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KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

2015

THIRD SESSION



THE DEPARTMENTAL COMMITTEE ON ENERGY, COMMUNICATION
AND INFORMATION

REPORT ON THE
COMMONWEALTH TELECOMMUNICATIONS ORGANIZATIONS
TRAINING HELD IN

LONDON-UNITED KINGDOM FROM 6TH -10TH OCTOBER 2014.

Clerk's Chambers
Parliament Building
Nairobi

March 2015

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1.0 PREFACE

Hon. Speaker,

On behalf of the Members of the Departmental Committee on Energy, Communication and Information, and pursuant to the provisions of Standing Order No. 216, it is my pleasure to present to the House the Committee's Report of the 2014 Commonwealth Telecommunication Organization training held in London -United Kingdom from 6th -10th October, 2014.

The Departmental Committee on Energy, information & Communication is one of the twelve Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates are as follows pursuant to the *Standing Order 216 (5)* which outline functions of the Committee as being:

- a) To 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) To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all the legislation referred to it;
- d) To study, access and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objective;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a Cabinet Secretary;
- 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 No.204 (Committee on appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to consider:-

- a) Fossil fuels exploration
- b) Development of energy
- c) Production of energy
- d) Maintenance and regulation of energy
- e) Communication
- f) Information
- g) Broadcasting
- h) Information Communications Technology (ICT) development and management

2.0 COMMITTEE MEMBERSHIP

The Committee on Energy, Communication and Information was constituted by the House in May, 2013 comprising of the following Members:

- 1. The Hon. Jamleck Kamau, EGH, MP.....Chairperson
- 2. The Hon. Jackson Kiptanui, MPVice –Chairperson
- 3. The Hon. Mohammed Elmi, MP
- 4. The Hon. James Rege, MP
- 5. The Hon. (Eng) Nicolas Gumbo, MP
- 6. The Hon. Mithika Linturi, MP
- 7. The Hon. Zebedeo Opore, MP
- 8. The Hon. Aramat Lemanken, MP
- 9. The Hon. Athur Papa, MP
- 10. The Hon. Banticha Abdullahi, MP
- 11. The Hon. Daniel Kazungu, MP
- 12. The Hon. Esther Gathogo, MP
- 13. The Hon. Fathia Mahbub, MP
- 14. The Hon. James Lomenen, MP
- 15. The Hon. Aburi Mpuri, MP
- 16. The Hon. Joe Mutambu, MP
- 17. The Hon. Junet Sheikh, MP
- 18. The Hon. Kanini Kega, MP
- 19. The Hon. Mary N. Mbugua, MP
- 20. The Hon. Mati Munuve, MP
- 21. The Hon. Nicholas Ngikor, MP
- 22. The Hon. Onesmus Njuki, MP
- 23. The Hon. Rachael Amolo, MP
- 24. The Hon. Roba Duba, MP
- 25. The Hon. Ndungu Githingi, MP
- 26. The Hon. Vincent Musau, MP
- 27. The Hon. William Kisang, MP
- 28. The Hon. Richard Tongi, MP
- 29. The Hon. Moses Kuria, MP

3.0 THE COMMITTEE NOMINATIONS

The Committee nominated the following Members to attend the forum on behalf of the Committee.

- 1) Hon. Jackson Kiptanui, MP –Leader of Delegation
- 2) Hon. Aburi Mpuri, MP,
- 3) Hon. Mohammed Elmi, MP

The delegation was accompanied by Mr. Amos K. Sikweya as the delegation Secretary.

4.0 COMMITTEE OBSERVATION AND RECOMMENDATIONS

4.1 *OBSERVATIONS*

- a. The Committee observed that the training was important to Members of Parliament especially Members of the Committee on Energy, Communication and Information in enhancing and developing key skills in sectors of oversight and legislation.
- b. The Committee further observed that the Public Broadcaster in the United Kingdom the BBC is well developed and receive adequate funding from the government.
- c. The Committee also observed that the regulators like the Communication Authority of Kenya are supposed to act independently to protect public interest and right for information.

