

Syllabus: “How to engage in broadband policy and regulatory processes”

Dhulikel Lodge Resort, 14-17 July 2017

A four-day residential course offered by LIRNEasia in partnership with ISOC Nepal and the Center for Law and Technology with the support of the Ford Foundation

1. Goal

To enable members of Nepal civil-society groups and media personnel marshal available research and evidence for effective participation in broadband policy and regulatory processes including interactions with media, thereby facilitating and enriching policy discourse on means of increasing broadband access by the poor and persons with disabilities. Those from government and the private sector will also benefit.

2. Outcomes

The objective of the course is to produce discerning and knowledgeable consumers of research who are able to engage in broadband policy and regulatory processes.

At the end of the course attendees will:

- Be able to find and assess relevant research and evidence
- Be able to summarize the research in a coherent and comprehensive manner
- Have an understanding of broadband policy and regulatory processes in Nepal

3. Assignments

Almost all developed market economies periodically adopt communication policies or strategies, one of the most recent being by the UK Department of Culture, Media and Sports (2017). The purpose of these documents, variously described as policies, strategies and roadmaps, is that of providing a degree of certainty to the many actors active in the communication space. In the ideal case, such policies are broadly

consulted and have the buy-in of most, if not all, government and non-government stakeholders. Having been approved by government through Cabinet or a similar superior committee and thus being difficult to change, there is a degree of rigidity to these policies which provides certainty to actors, especially to investors. Generally, these documents have to be complemented by more specific plans that set out targets, identify resources and assign responsibilities for the completion of tasks.

In India, especially in the central government, telecom policies tend to be developed through consultative processes and are taken seriously. In other countries such as Bangladesh, Nepal and Sri Lanka, policy formulation and implementation is weak. The last proper national telecom policy in Bangladesh dates back to 1998, and in Sri Lanka to 1994. Nepal adopted both a National ICT Policy and a Broadband Policy in 2015, but examination of earlier drafts (Government of Nepal, n.d.) showed that they were more in the nature of wish lists than actionable and resourced policies.

The Bangladesh and Sri Lanka policies were threadbare and had become obsolete long ago. Efforts to replace them with more modern documents have failed to go the distance, though some kind of policy appears to have been slapped together in Bangladesh, while the old policy is what is still displayed on government websites. However, the lack of formal policies does not appear to have caused serious damage to the sectors, which have kept growing and innovating. Of course, the question of whether they would have done even better if good policies were in place and were scrupulously implemented remains open.

The assignment will be to make evidence-based team presentations that we hope will assist the government of Nepal to implement the National ICT Policy and Broadband Policy. The five-person teams will be assigned different aspects:

1. Affordable broadband of adequate quality throughout Nepal
2. Services and applications that are of value to Nepali users
3. Measures to enhance and assure trust and security
4. Affordable terminal devices that all can use, with special attention being paid the elderly and the differently abled
5. Formation of skilled users
6. ICTs in disaster risk reduction and disaster response

Each presentation must identify the lead actor, the other entities it must work with, resources for the actions and measurable performance indicators including a timeline.

4. Course schedule

	Day1 (July 14)	Day2 (July 15)	Day3 (July 16)	Day4 (July 17)
0900-1030	S1 Introduction (Rohan Samarajiva RS and Santosh Sigdel SS)	S5 Baseline knowledge available online and in English relevant to Nepal ICT policy (RS)	S10 National Broadband Networks of India, Malaysia, Indonesia and Australia: Comparative study (VI & RS)	S14 Policy and regulatory actions to enhance Internet access by the differently abled (Nirmita Narasimhan NN)
1030-1100	Break	Break	Break	Break
1100-1200	S2 Finding research (Vigneswara Ilavarsan VI)	S6 Additional knowledge relevant to Nepal ICT policy (Babu Ram Aryal BRA)	S11 How Nepal makes and implements ICT policy (Manohar Kumar Bhattarai MKB)	S15 Supplier perspectives: Panel discussion with Dileep Agrawal, Lochan Lal Amatya & Allen Tuladhar (moderated by Kuvera Chalishe) ¹
1200-1300	S3 Communicating to policy makers (RS)	S7 Introduction to demand-side research (VI)	S12 Net neutrality, zero rating and their applicability in conditions of low Internet access (RS)	A6 Preparation for presentation (commences at 1215, not 1200)
1300-1400	Lunch	Lunch	Lunch	Lunch
1400-1500	A1 Group formation; Assignments explained and introduction of Broadband Website (Laleema Senanayake LS)	S8 Assessing & summarizing research (VI)	S13 Implementation actions by the regulator (Ananda Raj Khanal ARK)	A7 Mock public hearing (Panel comprising BRA, NN and SS)
1500-1530	Break	Break	Break	Break
1530-1700	S4 Introduction policy/legal research, including case study on ICT policy & regulation in federal states (RS)	S9 ICTs in disaster risk reduction and management (Rajib Subba RaS)	A4 Group work	A8 Mock public hearing & critique
1700-	A2 Group work	A3 Group work	A5 Group work	Certificate dinner commences at 1900 hrs

