ETHICAL AND CORPORATE SOCIAL RESPONSIBILITY ISSUES IN E-COMMERCE IN KENYA

[1]MWENCHA, PETER MISIANI, [2]MUATHE, STEPHEN MAKAU, [3]THUO, JOHN KURIA,

[1] PhD Candidate, Department of Business Administration, Kenyatta University, Nairobi, Kenya

[2] Lecturer, Department of Business Administration, Kenyatta University, Nairobi, Kenya

[3]Assoc. Prof., School of Business, Gretsa University, Thika, Kenya

E-mail: mwencha@hotmail.com, muathesm@yahoo.com, thuokuria@yahoo.com

Abstract

Kenya has whitnessed tremendous adoption and growth of internet usage over the last two decades. This has been characterized by a proliferation of various online-based electronic commerce (e-commerce) services. However, much as this growth in adoption and usage has created various business opportunites, it has also brought with it a host of ethical and social challenges to corporate entities. This conceptual research paper extensively reviews the key ethical and corporate social responsibility concerns affecting e-commerce in Kenya and suggests an exhaustive framework for handling the challenges. The research offers appropriate analysis of significant import to academics, policy makers and practitioners in the e-commerce industry in Kenya.

Key words: *e-commerce, ethics, corporate social responsibility, ICT, Kenya.*

Introduction and Background to the Study

Since its inception, e-commerce has grown steadily and is now an integral part of day-to-day business activities. In line with its growing importance, e-commerce is expected to operate in an ethical and socially responsible manner. It is therefore important for us to understand the ethical as well as social responsibility issues facing e-commerce, especially in the Kenyan e-commerce context, where little if any research of this nature has been carried out to date. Accordingly, this paper critically examines the ethical and corporate social responsibility challenges surrounding e-commerce in Kenya. It subsequently proposes measures which both government and private sector could adopt to address those issues along these two dimensions.

Definition of E-Commerce

Electronic commerce (E-commerce) has been defined in various ways. For instance, Zwass (1996) defined e-commerce as “the sharing of business information, maintaining business relationships, and conducting business transactions by means of telecommunications networks.” Payne (2003) defined electronic commerce as “the exchange of information, conduct of buying and selling, logistics, or other organisational management activities across electronic networks within an organisation, between businesses (B2B), between businesses and consumers (B2C), or between the public and private sectors (B2G), whether paid or unpaid.” More recently, the African Union (AU) has described electronic commerce as “all economic activity by which goods and services are offered or provided remotely or by electronic means” (2011). According to the AU, the field of electronic commerce also comprises services such as those providing information online, commercial communications, research tools, access, data retrieval and access to communication or information hosting network, even where such services are not remunerated by the recipients.

Classification of E-commerce

E-commerce has been classified into various categories based upon the entities involved in a transaction. They include business-to-business (B2B), business-to-consumer (B2C), consumer-to-business (C2B), consumer-to-consumer (C2C) and business-to-government (B2G) e-commerce (Bhasker, 2009). B2B is e-commerce carried out between businesses such as between a manufacturer and a wholesaler, or between a wholesaler and a retailer. This is the exchange of products, services, or information between businesses rather than between businesses and consumers. Global B2B transactions comprise 90 per cent of all e-commerce (WTO, 2013). B2C e-commerce entails businesses selling to the general public, typically through catalogues that make use of shopping cart software. Although B2C e-commerce receives a lot of attention, B2B transactions far exceed B2C transactions (WTO, 2013). Consumer-to-business (C2B) can be described as a form of electronic commerce where, the transaction, originated by the customer has a set of requirements specifications and specific price for the commodity, service or item. It is upon the e-commerce entity to match the requirements of the customer to the best possible extent. On the other hand, consumer-to-consumer (C2C) is the e-commerce activity that provides the opportunity for trading of products and/or services amongst consumers who are connected through the internet. This is where individuals transact with each other with the help of an e-commerce platform (Bhasker, 2009). Last but not least, business-to-government (B2G) commerce is generally defined as e-commerce between companies and the public sector. It refers to the use of the internet for public procurement, licensing procedures, and other government related operations (WTO, 2013).

