

GUIDELINES FOR NIGERIAN CONTENT DEVELOPMENT IN INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)



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1.0 Authority

In exercise of the powers conferred on it by section 6 of the National Information Technology Development Agency Act of 2007, NITDA (under the auspices of the Federal Ministry of Communications Technology) hereby issues the following guidelines on Nigerian Content Development in Information and Communications Technology. NITDA shall exercise the power to institute a sustainable implementation framework for the guidelines.

2.0 Short title and commencement

- i. These guidelines may be cited as Guidelines on Nigerian Content in ICT and shall come into effect on December 3, 2013.

3.0 Definitions

In these guidelines unless the context otherwise permits:

- i. Act means the National Information Technology Development Agency Act 2007
- ii. Computer includes information technology systems, whether networked or not
- iii. MDAs mean all Ministries, Departments and Agencies of government at all three tiers, Federal, State and Local, as well as in all three branches, Executive, Legislative, and Judiciary.
- iv. The Agency means NITDA or the National Information Technology Development Agency
- v. IT means Information Technology, and is used interchangeably with, ICT - Information and Communications Technology which is a combination of equipment and services that enables remote gathering, processing, storage, conveyance and delivery of various forms of information
- vi. A Nigerian company is a firm formed and registered in Nigeria under the Companies and Allied Matters Act 1990 with not less than 51% equity shares owned by Nigerians and which has a domain name on the .ng domain.
- vii. A Multinational company (MNC) is a firm that is registered in more than one country or that has operations in more than one country.
- viii. Original Equipment Manufacturer (OEM) is a firm that makes functional computer devices from component parts bought from other organizations.
- ix. Original Design Manufacturer (ODM) is a firm that produces hardware, which other companies sell under their own brands.
- x. Hardware computer companies are firms who assemble, maintain and repair computers and peripheral components.
- xi. Technology Platform companies are firms that enable software developers to develop software applications for the platform by using well defined sets of standards. These include operating systems, Runtime libraries, databases and cloud-based platforms.

- xii. Independent Software Vendor (ISV) is any individual or firm that makes and sells software products that run on one or more computer hardware or operating system platforms.
- xiii. Software Development Firm (SDF) is a firm that consists of at least five active developers with competencies across popular technologies and platforms - developing, testing and managing software solutions.
- xiv. Internet service provider (ISP) is a firm that offers users access to the Internet and related services.
- xv. A Systems integrator (SI) is an individual or business that builds computing systems for clients by combining hardware and software products from multiple vendors.
- xvi. A professional service firm (PSF) is any firm with high knowledge intensity and a professionalized workforce providing IT consulting or system integration services.
- xvii. Back end / Back office: is the systems that process data, applications or workflow points that do not have direct contact with customers or users.
- xviii. Basic raw materials include intermediate products which have undergone the first stage of refinement from their naturally occurring state e.g. silicon ingots
- xix. Call Centre includes an office in an organization or outsourced to third parties where customers service representatives answer subscriber calls for order processing, billing enquiries, fault reporting and general inquiries
- xx. Completely Knocked Down (CKD) assembly plant is the reassembling of foreign-made ICT products that have been imported in the form of basic component parts, with virtually no value added except for labour involved in fitting the parts together and testing
- xxi. Firmware is a software that is already transformed into hardware such that it cannot be modified and performs only predetermined functions of a repetitive nature
- xxii. Local manufacturing is the ability to design and fabricate a product that meets a specified performance requirement through the use of at least 50% local content by value.
- xxiii. Manufacturing is the production of simple products or goods that meet specified performance criteria in commercial quantities through the chemical and mechanical transformation of basic or intermediate raw materials
- xxiv. Middleware is software that allows several other software systems to work together easily.
- xxv. Malware is software that is intended to disrupt, damage or cause other software to malfunction or gain an unauthorized access into third party information.
- xxvi. Nigerian content or local content is the equivalent of local value added to the development, design, fabrication and assembling of ICT products in Nigeria measured in monetary terms as a proportion of production cost or the proportion of indigenous manpower involved in the various stages associated with the provision of an ICT service in Nigeria
- xxvii. Teledensity is the number of citizens out of every hundred or percentage of citizens that have personal telephone lines or numbers
- xxviii. Telco means Telecommunications company – a company that provides telecommunications services such as telephony and data communications

