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*The World Summit
on the Information Society –
A Summit of Solutions?*

The logo for the Collegium for Development Studies, featuring a stylized white bird or wing shape.
**COLLEGIUM FOR
DEVELOPMENT
STUDIES**

***The World Summit
on the Information Society –
A Summit of Solutions?***

*Proceedings of seminars in
Uppsala, Sweden, October 3, 2005, and
Kampala, Uganda, December 14, 2005*

The views expressed in the papers
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Preface

The general theme of this report is the process and outcomes of the United Nations World Summit on the Information Society (WSIS), with special focus on internet governance, censorship and human rights issues, as well as on the way forward.

The report comprises the presentations made at two seminars whereof the first was arranged and co-financed by the Collegium for Development Studies (Uppsala University) in Uppsala, Sweden, October 3, 2005. This seminar – “WSIS, Internet Governance and Human Rights” – was supported by the Swedish International Development Agency (Sida) and the Swedish Programme for ICT in Developing Regions (SPIDER). They also financially sponsored the second seminar, in Kampala, Uganda, December 14, 2005. This seminar – “Post-WSIS and Uganda’s Way Forward” – was arranged by the Collegium for Development Studies, the I-Network and the Women of Uganda Network (WOUGNET) with support from the Uganda Communications Commission (UCC) and the Ministry of Works, Housing and Communications (MoWHC).

The WSIS tried to make it possible for stakeholders other than governments to have a say about the information society. This report, too, is an example of multistakeholder participation, consisting as it is of seven different keynotes – a collection of voices from governments (both Swedish and Ugandan), civil society and the private sector.

The two seminars and the resulting report could not have happened without the help from Maria Jacobson, Natalie Kimbugwe, Astrid Dufborg, Mia Melin and David Turahi.

Johan Hellström, Kampala, March, 2006

Introduction

Johan Hellström

Information society and WSIS

In his opening remarks to the seminar “Post-WSIS and Uganda’s Way Forward”, held in Uganda in December, 2005, Johnson Nkuuhe, member of the Ugandan parliament, outlined some of the characteristics of an information society. According to Nkuuhe, an information society is knowledge-based and decisions are made based on information. It is a networked society, where people are connected in various technical ways. An information society is also an innovation-based society, where innovation is the driver of knowledge and development. Finally, it is a caring society, where opportunities induced by innovations are spread and filtered down to poor people. Given these characteristics, is Uganda an information society, and is Sweden?

The United Nations World Summit on the Information Society (WSIS) was an attempt to further understand and define this emerging society. WSIS is and was about many things. It is about the power over the information society and its new digital infrastructure; it is about making the best use of a new opportunity and a new tool. WSIS concerns the digital revolution that requires global discussion. WSIS is also an international decision-making process on a regulatory framework for ICT policies.

WSIS was originally proposed by the International Telecommunication Union (ITU)¹ in 1998, and the official focus of the WSIS agenda is articulated in a UN General Assembly resolution from December 20, 2001 as

the urgent need to harness the potential of knowledge and technology for promoting the goals of the United Nations Millennium Declaration and to find effective and innovative ways to put this potential at the service of development for all (UNGA 2002).

It was decided to organise WSIS in two phases due to the complexity of the subject. The first summit was held in December 2003 in Geneva, and the second summit

was held in Tunis in November 2005. Both summits of the WSIS process can be seen as the result of many months of consultations and negotiations among the stakeholders. The vast amounts of information and issues related to the information society were reviewed and analysed in six preparatory committee meetings (PrepComs), three prior to Geneva and three prior to Tunis. In addition to this, thematic meetings and regional conferences were held.

The Geneva summit adopted two documents; the “Declaration of Principles” outlines the common vision of the values of an information society, and the “Plan of Action” translates the common vision and principles into concrete action lines. The drafting of these documents took place in the PrepComs, and the authors of the documents are representatives of country governments. The two documents were the main products of the Geneva phase and set the agenda by linking information and international development, and by highlighting the importance of infrastructure development in order to improve the lives of people.

