

# 2012 National IGF report

## Introduction

This report provides an overview of deliberations of the Uganda Internet Governance Forum that took place at Imperial Royale Hotel, Kampala, on August 07, 2012. The forum was organised by the Uganda National Information Technology Authority – Uganda, (NITA-U), in partnership with the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) and the Internet Society Chapter Uganda. The one-day Forum, whose theme was *“Promoting Online Safety among vulnerable users in Uganda”*, is a multi-stakeholder event that involves representatives from government, civil society, academia, private sector, the media and individuals interested in Internet Governance (IG) issues. Since its inauguration in 2006, the UIGF has continued to discuss and address Internet Policy issues in Uganda and East Africa. The UIGF further seeks to establish IG issues relevant to the country; build consensus on national and regional positions around relevant Internet Governance issues and share the outcomes of the regional fora in Africa. The meeting brought together over 100 participants from government, civil society, private sector and academia.

## Issues discussed

### Review of Uganda’s progress on IG issues

Uganda has made progress on implementing some key Internet Governance issues. The government has identified ICT as one of the pillars for socio-economic development and transformation in the National Development Plan (2010). Past IG issues of focus have included affordability and access; cyber security management, and critical Internet resources – transitioning to v6 and .UG ccTLD management. Today, other IG issues are emerging or gaining prominence. These include child online protection, neutrality and new ITRs.

On cyber security management, Uganda has operationalised cyber laws, including the Computer Misuse Act, 2010, Electronic transactions Act, 2011 and the Electronic Signatures Act, 2011. Attendant draft regulations for the Electronic Transactions Act and the Electronic Signatures Act have been developed. The Computer Misuse Act is operational. The ICT ministry together with NITA-U is developing an awareness strategy to guide citizens on how to use the laws.

Regarding migration to IPv6, a migration strategy has been approved from the ICT Minister. This was developed by a multi-stakeholder taskforce. So far, the ministry has conducted awareness trainings in seven universities across the country in conjunction with ISOC–Uganda. Future trainings are planned for IT officers, technocrats and decision makers on IPv6 for both public and private sector. These trainings will be conducted in partnership with the African Network Information Center (AfrinIC).

Meanwhile, the Ministry of ICT has developed a National Information Security Strategy and its implementation started with the establishment of the Directorate of Information security under NITA-U. The directorate is working in partnership with international partners such as International Telecommunication Union (ITU), Commonwealth Cybercrime Initiative (CCI) to leverage resources for fighting cybercrime in Uganda. Finally, the draft .Ug ccTLD Management Policy was developed and submitted to the Cabinet Secretariat.

## **Promoting Online Safety in Uganda**

Cyber crime involves a wide range of offences, including those related to computer data and systems (such as 'hacking'), computer-related forgery and fraud ('phishing'), content offences (dissemination of child pornography), copyright offences (dissemination of pirated content). In his presentation, Mr. James Saaka, Executive Director of the National Information Technology Institute of Uganda (NITA-U), said Uganda has enacted the cyber laws and the draft regulations are in place. Further, from the online IG discussions, many people acknowledged the increasing access to internet in many parts of Uganda and the reduction in internet costs as the leading factors to children's access to the internet. Many children are accessing the internet from their homes, schools and internet cafes. Further, the increase in mobile access makes it easy for young users to access the internet. However, this poses a new cyber challenge. For instance, concerns were raised that there are no monitoring mechanisms in many access areas like internet cafés. More so, although parents have the primary role of ensuring that their children are protected both offline and online, few are knowledgeable about possible risks/dangers of the internet. Further, discussants noted that Ugandan law enforcers, notably the police, lack appropriate skills to detect, investigate, and resolve cybercrimes.

Suggested solutions to curbing the problem were:

***Improve public awareness of cybercrime*** - "Get Safe Online campaigns". This could include programs sensitising parents about internet hazards for their own safety and that of their children, putting in place accepted guidelines for parents, cafe owners and schools on how to guide children going online and promote these guidelines. Government should also educate the public about online safety, and spread awareness of the free content filtering solutions that are already available.

***Strong government commitment and Ministerial leadership*** to tackle online crime, by strengthening existing laws and enforcement of regulations to handle crime committed on the internet.

***Some participants suggested that there should be stiffer measures to regulate children's access to online resources.*** Participants contended that parents and guardians could restrict internet access, especially social networks, for their children or even block access to accounts for children who are underage. Also, controls and regulation should be implemented in schools in regard to what students should access so they can get to know what is relevant and not relevant for public consumption. Conducting 'safe browsing' in schools was also suggested as a possibility.

Provide a Uganda Internet Hotline for the public to report potentially criminal online content targeting children and the elderly. . Or still operate a national service to effect removal at source of criminal online content that is hosted in Uganda and also provide a simultaneous alert service to expedite removal of abusive content hosted abroad such that where content cannot be immediately removed, consideration should be taken to block access to the content using a list generated from national hotline.