Benefits of E-commerce

The introduction of e-commerce has offered numerous opportunities to businesses, including reduced transaction and search costs, closer relationships with customers, increased profit and customer loyalty. E-commerce also allows businesses to tailor goods and services to fit the needs of smaller, less affluent consumer bases such as those in developing countries (Mann, Eckert & Knight, 2000). Moreover, e-commerce provides the customer with more choices and customization options by better integrating the design and production processes with the delivery of products and services (Richardson, 2007). The consumer also enjoys a wider choice of products and services at lower prices, as well as certain convenience (no unnecessary trips, no restricted business hours). Because of the interactive nature of e-commerce, an advantage for business produces an advantage for consumers and vice versa, thus contributing to the growth and development of this revolutionary means of exchange.

E-commerce in Kenya

According to McKinsey (2013), the internet sector contributed 2.9% of Kenya's GDP. However, this figure should be treated with some caution as accurate statistics of contribution to GDP are hard to come by since in Kenya, ICT (and e-commerce in particular) is not yet considered as a sector in the yearly economic survey reports. Instead, it is classified under 'Transport, Storage and Communications'. It therefore becomes very difficult to track the contribution of ICT to development as a single sector unlike in many countries where ICT is defined as a stand-alone sector. The new Kenya National ICT Master Plan for 2013/14 - 2017/18 recommends that ICT be set up as a stand-alone sector and comprehensive ICT indicators be used to monitor the growth of the sector. Nonetheless, there is a growing consensus that e-commerce in Kenya is destined for rapid growth especially when one considers the growing numbers of online users seeking internet-related services. The growing popularity of e-commerce technology in Kenya presents opportunities for start-ups and established businesses alike (Ghossein, 2013). However, much as this growth in e-commerce adoption and usage has created various business opportunites, it has also brought with it a host of ethical and social challenges to various entities. These ethical and corporate social responsibility issues surrounding e-commerce in Kenya are addressed in the following sections.

Ethical Issues

According to Laudon, Traver and Laudon (1996), ethics are "moral standards that help guide behavior, actions, and choices. Ethics are grounded in the notion of responsibility (as free moral agents, individuals, organizations, and societies are responsible for the actions that they take) and accountability (individuals, organizations, and society should be held accountable to others for the consequences of their actions)." In most societies, a system of laws codifies the most significant ethical standards and provides a mechanism for holding people, organizations, and even governments accountable". Simply put, ethics is concerned with determining right and wrong behavior, based on moral principles (ICAEW, 2011). According to Renouard (2011), ethical issues are harmful to an organization regardless of the business. Therefore, every organization should strive to make sure that it addresses its ethical issues in order to be profitable (Strother, Fazal & Millsap, 2009).

Scholars have pointed out that there is overwhelming need to build ethical values into e-commerce in order to improve consumer confidence (Maury & Kleiner, 2002). Likewise, Creed, Zutshi, and Ross (2009) argued that ethics is central to the success of e-commerce due to its global and anonymous nature. However, few ethical issues surrounding e-commerce are similar to the ethics of traditional/conventional business (Palmer, 2005) suggesting that additional research on ethical behavior in online settings is needed (Limbu, Wolf & Lunsford, 2011). In practice, there are several issues of an ethical nature that continue to cast a shadow across the development of e-commerce globally and Kenya in particular. However, this study will restrict itself to the most significant ones in the Kenyan context as identified in extant literature. They include: online consumer privacy, security, trust, content, and protection of intellectual property rights.

Online Consumer Privacy

The issue of online privacy protection has gained considerable visibility as consumer advocates, public policy makers, and companies debate the best ways to protect consumer privacy while ensuring that the rights of all stakeholders are protected (Singh & Hill, 2003). According to Culnan and Armstrong (1999), consumers' major privacy concerns relate to unauthorized access to personal data as a result of security breaches or the lack of internal controls and the risk of secondary use of their personal data for unrelated purposes without their consent. This includes sharing with third parties who were not part of the transaction in which the consumer related his or her personal data. Online consumer privacy can be breached in through various ways, but mainly through online identity theft as a result of employee abuse, cracking, social engineering, phishing/pharming, spyware/malware and password/login attacks (Newman & McNally, 2005; Chen & Davis, 2006; Sharma, Singh & Sharma, 2009). Spamming (i.e. sending out mass e-mails to consumers who have not requested this information) is also considered unethical.