¹¹ S15 will be a 75 minute session, commencing at 1100 and concluding at 1215.

5. Faculty

Rohan Samarajiva PhD, Course Director, was the founding CEO (2004 - 2012) and is Chair (2004 –) of LIRNE*Asia*. Previously he was the Team Leader at the Sri Lanka Ministry for Economic Reform, Science and Technology (2002-04) responsible for infrastructure reforms, including participation in the design of the USD 83 million e Sri Lanka Initiative. He was Director General of Telecommunications in Sri Lanka (1998-99), a founder director of the ICT Agency of Sri Lanka (2003-05), Honorary Professor at the University of Moratuwa in Sri Lanka (2003-04), Visiting Professor of Economics of Infrastructures at the Delft University of Technology in the Netherlands (2000-03) and Associate Professor of Communication and Public Policy at the Ohio State University in the US (1987-2000). He was Policy Advisor to the Ministry of Post and Telecom in Bangladesh (2007-09). He serves on Privacy Advisory Group of UN Global Pulse and as Senior Advisor to the ICT Unit of Sarvodaya (Sri Lanka's largest community based organization). Samarajiva is a Board Member of Communication Policy Research south, an initiative to identify and foster policy intellectuals in emerging Asia. He serves on the editorial boards of five academic journals.

Dileep Agrawal is President, ISP Association of Nepal and Managing Director of Worldlink Communications Private Limited, one of the largest private ISP of Nepal. He founded the WorldLink in 1995 AD at the age of 22. Over the years, WorldLink has registered tremendous sustained growth and provides services ranging from Internet connectivity and related services to data networking, voice and software development. WorldLink has grown to be not only the largest ISP in Nepal, but one of the largest IT services companies employing over 600 people throughout the country. Mr. Agrawal is in-charge of overall corporate management, business development, and technical administration. A recognized pioneer in Nepal's IT industry, he regularly appears in national and international media. He has co-founded several companies and non-profit organizations, and serves on their boards. Mr. Agrawal is a graduate from Bates College in the US. His specialties are managing high growth companies, incubating start-ups, creating new ventures, corporate development and automation, network architecture, software design, management information systems. [dileep.agrawal@worldlink.com.np, dileep@wlink.com.np]

Lochan Lal Amatya is a noted electronics and telecommunication engineer by training is the Director of Operation at Nepal Telecom, the government owned telecommunication operator. He is the President at Society of Electronics and Communication Engineers Nepal and past president of Federation of Computer Association Nepal. He has experience of handling major broadband related projects in the Nepal telecommunication sector that includes projects on CDMA/EVDO, IP transmission backbone, GSM business, etc. He obtained his Master's degree on computer engineering from Lvov Polytechnical Institute, Ukraine.[lochan.amatya@ntc.net.np,]