4.2 *RECOMMENDATIONS*

- a) The Committee recommends continuous and relevant training of Members of the Parliament in their sectors of oversight and legislations.
- b) The Committee further recommends support of the public broadcaster in Kenya KBC, to facilitate public interest of right to information.

5.0 ACKNOWLEDGMENT

The delegation is grateful to the Honourable Speaker and the Liaison Committee for authorizing the visit, as well as the office of the Clerk for providing the necessary logistical and technical support. The delegation also wishes to express its appreciation to the Ministry of Foreign Affairs; the staff of the Kenya Embassy in the United Kingdom for all the support given before and during the visit.

The Committee also acknowledges the Communication Authority of Kenya and the Ministry of Information Communication and Technology for working in close partnership with the committee to enhance knowledge in ICT.

HON. SPEAKER,

It is my pleasant duty and privilege, on behalf of the Committee to table this report pursuant to provisions of the National Assembly Standing Order 199.

Signed

A handwritten signature in cursive script, appearing to read "Jamleck", written over a horizontal dotted line.

THE HON. JAMLECK KAMAU, EGH, MP
Chairperson, Departmental Committee on Energy, Communication and
Information

Date

A handwritten date "23/3/2015" written over a horizontal dotted line.

6.0 ABOUT THE TELECOMMUNICATION ORGANIZATION

Commonwealth Telecommunication Organization, based in London, UK is an international organization of 53 member commonwealth countries working to promote telecom and ICT related cooperation, It is the oldest and largest Commonwealth organization engaged in multilateral collaboration in the field of Information and Communications Technologies (ICTs), and uses its experience and expertise to support its members in integrating ICTs deliver effective development interventions that enrich, empower and emancipate people within the Commonwealth and beyond.

Its mission is to promote, facilitate and guide members in using ICTs to deliver effective development intervention. The vision of the CTO is to be the preferred partner for governments, the private sector and civil society in delivering effective ICTs for development (ICT4D) in the Commonwealth and beyond.

The CTO seeks to work collaboratively with other Commonwealth bodies and International Telecommunication Union (ITU) to build mutually beneficial synergies in the interest of its members, It also offers a strategic channel for member to influence the shaping of the global ICT agenda, advocate and reach consensus on policy and regulatory positions, form alliance and build relationships, It also provides private sector members with greater access to policy makers and raise awareness and promote priorities of current and future ICT4D initiatives.

The present strategy plan emphasizes six main areas, namely, broadband, especially mobile broadband for rural development including food security, Cyber security & Cybercrime, ICTs for people with disabilities, regulatory environments, including convergence and digital broadcasting switchover, the use of ICTs in education and youth and ICTs,

The CTO is governed by its Council, which consists of representative from all member countries. It is the highest policy making body of the CTO, It meets annually to examine the progress of the Organization and to suggest future programs.

7.0 ABOUT THE CTO PROGRAMME DEVELOPMENT

The CTO's Programme for Development and Training (PDT) was created in 1985 as a mechanism to provide technical expertise in ICTs to stakeholders across the world by facilitating cooperation amongst members. Since then, the PDT has been one of the Commonwealth's largest capacity building programmes, with over 3,600 bilateral, technical cooperation projects delivered in over 30 countries.

PDT operates as a corporate membership programme, in which organizations could take part either as requesting partners (organizations that seek training) or Offering partners (organizations that offer training). Requesting partners submit their training requests along with a pre-payment for the costs of training. These courses are either delivered as stand-alone courses or regional courses (by combining several requests) by offering partners who are selected after a competitive bidding process. Due to the demand aggregation and competitive bidding process, the cost of PDT training is always lower than the open market rates.

The PDT provides specialized ICT capacity development training programmes to Ministries, regulatory agencies and ICT operators around the world, to help support the growing demands and challenges they face. Delivered in over thirty countries, the PDT provides bespoke professional training, consultancy and advisory services in policy and regulation, business development and management and technology.