Governments and other bodies have reacted to growing online consumer privacy concerns by enacting legislation aimed at curbing privacy breaches. For instance, the African Union (AU) has proposed an institutional framework for protection of personal data whereby each member state shall establish an authority with responsibility to protect personal data (AU, 2011). In addition to legislation, new technologies are available to protect user privacy during interactions with Web sites. Many of these tools are used for encrypting e-mail, for making e-mail or surfing activities appear anonymous, for preventing client computers from accepting cookies, or for detecting and eliminating spyware (Laudon, n.d.). Companies in Kenya are also investing in such tools so as to protect the privacy of their customers. Several companies have installed software to counteract e-mail spamming.

Security

Prior studies affirm that security is the most important factor of online ethics (Belanger, Hiller & Smith, 2002; Chen & Shergill, 2005; Flavian & Guinaliu, 2006). E-commerce applications such as private e-mail, purchase order processing, transmission of payment information, and workflow automation would be valueless without underlying security infrastructure that makes these exchanges trusted (Ratnasingam, 2002). Unfortunately, security breaches are occurring at a growing rate (Feathermann, Miyazaki & Sprott, 2010). As a result, consumer concerns about the security of Internet transactions continue to be a problem for businesses providing services online as attacks on computer systems are on the rise and the sophistication of these attacks continues to rise to startling levels (Sharma et al., 2009). Further, the sophistication of phishing and pharming scams has increased and affects more unsuspecting web surfers each year (Shin, 2007). In particular, financial services providers such as banks, credit agencies, and payment processors continue to suffer losses of consumers' confidential personal information (Associated Press, 2005). Recent reports indicate that Kenya is losing close to 2 billion Kenya shillings annually to cybercrime, necessitating the need to enact appropriate laws that strike a balance between individual rights to privacy and the collective good of the country and its citizens (Ministry of Information, Communications and Technology, 2013).

To address this security issue, the government through the CCK established KE-CIRT, the Kenya Computer Incident Response Team Coordination Centre, part-funded by the ITU, which brings together government agencies, the Central Bank and Internet expertise (from KENIC, TESPOK and KENET) to address cyber-attacks as and when they occur (Souter & Kerrets-Makau, 2012). For a long time, the lack of specific cybercrime/cyber security legislation made it difficult to punish those who use ICT tools to commit crime (Murungi, 2011). The government has also taken a legal approach; the newly enacted Kenya Information and Communications (Amendment) Act 2014 established the Communications Authority of Kenya to replace the Communications Commission of Kenya. The law has expanded the mandate of the Authority with respect to electronic transactions to include cyber security. Specifically, this mandate entails promoting and facilitating efficient management of critical internet resources and developing a framework for facilitating the investigation and prosecution of cybercrime (CCK, 2014).

Trust

Trust in an important feature which underpins the use and value of new technologies and therefore can support the development of a digital economy (ICAEW, 2011). Lack of trust in online commercial transactions has been identified as an important barrier to the adoption of e-commerce (Bingi, Mir & Khamala, 2000; Papazafeiropoulou & Pouloudi, 2001; Rotman, 2010). The low level of trust in electronic commerce can be attributed partly to the lack of face-to-face interaction between trading partners in conjunction with the general uncertainty of users in taking advantage of network technologies (Ratnasingham, 1998). To engender trust, e-commerce has tended to look to traditional methods of regulation, such as legislation, international agreements, and voluntary self-regulation (including web site privacy policies and third-party web seals or trust marks) to govern its transactions. While these methods have had success, they do not entirely address unique circumstances or pay sufficient attention to the highly interactive nature of e-commerce transactions (Rotman, 2010).

Analysts indicate that the main trouble with online businesses is that Kenyans are yet to trust online shopping. Many go online to look for products that cannot be found physically in traditional outlets such as supermarkets, just as a last resort (Nyabiage, 2011). A recent e-commerce study by iHubResearch (2013), also confirmed that Kenyan consumers have low levels of trust in online services. The e-commerce businesses interviewed reported that customers constantly inquire about their existence and/or security of their information, pointing to a lack of trust in the businesses. To address this concern, the CCK is in the final stages of setting up a licensing structure for an authority that will help online buyers verify the authenticity of suppliers. The Regional Certificate Authority (RCA) will link local certification service providers (CSP), bodies authorized by the regulator to issue e- signatures, to its international peers. The lack of a regional certificate authority to authenticate digital signatures provided by other parties across the globe has forced online buyers of goods and services to depend on international RCAs such as VeriSign and Thawte who offer their services at a higher fee. According to the CCK, the project is part of the Key Public Infrastructure (KPI) information security architecture aimed at boosting the level of Kenyans' confidence and trust in exchanging data through an increasingly insecure Internet. KPI ensures that people are who they say they are and also proves that documents haven't been tampered with, which is critical when conducting online transactions such as placing orders or transferring money. The end result will be to make online or web-based transactions secure and facilitate signing of e-mail or electronic documents to ensure the integrity of their content (Okuttah, 2013).

