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



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

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National and Regional Internet Governance Forum Initiatives (NRIs)

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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>

SOUTH AFRICA

SOUTH AFRICA AND INTERNET GOVERNANCE: ARE WE JUST TICKING A BOX?



Emerging Leaders in Internet Governance - South Africa
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Introduction

This year, the 59th periodic public meeting of the Internet Corporation for Assigned Names and Numbers (ICANN59)¹ was hosted in Johannesburg, South Africa, and I attended most of the sessions. I used Uber frequently during this time, and on one of the days the Uber driver asked me where I was headed. I told him that I was going to an internet policy meeting; he looked at me funny and asked, “The internet has policy? Or do you mean you are going to a policy meeting that will be hosted online?” He could not understand that people actually talk about internet policy. He then looked at me and said, “Why don’t we know about these things? I work with Uber and I would like to be part of any internet policy meeting because I source my income from an internet company.”

The internet is changing the world around us, and internet governance is fast becoming everyone’s concern. This means that local Internet Governance Forums (IGFs) have an important role to play in ensuring that everyone is part of the conversation and has the opportunity to shape domestic internet policy. Yet this opportunity is not always appreciated by stakeholders. South Africa has hosted three national IGFs (ZAIGFs) through local civil society efforts. However, it was only last year when the government recognised the ZAIGF and participated.

The working definition provided by the World Summit on the Information Society (WSIS) on internet governance is: “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.”²

While this is a working definition, it is clear that good internet governance requires a collective effort and is rooted in multistakeholderism. This approach seems to be ideal as it calls for inclusivity, transparency and accountability. In the case of South Africa, it is a win to have government finally on board at the ZAIGF and one hopes that its participation will be fruitful. Local IGFs present a great opportunity to shape progressive domestic internet policy and I believe such opportunities should be used. Drawing on interviews with stakeholders in the field,³ this report examines the impact of the ZAIGF on domestic internet policy in South Africa, while identifying challenges we face in developing an inclusive, multistakeholder internet governance culture.

Policy and political background

State capture!
Cabinet reshuffle!
Vote of no confidence Mr. President!
White Monopoly Capital!
#FeesMustFall!
ABSA collusion!
Penny Sparrow you monkey!

These are some of the controversial phrases doing the rounds in South Africa, and which paint a picture of our political and economic climate. South Africa was hallmarked as one of the few countries in the world that transitioned smoothly into democracy. The authenticity of the “smooth transition” is currently being tested in South Africa. Politically and economically, the country finds itself in a deep state of reflection and contention. There are increasingly stronger and diverse voices that are questioning the rule and ideologies of the liberation party, the African National Congress (ANC), with many “previously disadvantaged” groups feeling betrayed and let down by the party that sparked hope for a prosperous future that it has failed to deliver. When faced with fundamental issues of inequality, racism and corruption, it feels like internet

1 <https://meetings.icann.org/en/johannesburg59>

2 Working Group on Internet Governance. (2005). *Report of the Working Group on Internet Governance*. <https://www.wgig.org/WGIG-Report.html>

3 Some interviewees preferred to be anonymous, and this is reflected in the report.

governance becomes a luxury talking point. Internet governance is not high on the public agenda in South Africa and there is little news coverage on internet policy-related events or meetings.

However, this does not mean the South African government is not concerned about internet governance. In fact, one could argue that the government is prioritising internet policy – even though the way they are going about it may not always be inclusive. This prioritisation is evidenced by the release of the National Integrated ICT Policy White Paper (2016),⁴ which explicitly lists internet governance as a core focus area for South Africa. Additionally, there are a number of recent draft policy regulations and bills that seek to regulate the internet, like the Draft Online Regulation Policy (2014)⁵ by the Film and Publication Board and the Cybercrimes and Cybersecurity Bill (2017).⁶ Both the Film and Publication Board's draft policy and the cybercrimes bill were controversial, meeting with significant resistance from civil society organisations⁷ and think tanks⁸ – an indication of the extent to which the bills, although being opened for public input, are not being formulated in an inclusive way.

The nature of policy making in South Africa is heavily dependent on the ruling party, and little room is available for public participation in policy formulation. However, section 59 (1a) of the constitution requires the government to conduct a public consultation process before it enacts or approves policy or legislation.⁹ In recent years, the “chapter nine institutions”¹⁰ – or institutions set up to safeguard democracy in South Africa – have been instrumental in holding the government accountable.

Multistakeholderism in South Africa: Tap dancing or equal footing?

