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GLOBAL INFORMATION SOCIETY WATCH

*National and Regional Internet
Governance Forum Initiatives (NRIs)*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

Global Information Society Watch

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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published as a companion edition to the 2017 GISWatch annual report. It looks at the history, challenges and achievements of NRIs, as recounted by their organisers. It is available at <https://www.giswatch.org>



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Introduction

Since the World Summit on the Information Society (WSIS) held in Tunis in 2005, Senegal has regularly been organising a national Internet Governance Forum (IGF) under the aegis of the Senegalese Chapter of the Internet Society (ISOC-Senegal).¹

In doing so, Senegal has acted in line with the recommendation adopted during the Tunis WSIS in 2005, which calls on states to organise annual national and regional forums on internet governance. Several national IGFs have been held around various themes, with the first one taking place in July 2010 in Dakar. The latest IGF was held this year (in 2017) on the theme: “The contribution of stakeholders in the digital ecosystem in the implementation of the Digital Senegal 2025 national strategy”.

In this report, we will discuss issues, outcomes and challenges related to the process of running the national IGF in Senegal. Internet governance raises relevant questions that stakeholders in the digital ecosystem will need to address. It is hoped that the Senegalese context will offer some answers to these questions.

Economic and political background

Senegal is a sub-Saharan country, located in West Africa, on the coast of the Atlantic Ocean, and is the most western country in Africa. Due to its political stability, Senegal ranks among the few democratic African countries that regularly hold peaceful elections.

This context could have fostered freedom of expression and opinion. However, violations and hindrances to freedom of expression and opinion continue to prevail. For instance, a famous singer was recently detained for expressing himself in a WhatsApp group.²

Discussions on national internet policies and strategies are neither inclusive nor participatory. Instead of involving all stakeholders in the debates on internet governance, Senegal defines its national digital strategy based only on views of technicians working for the government. The most striking illustration of this reality is the adoption of the Digital Strategy 2025 without the involvement of other stakeholders.

The weaknesses of civil society also hamper its participation in national initiatives. Often civil society organisations lack technical resources which would enable them to master issues relating to internet governance. For their part, small and medium-sized enterprises are not very conversant with the current stakes in internet governance, as well as emerging domains such as the digital economy, net neutrality or even the protection of electronic data.

A lack of participation by stakeholders

Nowadays, the internet constitutes a powerful tool for development and its impact and utility in the social, cultural, political and economic domains do not need to be demonstrated. The internet also facilitates the promotion and protection of human rights and freedoms, including making the reporting of human rights violations easier than it was in the past.

These distinctive features of the internet make it attractive to actors in development. States, the private sector, civil society organisations, women, youth, local communities, and persons with disabilities, among others, all have an interest in taking part in defining the norms on internet governance. However, the reality is that many of these key players are excluded from the national IGF in Senegal.

Despite advocacy efforts by civil society, which is increasingly becoming engaged in internet governance in the country, there is currently no independent mechanism for internet governance at the national level. Its existence could have boosted the multistakeholder formulation of internet policies. However, we observe the weak participation of local communities, women, youth and other marginalised groups. The lack of involvement of these actors, in addition to the absence of the state as a convener of discussions on internet policy, diminishes the relevance of the debates and does

¹ www.osiris.sn/Forum-National-sur-la-Gouvernance,17446.html

² The singer stated in a message in the local Wolof language: “The president of the republic is a rascal, a manipulator who imprisons the innocent and is ready to do anything to keep power.” See: senego.com/affaire-amy-colle-dieng-lenregistrement-a-ete-diffuse-dans-un-groupe-whatsapp-pro-karim-wade_510472.html

not contribute to the creation of a good internet environment able to meet the real needs of local communities in Senegal.

It is undeniable that the Senegalese internet governance framework lacks openness, transparency and inclusion. By way of illustration, we can cite recent amendments to the Criminal Code and the Code of Criminal Procedure in Senegal, whose adoption was neither participatory nor inclusive. As a result, the amendments pose serious threats to fundamental freedoms such as the freedom of expression online and the right to privacy. For example, Article 90-10 of the Code of Criminal Procedure states that during an investigation, the state may use remote software and install it in a suspect's computer to collect evidence relevant to the investigation. This does not require a court order.

One of the major challenges is agreement in defining the rules of internet governance – in creating a shared understanding of what it actually is. Since Tunis, internet governance has been defined as: “The development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.”³ Strong internet governance, in other words, means that no stakeholder should be excluded from internet governance debates and policy decision making.