Content

According to a study by Souter & Kerrets-Makau (2012), another area which is of concern to many people in Kenya – particularly politicians and the wider public – is what was often referred to as 'inappropriate content', particularly pornography. This was raised by a number of informants for the study, there is an undercurrent of discussion about it in the media, and it attracted attention from Kenyan participants at the global IGF in 2011. In a recent survey carried out by Google, 35% of Kenyan non-users cited 'inappropriate' content as a barrier to their use of the Internet. There are also growing concerns about privacy, safety, and access to content inappropriate for children. This concern toward children's safety in an online environment has resulted in demands for safeguards to protect their online privacy when involved with a wide variety of commercial websites (Miyazaki, Lwin & Stanaland, 2008). Some informants in the Google survey advocated content controls and other legal or regulatory interventions to protect children against exposure to 'adult' content. Discussions following a presentation on intermediary liability at the 2012 Kenya Internet Governance Forum (IGF) also raised the nature of 'acceptable' or 'unacceptable' content on the Internet (Souter & Kerrets-Makau, 2012).

Lack of locally created content is another issue that has negatively impacted the growth of e-commerce in Kenya. Local content is increasingly important as more and more Kenyans are using the internet for business and personal activities. Reports show that the most important local content providers on the Internet in Kenya are the country's leading newspaper groups, the Nation and the Standard whose websites both feature in the top fifteen sites accessed in Kenya, as do a growing number of other local sites. Other significant local content providers include sites concerned with the communications sector, entertainment, shopping and business services. (Souter & Kerrets-Makau, 2012). The government's Open Data Initiative is as an example of ways in which more local content could be published online for purposes of spurring e-commerce activity. However, updating the available information that is online and provision of e-services is neither continuous, nor real time and therefore the expected benefits to users have been unsatisfactory (Kenya ICT Authority, 2014).

Intellectual Property Rights

As in other industries and fields, the issue of protecting intellectual property rights represents a major challenge in e-commerce (Li, 2006). This is informed by the fact that the internet poses a significant risk to the protection hitherto afforded by intellectual property rights. Unlike in the past where production and distribution channels were visible and capable of being regulated, thus making intellectual property rights easily enforceable, the advent of instant transmission and global distribution enabled by the internet undermines the legal protection afforded to intellectual property owners (Samtani, 2001). A key issue is that of the liability of third-parties on the internet (such as broadband companies, search engines and online stores) regarding the intellectual property of copyrighted material shared via their website (National Board of Trade, 2012). Copyright protects creative content such as music, movies, books, photographs and software. It automatically applies to a wide range of creative content and no registration process is required. (ICAEW, 2011). In some jurisdictions, copyright owners consider it the duty of the third-party to monitor what is distributed via their websites and services, and to immediately remove material that violates, or that may even be considered as contributing to the violation of copyright. However, some third-party companies argue that they neither wish, nor have the legal obligation to monitor the material distributed via their websites and services, and hence take no responsibility for the actions of their customers. In most cases, copyright proprietors who discover infringements can contact either those who are responsible for the infringement directly, or the third-party and request that they remove the material. Therefore, it is extremely important that there are regulations in place which clearly state the responsibilities of third-parties (National Board of Trade, 2012).

It is against this background that the East African Community (EAC), with the assistance of UNCTAD, established a Task Force on Harmonizing Cyber laws and Regulations composed of experts from the Partner States. The Task Force proposed the need to reform existing regimes, especially copyright, in order to maintain the protections of rights-holders, while limiting the potential liabilities of intermediaries. The resolution of disputes arising from the operation of national domain name systems and trademark law was also considered (UNCTAD, 2013). In Kenya, Internet piracy is a major problem as online IPR protection has not been adequately enforced, although it is tackled by various Acts.

