



Interconnection Policy and Regulation: Serving the community – Case of KIXP

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Objectives of the presentation

- Share experiences
- Get ideas of how some of the policy and regulatory proposals are being addressed in other environments
- Encourage collaboration

Background

- KIXP – Kenya Internet Exchange Point is a service that is run and owned by the community peering at the IXP.
- It is fully owned by TESPOK in line with licensing requirement to be fully locally owned.
- On the 14th February this year KIXP celebrated its 20th Anniversary
- Key at these celebrations has been the role TESPOK has played in adding value to the IXP members through policy and advocacy efforts.



Current policy and regulatory environment

There are challenges in the environment in which the KIXP operates that unless addressed have an impact on the ability of the peering members and their customers to fully benefit from the IXP.

These include but not limited to:

1. Alignment to New regulations
2. Intermediary liability exposure
3. Infrastructure disruptions



Policy and Regulatory Challenges

1. Alignment to New Regulations

- Data Protection Laws; there are challenges when Internet Service Providers are handled in a similar manner to Content Management and Distribution Service Providers. This is requiring all peering members as well as the IXP to be registered as both data processors and data controllers.
- Gazettement of Critical Infrastructure; The gazettelement comes with a level of security that is not yet clear. This creates an area with high risk unilateral decision making.

Policy and Regulatory Challenges

2. Intermediary Liability Exposure

Policing internet traffic - Entities peering at the IXP are being expected by judicial order to be in the know of content they are transmitting and block content that would be considered as infringing copyrights. According to the Copyrights Act TESPOK on behalf of the IXP service, receives copies of orders to bring down or block what may be considered infringing content, yet some is not hosted within the country.

The constitutional right to privacy of the customers of the ISPs has to be upheld.

Policy and Regulatory Challenges

3. Infrastructure Disruptions

The level of infrastructure disruptions in Kenya has reached levels that are significantly affecting the ability to enjoy the benefits of the IXP.

The causes of the disruptions are varied and include but not limited to:

1. The development of civil infrastructure (roads, buildings, railway lines, markets, water and sewer systems etc)
2. Lack of documentation by authorities on previous ICT infrastructure deployments
3. Interference by vandals

Proposed Solutions (work in progress)

1. Capacity Building by the community to enable various arms of government make decisions from an informed position.
2. Develop clear MOU on behalf of the community with state security agencies on how various issues are addressed
3. Advocate for legislative amendments to protect the service providers in partnership with the Kenya Law Reform

Proposed Solutions (work in progress)

4. Facilitate amendments to local infrastructure development standards through the Kenya Standards body and Built environment authority (NCA)
5. Encourage collaboration amongst various government regulators so that there is co-regulation
6. Facilitate collaboration between the community, government and donor agencies to promote infrastructure development that protects community investment.

Q & A

- Open Q&A session on policy and regulatory interventions from other jurisdictions.

THE END!!