Baburam Aryal is a practicing lawyer with focus on Telecommunication, Cyber Security, Cyber Crime, Media Laws and Intellectual Property laws. He is the Past President of Internet Society Nepal Chapter. He founded Centre for Law and Technology Private Limited (CLT), a dedicated ICT and Media law firm which is the first law firm that specializes Information Technology Laws in Nepal and Delta Security Private Limited, a Cybersecurity consulting firm that provides Cybersecurity solutions, IT and Security Audits and Cybercrime investigations. As a law and policy consultant Mr Aryal has led various ICT and Media Law related law and policy-making initiatives at national and International level. Mr. Aryal was lead researcher for the six Asia Pacific countries to prepare Affordability Index, conducted by Web Foundation for the year 2014 and for 4 countries in 2015. He led various IT law and policy activities some of them includes "Drafting Unified Information Technology Bill-2013" (2013), "Reviewing Information Technology Laws in Nepal" (2013), "Analysis of Nepali Legal System from E-Governance perspective and Drafting E Governance Bill, 2011" and "Information, Education and Communication strategy for Local Government and Community Development Project, 2009". He was Lead Researcher in the research "Use of Criminal Laws to Curb Freedom of Expression Online in Nepal"

(2012), and advisor to the research "Mapping Position of Internet and Freedom of Expression in Nepal with reference to UN Special Rapporteur's Report to UN General Assembly" (2012).

Manohar Kumar Bhattarai is former Vice Chair, High Level Commission for Information Technology, Government of Nepal. Mr. Bhattarai's involvement in the Information and Communication Technology sector spans nearly three decades encompassing varying responsibilities in various functional and leadership roles. Mr. Bhattarai led the drafting of the Broadband Policy recently approved by Nepal Telecommunication Authority and due for final approval from the government. Mr. Bhattarai also played a lead role in drafting Nepal's first IT Policy in the year 2000 as part of a team formed by National Planning Commission. Mr. Bhattarai is credited with the initiative to usher in the concept of rural telecentres in Nepal as a means of bridging digital divide and expanding community access to Information and Communications Technologies. Mr. Bhattarai has also been instrumental in preparing revised IT Policy of the Government of Nepal which has since been announced, as well as drafting 3-year integrated action plan (IAP) for the development of ICT sector in Nepal. In addition, he also played a key, leadership role in formulating e-Government project which has since culminated in a comprehensive eGovernment project being executed by Government of Nepal. Mr. Bhattarai is also credited with the achievement of having provided leadership on delivering on one of the key, foundational components of eGovernment initiative namely the development of Government Enterprise Architecture/ Government interoperability framework.

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Vigneswara Ilavarasan, PhD is Associate Professor at the Department of Management Studies, Indian Institute of Technology Delhi. For the last ten years, he is researching and teaching production and consumption of information and communication technologies (ICTs) with a special focus on India. His specific research interests are Information and Communication Technologies & Development (ICTD) [Use of Mobiles & other ICTs by women micro-entrepreneurs in India]; Information Technology Industry in India [Labour, R&D Centers of MNCs, Inter-firm linkages, Clusters & Sub-national Policy]; and ICTs & Government [Electronic Governance]. Dr. Ilavarasan is a recipient of the Outstanding Young Faculty Fellowship Award at IIT Delhi and Prof. M.N. Srinivas Memorial Prize of the Indian Sociological Society. He is also a recipient of research grants from IDRC (Canada), Ministry of Labour and Employment (India), Ministry of Science and Technology (India), Oxford Analytica (UK), and IdeaCorp. (Philippines).

Ananda Raj Khanal is Director at Nepal Telecommunications Authority. Before joining NTA in April 2006, he was with the Department of Electrical and Electronics Engineering at Kathmandu University in Nepal in the capacity of Assistant Professor and Department In-Charge. He continues to be a visiting faculty at different universities in Nepal and teaches subjects related to Telecommunications and ICTs. He holds a Bachelor of Engineering degree in Electronics and Communications, Master of Engineering degree in Optical Communication. He is a gold medalist in Bachelors of Law (LLB). Mr Khanal has taken a number of training courses related to policy, regulation and management of Telecommunications/ICTs conducted by different international institutes of repute including ITU, ACMA, PURC, APT, TEMIC, USTTI and other regulatory agencies. He has also participated in a number of seminars, workshops, meetings, symposia dealing with Telecommunications/ICTs/Broadband. He is very active in the ITU plenipotentiary conferences, WRCs, WTDCs and ITU-D study groups, GSRs, WSIS and APT and SATRC activities.