Corporate Social Responsibility

According to Valentzas and Broni (2010), corporate social responsibility is related to, but not identical with, business ethics. Nonetheless, there is no consensus when it comes to defining what corporate social responsibility is since it means different things to different people. As such the concept has witnessed an ongoing debate not only among management theorists but also among industry practitioners (Moir, 2001; Hinson, Boateng & Madichie, 2010). Not surprisingly, one finds multiple definitions of CSR in extant literature. For example, the European Commission (2001) previously defined CSR as "a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis". Argandona and von Weltzein Hoivik (2009) define CSR as "all those moral (and legal) responsibilities towards other people, that is, its internal (shareholders, managers and employees) and external (clients, consumers, suppliers, the local community, other interest groups, and society as a whole) stakeholders". Because CSR requires engagement with internal and external stakeholders, it enables enterprises to better anticipate and take advantage of fast changing societal expectations and operating conditions. It can therefore drive the development of new markets and create opportunities for growth. What's more, by addressing their social responsibility, enterprises can build long-term employee, consumer and citizen trust as a basis for sustainable business models. Higher levels of trust in turn help to create an environment in which enterprises can innovate and grow (European Commission, 2011).

The fundamental idea of corporate social responsibility that business corporations have an obligation to work for social betterment (Frederick, 1986) presupposes that being socially responsible means not only fulfilling legal expectations, but also going beyond compliance and investing more into human capital, the environment and the relations with stakeholders (European Commission, 2001; 2011). In Kenya, CSR is a relatively new and is often considered as an 'add-on', peripheral to the core business (Imani Development, 2009). CSR departments are rare and many operate from within marketing, communications, corporate affairs, training or human resources departments (Klins, Niekerk & Smit, 2010). Furthermore, where CSR policies are established, more often than not, they refer to philanthropic approaches. In the e-commerce context, CSR is slowly gaining recognition as an important aspect of corporate strategy. However, it is beyond the scope of this paper to examine all the CSR issues surrounding e-commerce in Kenya. Nonetheless, it looks at five key areas have been identified in past studies as being critical for its development: governance, stakeholder relations, access, capacity development, job creation as well as public safety and welfare. These are discussed in the following sections.

Governance

Across the globe, the pervasive growth in e-commerce raised concerns that existing legal and regulatory regimes were too inconsistent or inadequate in dealing with the issues that e-commerce raises (Richards, 1997; Anil, 2001), leading to the establishment of regulations by national governments. However, there have been concerns that new regulations imposed on a fast-changing medium such as the

Internet would lead to unpredictable and costly consequences such as market failure or even loss of innovation since new uses of information and of the internet itself would be frustrated by a new regulatory regime (Rubin & Lenard, 2002). Therefore, e-commerce has tended to rely on a multi-sectorial approach to regulation (primarily self-regulation and adherence to industry best practices) to govern its participants and their transactions (Rotman, 2010). A good example is the Kenya ICT Action Network, KICTANet, a multi-stakeholder initiative established in 2003 with support from the UK Department for International Development's CATIA program ('Catalysing Access to ICTs in Africa') which has been highly influential in the Kenyan ICT and Internet governance environment during the past decade. KICTANet has provided a forum for dialogue between civil society and private sector actors in the Kenyan ICT sector, and became an influential representative body in discussions about the role and nature of regulation and the development of market competition. In recent years, participation in KICTANet has broadened further, to include government representatives, including senior government personnel (Souter & Kerrets-Makau, 2012).

However, such informal approaches to regulation have often been seen as self-serving, since they afford the consumer with few practical benefits. The approach to privacy in the US, for example, is coming under increasing pressure by lawmakers given the perceived lack of consumer protection that it embodies (ICAEW, 2011). In the face of failing self-regulation, governments across the world have gradually began to regulate internet activities, including e-commerce, by creating new laws or extending old laws to the internet (Frynas, 2002). In the case of Kenya, the legal regime for e-commerce incorporates internationally recognized legislative principles and standards (Murungi, 2011). More specifically, government regulation in form of the Kenya Information and Communications Act, Cap 411A, provides a legal framework for the provision of e-commerce services in the country. The Act seeks to address some of the challenges cited in the national ICT policy document. In particular, the Act and the Electronic Certification and Domain Name Administration) Regulations, 2010, define the conditions that must be met for electronic communication to be recognized as authentic or as emanating from either a person or an institution. One of the key sections of the Information and Communication Act is Part VII, on electronic transactions (e-transactions). In this part, the new Act, inter alia, gives legal recognition to electronic records; recognizes electronic messages (e-mail) as valid for the formation of contracts; and supports the use of electronic records and electronic signatures in government and its agencies. The new Act also deals with various aspects of cyber-crime (Waema & Ndungu, 2012). The law thus creates the basis for e-commerce in Kenya and gives internet-based transactions legitimacy and avenues to grow.

