

Developing a Legal Foundation and Establishing Effective Enforcement: Case Study- Kenya

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Part 1

INTRODUCTION

KENYA

- Population (millions):
37.2
- Growth of GDP at
constant (2001) prices:
7.0%
- Transport and
communication as % of
GDP: 11.4
- Postal and
telecommunications as %
of GDP: 3.5



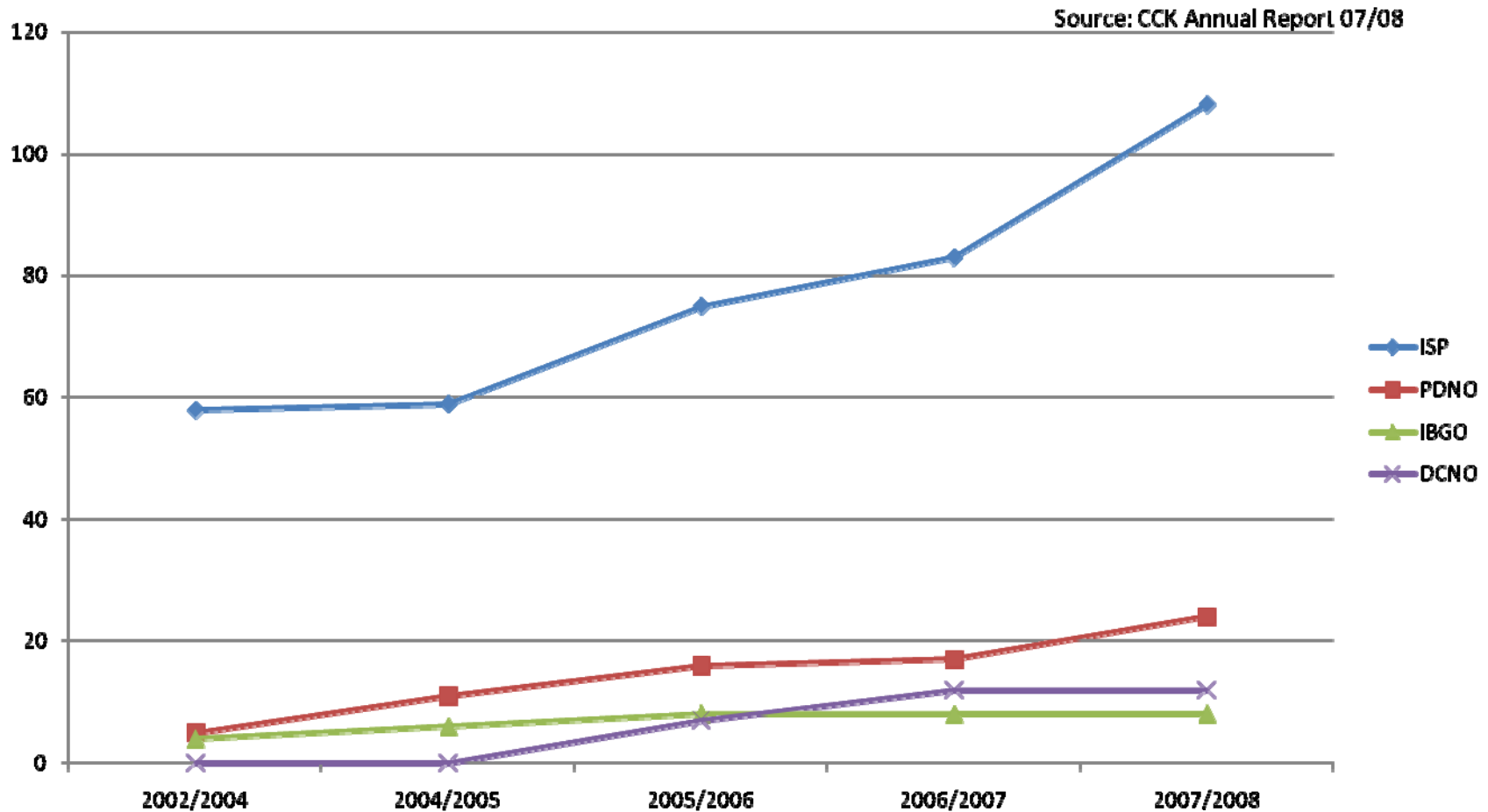
Source: adapted from Economic survey, 2008