Work internationally, both bilaterally and through multilateral institutions, with support from other countries in dealing with this crime

## **E-government and Open Government Data**

This session discussed Uganda's e-government readiness and whether government is doing enough to promote e-government. In his presentation, Mr. David Turahi, a Director at the ICT Ministry, noted that e-government presents great benefits to Uganda. He said Uganda has embraced e-government in a number of ways: many government sectors have websites, although many are not regularly updated. Also, several government initiatives have been adopted, however their full benefits are yet to be realised. For instance, Phases 1 & 2 of the Uganda National Data Transmission Backbone Infrastructure and e-Government Infrastructure Project (NBI/EGI) have been completed – with (1,500 kms of Optical fibre cable laid, a metropolitan area network created, 27 Ministerial departments and Agencies (MDAs) connected, , and Primary data centre established to host government data. Uganda also has the necessary legislative and policy framework to support e-government. This includes: cyber laws, NITA-U Act and the Access to Information Act, 2005, and supportive regulations are being developed to include: NITA –U - National Databank Management and Data Protection Regulations, 2012; NITA –U- Accreditation of Professionals and Training Institutions regulations 2012, NITA-U – Arbitration of Disputes Regulations 2012, Electronic Transactions Regulations, 2011; and the Electronic Signatures Regulations 2012.

Additionally, government through NITA-U has developed supportive policies and projects towards e-government. These are: e-Government Strategy Framework 2011, 2. IT Policy Framework, Rationalisation of IT Services in MDAs; institutionalisation of IT in government; setting up of Business Process Outsourcing/ITES Programme and establishment of the District Business Information Centers. Government is undertaking an e-Government Readiness Survey and the development of an e-Government Master Plan, as stipulated in the provisions of e-Government Strategy Framework of 2011. The review of the National ICT Policy is underway, as is the drafting of IT Standards; Implementation of the National Information Security Strategy; Development of the National Databank and Enterprise Architecture and interoperability frameworks.

During the online IG discussions, many noted the importance of opening up government. They said opening up would promote transparency and improve accountability; reduce the information gap between the government and its citizens; boost investment opportunities; help the fight against corruption; and promote public access to information. From a business perspective, initiatives such as the revenue authority's E-Tax and online the motor vehicle registration were commended. Live broadcasts of parliamentary proceedings, the Parliamentary Call system known as Uspeak, and the online voters' register were also cited as initiatives presenting wider opportunities for citizen participation and engagement in governance issues. However, more is yet to be realised as per government promises. Also, challenges such as insufficient content; reliance of private sector to deliver e-infrastructure, leave a lot to be desired in realising open and e-governance in Uganda.

So how can this be resolved? Suggestions included:

Government should **take lead and also leverage on experiences** from the private, civil society and other countries to deliver effective e-government programmes.

Need to **sensitise masses on the benefits of Open Government data.**

**Identify an independent body to oversee implementation and maintenance of the** Open Government Data (OGD) Periodic audits of the OGD could also be helpful in ensuring transparency, availability and Integrity of the OGD

**Infrastructure – IPv6**

Uganda has made little progress in implementing IPv6. Although an IPv6 strategy is in place, there is still slow uptake of the resource in Uganda. At the moment, most of the equipment in networking and computing are IPv6 ready, and the same applies to most operating systems coming on the market. The slow uptake has been attributed to the high cost in deploying IPv6. Most service providers find the cost prohibitive and are not willing to invest in IPv6 infrastructure where they see no critical mass of content to make it profitable for them. Also cited are inadequate skills in implementing IPv6 by IT professionals since most institutions have been training students in networking using IPv4. However, some ISPs like Orange Uganda have taken an initiative to have test days of IPv6 on their networks and have implemented IPv6.

Suggestions: Government as a single entity should adopt IPv6 as a standard deployment for all the infrastructure they are rolling out then the providers would follow.

### **Intermediary Liability**

There are growing concerns whether ***Intermediaries be held liable for content posted by users and how this affects the free flow of information online***. Mixed reactions arose during the online discussions and the face to face meeting where some discussants felt that intermediaries should not be held liable for content they carry or has been posted by users, unless it is determined that they are in some way party to the posting of this content. Others felt that if there are laws that govern intermediaries, then they should be held liable for their inability to cooperate with a legal takedown order for any such content by a court of law. Others argued that internet intermediaries should be held responsible for content posted by their users to prompt the intermediaries to put in place measures such as screening and filtering content. No consensus was reached on the matter.

In determining what ***sort of content would be deemed liability by intermediaries and therefore justify removal, some participants felt that only a court of law should have the say on what tantamount to an infringement***. Others felt that any content appearing on the intermediaries' websites, blogs or chat room whether posted by the intermediary or third party should be screened for infringement.

### **Net Neutrality**

This year's discussions sought views from Ugandans on whether ISPs should be allowed to charge for access to some services (and technologies) and not others. In general, discussants felt that the internet has developed and grown to where it is today because of the current model which allows for the free flow of information without any restrictions. As such, ISPs and other content providers should be encouraged to keep the content on the Internet free, as market segmentation could lead to unwanted access gaps. Others felt that ISPs as service providers should be allowed to build their businesses whatever way they deem fit as long as this is within the confines of the law.

