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REPUBLIC OF KENYA



3/3/2020



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT –FOURTH SESSION

THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION

REPORT OF THE DELEGATION TO THE INTERNET GOVERNANCE FORUM
(IGF) 2019, HELD IN BERLIN, GERMANY FROM 25TH TO 29TH NOVEMBER, 2019

TABLED IN THE NATIONAL ASSEMBLY
ON 04 MAR 2020 WEDNESDAY
BY HON WILLIAM KISANG
CHAIRPERSON - C.I.I.
(Signature)

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI-KENYA

MARCH, 2020

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CHAIRPERSON'S FOREWORD

A delegation of two (2) Members of the Departmental Committee on Communication, Information and Innovation, and (2) Members drawn from other Committees were nominated to attend the fourteenth annual meeting of the Internet Governance FORA (IGF) from 25th to 29th November, 2019. Under the Overarching theme **One World. One Net. One Vision.**

Kenya has been participating in the IGF process since 2003. Kenya's Government representation at the global IGF meetings comprises of the Ministry of Information Communication and Technology (MoICT) and the Communications Authority of Kenya (CA).

The Sixth meeting of the Internet Governance Forum was held in Nairobi, Kenya from the 27th -30th September 2011. It focused on the overall theme of "The Internet as a catalyst for change: access, development, freedoms and innovation".

During this meeting, the Ministry of Information and Communications indicated that the landing of new fibre optic cables created an abundance of international connectivity, investments by operators have seen the coverage of networks reach across the Country and the rapid development of world class innovative services, such as mobile money, have not only helped Kenyans in their everyday lives but also placed Kenya on the global map of innovative economies.

The Ministry further highlighted the opportunities that Kenya is seeking from increased access to the internet allowing the Country to reach its targets under the Millennium Development Goals (MDG). While introducing the country's development blueprint "Kenya Vision 2030", stressed Kenya's commitment to a vision that would see access to Internet guaranteed for all and the basis of a more open and transparent society. The 2030 plan presents a national vision of Kenya as a fully-fledged information society, and an economy where the Internet fosters innovation and entrepreneurship.

The Government highlighted Kenya's commitment to reap the benefits of the internet for all and to use the Internet to build a more open and transparent government, and further stressed the commitment of the government to enhance access to the Internet and information and reaffirmed the importance attached to access to knowledge, information and connectivity as the pillars of human development.

This Year, the fourteenth Internet Governance Forum (IGF) was held in Berlin Germany, the Forum focused on three main areas which include: - Data Governances, Digital Inclusion and security safety stability resilience.

The Committee appreciates the support offered by the Offices of the Speaker and the Clerk of the National Assembly for both logistical and technical support accorded to the Committee in the execution of its mandate.

Pursuant to Standing Order No. 199, it is my pleasant duty to present the report of the Departmental Committee on Communication, Information and Innovation on the proceedings of the forum.

HON. WILLIAM KISANG , M.P.

- CHAIRPERSON

1.0 PREFACE

1.1 Committee Mandate

1. The Departmental Committee on Communications, Information and Innovation is established under Standing Order 216 whose mandate pursuant to the Standing Order 216 (5) is as follows;

- a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. Study and review all legislation referred to it;
- d. Study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- (fa) examine treaties, agreements and conventions;
- g. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- j. Examine any questions raised by Members on a matter within its mandate.

2. In accordance with Second Schedule of the Standing Orders, the Committee is mandated to oversee Communication, Information, media and broadcasting (except for broadcast of parliamentary proceedings), Information Communications Technology (ICT) development and advancement of technology and modernization of production strategies.