- xxix. Value Added is additional or enhanced service that increases the value of an existing product or an offered service.
- xxx. SIM is Subscriber Identification Module

4.0 Application

- i. The persons and bodies to which these guidelines shall apply include but are not limited to: Federal, State and Local Council MDAs, Private sector institutions, business enterprises and individuals
- ii. The relevant part of these guidelines shall form part of any existing or future requirements for periodic accreditation and renewal of license of Information and Communications Technology companies, including OEMs, ODMs, Telcos, ISPs, MNCs, Value Added Service Providers etc and for the grant of approval or permission for the establishment of new manufacturing or assembly plants, software houses, IT Parks and allied facilities.

5.0 Purpose & Objectives

These guidelines are issued for the purpose of achieving the following National objectives:

1. Enable the local ICT industry to contribute meaningfully towards the achievement of national development targets
2. Stimulate and increase the production, sales and consumption of high quality information technology products and services developed by indigenous companies that serve the unique needs of the local and global market
3. Enable indigenous information technology companies and provide them opportunities that will improve their ability to provide relevant products and services that amply satisfy the Nigerian consumer.
4. Facilitate efforts to build capacity and equip Nigerians to serve as active workers and participants in the local ICT industry
5. Provide a framework for the regulation and legislation on the creation, distribution and use of Information Technology and its associations within Nigeria
6. Promote and encourage an environment within Nigeria that is welcoming to foreign investments in Information and Communications Technology, as well as the export of indigenously made ICT goods and services

6.0 Enforcement:

The enforcement of these guidelines shall be by NITDA and the relevant authorities in both the private and public sectors, including Federal, State, and Local bodies in charge of ICT procurement, regulation, and development under a framework to be developed by NITDA.

7.0 Review and Amendment

NITDA shall amend or review these guidelines periodically or as the need arises in consultation with stakeholders. In reviewing them, the Agency shall be guided, among other considerations, by global trends and practices in Information & Communications Technology and the developmental aspirations of Nigeria. Guideline review activities shall be conducted in a way to reflect:

- A. Responsiveness to emerging trends and shifts in the global ICT industry that may have significant implications for the achievement of the objectives.
- B. Responsiveness to changes in local ICT industry: as the gains of these guidelines are realized, further changes may be made to increase the opportunities available to indigenous companies and support further growth of the industry.
- C. Review of performance: It is imperative that insights from periodic reviews of the impact and performance of these guidelines are captured and form inputs to inform future revisions of this guideline document.

8.0 Breach

Any breach of these guidelines shall be construed as a breach of the provisions of the National Information Technology Development Agency Act of 2007.

9.0 Explanatory Notes on Guidelines for Nigerian Content Development

With the growing pressure of globalization, every government as well as captains of industry are charged with the burden of finding ways to ensure that their regions stay competitive and are capable of fulfilling local demand. Not only that, but given the wide availability of information technology being created to serve markets world over, it is imperative that the right frameworks be created to enhance the ability of indigenous companies to maximally explore and exploit local opportunities, as well as remain competitive globally.

A focus on “Local content” aims to achieve the development of local skills, technology transfer, use of local manpower and local manufacturing. It is defined as the amount of incremental value added or created in Nigeria through the utilization of Nigerian human and material resources for the provision of goods and services in the ICT industry within acceptable quality and standards in order to stimulate the development of indigenous capabilities.

The framework of this guideline document takes into consideration the vision, objectives, strategic goals and role of NITDA in the industry. It is also tied directly into several performance measures that will form the basis for tracking the progress and impact of the guideline in order to enable frequent stock taking and re-evaluation of strategies and directives – an approach that is critical for managing and regulating such a fast paced and changing industry.

There are three core focus areas of the guidelines: driving indigenous innovation, developing the local ICT industry and establishing Intellectual Property regulation and protection

standards, each of which has a set of related strategic goals. These strategic goals form the basis of specific guidelines that include recommendations for the restructuring of the industry and actions required by NITDA and other government MDAs. They also create potential opportunities that local companies are expected to take advantage of. Further, this document provides a set of appropriate performance measures linked to the achievement of the strategic goals.