However, the exclusion of stakeholders such as women, youth and persons with disabilities from the policy-making process in Senegal is, in many respects, the cause for the failure of development and the weakness of the impact of a digital policy on the evolution and use of the internet. For example, little consideration is given to gender in the national IGF. Women's organisations are often absent in internet policy-making spaces – meaning that gender should be at the heart of the priorities of the IGF.

Another challenge impacting on the participation of stakeholders is the lack of capacity building offered to actors, including civil society. Meaningful participation and relevant contributions cannot be expected from the actors involved in internet governance without them being conversant with emerging issues on internet policy.

A third problem is the lack of a sustainable institutional environment, which is in part the result of the lack of independent mechanisms tasked with protecting democracy. This is equally the case when it comes to inclusive internet governance. Consequently, there is an urgent need to create an

environment conducive to internet governance that respects human rights and fundamental freedoms, and to set up institutional mechanisms and collaborative spaces involving diverse stakeholders. Whether or not the IGF in Senegal can evolve to become this mechanism is currently unclear.

Regional reflection

Our country hosted the first preparatory meeting for African participation in the first global IGF in Athens.⁴ The workshop was organised from 13 to 15 July 2006 by the Panos Institute West Africa (PIWA) in Saly.⁵ The aim was to assess engagement in ICT policies in West and Central Africa and to help prepare actors for the IGF.

Through its ongoing participation in the global IGF, civil society has been able to both contribute to discussions on internet governance, and to benefit from the good practices in other countries in the field of internet policy. This has impacted on local legislative and institutional frameworks, for example, on laws dealing with the protection of personal data, cybercrime and electronic communications.⁶

Conclusion

There are three key challenges facing internet governance in the country: the lack of inclusive multistakeholder dialogue, the lack of capacity of stakeholders to meaningfully engage in dialogue, and the lack of sustainable and effective mechanisms to protect a rights-based internet governance process.

Ultimately, in order to create a digital environment that enables all citizens and actors to use the internet in an optimal and efficient way, the national IGF will have to be much more transparent, open and multistakeholder. The identification of constraints and obstacles to implementing the internet as a tool to achieve development and human rights, as well as the development of internet rules, principles and policies, cannot be the prerogative of the government alone.

Internet shutdowns, the high cost of access and defective quality of internet service, a lack of electricity, and attacks on freedom of expression on the internet, are all some of the many constraints that prevent the internet from being used as a tool for development and having an optimal impact on the economic, social and cultural progress of the African continent.

3 *Tunis Agenda for the Information Society*. <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

4 Held on 30 October to 2 November 2006.

5 www.burkina-ntic.net/spip.php?article1156

6 www.cdp.sn/textes-legislatifs

Action steps

Civil society has to play a leading role in addressing the obstacles that lie ahead. I would therefore like to make recommendations for civil society which I believe will contribute to meeting the challenges identified above:

- Because synergy among stakeholders is essential to meet the challenges of internet governance in Senegal, civil society needs to strengthen its capacity to lobby and advocate for the participation of all actors, including the state, in the IGF.
- Civil society should also convince the government of Senegal to set up an internet governance mechanism – both institutional

and legal – which allows the participation of all stakeholders, and to define a digital vision shared by all actors. The lack of a shared digital vision is a handicap in the efficient use of information and communications technologies (ICTs). It leads to white elephants, showcasing and a failure to respect fundamental human rights.

- Lastly, civil society should advocate for the strengthening of the capacities of digital actors to understand the latest technical and policy developments with respect to digital rights, including the right to privacy and freedom of expression, fast and affordable access to the internet, and the reduction of inequalities in access to and use of the internet.

National and Regional Internet Governance Forum Initiatives (NRIs)

National and Regional Internet Governance Forum Initiatives (NRIs) are now widely recognised as a vital element of the Internet Governance Forum (IGF) process. In fact, they are seen to be the key to the sustainability and ongoing evolution of collaborative, inclusive and multistakeholder approaches to internet policy development and implementation.

A total of 54 reports on NRIs are gathered in this year's Global Information Society Watch (GISWatch). These include 40 country reports from contexts as diverse as the United States, the Democratic Republic of Congo, Bosnia and Herzegovina, Italy, Pakistan, the Republic of Korea and Colombia.

The country reports are rich in approach and style and highlight several challenges faced by activists organising and participating in national IGFs, including broadening stakeholder participation, capacity building, the unsettled role of governments, and impact.

Seven regional reports analyse the impact of regional IGFs, their evolution and challenges, and the risks they still need to take to shift governance to the next level, while seven thematic reports offer critical perspectives on NRIs as well as mapping initiatives globally.

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