While the policy-making process in South Africa looks good on paper, the government has been critiqued for not upholding the values and principles of the constitution. Multistakeholderism as a practice is not new in South Africa; for example, post-1994 there was an initiative called the National Economic Development and Labour Council (NEDLAC) which sought to make social and economic policies more inclusive¹¹ and called on all stakeholders to take part in policy formulation. The spirit and zeal that the new South Africa had in public participation in policy matters seems to be dwindling as the years go by, and this leaves much room for revival, especially in the emerging field of internet governance.

A representative from a research think tank shared this assessment of the multistakeholder landscape in South Africa: “South Africa represents more of a multilateral landscape where the government would rather lead the process than participate in a truly multistakeholder process.” From the stakeholder interviews conducted for this report, many respondents felt that the government does not fully embrace the multistakeholder model and this poses a threat to productive multistakeholder discussions.

Based on the WSIS working definition of internet governance, there is an emphasis on the respective roles of the stakeholders. However, to a large extent, that is open to interpretation. Broadly speaking, it warrants a further analysis of what is meant by multistakeholderism: does it mean stakeholders are on an equal footing or are there hierarchies? The lack of clarity, in my opinion, causes great challenges in local internet governance settings, where civil society organisations often feel overlooked in their pursuit of shaping domestic internet policy. The director of global policy and strategy at the Association for Progressive Communications (APC) said, “They [government] tend to only participate in events that they initiate. They want to speak, not listen. Teach, not learn.”¹² It is clear that there seems to be an imbalance of power that needs to be addressed in order to ensure that internet governance discourse in the country is as inclusive and representative as possible.

Nevertheless, one has to commend the South African government, through its Department of Telecommunications and Postal Services (DTPS), for engaging more in internet governance

4 Department of Telecommunications and Postal Services. (2016). *National Integrated ICT Policy White Paper*. https://www.dtps.gov.za/images/phocagallery/Popular_Topics/Pictures/National_Integrated_ICT_Policy_White.pdf

5 Films and Publication Board. (2014). *Draft Online Regulation Policy*. <https://drive.google.com/file/d/0BoFOi7Ay2OZ6ZU1fZn13NEQ4UTQ/view>

6 Department of Justice. (2017). *Cybercrimes and Cybersecurity Bill*. www.justice.gov.za/legislation/bills/CyberCrimesBill2017.pdf

7 Right2Know. (2017, 13 September). R2K: Cybercrimes Bill is a threat to internet freedom. www.r2k.org.za/2017/09/13/r2k-cybercrimes-bill-is-a-threat-to-internet-freedom

8 Calandro, E. (2015, 29 May). The South African Draft Online Regulation Policy as a form of “censorship by proxy”. *Research ICT Africa*. <https://researchictafrica.net/2015/05/29/the-south-african-draft-online-regulation-policy-as-a-form-of-censorship-by-proxy>

9 Department of Justice. (1996). *The Constitution of the Republic of South Africa*. www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf

10 Ibid.

11 www.nedlac.org.za

12 Online questionnaire, August 2017.

multistakeholder settings over the last two years, whether through the ZAIGF or its own internet governance working group. These strides are significant because it is the right step towards inclusivity and greater public participation in shaping domestic internet policy.

Balancing the power and creative stakeholder strategies

As much as the government seems to be the dominant stakeholder group that pushes its weight around, private business (internet companies and mobile operators) are also dominant players in shaping internet governance discourse and domestic internet policy in South Africa. In an interview with the Gauteng Chapter of the Internet Society (ISOC-Gauteng),¹³ the president of the chapter felt the imbalance in power is largely due to the fact that private business drives most of the economic will in South Africa's digital economy. Having government and business being the only stakeholders with real power to shape internet policy is risky, especially in ensuring that human rights and public interests are protected and adhered to.

Civil society and academia are stakeholder groups that should also have a seat in shaping internet governance discourse and domestic internet policy; these groups speak from a public interest point of view backed with facts and findings that ideally should be used to guide government policy. However, these groups feel the most sidelined. Sadly, it seems that South African civil society and academia are also alienated from each other, and work in silos with varying interests. The fragmentation between these two important groups hinders the potential of a strong public unit which could really tackle the hegemony of the government and business in internet governance discourse and policy.¹⁴

Even though the multistakeholder relations in South Africa can be improved, it has been interesting to watch how stakeholders will work together when they have a common cause. When the Film and Publication Board released its Draft Online Regulation Policy, private business, civil society and academia were concerned and united against it. There was a sector roundtable organised and all three stakeholder groups were there and drafted a joint statement.¹⁵ This collective effort was admirable to watch and participate in, and it pointed to an

important lesson: when a common and shared vision exists, a lot can be achieved.