Area	Strategic Goal	Performance Measures
Guidelines on indigenous Innovation	Achieve a thriving ICT industry capable of contributing to national develop goals	<ul style="list-style-type: none"> • Real economic value contributed by the industry to the Nation's GDP • Number and quality of jobs created within the industry • Innovation & Inventiveness of Nigerians and Nigerian companies measured by the creation of startups, patents and Intellectual property.
Guidelines on development of the ICT industry	Lay the foundation for thriving ICT industry that can compete globally	<ul style="list-style-type: none"> • Quality standards among local ICT companies • Self-sufficiency in the value chains of Indigenous companies in terms of indigenous value creation. • Capacity Building efforts in the industry
Guideline on IP regulation and protection	Support technology transfer, indigenous participation and the survival of local players in the sector	<ul style="list-style-type: none"> • Amount of funding/support available for Indigenous Companies • Amount of Foreign Direct Investment in the industry • Number of Innovation Centers / Centers of Excellence • Number of global partnerships for growth

Table 2.1: Goals and Performance Measurement matrix for Local Content Guidelines

10.0 Guidelines for ICT Hardware

10.1 OEMs Shell

1. Maintain active certification with NITDA, renewable every four years. Re-certification will be based on the following conditions:
 - a. Maintain local capacity for the production of multiple computing form factors and devices – desktops, laptops, tablets, smartphones, network devices etc. either directly or through a local ODM.
 - b. Assemble all hardware within Nigeria and maintain fully staffed facilities for this purpose.
 - c. Hold and maintain product and quality certifications such as ISO 14001, ISO 9001.
 - d. Recapitalize and maintain a minimum market capitalization of Two Billion Naira.
 - e. Hold and maintain at least one platform certification such as:
 - i. Windows Hardware Certification
 - ii. Android Compatibility Test Suite (CTS) Certification as well as comply with the Android Compatibility Definition Document (CDD)
2. Have a grace period of two years from the effective date of this guideline to comply with the recertification criteria herein stated.
3. Maintain at least 50% local content by value either directly or through outsourcing to local manufacturers engaged in any segment of the product value chain. There will be a time frame of 3 years for achieving the 50% local content.
4. Maintain in-country R&D departments for the purpose of product conceptualization, innovation, adaptation, design and prototype development.
5. Design and develop products that support Nigerian languages and local use case.
6. Setup and operate after sales support, warranty support, return / repair centre as well as a customer service center for their products. This can be outsourced locally.
7. Obtain and maintain technical conditions for international product quality certifications such as ISO 9001, IEC, CEPT, DIN and ASA
8. Subject themselves to regular inspection of factory premises and manufacturing processes.
9. Have a five-year duty waiver on computer components, which is for integration into locally assembled devices. Fully built computers or products shall be exempt.

10.2 ODMs shall:

1. Maintain active certification with NITDA, renewable every four years. Recertification will be based on meeting the following conditions:
 - a. ODMs will have equivalent capacity to OEMs for computer manufacture and assembly or proof of partnership with a certified OEM.
 - b. ODMs must maintain local capacity to assemble and install minimum of one million devices per annum for multiple form factors – desktops, laptops, tablets, and smartphones either directly or through a local ODM.
 - c. ODMs must conceptualize, design and produce all hardware within Nigeria
 - d. ODMs must hold and maintain product and quality certifications such as ISO 14001, ISO 9001 at local facilities and for scope including design, manufacturing, sales and maintenance of various products being sold in the Nigerian market.
 - e. ODM shall maintain a minimum capitalization of Five Billion Naira.
 - f. ODM must hold and maintain platform certifications in line with the demands of the OEMs they service, such as:
 - i. Windows Hardware Certification
 - ii. Android Compatibility Test Suite (CTS) Certification as well as comply with the Android Compatibility Definition Document (CDD)
2. Have a five-year duty waiver on computer components, which is for integration into locally assembled devices. Fully built computers or products are exempt.