At PrepCom-1 (Tunis phase), it was decided that the agreements reached in the Geneva phase should not be reopened and discussed again. It was also agreed that the output of the Tunis phase should be a final document or documents, comprising a concise political chapeau and an operational part, both of which reflect the areas of focus of the Tunis phase. The political chapeau was finally named the “Tunis Commitment”, and the operational part was named the “Tunis Agenda for the Information Society”. These two documents clearly reaffirm and enhance the commitments undertaken in the Geneva phase and set new and more detailed targets for the period 2005–2015.

It is important to note that the four WSIS outcome documents are not legally binding commitments for governments; they merely constitute policy guidelines for building the information society. The commitments adopted are therefore largely meaningless, unless national governments have the political will and take initiatives to implement them.

Multistakeholderism

WSIS was a large-scale experiment in a multistakeholder process, involving participation of the three main stakeholders: governments, civil society and the private sector. The objective was to create a more balanced decision-making process, in which civil society and the private sector could have a say in international politics. This approach is genuine and was done for the first time in the history of UN summits (WSIS 2005). However, the comprehensiveness of the new level of openness to civil society and the private sector may be questioned, especially when it comes to these groups’ access to the so-called closed intergovernmental working

groups and to the Summit itself. Civil society was only allowed to participate for a few minutes at the beginning of each meeting (meetings that could go on for three to four hours) to state their position, after which they were obliged to leave. This means that WSIS, like all other UN summits and despite its good intentions, basically was an intergovernmental process. Following UN rules, decisions were taken by states, and only government delegations were allowed to vote.

Nevertheless, civil society and the private sector were considered effective partners to the WSIS process and proceedings and they did contribute a lot. Governments and civil society were the most viable actors in the WSIS process. The private sector participation was very low in number but somewhat more focused. This shows, according to a statement made by Johan Martin-Löf (from the Swedish National Post and Telecom Agency) at the pre-WSIS seminar in Uppsala,

that the industry is [...] very careful with the expenditure of personnel [...] the vast amount of people from the civil society and from the governments have absolutely no comparison when it comes to industry, which is very important and very focused and has a very rational, and I would think a rather sceptic attitude towards the whole exercise.

However, being one of the major stakeholders and instrumental in expanding ICT for development access and applications, the involvement of the private sectors was and is vital.

A majority of the private sector participants appeared under the name of ICC/CCBI, a Coordinating Committee of Business Interlocutors (CCBI) created by the International Chamber of Commerce (ICC). The ICC/CCBI facilitated the participation and accreditation of business entities in the preparatory process and to the Summit.

An issue that was raised throughout the Ugandan post-WSIS seminar was the lack of communication between policymakers and people with technical knowhow. Although formally represented through the ICC/CCBI, the technical people were mostly absent. According to Timothy McGinnis, one of the Uganda seminar speakers, we must get the people with technical expertise to sit down with policymakers to identify positions and roles. This was also one of the key recommendations from an earlier conference arranged by the Collegium for Development Studies, held in Uppsala in September, 2004. There it was stated that the role of the private sector should not be looked at in isolation – roles and responsibilities must be defined and clarified in order to reach common goals and face common challenges. Here, governments play a key role in establishing a well-regulated, competitive enabling environment for ICT to grow (Hellström

2005). The WSIS was a step in the right direction –technicians and policymakers now know that they must cooperate.

According to Vincent Waiswa Bagiire, representing the NGO Collaboration on International ICT Policy for East and Southern Africa (CIPESA) at the post-WSIS seminar, a Ugandan answer to McGinnis’ proposition is the formation of the NGO I-Network.² When I-Network was established, one of the main objectives was to bring together policymakers, the private sector and civil society to deliberate on ICT issues that affect the Ugandan society. At least at a national level, the technical experts have participated, but since companies are profit-driven, they might not realise the need for attending international meetings like WSIS. Bagiire further emphasised that the regulator for the ICT sector in Uganda, Uganda Communications Commission (UCC), and the policymakers need to attend the events where the technicians discuss technical issues, such as internet infrastructure, domain names etc. Bagiire further elaborated on the relationship between the different stakeholders:

civil society organisations bridge the gap between the private sector and government in the promotion, consolidation and advancement of ICT. The private sector provides the services; the government makes the policies, and civil society bridges the two.

