

SPEECH BY MR. FRANCIS WANGUSI, DIRECTOR GENERAL, CCK AT THE LAUNCH OF THE GUIDELINES FOR THE PREVENTION OF TRANSMISSION OF UNDESIRABLE BULK POLITICAL CONTENT VIA ELECTRONIC COMMUNICATION NETWORKS ON 24TH OCTOBER 2012 AT THE INTERNATIONAL HOTEL

Dr. Bitange Ndemo, Permanent Secretary, Ministry of Information & Communications

Mathew Iteere, Police Commissioner

Mr. Ahmed Issack Hassan,

Chairman, Independent Electoral and Boundaries Commission

Dr. Mzalendo Kibunja

Chairman - National Cohesion and Integration Commission

Ms. Lucy Ndungu

Registrar of Political Parties

CEOs/representatives of the four mobile operators

CEOs/representatives of Content Service Providers

Ladies and gentlemen

I would like to welcome you to this breakfast meeting convened to launch the guidelines for the prevention of transmission of undesirable bulk political content through the electronic communication networks. I wish to express my gratitude and that of the Commission for the support that we have received from the industry as well as various government agencies in putting together this important regulatory instrument that will go a long way to improve the way ICT products and services are used in our country.

We are all aware of the critical role that mobile technology has played in our country as a catalyst and even enabler of the various sectors of the economy. As the ICT sector regulator, it is our desire to ensure that ICTs continue to impact positively, not only on the economic, but also in the country's socio-political development.

Ladies and gentlemen, political parties play a very important role in democratic society. Generally, they serve as vehicles for political mobilization and competition. Political parties also represent the various shades of opinion in the society. In Kenya where politics is largely region-based, most political parties have a religious following in the regions from where they draw support. In light of what transpired in Kenya in the 2007 General Elections, it has now become necessary to regulate the transmission of bulk political content over the electronic communications networks in order to insulate the country from political chaos.

The guidelines we are launching today are a culmination of a collaborative effort between CCK, the Independent Electoral and Boundaries Commission, National Cohesion and Integration Commission, the mobile telecommunications industry and the Kenya Police. The guidelines are meant to prevent the transmission of undesirable and inflammatory bulk political messages in the wider interest of protecting ICT consumers. On behalf of CCK, I wish thank our partners in this project for joining hands with us in developing these guidelines,

The overarching objective of these guidelines is to bring order and structure in the manner in which bulk political content is transmitted. By and large, the guidelines require Mobile Network Operators to exercise greater oversight over political messages transmitted through their infrastructure. In this regard, Content Service Providers sending a political message shall make a request to the mobile network operator at least 48 hours before

sending the message. The application shall include as a minimum verbatim content of the political message, a signed authorization from the political party or individual sponsoring the political message, and certified copies of registration documentation of the political party or identification documents of the individual. These requirements are meant to eliminate the transmission of anonymous political messages over our communication networks. The guidelines provide Mobile Network Operators with the right to refuse transmission of political messages that are deemed to be offensive to the law.

The guidelines outlaw transmission of offensive, threatening, abusive, obscene or profane language. They further outlaw the transmission of messages bearing inciting, threatening or discriminatory language that is intended to expose individuals or groups of individuals to violence, hatred, hostility, discrimination or ridicule on the basis of gender, ethnicity, race, colour. It limits the language of political messages to either Kiswahili or English.

To protect consumers of mobile telecommunication service from SPAM, the guidelines outlaw the transmission of political messages to customers who have not subscribed for the service. Content Service Providers will be required to provide evidence of such consent immediately upon request by mobile network operators or any other concerned governmental body or regulator. The guidelines are already uploaded onto the CCK website for more information.

It is our hope that the relevant licensees shall abide by these guidelines stringently to ensure that the country remains peaceful in the run up and aftermath of the coming elections. We shall work closely with the relevant government agencies to ensure that those who contravene the guidelines are brought to book.

With those remarks, it is my pleasure to invite our Chief Guest, Dr. Bitange Ndemo, the Permanent Secretary in the Ministry of Information and Communications to deliver his address.