10.3 Multinational Companies shall:

1. Provide a local content development plan for the creation of jobs, recruitment of local engineers (not sales people), human capital development and value creation for the local ecosystem.

10.5 All MDAs shall:

1. Source and procure all computer hardware only from NITDA approved OEMs.
2. Purchase all hardware products locally.
3. Give preference to companies with existing hardware support facilities and functional service stations with impressive customer service metrics measured frequently
4. Include the cost of support and maintenance in BOQ for all government IT deployments.
5. Consider all IT projects as turnkey deployments and not mere supply of components. Vendors must demonstrate appropriate systems integration capability in order to qualify for large-scale projects.

10.6 NITDA shall:

1. Lead and facilitate product demand generation initiatives such as Assisted PC purchase programs
2. Promote the use of digital technologies as well as local development of software solutions for Education by facilitating Computer purchase programs, provide funding for software solutions in education and drive technology adoption initiatives in education.
3. Collaborate with similar IT development agencies in neighbouring West African states in order to establish regional Information Technology tradeshows that will provide a platform to grow the local industry.
4. Facilitate discussions with industry groups such as NCS, ALTON, ATCON, CAPDAN, ITAN, ISPAN, ISPON, etc. to engender local value creation.
5. Publish technical standards of various ICT components, devices, subassembly etc. as a guide for local OEMs.
6. Ensure that industry participants benefits from all investment incentives available to them by working with other government agencies to ensure that ICT firms benefit from such available incentives

11.0 Guidelines for Indigenous Software Development:

11.1 ISVs shall

1. Register their products, capabilities and organization on the NITDA portal. The service will be provided free of charge and devoid of bureaucracy and will ensure NITDA awareness of available resources.
2. Demonstrate the ability to provide on-going support and continued development and maintenance of any software sold or deployed.
3. Hold and retain exclusive rights over the reproduction, preparation of derivative works, distribution and public performance and display of their copyrighted work.
4. Respect the intellectual property rights of others as set out in applicable local and global regulations
5. Have access to seed capital and grants for start-ups, incubation programs and other forms of government-backed schemes.

11.2 SDFs shall:

1. Register their products, capabilities and organization on the NITDA portal. The service will be provided free of charge and devoid of bureaucracy and will ensure NITDA awareness of available resources.
2. Demonstrate the ability to provide on-going support and continued development and maintenance of any software sold or deployed.
3. Hold and retain exclusive rights over the reproduction, preparation of derivative works, distribution and public performance and display of their copyrighted work.
4. Respect the intellectual property rights of others as set out in applicable local and global regulations.
5. Design and develop products and services that support Nigerian languages and local use case.
6. Have access to seed capital and grants for start-ups, incubation programs and other forms of government-backed schemes.
7. Hold and maintain CMM or ISO 9001 or any other standard certification in order to qualify for large scale software development bids.

11.3 Multinational companies shall

1. Provide verifiable information and sign affidavits about the origin, safety, source and workings of software being sold and deployed within the country in order to ascertain the full security of the product and protect national security
2. Submit a Local Content Development Plan to NITDA/NCC for their platforms and products as part of requirements for registration within Nigeria and pre-qualification for any project to be carried out with any MDAs. This applies to companies already registered and operating within the country.

11.4 MDAs shall:

1. Source software for which there is local capacity to design, develop, compile, test, troubleshoot, launch, maintain and improve such software application.

2. Source and procure software from only local and indigenous software development companies; where the capacity for developing such software does not exist locally, procurement, installation and support will be provided by a Nigerian company.
3. Consider all software solution projects as turnkey deployments and not mere supply of licenses and software. Therefore the vendor must demonstrate systems integration capability in order to qualify to carry out the project deployment.
4. Carry out risk-based due diligence to identify, prevent and mitigate actual and potential adverse impacts that may arise from using software, including risks that arise from technical dependencies on software conceptualized and developed outside Nigeria.
5. Obtain evidence of the origin, source and workings of all software being used including adequate assurance of the full security of source code.