Internet governance

The issue of a more democratic and equitable management of global internet resources turned out to be one of the central and most controversial issues in the WSIS process. In the initial phases of WSIS (PrepCom-1 in Geneva, 2002) the debate about internet governance was marginal, but gradually it became one of the biggest issues. None of the PrepComs leading up to WSIS in Geneva could reach an agreement, and governments finally “agreed to disagree”. The debate was therefore postponed, and in order to come up with a solution and to help guide further internet governance discussions at WSIS, the UN Secretary General established a multistakeholder Working Group on Internet Governance (WGIG) to investigate the case.

Why did internet governance turn out to be a controversial issue? To put it simply, internet is – due to its growing social, economic and political impact – a very complex phenomenon. During the whole process, stakeholders had problems trying to understand what the Internet is and how it should be defined. Questions such as what kinds of functional and political challenges associated with ICT give rise to internet governance had to be answered. Seen from a technical and

functional perspective, the Internet is a “layered” system, consisting of a physical layer, a logical/code layer and a content layer (Lessig 2001).

In the final discussion at the pre-WSIS seminar in Uppsala, Johan Martin-Löf, correctly pointed out that:

Universal connectivity means access to the physical layer while information [content layer] can be owned by someone [copyright protected]. This means that we need to distinguish between access to the physical layer, the technical level, and access to information that has its own rules.

Internet is a network consisting of varying kinds of technological solutions, located in different countries. These solutions have to be physically interconnected and logically interoperable. Further, scarce international resources (physical and/or logical) that underlie certain elements of communication infrastructures must be regulated, managed, and distributed. Radio frequency spectrum through which wireless communications flow constitutes a good example, satellite orbital slots another. This means that many important aspects of information and communication infrastructure are cross-border by nature, and therefore require international and regional co-operation and technical standardisation that ensures compatibility between different hardware and software. Several private-sector-led organisations play a critical role in the technical coordination of the Internet.³

Nevertheless, some countries (mostly from the South) have felt that the existing arrangement is not enough and that the oversight mechanisms do not reflect the global nature of the Internet. According to a statement by the Civil Society Human Rights Caucus during PrepCom-2 (Tunis phase);

the current forum for domain name management is a private party [Internet Corporation for Assigned Names and Numbers, ICANN⁴], dominated by a limited number of countries and based on a contract with a single government [the US]. This lack of inclusion of especially developing countries also applies to many Internet protocols and standard setting bodies (Jørgensen 2005).

Some countries hold the view that the internet resources upon which they depend are subject to unilateral US government action, for example in that the US government can remove a country-code Top-Level Domain (ccTLD), like .se or .ug, from the root. As Jörgen Samuelsson from the Swedish Ministry of Industry, Employment and Communication, pointed out at the pre-WSIS seminar in Uppsala,

governments have a specific mission and responsibility vis-à-vis their citizens! The question is therefore; if the Internet goes down, can governments then tell their

people depending on it that ‘we never interfered since they seemed to do such a good job’?.

Many governments, predominantly from the South, also claimed that they due to various circumstances cannot take part in the internet governance discussions; that they are left out; and that certain issues (like legal, economic, developmental and socio-cultural issues) are not covered by the existing organisations. Consequently, the WGIG was requested to develop a working definition of internet governance and to develop a common understanding of the respective roles and responsibilities of the stakeholders. The WGIG was asked to present the result of its work in a report “for consideration and appropriate action for the second phase of the WSIS in Tunis” (WSIS 2003b, §13b, iv). The report was delivered in mid-2005 and included the following consensus working definition:

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 (WGIG 2005).

This definition makes it clear that there is more to internet governance than merely ICANN, and that it goes well beyond the domain name system issues.⁵ This broad definition was accepted and adopted in the Tunis Agenda.