Stakeholder Relations

The internet has become a major medium of corporate communications and thus most corporate institutions use it as a medium for information disclosure to the public (Hinson, Boateng & Madichie, 2010). For many firms, the corporate website now serves as an immediate and complete information hub through which organisational messages that shape, enhance or maintain a company's corporate identity and through which reputation is conveyed (Rolland & Bazzoni, 2009). The external communication of CSR activities using the internet can help a firm to build a positive image among its stakeholders (Fombrun & Shanley, 1990; Lafferty, Goldsmith & Newell, 2002; Hinson et al., 2010). This approach is based on the legitimacy theory, which posits that businesses disclose their CSR activities in order to show a socially responsible image so as to legitimize their behaviors to their stakeholders (Hinson et al., 2010). Businesses see the internet as a medium for the promotion of a socially responsible image. Several examples of businesses publicizing their "good works" and "good intentions" through their websites were identified in prior studies (Whysall, 1997; 2000).

The Association of Kenya Insurers (AKI) has urged Kenya's insurance industry to aggressively use social media and related ICTs to reach the currently untapped lower end of the market. According to AKI, the insurance industry has embraced ICT, research and innovation thereby expanding its capacity to exploit the wider untapped insurance market. Government websites are also used as communication and service provision channels between the government and citizens by providing information about government agencies and activities online. For instance, the Kenya Revenue Authority has also been providing online services such as personal identification number (PIN) registration for new taxpayers, customs clearance, tax administration, electronic process registration of businesses among others.

Access

An important ethical issue of social justice arises where access to electronic services is in some sense inequitable, resulting in a situation whereby citizens are not able to have equal access to online services, either because they do not have the technical means, or the necessary knowledge and expertise (Mullen & Horner, n.d.). Scholars (Spectar, 2000; Wolf & MacKinnon, 2002) view this "digital divide," as being characterized by inequalities in access to and utilization of ICTs such as PCs, internet, telephones, cable and other internet-related technologies by individuals or groups within a country or between countries. In actual fact, several tiers of infrastructure are required by end-users to access the Internet. In particular, access requires connectivity to international/global (cable and satellite) infrastructure, national backbone networks which distribute telecommunications traffic around the country, and local access networks which deliver traffic from national networks to end-users (who may use either fixed or mobile networks to gain access). (Souter & Kerrets-Makau, 2012). E-commerce therefore requires a substantial internet-related infrastructure composed of intermediaries that allow sellers to transact business with buyers. According to the OECD (1999), this e-commerce infrastructure can be broadly classified into four: i) hardware (PCs, routers, servers, etc.); ii) network service providers (e.g. Internet access); iii) software to run the hardware and e-commerce packages; and iv) enabling services (e.g. e-payment, authentication/certification services, advertising, delivery).

Kenya, just like most developing countries, faces a number of challenges in developing and providing internet-related infrastructure across the country. A key challenge is the limited coverage of national fiber infrastructure and limited internet penetration, especially in the rural areas. A second challenge is the provision of last mile infrastructure connectivity, which if appropriately addressed can leap frog the country into a knowledge economy. Internet access in homes, schools, social centers and villages should be key drivers to ensuring a knowledge economy. Studies have shown that most Kenyans access the Internet through mobile phones and cybercafés (Kenya ICT Authority, 2014). Cybercafés are a particularly significant group of businesses that supply the Internet in Kenya, particularly to lower-income groups. These businesses offer customers different models of Internet use from those available on mobile phones – for example, they are more suitable for watching video and for large downloads – and so remain significant modes of access for mobile Internet users as well as those who do not use mobile Internet. However, their business model is increasingly under threat as more people afford internet at home or on their phones due to falling prices (Souter & Kerrets-Makau, 2012). The government has made attempts to address this issue. Infrastructure limitations in some areas have made the government to deploy VSAT to enhance internet connectivity to remote outpost schools and government centers that lack fixed line connectivity (Mutula, 2008).