Nirmita Narasimhan, PhD is a Policy Director with the Centre for Internet and Society, working in the areas of policy research and advocacy related to IP reform and technology access for persons with disabilities. She is involved in drafting the Indian National Policy for Electronic Accessibility and also works closely with different departments of the Government of India to bring accessibility into their policies and programmes. She has authored several reports on

accessibility which are being used by policymakers worldwide. She has also presented papers on ICT and Accessibility at international fora like the IGF and has worked closely with G3ict. She has also participated in the World Blind Union Treaty negotiations at WIPO. Nirmita has won several awards for her work, one of which was the National Award for Empowerment of Persons with Disabilities, which she received from the President of India in December 2010. Her educational background includes degrees in Law, German and Music. She participated as an ITU accessibility expert in ITU- Nepal Telecom Authority workshops on making mobile phones accessible for persons with disabilities and co-authored report making suitable policy recommendations for promoting accessibility. She also prepared research reports in the capacity of ITU accessibility expert, on making mobile phones and services accessible for persons with disabilities in Nepal and Afghanistan.

Laleema Senanayake is a Research Manager at LIRNEasia and is the project manager of the Ford Funded Project on 'Increasing Broadband access to the poor in Asia'. Laleema's research interests are participatory planning, urban development, climate change and public policy. Prior to joining LIRNEasia she worked at International Water Management Institute as an intern and the Project Consultancy Unit (PCU) of the University of Moratuwa as a research assistant. She holds a Bachelor of Science degree in Town and Country Planning from the University of Moratuwa and is an Associate member of the Institute of Town Planners Sri Lanka.

Santosh Sigdel is a Sr. Vice President at Internet Society Nepal. He is a lawyer and human rights professional mainly involved in information technology law and human rights. He has worked with a number of international and national organization including the Article19, International Center for Transitional Justice (ICTJ), CARE Nepal, Freedom Forum in last decade on different human rights issues. He has also involved in a number of research and studies relating to freedom of expression. He also led a study on "Freedom of Expression on the Internet in Nepal: Mapping the Internet Environment in Nepal Using Recommendations by the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression". Mr. Sigdel is also a member of International Media Lawyers Association (IMLA). He has published a number of articles and booklets on Freedom of expression and Right to Information. Mr. Sigdel can be reached at santoshsigdel@gmail.com or at [9851096745](tel:9851096745).

Rajib Subba, PhD, Deputy Inspector General of Police, is Director of Communication Directorate, PHQ, Naxal, Kathmandu. He teaches Masters students at Kings College, Kathmandu, an affiliate of Westcliff University, USA. He is working extensively on Digital and Conventional Radio Communication Systems, Information Systems, Crisis Information Management, Research, Training and Capacity Building since 1993. Graduated with a PhD degree (Communication and Information Sc.) from University of Hawaii at Manoa, Hawaii, USA, Dr. Subba has published several research papers on Information and Communication Technology and Crisis Management. Based on his research he initiated several crisis management programs through information age technologies including Social Media for public service during and after the 2015 Nepal earthquake. He was awarded with two recognition in 2015 including the NAST's National Science and Technology Promotion Award. Dr. Subba has worked for national and international agencies including ITC/UNCTAD, University of Hawaii and the United Nations Mission in Kosovo. In addition he has served Computer Association of Nepal as First Vice President, General Secretary and Secretary and Nepal Internet Users Group as Vice President and Member.

Allen Tuladhar is Managing Director of PicoSoft Private Limited, a rural ISP dedicated to rural area of Nepal and working on possibility of high-end network solutions for rural Nepal. Besides, he has been working in the field of local language computing in the information & Communication sector of Nepal for the

past 24 years. He has been contributing to International Standards Development in the field of local language computing to ISO & Unicode. He was awarded Most Valuable Professional by Microsoft for 2005 and re-awarded this prestigious recognition again in 2006, 7, 8, 9 and for sixth consecutive year in 2010. In August 2006, United Nations recognized him as a Champion in using ICT for development in the Global Alliance for ICT for Development. From 2007, he was also responsible for Microsoft's presence in Nepal thru its office as Microsoft MDP Nepal as its Country Manager. He has been responsible for working with the academic sector, local software economy, advocacy with the local and central government and creating the startup ecosystem in Nepal as the Country Director of Microsoft Innovation Center Nepal. [allen@micnepal.org]

6. Resource material

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