1.2 Committee Membership

1 The Departmental Committee on Communication, Information and Innovation was constituted by the House in December 2017 and comprises of the following Members-

Hon. Kisang William Kipkemoi, M.P (**Chairperson**)
MP for Marakwet West Constituency

Jubilee Party

Hon. George Macharia Kariuki (**Vice Chairperson**)
MP for Ndia Constituency

Jubilee Party

Hon. Liza, Chelule Chepkorir, MP
M.P for Nakuru County

Jubilee Party

Hon. Gertrude Mbeyu Mwanyanje
MP for Kilifi County
Orange Democratic Party

Hon. Alfah O. Miruka, MP
M.P for Bomachoge Chache Constituency

Kenya National Congress

Hon. Wamuchomba, Gathoni, MP
MP for Kiambu County

Jubilee Party

Hon. Annie Wanjiku Kibeh, MP
MP for Gatundu North Constituency

Jubilee Party

Hon. (Eng.) Mark Nyamita Ogola, MP
MP for Uriri Constituency

Orange Democratic Party

Hon. Joshua Kimilu, Kivinda, MP
MP for Kaiti Constituency

Wiper Democratic Party

Hon. John Kiarie Waweru, MP
MP for Dagoretti South

Jubilee Party

Hon. Marwa Kitayama Maisori, MP
MP for Kuria East Constituency

Jubilee Party

Hon. Erastus Nzioka Kivasu, M.P.
MP for Mbooni
New Democrats Party

Hon. Mwambu Mabongah, MP
MP for Bumula Constituency

Independent

Hon. Innocent Momanyi Obiri, MP
Bobasi Constituency

People's Democratic Party

Hon. Maritim Sylvanus, MP
MP for Ainamoi Constituency

Jubilee Party

Hon. Godfrey Osotsi Atieno, MP
Nominated

African National Congress

Hon. Mwangaza Kawira, MP
MP for Meru County

Independent

Hon. Anthony, Tom Oluoch, MP
MP for Mathare Constituency

Orange Democratic Part

Hon. Jonah Mburu, MP
MP for Lari Constituency

Jubilee Party

1.3 Committee Secretariat

2 The Committee is facilitated by the following secretariat:-

Ms. Hellen Kina
Clerk Assistant II/ Lead Clerk

Ms. Ella Kendi
Clerk Assistant II

Ms. Marlene Ayiro
Senior Legal Counsel

Mr. Gorod Abdirahaman
Fiscal Analyst II

Ms. Lorna Okatch
Research Officer III

A.4 The Committee delegation to the Forum

2 Following the invitation by Communications Authority of Kenya , the Committee nominated the following Members to attend the Forum on Internet Freedom in Africa –

1. Hon. George Macharia, MP – **Leader of the Delegation**

2. Hon. Mohammed Bashir Sheikh ,MP

3. Hon. John Kiarie ,MP

4. Hon. Anthony , Tom Oluoch , MP

The Members were accompanied by Ms. Hellen M. Kina, Clerk Assistant and secretary to the delegation.