Clarifying the secretariat for the ZAIGF

As mentioned, South Africa has had three national IGFs, a result of the commitment and dedication of various groups who are interested in ensuring the openness and inclusiveness of local internet governance discourse and analysis. Organisations like ISOC-Gauteng¹⁶ have championed this commendable cause. As interest grows in the internet governance policy landscape in South Africa, deeper thought has to be given to how the ZAIGF is organised and managed, especially with the government on board. There needs to be a collective and orderly body that manages the coordination of the forum. Currently there is no clarity as to whether there is an existing structure in place.

"It is not clear who/where is the secretariat of the South Africa IGF." – Anonymous respondent

Over 90% of stakeholders and individuals interviewed expressed uncertainty regarding the status of the ZAIGF secretariat. A representative from the Open Democracy Advice Centre believes that the shifting political will in the country is delaying the establishment of a fully functional secretariat.¹⁷ As a participant in internet governance discourse in my country, it is important for me to know what body is handling the local IGF and what processes it follows. What came out strongly from the interviews was that an efficient secretariat was necessary in building trust, establishing confidence and gaining credibility. The five main characteristics outlined by stakeholders for an efficient secretariat were:

- An accessible structure, meaning one that is known to the public, easy to contact and get information from, and resourced.
- Openness, including regular public calls for participation (e.g. proposals for sessions at the ZAIGF).
- Transparency on how decisions are made regarding theme, speakers and financing.
- Accountability, in that it prepares and disseminates reports on the ZAIGF, and tracks the impacts of ZAIGF on domestic internet policy.
- An inclusive, multistakeholder-led body that acts as advocate for greater collaboration and partnerships in tackling internet policy, and which is abreast and cognisant of nationwide interests.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ SOS Coalition. (2015, 1 June). *Report: Sector Roundtable on the Film and Publication Board's Draft Online Regulation Policy*. www.soscoalition.org.za/report-sector-roundtable-on-the-film-and-publications-boards-draft-online-regulation-policy

¹⁶ <https://www.isoc-gauteng.org.za>

¹⁷ Online questionnaire, August 2017.

The significance of having a secretariat in place lies in having a trusted multistakeholder-led body spearheading internet governance discourse in the country and ensuring that discussions are turned into action points. It is important that we start turning the conversations that take place at the ZAIGF into domestic internet policy, as they are important because they speak to issues that ordinary South Africans are grappling with.

Government's interest in ZAIGF

In my view, having government on-board is a win; but this has to go beyond just having government attending the ZAIGF. Having government at the ZAIGF should present an opportunity to shape domestic internet policy; however to exploit this opportunity, the government needs to have its house in order.

"There is a lot of fragmentation at the level of government, e.g. several departments deal with internet-related matters and they don't work together." – Director of global policy and strategy, APC

The fragmentation reported in government poses a challenge when effectively engaging in internet governance discourse with the goal of shaping internet policy. Even if state department officials attend the ZAIGF, no one is really sure which state department deals with which internet policy issue. Many do not know who questions or recommendations should be directed to. This is a concern for me as a participant in the ZAIGF, as someone – a young person – who wants their voice to be heard. Even for other, more experienced stakeholders, it becomes tricky because one will never know if their recommendations are falling on deaf ears.

Impact of the ZAIGF on domestic internet policy in South Africa

A local participant of the ZAIGF shared the following:

The discussions help to elevate issues but it is not clear if there are correlations between the discussions and domestic policy. It is not apparent how the discussions are captured and the outcomes conveyed to policy makers. Representatives of DoC [Department of Communications]/DTPS are in attendance and one assumes that this is how the outcomes are conveyed to relevant decision-making structures. However, there does not appear to be a formal process.

The role of the secretariat in assessing and tracking the discussions that take place during the ZAIGF against domestic policy changes should be an

imperative. Forums are famous for being referred to as "talk shops", and the mission and function of the ZAIGF should be to dispel this belief. Currently there is lack of a clear link between what is being discussed at the ZAIGF and actual domestic policy.¹⁸ The blurred lines have caused a lot of disgruntlement from active participants in the ZAIGF and are thereby slowly diminishing the value of the forum.