Despite WGIG’s ambitious report, almost all of the internet governance issues discussed at PrepCom-3 (Tunis phase) remained unresolved and open. The EU proposed a new cooperation model for oversight which was later rejected by the US government who once more affirmed that it would maintain its control over the root servers. This created headlines like “power grab could split the Internet” and “net wars divide EU and US”. Despite all the media attention and sharp disagreements between the US, the EU and the South, the general debate did not lead to any major changes regarding the actual governance of internet; the WSIS outcome documents simply give legitimacy to ICANN and other existing governing mechanisms. The US unilateral control of the root servers and the political oversight of ICANN remain unchanged.

However, the WGIG

identified a vacuum within the context of existing structures and proposed the creation of a global forum for dialogue among all stakeholders to address problems linked to internet governance, including spam and cyber crime” (CONGO, NGLS 2005).

Therefore, an international multistakeholder internet governance forum (IGF) to continue the internet governance discussion was created in Tunis, almost universally accepted with the exception of the US government and some elements of the private sector. It can therefore be claimed that WSIS, WGIG and IGF have set in motion a process that eventually will change the current structure. According to Michael Geist from the International Trade Centre, the “safe bet is that the future of the Internet governance issue lies whether the forum emerges into a powerful venue for change and whether/how ICANN responds” (Geist 2005). In order for the IGF to be successful it must have a clear, focused and defined agenda. It should complement the existing organisations and knowledgebase and promote best practice and shared knowledge. The IGF should ensure the fullest multistakeholder participation.

Human rights

Internet governance has an important impact on human rights and democracy since it includes privacy matters and issues like freedom of expression, access to information, as well as the public domain of knowledge. The Association for Progressive Communications (APC) has identified several articles in the Universal Declaration of Human Rights (UDHR) that are tightly linked to the governing of internet use (APC 2005). Articles 7 (equality before the law), 10 (fair and public hearing) and 12 (privacy) are related to the right to communicate securely and privately via online media without the threat of undue interception and surveillance. Article 7 also has a direct bearing on women’s participation in the information society. Articles 18 (freedom of thought) and 19 (freedom of expression) are related to freedom of expression when using ICTs. Article 20 (the right to assembly) is related to the right to meet and organise, using ICTs. Article 26 (education) is related to education and capacity-building to enable people to use and develop ICTs. Finally, Article 27 (cultural life) is related to the rights to create and access diverse content (cultural and linguistic) on the Internet as well as other electronic media. The protection of privacy in the information society is very important and includes “personal data protection (credit information, medical and government records), privacy of communications (mail, telephones, e-mail) and territorial privacy (searches, video surveillance and ID checks)” (CONGO, NGLS 2005). Risks are that measures taken on grounds of security or to fight crime in relation to the Internet can lead to violations of the provisions for freedom of expression as contained in the UDHR.

The Declaration of Principles also recognises the connections between ICTs and human rights, although with a main focus on access issues (WSIS 2003a). Access

is a prerequisite but not an end. For example, Article 19 (freedom of expression) and 20 (the right to assembly) cannot be overcome by merely bridging the digital divide (take Iran's internet boom and China with the largest number of mobile subscribers in the world as examples). The new ICTs in general, and internet in particular, have highlighted and widened the meaning of the human right to access information.⁶ We should ask ourselves

what human rights are particularly affected by the development of the Information Society and if the current human rights system is sufficient to provide fair and equal opportunities for all, or if there is a need for new forms of protection in the information age (Pekari 2005).

Governments around the globe are, in various ways, trying to control the Internet through continuous censorship of websites. It certainly is a problem when governments, without paying too much attention to existing national legislation or the UDHR, in their own legislation make internet service providers⁷ (ISPs) responsible for content and tell them that they must install and use filtering systems to block access to, in their opinion, forbidden political and immoral websites. In many countries, the Internet is still the freest medium, and people use it to fill the media vacuum felt, and to communicate in whichever way they want. This freedom is threatened and decreasing in the face of increased pressure and control by governments. However, internet users have never stopped trying to outmanoeuvre governments in their filtration techniques.