11.5 NITDA shall:

1. Enforce the provisions set forward in the National IT Policy as well as in these guidelines
2. Enhance and promote the use of digital technologies as well as local development of software solutions for the critical sectors such as health, education, security etc.
3. Champion and encourage the set-up of Business Incubator Schemes to accelerate the growth of the IT industry.
4. Partner with financial institutions, venture capital firms, MNCs with venture capital divisions as well Angels investors to create a vibrant Venture Capital ecosystem for the IT sector.

12.0 Guidelines for ICT Service Provisioning:

12.1 ICT Companies shall:

1. Register Nigerian entities as defined in these guidelines which will have predominant Nigerian representation in keeping with the Nigerian content requirement.
2. Provide a local content development plan for the creation of jobs, recruitment of local engineers, human capital development and value creation for the local ecosystem.
3. Use **only** locally manufactured SIM cards for the provision of data and telephony services within 18 months of the coming into effect of these guidelines.
4. Host all subscriber and consumer data locally within the country.
5. Host their websites on .ng TLD.
6. Migrate their internet peering provisions to locally available services such as the Internet Exchange Point of Nigeria within Two (2) years
7. Use local/ indigenous companies to build out cell sites, towers and base stations and ensure that at least 50% of the value of such sites, towers and stations are locally sourced.
8. Use Nigerian companies for the provision of at least 60% of all Value Added Services on their network within the first two years of operation or within the first two years of the coming into effect of these guidelines and 80% within three years of the coming into effect of these guidelines. They must also ensure that such companies are creating at least 50% of the value of services provided locally.

12.2 NITDA shall:

1. Lead and facilitate discussions on the setup of indigenous ICT service providers spanning the entire value chain ranging from hardware to software, networking to data management in order to drive greater local participation.
2. Promote the development of local firms that can provide goods and services to other major/ multinational ICT companies.
3. Foster the growth of value adding entities by encouraging innovation in the areas of mobile messaging, call completion services, visual voicemail, convergence management, social telephony, convergent charging etc.
4. Ensure that all ICT firms comply with the guidelines for Nigerian content development and institute appropriate sanctions against those that fail to comply.
5. Provide incentives and motivations for ICT service providers to develop their own unique local content offerings.

13.0 Guidelines for Network & Internet Services

13.1 Networking companies shall:

1. Register their products, capabilities and organizations on the NITDA portal. The service will be provided free of charge and devoid of bureaucracy and will ensure NITDA awareness of available resources.

2. Provide evidence of the origin, source, paths and workings of network and Internet tools and services being used by the government, including adequate access to ascertain the full security of communications being sent through such platforms.
3. Maintain security and audit protocols for all services being rendered which involve citizen's data, data on corporations and MDAs.
4. Support and effect the rights of authors, including mandating cooperation of hosting companies, internet service providers (ISPs) and other intermediaries to take down materials that infringe copyrights, trademark or other forms of intellectual property
5. Provide the rights to consumers to delete their personal information, data and other records on any service on which they are subscribed
6. Establish programs that increase awareness of consumer rights and appropriate expectations from content creators among the general public.
7. Hold and maintain ISO/IEC 27001:2005 certification

13.2 MDAs shall:

1. Host their websites and other web services mandatorily on the.gov.ng domain as the only approved domain.
2. Migrate their internet peering provisions to locally available services within 18 months
3. Mandatorily source network and Internet services for which there are local capacity to setup up, maintain, monitor, optimize and access from local service providers with capacity to deploy such.
4. Ensure that all routes of network traffic between communication points is known and monitored routinely
5. Show evidence of awareness of the workings and full security of all communications being sent through their systems, including the maintenance of security and audit protocols.

13.3 NITDA shall

1. Develop guidelines and propose incentives to encourage the adoption of domain names on the ".ng" domain by the other public and private institutions and by individuals

14.0 Guidelines for Data and Information Management

14.1 Data and Information Management Firms shall:

2. Register their products, capabilities and organization on the NITDA portal. The service will be provided free of charge and devoid of bureaucracy and will ensure NITDA awareness of available resources.
3. Host government data locally within the country and shall not for any reason host any government data outside the country without an express approval from NITDA and the SGF
4. Hold and maintain ISO/IEC 27001:2005 certification
5. Proactively sell and market the .ng TLD in line with provisions of NiRA

14.2 MDAs shall:

1. Promote as mandatory the presence of system logs and other computer data logging technologies to aid in the effective troubleshooting and forensic investigation of events in government and civil service systems
2. Be responsible for ensuring that reasonable care is taken to adequately secure the data and information of government and civil service that is created, transferred and stored in digital formats
3. Ensure that all government data is hosted locally inside the country within 18 months from the publication of these guidelines.