Capacity Development

Another area of concern is the lack of various technical skills brought about by the growth of e-commerce. This shortage of workers who can integrate business and technology keeps businesses (in particular) small and medium enterprises (SMEs) from realizing their full e-commerce potential. Many developing countries do not have a workforce that has sufficient training in ICT and mobile technology. This greatly disadvantages many SMEs that may be seeking to diversify or to branch out into e-commerce (WTO, 2013). While the government and the private sector in Kenya have been investing heavily in the ICT infrastructure as outlined above, there has comparatively been little investment in the human resources required to design, develop and operate this infrastructure and the associated e-applications. The local universities and tertiary colleges continue to develop ICT human capital and workforce that is neither guided by a human resource development policy nor well aligned to the industry needs, especially at the high end (ICT Authority, 2014). Several studies (Julisha, 2011; Haruta et al., 2011) have shown that Kenya does not have sufficient local high end skills, resulting in the local industry importing such skills. Moreover, a report by DANINA (2006) indicated that while the availability of trainable employees for most ICT disciplines is relatively good, companies must expect to invest a fair deal in introductory, on-the-job training. On average, companies should calculate 3-6 months of training for a graduate to reach a level where he/she is a net contributor to the company.

Therefore, making sure enterprises possess the required set of skills and capabilities to use relevant technologies productively is key to securing the economic benefits of e-commerce. Many entrepreneurs in developing countries, and especially in least-developed countries, lack the necessary capacity or awareness to take full advantage of ICT (WTO, 2013). The new ICT Master Plan lays out an elaborate plan to improve high end/professional ICT skills which are sought after in the industry. Private sector has also initiated programs to address the ICT skills gap. ICT companies have also partnered with institutions of higher learning in order to improve the technical skills and employability of graduates. A good example is the iLab Africa at Strathmore University which was established in 2011to nurture quality technology skills (Ochieng, 2014).

Job Creation

While there have always been concerns that some of the efficiencies associated with e-commerce will result in widespread dislocation of jobs (OECD, 1999), the Internet in general and e-commerce in particular, have enormous potential for boosting growth and creating jobs. For instance, in some G8 countries, reports indicate that the Internet has accounted for 20 % of economic growth and 25 % of job growth in the last five years (McKinsey, 2011). According to statistics by Ecommerce Europe (2013), a body representing e-commerce associations and e-commerce companies in Europe, the number of jobs created directly and indirectly by the B2C e-commerce sector is estimated at 2 million in Europe, a figure that will grow with the on-going increase and penetration of online in society, and the projected growth of (B2C) e-commerce.
As mentioned before, accurate statistics regarding the impact of the e-commerce sector in Kenya are lacking. Moreover, there are no scientifically conducted detailed studies exclusively on this issue in Kenya or the region at large. However, some broad figures are available in the public domain, but these should be treated with the necessary caution due to their subjectivity.

Public Safety and Welfare

The growth of the internet has revolutionized the way people communicate through e-mail, chat rooms, electronic messaging and instant communication access. For this reason, online communication platforms especially social media sites such as Facebook, Twitter, Google+, You Tube and Instagram are attracting millions of users daily. But as these online platforms draw users in large numbers, they pose a challenge for the security apparatus of governments across the world who have become worried of their wider political and security implications (Merab, 2014). These platforms could be detrimental to the stability of countries, as was witnessed during the "Arab Spring" in the Middle East and North-Africa (MENA). The "Arab spring" has in turn provided a plethora of examples on the use of ICTs by protesters and by government during conditions of societal conflict and democratic transformation (Comninos, 2013). As a result, some countries such as China have blocked their use, while others have sought to limit their usage in light of their potential to disrupt public order through political mobilization. These events have led to a growing body of practice and literature on the role of ICTs in preventing and responding to political conflict and violence (Bock, 2011; ICT4Peace Foundation, 2011).

In Kenya, bloggers, activists and other social media users have been accused of using social media platforms to spread negative and dangerous speech with the potential to cause violence, also referred to as "hate speech". The use of politically inflammatory statements and incitement is alarmingly on the rise on social media. There are fears that these inciting messages on social media could do even more damage than that experienced in the 2008 post-election violence. For this reason, the government through the National Steering Committee on Media Monitoring has employed experts to monitor activity online and bring to book those who propagate hate speech. In 2012, the government shut down Mashada online forum after it established that the forum was being used to propagate hate speech (Ramah, 2013). Legally, the government through the Information and Communications (Amendment) Act of 2013: Section 5B (4) has attempted to deter the misuse of social media for incitement and hate speech have been unsuccessful. As a result, a new law to tame online hate speech is in the offing. This comes in the wake of increased hatred and incitement through social media that has stirred up ethnic tensions in the country. Online hate speech will attract stringent punishment if the proposed bill to tame cyber crime is enacted into law. The draft Cybercrimes and Computer Crimes Bill (2014) bill by the Office of the Director of Public Prosecution (DPP) aims to control and regulate online practices. The bill proposes that “persons convicted of the use of threatening, abusive or insulting words to stir up ethnic hatred through a computer system will face a five-year jail term” (Otieno, 2014). If the Bill is passed in its current form, a person who offers or attempts acts amounting to child pornography is liable to imprisonment for a term of not less than six years or to a fine of not less than sh500,000 (Otieno, 2014).