In Uganda, there have been a number of cases where the right to freedom of speech has been violated. For example, the Broadcasting Council of Uganda fined a local radio station for hosting homosexuals in a programme discussing discrimination. The Broadcasting Council said that the radio station "had offended the public and breached the law on public morality" (New Vision 2004). Even though homosexual acts are illegal in Uganda, discussing the matter can hardly be illegal, and the ruling is therefore unconstitutional. More recent incidents are connected to the national elections that were held in February, 2006. For example, in November 2005, the Government warned the media not to discuss the Besigye case⁸ and made it clear that any media breaking the ban on discussing cases before the courts would be closed down. Another recent case that "could be the beginning of a crackdown on online content" (Izama and Muhumuza 2006) is the blocking of the website radiokatwe.org that publishes anti-governmental news and gossips. The UCC, as Uganda's independent regulator, ordered all the Ugandan ISPs to disable the site radiokatwe.org. Should the regulator regulate content?

Having US policy towards the Internet in mind⁹ is also important in this discussion. Being the country where the Internet began and the home of the First Amendment¹⁰ and various innovative new techniques, including blogs, the US should be and act as a model when it comes to the respect for human rights in the information society. However, the behaviour of American companies like Microsoft, Google, Yahoo!, Cisco and others, and their willingness to comply with the censorship demands of the Chinese government for example, shows a fundamental lack of respect for users as well as for fundamental human rights. In order to get access to the Chinese market, these companies help to institutionalise and legitimise the integration of censorship into the global ICT business model and, therefore, into the information society at large. Freedom of speech is apparently for sale.

The summit of solutions?

The level of participation of various heads of state and high-level diplomats signified the political importance of the WSIS. But what has the WSIS meant for the development in the world? The WSIS has further emphasised and acknowledged the correlation between ICT and development. ICT for development is now on the international political agenda, and various activities around the globe deal with the unfair distribution and dissemination of ICT. WSIS also created an understanding that there is a need to move the internet governance debate beyond solely technical aspects. The creation of the IGF will give stakeholders an opportunity to discuss internet governance related issues. However, the resulting non-binding Tunis Declaration produced little in concrete terms for developing countries. Yes, WSIS documents were created, adopted and signed by the world's leaders, but there is still a lot of work ahead and it is now high time to turn the words and principles into action and results.

Being the special ICT adviser for the Swedish Ministry of Foreign Affairs, Astrid Dufborg has been involved in the WSIS process since the start. In her paper in this volume, a paper based on her oral presentation given in Uppsala in October, 2006, she gives an inside view from PrepCom-3 (the Tunis phase). She further elaborates on the two dimensions of human rights in the WSIS process, ie the human rights situation in Tunisia and the situation concerning the WSIS procedure itself. She concludes that there is a split between the Western group and developing countries and that this is partly so because basic human rights are interpreted in different ways.

Despite the split, the delegations represented at WSIS in Tunis managed to agree and adopted two documents. Patrick Mwesigwa from the UCC gives us a general

report from Tunis and introduces the highlights from the two outcome documents. In his report, he briefly outlines the Ugandan post-WSIS way forward.

Representing the civil society in the WGIG, Avri Doria gives us a deeper insight into the WSIS and WGIG processes, with a special focus on human rights. She analyses the outcome documents and discusses the activities going on behind the scenes. She concludes that “the Summit was a failure when it came to human rights” but that it is important that civil society regroups and organises itself in order to affect the post-WSIS agenda.

The researcher Mattias Klang from the University of Göteborg also discusses human rights but from a different angle. He describes and analyses different filtering techniques. Through an understanding of censorship and the techniques used by the censor, the picture gets clearer; free speech cannot be overcome by merely bridging the digital divide. The information society is complex, but by bringing internet censorship back to the mainstream public debate, we will better understand ICTs and ICT policies and their implications on human rights.

The information society builds largely on technological innovations. One of the main obstacles for many developing countries is that this very infrastructure is missing. And if it is locally available, it is too expensive. But there are ways and technological solutions to cut interconnection costs. Using Uganda as an example, the technical consultant Timothy McGinnis gives some practical examples and solutions to make ICTs and the Internet more available. According to him, we should not expect too much from the WSIS. It had a broad public policy discussion but there was little chance that substantive concrete agreements would be made between the 174 participating countries. The WSIS or WGIG will not in itself bring faster, cheaper, and better internet. Therefore, it is important now to focus on what you can do yourself. This is also one of the key principles in the Declaration of Principles; in the development of the information society, not only governments, but all stakeholders have an important role to play (WSIS 2003a). The key principles, the action lines and the implementation plan have the potential to be more than nice-sounding ideas.