2.0 INTRODUCTION

- 3 The 2019 forum was held in Berlin, Germany with an aim of expanding the conversation, as well as knowledge and skills development to different parts of the continent. In its inaugural years, the Forum took place as follows:-
- 4 The first IGF meeting in Greece in 2006 was organized around the main themes of: openness, security, diversity, and access.
- 5 For 2009 through 2012 there were six standard themes: (i) Internet governance for development, (ii) Emerging issues, (iii) Managing critical Internet resources (iv) Security, openness, and privacy, (v) Access and diversity, and (vi) Taking stock and the way forward.
- 6 For IGF Indonesia in 2013 the six main themes were: (i) Access and Diversity - Internet as an engine for growth and sustainable development; (ii) Openness - Human rights, freedom of expression and free flow of information on the Internet; (iii) Security - Legal and other frameworks: spam, hacking and cyber-crime; (iv) Enhanced cooperation; (v) Principles of multi-stakeholder cooperation; (vi) Internet governance principles.
- 7 For IGF Turkey in 2014 the eight main themes were: (i) Policies Enabling Access; (ii) Content Creation, Dissemination and Use; (iii) Internet as an Engine for Growth and Development; (iv) IGF and The Future of the Internet Ecosystem; (v) Enhancing Digital Trust; (vi) Internet and Human Rights; (vii) Critical Internet Resources; and (viii) Emerging issues.
- 8 For IGF Brazil in 2015 the eight main themes were: (i) Cybersecurity and Trust; (ii) Internet Economy; (iii) Inclusiveness and Diversity; (iv) Openness; (v) Enhancing Multistakeholder Cooperation; (vi) Internet and Human Rights; (vii) Critical Internet Resources; and (viii) Emerging issues.
- 9 For IGF Mexico in 2016 a less formal and more bottom up approach was used to develop the meeting's main themes. The nine themes that emerged were: (i) Sustainable Development and the Internet Economy; (ii) Access and Diversity; (iii) Gender and Youth Issues; (iv) Human Rights Online; (v) Cybersecurity; (vi) Multistakeholder Cooperation; (vii) Critical Internet Resources; (viii) Internet governance capacity building; and (ix) Emerging Issues that may affect the future of the open Internet.
- 10 The purpose of the IGF is to support the United Nations Secretary-General in carrying out the mandate from the World Summit on the Information Society (WSIS) with regard to convening a new forum for multi-stakeholder policy dialogue - the Internet Governance Forum (IGF).
- 11 The key issues of the IGF are based around its mandate, drawn from Paragraph 72 of the Tunis Agenda, which reads as follows:
 - “72. We ask the UN Secretary-General, in an open and inclusive process, to convene, by the second quarter of 2006, a meeting of the new forum for multi-stakeholder policy dialogue—called the Internet Governance Forum (IGF). The mandate of the Forum is to:
 - i) Discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet;
 - ii) Facilitate discourse between bodies dealing with different cross-cutting international public policies regarding the Internet and discuss issues that do not fall within the scope of any existing body;
 - iii) Interface with appropriate inter-governmental organizations and other institutions on matters under their purview;

- iv) Facilitate the exchange of information and best practices, and in this regard make full use of the expertise of the academic, scientific and technical communities;
- v) Advise all stakeholders in proposing ways and means to accelerate the availability and affordability of the Internet in the developing world;
- vi) Strengthen and enhance the engagement of stakeholders in existing and/or future Internet governance mechanisms, particularly those from developing countries;
- vii) Identify emerging issues, bring them to the attention of the relevant bodies and the general public, and, where appropriate, make recommendations;
- viii) Contribute to capacity building for Internet governance in developing countries, drawing fully on local sources of knowledge and expertise;
- ix) Promote and assess, on an ongoing basis, the embodiment of WSIS principles in Internet governance processes;
- x) Discuss, inter alia, issues relating to critical Internet resources;
- xi) Help to find solutions to the issues arising from the use and misuse of the Internet, of particular concern to everyday users;
- xii) Publish its proceedings.”

12 Objectives of the 2019 Berlin IGF forum were as follows;-

i.) Data Governance

- a) The Data Governance track provided for discussions on the fundamental challenges of ensuring the benefits of the data revolution to contribute to inclusive economic development while protecting the rights of people.
- b) The global nature of the Internet and the transfer of digital information across borders brings an international dimension to discussions around data. The generation, collection, storage, transfer and processing of data (including personally identifiable data) have enabled new social, cultural, and economic opportunities than ever previously imagined. At the same time, the massive collection, transfer and processing of data (in particular through the application of algorithms/AI/machine learning) by public as well as private entities pose challenges around privacy, freedom of expression and the exercise of other human rights.
- c) The Data Governance track will contribute to identifying best approaches to ensure the development of human-centric data governance frameworks at national, regional and international levels. It will enable an exchange of views on how to support and operationalize the exercise of human rights and the empowerment of individuals in their digital identity in current uses and development of data-driven technologies. And it will consider how to create the conditions needed to facilitate data-driven innovation, to ensure competition, and to foster trust in the development of services and new technologies, including through the use of inclusive data and the fulfillment of the UN's 2030 Agenda for Sustainable Development

ii.) Digital Inclusion

IGF 2019's Digital Inclusion track aims to provide a framework for assessing and considering the various elements and policies which can improve access to equitable opportunities in a digital age. Digital Inclusion is about both identifying those with less or no access to the Internet (e.g. underserved communities, marginalized groups, the minorities, people with disabilities or people lacking digital literacy) and it is about activities related to the achievement of an inclusive information society.