Internet Statistics

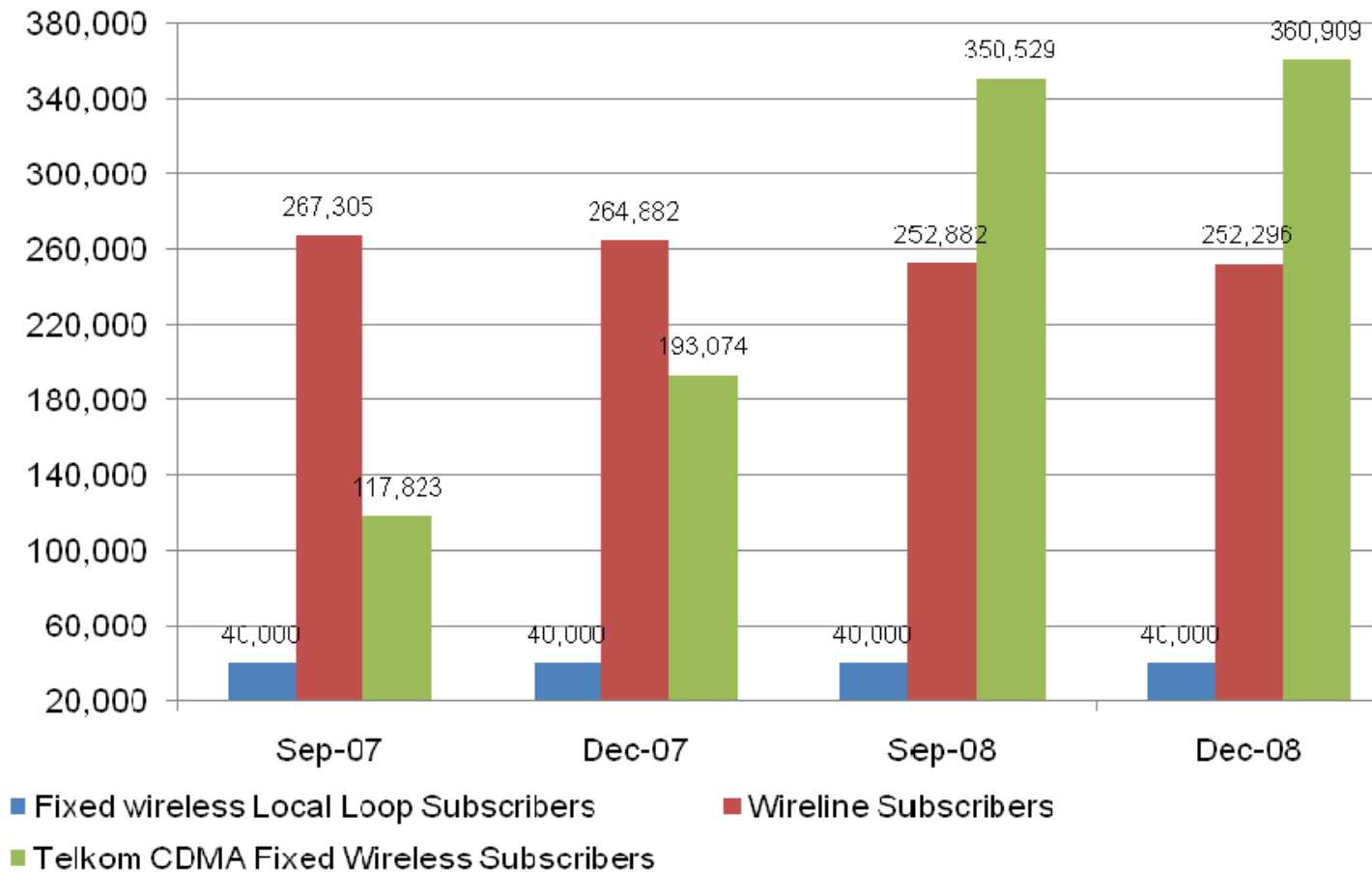
Indicator	Sept-07	Dec-07	Change (%)	Sept-08	Dec-08	Change (%)
Number of leased line customers	2,518	1,777	-29.43%	1,695	1,809*	-6.7%
Number of dial up customers	18,611	12,574	-32.43%	7,696	7,846*	-1.9%
Number of Customers using wireless connectivity	880	1,813	106.02%	5,176	5,226*	0.97%
Internet users(cumulative)	2,177,340	2,865,646	31.6%	3,043,442	3,359,552*	10.4%