The courses offered through PDT leverage the CTO's comprehensive international network of qualified technology and industry experts to facilitate knowledge-sharing through the rapid deployment of new technologies, the sharing of good practices and the application of business solutions at a localized level. With their technical knowledge and

practical business understanding, seasoned PDT programme experts support the crafting of effective and customized training solutions that allow participants to acquire advanced and specialist skills in ICT and telecommunications.

8.0 THE TRAINING PROGRAMME

The training was focused on the following areas of interest:

1. Overview Of The ICTs And Electronic Communications Sector
2. The Economics Of Regulation: Options For Action
3. The Role Of ICTs In Development The Big Picture
4. Influencing Global Decisions On ICTs The Role Of International Organisations And FORA
5. Cyberspace - Internet
6. Consumer Issues And Management
7. Case Study: Universal Service And Access Funds
8. Microsoft On Emerging Technologies
9. Site Visits-(Time Out Of Class)

9.0 SUMMARY OF TRAINING SESSIONS

9.1 OVERVIEW OF THE ICT AND ELECTRONIC COMMUNICATIONS SECTOR:

Participants were provided with an overview of the electronic communications sector and perspectives from Sweden on building innovative infrastructure. The main drivers of telecommunications regulation will be presented and discussed. ICT indicators will be discussed in relation to their impact on knowledge economies. Participants were also appraised the context of telecommunications regulation and Key ICT indicators, and

overall impact on the national economy. This session was led by **Dr Marianne Treschow**, Former Director General, the Swedish Post and Telecom Authority, Founder and Chief Executive Officer, Treschow Consulting.

9.2 THE ECONOMICS OF REGULATION: OPTIONS FOR ACTION:

This session was focussed on the economic rationale of regulation: Principles and institutions, Telecommunications and antitrust, Economic aspects of regulating, access to networks with a focus on spectrum and the role of rate-making and price regulation. Participants were provided with an overview of the economics of regulation by highlighting the economic rationale of regulation against legal, technical and political considerations. Participants will look at the core principles of economic regulation and antitrust with a focus on network access, pricing and rate-making in the current converging landscape. This session was led **Dr. Windfred Mfuh** Telecoms Regulatory and Engineering Consultant and Postgraduate Programme Director, Institute of Applied Entrepreneurship, Coventry University, UK.

9.3 THE ROLE OF ICTS IN DEVELOPMENT THE BIG PICTURE:

This session explored the bigger picture and the role of ICTs in development, from their potential contribution to economic growth, to their role in education and health. There is nevertheless evidence that existing inequalities in society rather than reduce them, unless very careful policies are in place to ensure that the interests of the poorest and most marginalised are served. This is a key role for regulators, policy makers and Legislators. This session was led by **Professor Tim Unwin**, Secretary-General, and Commonwealth Telecommunications Organisation.

9.4 INFLUENCING GLOBAL DECISIONS ON ICTS THE ROLE OF INTERNATIONAL ORGANISATIONS AND FORA:

This session described the international framework and agendas for ICTs; the key organisations involved; and behind-the-scenes decisions on issues such as standards or migration from analogue to digital broadcasting. Technical, political and economic drivers at an international level as discussed, drawing parallels with other sectors. The session was led by **Marcel Belingue**, Senior Manager, Head of Membership & Communications, Commonwealth Telecommunications Organisation.

CYBERSPACE - INTERNET

Cyberspace encompassed the internet, mobile and fixed-line access, all the networked machine-to-machine communications and other networked communications that are beyond the World Wide Web and the content that runs through it. Cyberspace provides unparalleled access, helping us to bridge the digital divide while influencing every aspect of our economic and social activities. It is expected to grow from 2 billion to 4 billion users by 2020, many in developing countries. The way we govern cyberspace, ensure the security of the network, content and users and leverage it for socio-economic growth is a key challenge faced by many policymakers and regulators. This Presentation was done by **Lasantha De Alwis**, Director/Head of Operations Department & Corporate Secretary, Commonwealth Telecommunications Organisation

9.5 CONSUMER ISSUES AND MANAGEMENT:

This session reviewed the rationale for consumer protection in different market scenarios, and investigating methods such as consumer complaints, unfair practices, and network performance data was discussed. It was reported that In a highly competitive and fast-moving environment such as the ICT sector, minimising liability while maximising profitability and shareholder value often takes precedence on end-users' interests, especially consumers. This presentation was done by **Marcel Belingue**, Senior Manager,

Head of Membership & Communications and Commonwealth Telecommunications Organisation.