The meaning of WSIS differs for developed and developing countries. In Sweden, being one of the top ICT nations in the world, the documents will most likely be put in a drawer. In Uganda on the other hand, the documents will live and be incorporated into national policy and work. This is mainly the responsibility of the ministry responsible for telecommunications and the development of ICT policy. In Uganda, this is the Ministry of Works, Housing, and Communication (MoWHC). The Assistant Commissioner at the MoWHC, David Turahi, has written a practical and useful paper on how the WSIS action lines can and should

be implemented and the challenges a developing country is facing. In line with Mwesigwa, he also outlines Uganda's way forward.

Finally, another stakeholder who will play a major role for the developing countries for many years to come is the donor community. In his paper, Anders Granlund from the Swedish International Development Agency (Sida), writes about donors' new mode of work and what role ICT can and will play. He also mentions the apparent divide between academia and poor people. The development of ICT knowledge is therefore essential, and inclusive networks consisting of all stakeholders must be formed. He concludes;

It is therefore of imperative importance that seminars like the Uppsala seminar can be held and dig deeper into the understanding of development and deployment of ICT as perhaps the most valuable tool for human rights and democracy.

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www.un.org/Overview/rights.html (2006-03-01)

Notes

¹ The UN body responsible for the telecommunication sector, www.itu.int/ (2006-03-01).

² Read more about I-Network on www.i-network.or.ug/ (2006-03-01).

³ For example, Internet Architecture Board (IAB), www.iab.org/ (2006-03-01);

Internet Engineering Steering Group (IESG), www.ietf.org/iesg.html/ (2006-03-01);

Internet Engineering Task Force (IETF), www.ietf.org/ (2006-03-01);

Internet Corporation for Assigned Names and Numbers (ICANN), www.icann.org/ (2006-03-01);

Internet Assigned Numbers Authority (IANA), www.icann.org/general/ (2006-03-01);

Internet Society (ISOC), www.isoc.org/ (2006-03-01);

Governmental Advisory Committee (GAC), gac.icann.org/ (2006-03-01).

⁴ The ICANN is an internationally organised, non-profit corporation that has responsibility for internet protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) Top-Level Domain name system management, and root server system management functions. More on www.icann.org/general/ (2006-03-01).

⁵ For a good introduction to ICANN and internet governance, see Panos media toolkit, [www.panos.org.uk/files/wsistoolkit1.pdf/](http://www.panos.org.uk/files/wsistoolkit1.pdf) (2006-03-01).

⁶ APC even wants to see a new human rights convention that contain the *right to access the Internet* (APC 2005).

⁷ ISPs connect the end user to the Internet and hosts websites.

⁸ Kizza Besigye was the main opposition presidential candidate. He was arrested on charges of treason and rape and taken to a military court instead of the High Court.

⁹ See www.ntia.doc.gov/ntiahome/domainname/USDNSprinciples_06302005.htm (2006-03-01).

¹⁰ First Amendment; Freedom of Religion, Press, Expression. Ratified 12/15/1791. “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

List of Abbreviations

The following is a list of abbreviations used in the presentations of this volume. You will find the full names spelled out in the texts as well.

APC	Association for Progressive Communications
CCBI	Coordinating Committee of Business Interlocutors
ccTLD	country-code Top-Level Domain
CIPESA	Collaboration on International ICT Policy for East and Southern Africa
CSIS	Citizens' Summit on the Information Society
DAC	Development Assistance Committee
EASSy	The Eastern Africa Submarine Cable System
EU	The European Union
G8	Group of Eight
GONGO	Government Organised Non-governmental organisation
HRIC	Human Rights in China
IAB	Internet Architecture Board
ICANN	Internet Corporation for Assigned Names and Numbers
ICC	International Chamber of Commerce
IESG	Internet Engineering Steering Group
IETF	Internet Engineering Task Force
IFEX	International Freedom of Expression eXchange
IGF	Internet Governance Forum
ISOC	Internet Society
ISP	Internet Service Provider
ITU	International Telecommunication Union
IXP	Internet Exchange Point
LDC	Least Developed Countries
MDGs	Millennium Development Goals