Inclusion also means bringing everyone to the discussion table and ensuring everyone's voice is heard and treated equally in the decision-making processes. Digital inclusion is about having the right access, skills, motivation and trust to confidently go online. Furthermore, fostering digital inclusion contributes to a stronger economy and enhanced economic development through shared wealth, shared employment, and equal opportunity for all.

iii.) Safety, Security Stability and Resilience

Security and Safety are prerequisites to economic growth and a healthy digital environment beneficial to all. While security, stability, and resilience refer to the systems, the infrastructure, and the devices; safety and resilience of the users are also of paramount relevance.

Under this theme potential risks to security and safety will be discussed from various angles with due consideration to how stability and resilience can be achieved. Strategies for protection of both systems and users will be addressed, taking into account a multidisciplinary perspective to potential solutions and the importance of stakeholder collaboration for responding to the growing range of threats to the global Internet and its users. Kenya was ranked one of top for having made a stride by coming up with the Data Protection Bill 2019 and this placed Kenya ahead of other Countries.

2.1 MESSAGE FROM THE MEETING OF PARLIAMENTARIANS PARTICIPATING IN THE 14TH UN INTERNET GOVERNANCE FORUM

Mr. Forum "Jimmy Schulz Call" Berlin, delivered the following message to the Parliamentarians who participated in the forum as follows: THAT-

- 13 Mankind is moving into the age of digital interdependence. The ability to digitize, store, analyse and transport data around the globe has profound effects in every sector of society, and has changed the way we conduct personal business, and political affairs.
- 14 People -whether they are connected or not - are increasingly dependent on digital technologies but are concerned about its continued availability and integrity. Around half the world's population is online and by moving forward in connecting the other half we have to find ways, to foster the noble aims that stimulate economic growth, sustainable development and the respect for human rights but at the same time have to fight against child abuse, hate speech or misuses by terrorists and criminals.
- 15 Advancing national security interests in protecting the cyberspace and our critical infrastructures must be wisely balanced with freedom of expression, innovation and economic growth. Against this background parliamentarians in particular have a responsibility in creating regulatory frameworks for the next generation of Internet Governance which will help to keep cyberspace free, open, stable, unfragmented and innovative.
- 16 It's a great move for Parliamentarians from 56 countries, coming together at the 14th UN Internet Governance Forum in Berlin (November 2019) and discussing issues like cyber security , digital economy, human rights in the digital age as well as latest development in the field of Internet technology.
- 17 UN General Assembly has adopted various resolutions where the UN member states have confirmed that international law, as enshrined in the UN Charter (1945), as well as

human rights, as laid down in the Universal Declaration of Human Rights (1948) are relevant both offline and online

18 The 5th edition of the World e-Parliament Report “which discussed the role of parliaments in the digital age(2018), recommended to national parliaments to;

- i.) Enhance international cooperation and the exchange of best practices among national parliaments how to deal with Internet related public policy issues
- ii.) Guarantee, that in case new legislation is needed to enhance national security in cyberspace and promote the national digital economy, that individual human rights and fundamental freedoms, as laid down in the Universal Declaration of Human Rights (1948), are fully respected and remain protected;
- iii.) Reconsider existing national legislation in a spirit how it can be adjusted to the challenges of the digital age
- iv.) Involve non-state actors from the private sector, civil society, the technical and academic community adequately in the development of new legislation, inter alia via public hearings and open consultation processes, to promote the multistakeholder approach to the governance of the Internet, as agreed upon in the Tunis Agenda (2005)
- v.) Work towards an informal parliamentary IGF Group and therefore to strengthen and expand the parliamentary dialogue at the IGF by bringing together parliamentarians in future discussions of the development of regulatory frameworks for Internet related public policy issues.