9.6 CASE STUDY: UNIVERSAL SERVICE AND ACCESS FUNDS:

This session explored the various arguments in favour of and against the use of universal service funds seeking to ensure that digital technologies are used as extensively as possible, particularly by poor and marginalised communities. Universal service and access funds have a lot to offer, the practical reality is often that their use is fraught with difficulties and allegations of misappropriation of funds. This session will conclude with a discussion of possible alternative models to achieve universal access and service. Session was led by Professor Tim Unwin, Secretary-General and Commonwealth Telecommunications Organisation.

9.7 MICROSOFT ON EMERGING TECHNOLOGIES:

This session focused heavily on the following:

- a. A mobile first/cloud first world secure cloud (cloud + cyber)
- b. Dynamic spectrum access for more efficient spectrum use. A UK approach of utilisation and ongoing pilots.
- c. An overview of the new and efficient compression technologies which can be utilised for broadcast and broadband

This session was led by Adriana Mattei Director, Zetacast, an independent technology consultancy and Ken McCann Director and co-founder, Zetacast, an independent technology consultancy

(SITE VISITS)-TIME OUT OF CLASS

The participant visited the following institutions:

- a. **British Telecommunications (BT):** Morning site visit to BT offices to learn about their approach to regulatory frameworks. The session covered issues on the Functional Separation: rationale, modalities and benefits, Superfast fixed broadband deployment: organisation of government/industry collaboration in the UK and Focus of BT Non-UK Business and IT regulatory priorities. This session was led by **Matt Cherry**, Head of UK Regulatory Policy, BT Group, **Garry Miller**, Head of UK Public Policy, BT Group and **Alex Tomb**, Director of Global Regulatory Affairs, BT Global Services.

- b. **FACE BOOK- UK-**The session was based on providing an introduction to Face book and explain how it works with governments and regulators across the globe on internet policy issues. The team will provided policies; privacy and safety; Face book and Internet.org; and internet governance. The session at face Book was led by **Theo Lomas**, Head of UK Politics and Government, Face book and **Ebele Okobi**, Head of Policy, Africa, Face book among others.

CERTIFICATES PRESENTATION

-At the end of the Training all participant were awarded with a certificate of merit and Participations.

WAY FORWARD

All regulators, policy makers and legislators were urged to focus their energy on in regulation, legislation and Policy making on the following key issues:

- Licensing
- Spectrum Management (including digital broadcasting switchover and implications for analogue turn-off planning, spectrum re-farming, spectrum allocation, etc.)

- Interconnection
- Costs and Tariffs
- Quality of Service and Quality of Experience
- Competition
- Infrastructure Sharing
- Consumer Interests
- Number Portability
- Intellectual Property Rights
- Service Convergence
- Universal Service
- Complaints Management
- Dispute Resolution

CONCLUSION

Commonwealth tradition is enriched by exchanging experience and insights on a vast variety of subjects, whether an opportunity or a threat, and many other ICT-related issues. This training brought together a rich pool of collective knowledge from across the Commonwealth. New areas of common interest are expected to be discovered and to find fresh ideas and opportunities for exploiting the benefits of technology. There is also anticipation that the development of enduring networks and relationships for fruitful collaboration.

The explosive growth of the internet has revolutionized global access to knowledge, networks, business opportunities and expanding markets, transcending national boundaries. Widespread access to social media brings new immediacy to politics and governance, with elevated expectations of transparency and accountability.

Kenyan government through its representation in the training has also taken lessons that should be implemented at the grassroots level to ensure that the target set by CTO is achieved by 2015.