Source: Communications Statistics Report Second Quarter 2008/2009
 Available at http://www.cck.go.ke/UserFiles/File/SECTOR_STATISTICS_REPORT_Q2_0809.pdf

Internet Infrastructure: Growth in Licensee Numbers



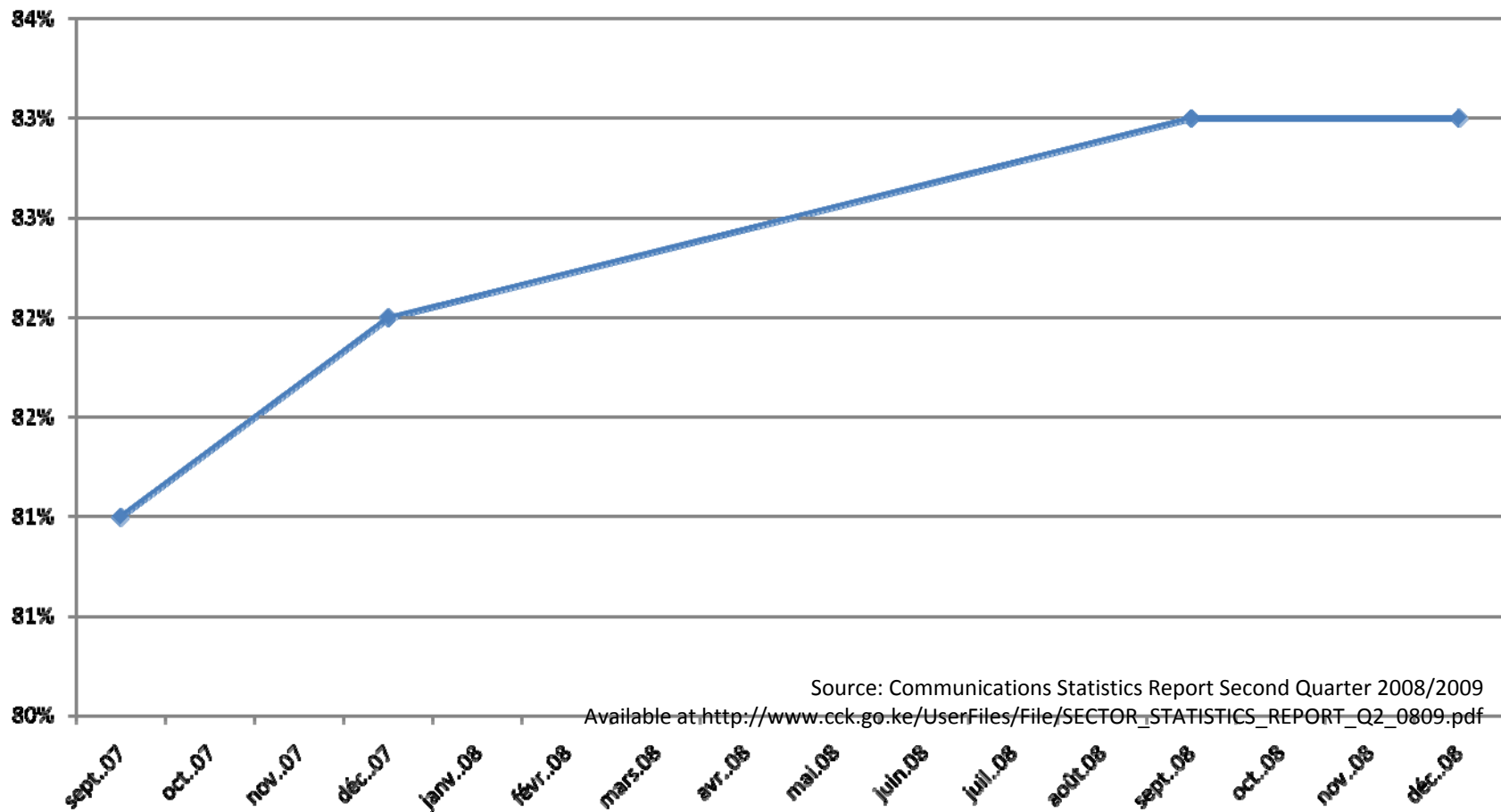
Internet Infrastructure: Fixed Network Subscriber Growth