4.0 OBSERVATIONS

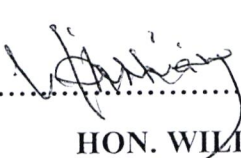
The Committee observed that:-

1. ICTs should be regarded as tools and not as an end in themselves. Under favorable conditions, these technologies can be a powerful instrument, increasing productivity, generating economic growth, job creation and employability and improving the quality of life of all. They can also promote dialogue among people, nations and civilizations
2. The benefits of the information technology revolution are today unevenly distributed between the developed and developing countries and within societies. Internet Governance is therefore fully committed to turning this digital divide into a digital opportunity for all, particularly for those who risk being left behind and being further marginalized.
3. The Government of Kenya had made great milestone for implementing Internet Governance through the Universal Fund that has seen support widespread access to ICT services and promotes capacity building and innovation in ICT services in the country.

5.0 RECOMMENDATIONS

The Committee recommends that:-

1. The Government of Kenya to maximize opportunities for open and inclusive dialogue and the exchange of ideas on Internet Governance (IG) related issues.
2. The Ministry of ICT to identify emerging issues on Internet Governance and bring them to the attention of the relevant bodies and the general public.
3. The Government to enhance and promote contribution to capacity building for Internet governance.
4. The Government to offer enough resources for training of youth and handholding them to understand matters of Internet Governance.
5. For IGF target to be fully realized, member states should make efforts to devolve the IGF discussions from Global IGF to Level to Country IGFs and further devolve the function to counties, this will encourage promotion of IGF topics in the county level.

SIGNED..........DATE..........

HON. WILLIAM KISANG, MP - CHAIRPERSON

DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION

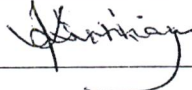
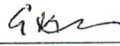
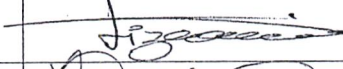
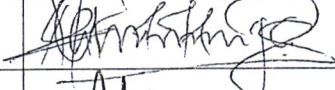
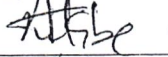



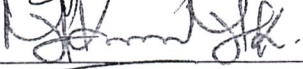

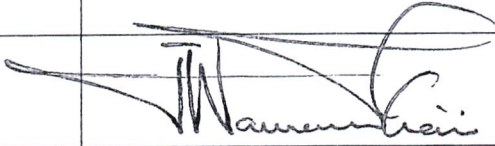
THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND INNOVATION

ADOPTION LIST


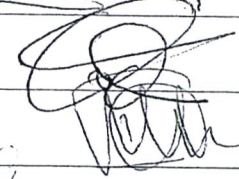

Adoption of the reports on:-

- i.) Sixth Forum on Internet Freedom in Africa, 2019 held in Addis Ababa, Ethiopia from 23rd to 26th September, 2019
- ii.) 2019 Shenzhen Smart City Forum with International Friendship Cities on 14th to 15th May, 2019 in the Republic of China
- iii.) ITU Regional Week on Emerging Technologies for Sustainable Development and Digital Transformation 26th to 30th August, 2019 in Dubai United Arab Emirates
- iv.) Internet Forum (IGF), 2019 held in Berlin, Germany from 25th to 29th November, 2019

DATE 3/3/2020 TIME 11:30am VENUE 11th Floor Protection House

NO.	NAME	SIGNATURE
1.	Hon. Kisang, William Kipkemoi, M.P - Chairperson	
	Hon. George, Macharia Kariuki, M.P - Vice – Chairperson	
3.	Hon. Liza, Chelule Chepkorir, M.P.	
4.	Hon. Alfah, O. Miruka, M.P.	
5.	Hon. Annie Wanjiku Kibeh, M.P.	
6.	Hon. Joshua Kimilu, Kivinda, M.P.	
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15.	Hon. John Kiarie Waweru, M.P.	

THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION

16.	Hon. Erastus Nzioka Kivasu, M.P.	
17.	Hon. Godfrey Osotsi, Atieno, M.P.	
18.	Hon. Innocent Momanyi, Obiri, M.P.	
19.	Hon. Anthony, Tom Oluoch, M.P.	