Despite these deep feelings of neglect, some respondents felt that the ZAIGF has played a significant role in shaping recent internet policy in the country. The National Integrated ICT Policy White Paper mentioned in previous sections was largely shaped by the ZAIGF. While this is a positive, it seems that the majority of participants are seeking consistency and transparency in the way government decides on what makes it to policy and what does not. Additionally, South Africa is a very unequal society, and some of the discussions that take place at the ZAIGF talk about affordability, the digital divide, digital literacy, etc. While this is good and well, the biggest contention is: to whom are we talking when the unconnected are not in the forums? There is a feeling that IGFs – and this is not limited to the ZAIGF – are elitist and exclude the large majority of people that actually need to participate in these conversations.

Youth and women's participation at the ZAIGF

As a young South African female who uses the internet every day and is very interested in internet governance, I find that the ZAIGF as a platform for participation could be better. Some of the challenges that I have faced include the lack of openness and transparency in how the agenda and workshops are determined. As I write this report, there is no word on when the next ZAIGF will take place and how organisations can participate in shaping the agenda and proposing workshops. Moreover, as a young female, my voice is often brushed off and my input neglected. The organisation I co-founded, Emerging Leaders in Internet Governance – South Africa, seeks to raise awareness about internet governance and bring young voices to the conversation, with the aim of shaping internet policy. However, it is not clear to me if there is room for us to be part of the conversation.

Regional reflection

In 2016, the African IGF (AfIGF)¹⁹ was hosted in South Africa and it was great to see the local and regional stakeholders coming together. As a partic-

¹⁸ Online questionnaire respondent, August 2017.

¹⁹ afgf.org

ipant who attended both the AfIGF and the ZAIGF, I felt inspired to participate more, because it was evident that the issues South Africa was grappling with were not different from other countries in Africa. South Africa deciding to host the AfIGF was also a way in which the country signalled its interest in the internet governance space. As times goes by, we hope to see how this interest will manifest and whether local internet policy formulation will be inclusive and genuinely multistakeholder in nature. After the AfIGF, there were high spirits of euphoria and one would think that the level of participation and attention given to the ZAIGF would have grown significantly. However, it is evident that there is more that needs to be done and more commitment from all stakeholders is needed to capitalise on this energy.

I have found that it is important and beneficial to have local IGF initiatives that link to regional and global initiatives. As much as there are contextual issues, a lot can be learned and gained from working together and synching our initiatives. What the global IGF does well is setting a tone and a theme to consider when engaging and trying to organise local IGFs, and the spectrum of issues covered by the global IGF also gives room for local organisers to consider topics that might be overlooked in local settings. At the moment, the theme for the global IGF is “Shape Your Digital Future”, and this can mean anything and everything in different contexts. In my view, it serves as a thought starter that local organisers can benefit from.

From a participant point of view, it seems that the global IGF is efficient and sets a great precedent for how things should be done. There is a secretariat in place, a website and an open call for workshops and sessions. Furthermore, the process is largely multistakeholder-led. While the process and organisation may not be smooth, there can be great lessons that Africa and South Africa can learn in trying to set up local secretariats.

Conclusions

As we forge forward in our efforts as South Africa to create a truly multistakeholder internet governance community, there will be mistakes that will be made and memorable wins. What is important to me is to keep the momentum going and to be vigorous and aggressive in our pursuits of attaining a truly

multistakeholder internet governance policy landscape. I believe that South Africa has the potential to be a leader in internet governance discourse, so long as all interested parties are involved in the process.

There are a number of key take-aways that I have been able to draw:

- Capacity building for all stakeholders is needed to better engage with one another.
- Stakeholder participation needs to be meaningful, as attendance on its own does not bring the desired results. Participation needs to have a purpose and an outcome.
- Preconceived animosity stifles engagement.
- Effort from state institutions to understand the modalities of multistakeholderism is necessary. They need to truly come to the fore.
- Internet governance dialogues are elite and exclude the much-needed voice of the unconnected and youth.

Action steps

I would make the following recommendations to civil society:

- Do not be discouraged by power politics. A lot of credit goes to local civil society organisations for putting a spotlight on internet governance issues in South Africa, as well as for leading the way for the inaugural ZAIGF.
- Do not wait for the government to act. Continue organising local internet-related meetings and events.
- There is a need for a greater collective effort from South African civil society organisations and academia, as this will strengthen their voices. This can manifest itself through collaborating on statements and public comments. Discussions also need to be had between the two on how best to engage government and business.
- Lead awareness raising among ordinary citizens, especially the youth, about the importance of participating in local internet governance discourse.
- Engage with the unconnected and bring their perspectives to local internet governance discourse.

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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