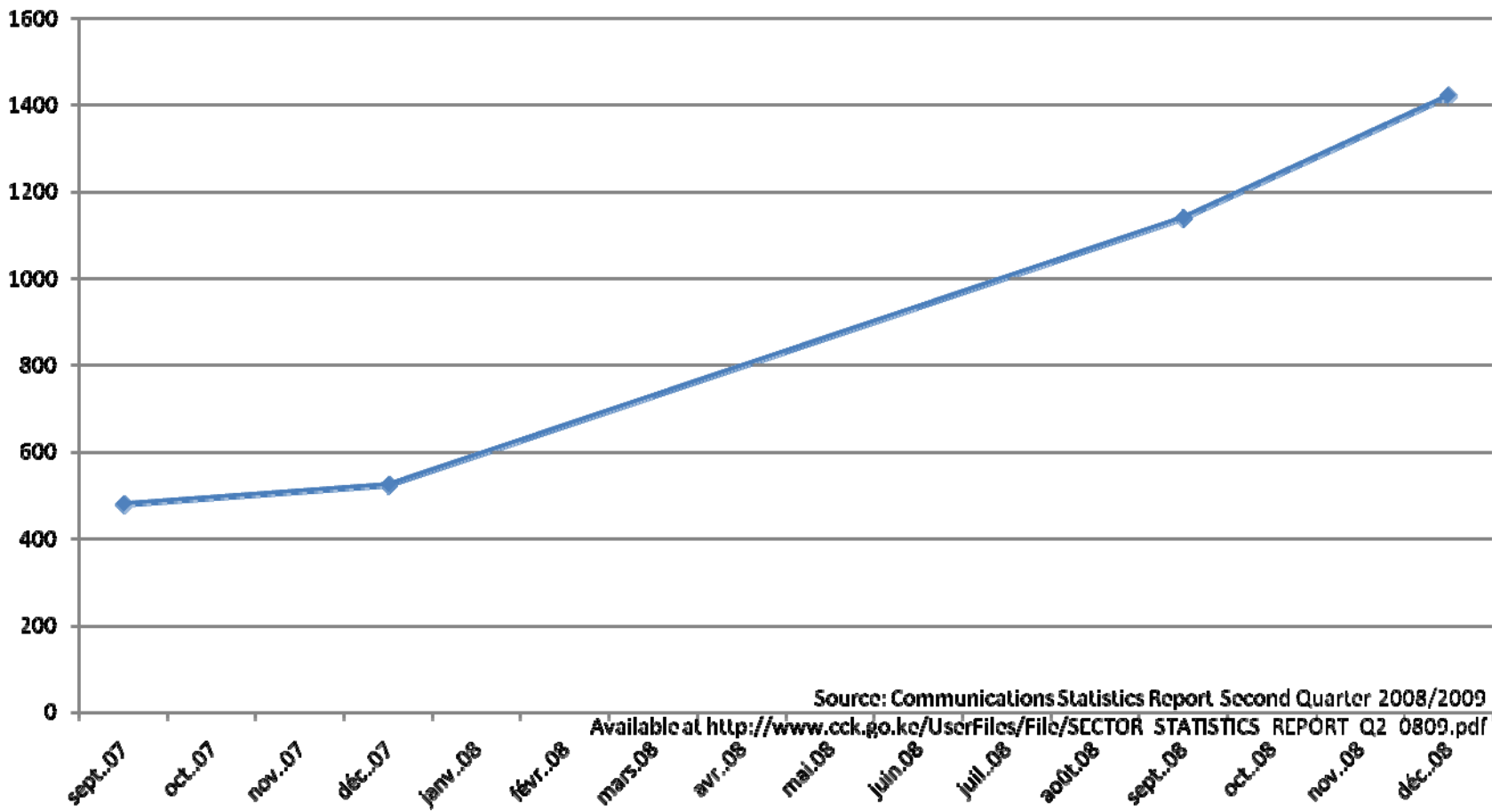
Source: Communications Statistics Report Second Quarter 2008/2009

Available at http://www.cck.go.ke/UserFiles/File/SECTOR_STATISTICS_REPORT_Q2_0809.pdf

Internet Infrastructure: Mobile Population Coverage (Cumulative)



Internet Infrastructure: Total international gateway bandwidth (Mbps)



Part 2

DEVELOPING A LEGAL FOUNDATION

ICT Policy, 2006:

Recognized Challenges of ICT in National Development

- **Policy, Legal and Regulatory Framework:**
 - To Address issues of privacy, e-security, ICT legislation, cyber crimes, ethical and moral conduct, copyrights, intellectual property rights and piracy;

ICT Policy, 2006:

Recognized Challenges of ICT in National Development

- **Electronic Security**
 - Adequate legal framework and capacity to deal with national security, network security, cyber-crime and terrorism; and to establish mechanisms for international cooperation to combat cross-border crimes.
 - An e-security structure will be developed in collaboration with the relevant institutions

Kenya Communications Amendment Act, 2009

- This Act amends the Kenya Communications Act, 1998 and was aimed to address the 2006 policy objectives.
- Expands the mandate of Commission to include
 - Broadcasting Regulation;
 - Electronic transactions;
- Formal recognition of
 - Internet domain resources;
 - Cyber crimes;

Kenya Communications Amendment Act, 2009

- Establishment of the Universal Service Fund and Advisory Council;
- Clarifies the Commission's function of ensuring fair competition; and
- Enhances of some penalties provided for in the 1998 Act.

Kenya Communications Amendment Act: provisions on cyber security

- Mandates the CCK to **promote public confidence** in the integrity and reliability of electronic records and e-transactions;
- Mandates CCK to develop **sound frameworks** to minimize the incidence of forged electronic records and fraud in e-commerce and other e-transactions.

Kenya Communications Amendment Act: Cyber Crimes

- No definition of a cyber crime, but the following acts are proscribed:
 - Unauthorized access to computer data
 - Access with intent to commit offences
 - Unauthorized access to and interception of computer service
 - Unauthorized modification of computer material
 - Damaging or denying access to computer system
 - Unauthorized disclosure of password
 - Unlawful possession of devices and data
 - Electronic fraud

Kenya Communications Amendment Act: Cyber Crimes

- Tampering with computer source documents
- Publishing obscene information in electronic form
- Publication for fraudulent purpose
- Unauthorized access to protected systems
- Re-programming of mobile telephone
- Possession or supply of anything for re-programming mobile telephone
- The Act also clarifies that bona fide reprogramming or possession is not an offence.

Shortfall of Kenya Communications Act, 2009

- The Act makes no mention of :
 - International cooperation in the fight against cyber crimes. However, a Mutual Legal Assistance Bill is scheduled for enactment soon.
 - Procedures for fast-tracking investigation and prosecution of cyber offences

Part 3

ESTABLISHING EFFECTIVE ENFORCEMENT

EARPTO: Cybersecurity Taskforce

- EARPTO (East Africa Regulatory, Post and Telecommunications Organization) cybersecurity Taskforce:
 - **Vision:** Building confidence and security in the use of cyberspace in the East Africa (EA) region
 - **Mission:** Enhance security of the cyberspace in the East Africa (EA) region through collaboration amongst all the stakeholders

EARPTO: Cybersecurity Taskforce

- East African cybersecurity issues :
 - Governance
 - General security
 - Hidden Threats
 - Email and communication
 - Mobile devices
 - Privacy
 - Safe browsing

EARPTO: Cybersecurity Management

Technical means

- Cybersecurity Taskforce ToRs
 - Establishment of **National CERTs**
 - **Regional Coordination**
 - Regional and international **partnerships**
 - Annually Incident **reporting** to EARPTO
- Implementation Plan:
 - Benchmarking (July – October 2009)
 - N-CERTs (November 2009 - January 2011)
 - EA- CERT (March 2011)

EARPTO: Cybersecurity management Policy and Legal means

- Regional harmonization of cybersecurity policies and legislation
 - Kenya;
 - Uganda;
 - Tanzania;
 - Rwanda and;
 - Burundi.

Consumer Education-developing a culture of cyber security




Consumer Education-developing a culture of cyber security



Communications
Commission
of Kenya

Children and the use of the internet

Introduction



Use of the Internet in Kenya has increased significantly in recent years and, as a result increasing numbers of children now have unsupervised access to it (via a personal computer at home, at friends' houses, at school, at libraries or in cyber cafés; or via mobile-phones). While children can derive great benefit from Internet access, it also renders them vulnerable to certain risks.

Consumer Education: Public lectures



Consumer Education: Road Shows



Part 4

CONCLUSION

Conclusion

- On going implementation of policy and legislative framework
- Technical mechanisms
- Regional and international cooperation
- Development of a culture of cyber security -
Consumer awareness

Thank you!

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