Conclusion and Implications

Though e-commerce in Kenya is in its formative stages of development, its extraordinary growth over the past years is a clear indication of its enormous potential for conducting business. These new opportunities, however, come accompanied with a large number of concerns and questions that need to be resolved. This article has discussed some of the challenges that face e-commerce consumers, organizations and policy makers in Kenya along two dimensions—ethical and social. It outlines a number of managerial and policy implications that will have to be taken into consideration going forward.

From an ethical perspective, the government has done well in enacting the new legislation that upholds consumer online privacy. On their part, e-commerce companies will need to develop and adopt a set of industry standards to protect consumer privacy as a way of supplementing the formal legal obligations. Consumers also need protection against fraudulent, misleading and unfair business practices, and, when things go wrong, to be able to gain redress. Equally, companies need to protect themselves in areas of data integrity, confidentiality, and authenticity of data. It will be necessary to periodically review the regulatory framework so that consumers have effective protection when engaging in electronic commerce. Further, e-commerce businesses can build trust at an individual level by implementing good practices, which are underpinned by clear social expectations and legal obligations that are enforceable. There’s need for players in the e-commerce space such as media houses and other service providers to develop content that is appealing to the local internet users. The government can also play a role in content generation by putting more information and services online. Further, it can enforce regulations that prohibit the distribution or dissemination of certain “illegal” content in order to protect vulnerable members of society such as children on the Internet. Government through its agencies needs to take adequate measures to enforce protection of intellectual property rights online in Kenya.

While there’s growing recognition among e-commerce stakeholders of the social responsibility associated with their online activities, many of them have yet to adopt some of the required practices that reflect it. These issues should be addressed urgently by the relevant entities in order to safeguard the interests of Kenyan e-commerce companies, internet users, and other stakeholders. To start with, e-commerce firms will need to be more actively engaged in the governance of the sector in Kenya. Formation of an industry-wide body such as Ecommerce Europe to represent the interest of the e-commerce sector in Kenya would be a step in the right direction. Additionally, multi-stakeholder fora such as KICTANet, TESPOK and IGF Kenya need to be restructured to take into consideration the growing sub-sectors of the ICT field including e-commerce. Secondly, government should be sensitizing the public on the benefits of e-commerce as well as leading efforts geared towards eradicating obstacles relating to the use of ICTs and e-commerce. A good way would be by increasing the level of services available online. This will in turn motivate local firms to develop more effective online strategies and platforms to engage with their stakeholders. Third, Government should provide incentives to encourage investment and widespread e-commerce use by the private sector. This will serve as a catalyst for internet access thus enhancing future e-commerce growth. Fourth, more resources need to be channeled towards enhancing ICT training and capacity building in order to meet the demand for a work force with the mix of skills required to accelerate the growth of the e-commerce sector and eventually job creation. Here, the private sector should identify specific skill needs for e-commerce while the government can play a vital role in ensuring that educational institutions impart the necessary skills to help build a viable digital economy. Fifth, more studies need to be carried out to establish the impact of e-commerce on the Kenyan economy, more so regarding its job creation potential. Last but not least, more attention needs to be paid to how Kenyans use online communication platforms. This will help in identifying dangerous online activity that may lead to acts of violence and conflict. People who pose a danger to public order and safety should be identified and charged in court.

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Detailed Author (S) Details

Peter Misiani Mwencha	PhD Candidate, Kenyatta University, Nairobi, Kenya. E-mail: mwencha@hotmail.com
Stephen Makau Muathe	PhD, Lecturer, Kenyatta University, Nairobi, Kenya. E-mal: muathesm@yahoo.com
John Kuria Thuo	PhD, Associate Professor, Gretsa University, Thika, Kenya. E-mail: thuokuria@yahoo.com