14.3 NITDA shall:

1. Promote and support local data hosting firms and set appropriate service level requirements and standards for data service provisioning for such firms.
2. Work with respective institutions to design and determine data formats and interchange standards across all levels of government and between various departments.
3. Promote awareness of appropriate data formats, database technologies, computer security and other data and information technologies that will be used by the government and the civil service in order to achieve the right degree of security
4. Work with the National Copyright Commission towards the implementation of the treaties of the WIPO, as well as drive the local adaptation of specific provisions
5. Work with the National Copyright Commission, Copyright Reform Expert Working Group; National Office for Technology Promotion and Acquisition, as well as with non-governmental and civil organizations like Intellectual Property Institute, Nigerian Chapter of the World Intellectual Property Organization, Copyright Society of Nigeria, etc. to achieve the harmonization of intellectual property rights so as to provide an incentive for innovators and creators.

15.0 Guidelines for Human Capital Development in ICT

15.1 MNCs shall:

1. Be required to be more than sales divisions, management of sales agents and channels. They are to carry out value adding activities in country that contribute to job creation and the empowerment of Nigerians who comprise their market.
2. Be eligible for existing tax relief for Research and Development activities for multinational companies, a fiscal incentive which allows up to 120 per-cent of qualifying expenses on R&D to be tax deductible
3. Be eligible for tax relief for long term R&D on Local raw materials, a fiscal incentive which allows up to 140 percent of expenses on patentable research to be tax deductible.

15.2 NITDA shall:

1. Proactively address perception of quality of locally made ICT products and services by working with leading global quality organizations such as ISO, American Society for Quality, Lean Enterprise Institute, etc with the involvement of the Standards Organization of Nigeria (SON) and local industry groups (ITAN, NCS, ISPON etc.) to train and assist local ICT companies to improve their products and processes.
2. Promote specialization in different areas of ICT in higher institutions and where possible provide funding for the setup of centres of excellence in select universities and higher institutions.
3. Promote the creation of a minimum of six Software Engineering Centres of Excellence in partnership with Nigerian universities within the next two years.

Each Software Engineering Centre shall:

- I. Produce a minimum of 200 Software Engineers annually that develop for leading operating system platforms using current programming languages and world class methods
 - II. Maintain partnerships with at least one international technology platform company
 - III. Maintain a curriculum that will be vetted by a Local Content Software Taskforce
4. Review and rank ICT program across all universities in Nigeria in partnership with CPN (Computer Professionals Registration Council of Nigeria) and COREN (Council for the Regulation of Engineering in Nigeria) to ensure global competitiveness and industry relevance of IT related programs.
 5. Promote the setup of the University of Information Technology to lead the study of and research in ICT.
 6. Partner with one or more first rate international journal(s) to establish a *Journal of Information and Communications Technology in Africa* and establish 500 million naira annual grant and research fund to sponsor academic research projects being conducted by Nigerian scholars and educational institutions across the world which focus on developing the IT sector in the country.

7. Promote and facilitate the commercialization of university research activities in order to engender and encourage entrepreneurship and skills development out of Nigerian universities
8. Provide incentives for Nigerian companies to develop for leading and emerging technology platforms to help the country transition from being a consumer to a producer of technology.
9. Establish technology incubation programs, start-up communities, ICT clusters and other IT development networks to stimulate the growth of the sector.
10. Setup and maintain a website that provides access to government data and information
11. Promote and facilitate the creation of specialized software firms through incubation or funding programs so as to increase local participation in highly sophisticated systems design and development.
12. Encourage multinational technology platform companies to transition from merely selling their technologies in Nigeria to creating their technologies in-country.
13. Partner with CAPDAN, the Digital Bridge Institute and any other appropriate body to setup a Technical & Vocational Skill Acquisition and Training Programme for IT practitioners and small-scale vendors.