Internet Perspectives

Gbenga Sesan, Paradigm Initiative, Nigeria

With Internet use in Africa and connectivity levels growing, the transformative effects of the Internet in Africa can be felt. However, Africa needs not to follow blindly successes of other nations but shape its own path. Participants benefitted from perspectives from Mr. Gbenga Sesan, Executive Director of a Nigerian CSO that researches on African digital rights.

Mr. Sessan traced the history of Africa's Internet space from the days of "plug- and- pray", through "plug-and-pay" and hoped that we were eventually moving to "plug-and-play". He noted that cost of Internet in many African countries such as Nigeria was still beyond ordinary people's means.

Another issue that Mr. Sessan addressed are Africa's many innovative opportunities which could be seen from the rise in hubs. However, there was still a gap in research and educational institutions such as universities ought to help translate innovation into viable economic opportunities. Africa still had many policy problems but rarely took a human rights or inclusive approach to governance. For instance, out of 14 Internet shutdowns experienced globally, 11 took place in Africa. The problems that led to the shutdowns could have been resolved within communities.

Gbenga therefore encouraged participants to develop domain expertise in Internet governance subjects so as to increase African voices in global discussions. While acknowledging that acquiring domain expertise was an arduous process, he told participants that Africa needed more expertise in Internet governance and they therefore owed it to Africa to be good at their areas.

At plenary, participants appreciated the relationship between the Internet and their areas of work. They understood that the Internet is connected to many aspects of our lives. Gbenga encouraged them to contribute to the Internet economy as , "If we don't have a seat around the table of making decisions that matter, then it's means we are on the menu".


Kenya School of Internet Governance
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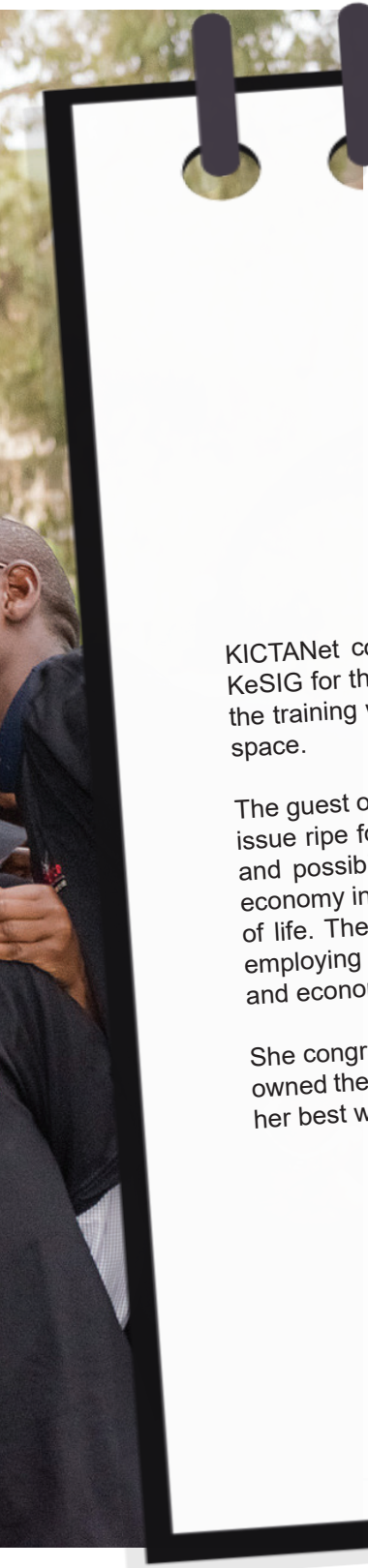

CLOSING SESSION

KICTANet convener, Grace Githaiga in her closing remarks congratulatedthe second cohort of KeSIG for their active participation in the three-day training. She hoped that they had gained from the training which had presented many examples of how their voices can be heard in the Internet space.

The guest of honour Dr. Kate Getao, based her remarks on the question, what conditions made an issue ripe for governance. She espoused a four-point test: rich resources, human interest, needs and possibilities. In her view, the Internet had rich resources as there was already an Internet economy in Kenya. There was also human interest as the Internet was connected to many aspects of life. The Internet was therefore meeting the needs of people with programmes such as Ajira employing thousands of youth in Kenya. And the Internet presented a lot of possibilities for social and economic development. It was therefore something that needed governance.

She congratulated participants for taking an interest in Internet governance as the question of who owned the Internet and what Kenya wanted to do with the Internet were still pertinent. She extended her best wishes to them in their professional development and issued certificates to each of them.

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