On whether ***ISPs be allowed to offer free access to their own products or services while charging for access to the competition***, participants felt that preferential charging of content - especially to favour the owner of the fibre cables - is creating unfair competition and should not be encouraged. Others felt that it should not be a problem if ISPs offer a free or discounted service and remain competitive. It only becomes a problem if such pricing is predatory, that is, facilitates unfair competition in the market or endangers market growth and development.

However, a non-neutral Internet could hinder start-up businesses in Uganda as it might make entry costs for especially innovative ideas higher and discourages project success. It was felt that government can establish

laws that enforce fair competition among service and content providers. All in all, it was felt the internet should be left free and open without restrictions to access.

### **Emerging issues: Uganda's position on proposed ITRs**

Uganda is following a rigorous process on preparing her positions on the review of the International Telecommunications Regulations (ITRs), 2012. The process involves external consultations, receiving comments from stakeholders and realigning Uganda's position with the recent of Africa. Uganda agrees to the proposal to include the ITRs scope for member states to cooperate in tackling issues related to cyber security but holds reservations in regard to some of the details especially on implementation and monitoring of communications. On changing definitions of telecommunications, spam, hubbing, IP interconnection, personal data, transit rates, etc, Uganda feels there is no need to change the definition of telecommunication to include processing and ICTs. Plus, there is need to further examine if spam is within the scope of the ITRs. The issue needs further examination on whether it should be handled at national or regional levels through the development of a code of conduct or best practices. However, government feels that if the argument to include spam in the ITR is not solid, they should advocate having a resolution on spam in the ITRs. On international networks under Article 3, Uganda agrees to the addition of number misuse, although this should be examined in respect to IP. Also, the government supports the inclusion of a specific resolution in the ITRs in respect to international internet interconnectivity and access for land-locked countries.

Further, Uganda agrees to adding provisions of roaming but holds reservations with respect to the incorporation of Global Telecommunications Services, as these need to be further examined. With regards to International IP connectivity, government believes that ITRs should be technologically neutral. However, there is no current position regarding Border Zone roaming although a regional or bilateral arrangement for Member States and not a treaty matter may be the best option.

On the issue of Spam and Privacy, government considers this to be incorporated. However, these may include aspects of content so their implementation within the context of the ITR should be reviewed further. Also, Uganda supports the inclusion of a single emergency number and general principle for cooperation between Member States on issues related to network security and privacy but has implementation concerns on the former.

On Article 6, under the proposal to revise the whole article and title to incorporate general principles for pricing and economic policies- e.g. Cost oriented Vs Cost based, Transparency, Reasonable return on investment, Mutual / bilateral commercial negotiation, government will consult with operators if the bilateral / traditional charging and accounting regime is still used. Further, they hold reservations on international competition authority, which is perceived as not practical, and issues of taxation. On the latter, government believes these are national issues not treaty matters.

All in all, government is still getting input to the final document that will be realigned with other African government positions before submission to ITU.

### **Discussions**

**E-Government in Uganda:** Participants expressed concerns that government was not doing enough in embracing e-government. However, representatives from the Ministry of ICT refuted this allegation, noting that a directorate for e-government was set up under NITA-U to deal with all e-government issues.

Further it was noted that government is working on having all businesses able to register online. That the Uganda Registration Services Bureau (URSB) has set up a portal that allows users to access all business and other national registration services online.

On eProcurement, it was heard that NITA-U is working with the Public Procurement and Disposal Agency (PPDA) to develop an eProcurement system. This will allow for centralised procurement within government agencies and also minimise corruption.

On failure to issue national identification and voters' cards; NITA-U officials expressed that this was not a technology problem. Challenges included administration and procurement of experienced firms. Nonetheless government is following up to ensure that voters' cards are issued before the next elections.

Further, the proposed e-government Master plan is set to address all e-government challenges in the country.

**Online child safety:** The computer Misuse Act, 2011 addresses child pornography and for offline pornography especially for other electronic devices such as DVDs sold in video libraries and on streets. The Penal Code Act provides for offences related to child pornography whether online or offline. Also, more measures should be explored to address online safety. However, there are still challenges for enforcing these laws.

**IPv6 and education:** currently, IPv6 courses are offered as an option for Masters Students at Makerere University.

### **Way forward/conclusions**

The Uganda IGF has been in existence since 2006 but lacks a formal governing body. NITA-U is ready to support the national process and also serve on the steering committee. The committee will comprise representatives from government, civil society, private sector/business community and academia.

Further, the UIGF proceedings will also be presented at the first African Internet Governance Forum to be held in Cairo October 2–4, 2012 and the UN global Internet Governance Forum in Baku, November 6–9, 2012.

## UGANDA INTERNET GOVERNANCE FORUM 2012, AUGUST 07, 2012

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