LIST OF ABBREVIATIONS

MoWHC	Ministry of Works, Housing and Communications (Uganda)
MoLG	Ministry of Local Government
NGO	Non-Governmental Organisation
NEPAD	New Partnership for Africa's Development
NITA-U	National Information Technology Authority Uganda
PEAP	Poverty Eradication Action Plan
PoP	Internet Point of Presence
PGU	Swedish Policy for Global Development
PPP	Public Private Partnership
Prep-Com	Preparatory Committee Meeting
RCDF	Rural Communications Development Fund
SMMEs	small, medium-sized and micro enterprises
TFFM	Task Force on Financial Mechanisms (for ICT for Development)
TMG	Tunisia Monitoring Group
UCC	Uganda Communications Commission
UIGF	Uganda Internet Governance Forum
UNCST	Uganda National Council for Science and Technology
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VSAT	Very Small Aperture Terminal
WGIG	Working Group on Internet Governance
WOUGNET	Women of Uganda Network
WSIS	World Summit on the Information Society
WTO	World Trade Organisation

The Preparatory Process and WSIS II

Astrid Dufborg

The World Summit on the Information Society (WSIS) is special, being the first UN summit to be held in two phases. Given that this has not been done before, there is no precedent to show how the two phases should relate to each other. It was assumed that the first phase would be about general principles and the setting up of a Plan of Action, and that the second phase would be about implementation and the way forward. The Declaration of Principles and the Plan of Action were the results of Geneva phase.¹ These two documents contain most of what could possibly be said about an information society, and as some would say, about life itself. In a way this is true, because when you widen the scope and discussion about the information society, you will deal with all kinds of areas of life; many issues are of political and technical nature, while others concern general societal development.

Dividing the summit into two phases caused some debate. While the host country for the second phase, Tunisia, was very much in favour of accomplishing something equal to what was achieved in Geneva, others were reluctant to a second phase. One of the few advantages of this arrangement, however, is the awareness-raising that it led to; this could not have taken place had it been a one-time-summit only. Today, there is an overwhelming increased awareness of what information and communication technology (ICT) can and could do. ICT for development, which WSIS has turned out to be about, is now on the international agenda. It is very rare that summit themes are discussed at a global level to this extent.

Multistakeholder participation

An issue very much debated and very strongly emphasised in the Geneva documents was that of multistakeholder participation. This issue is extremely vital considering the important role that the private sector and civil society play in development. When the WSIS process started, civil society was not allowed in the conference room, except for five minutes before start and five minutes before

the end of the session to give comments. How were they supposed to be able to comment without having been present in the room? Although the importance of multistakeholder participation was emphasised, UN rules had to apply (something that many developing countries were very keen to underline). These rules imply negotiations between governments only. So, the UN format also has implications for the involvement of the private sector. Business leaders cannot be expected to sit around for weeks without a clear role to play, and then be given five minutes to express their opinions. Whether the UN format is the most appropriate one for discussions on the issue of the information society, and whether multistakeholder participation is possible within this format are therefore questions that must be discussed.

Financial mechanisms

Two issues turned out to be *the* issues that could not be resolved during the Geneva phase. One was the issue of internet governance; the other concerned financing, ie how to finance the bridging of the digital divide and bring developing countries into this globalised world. The expression “digital divide” is a bit problematic, since it is part of the much broader “development divide” that really constitutes the problem. To address the issue of financial mechanisms, the Task Force on Financial Mechanisms (TFFM) was set up under the auspices of the UN Secretary General and led by the UNDP (United Nations Development Program).

The TFFM produced a report that was presented at the second preparatory committee meeting (PrepCom-2) in February, 2005. The main conclusion of the report is that ICT for development is not solely about money; the issue is much broader and includes functioning institutions, good regulations and a favourable investment climate, among other things (TFFM 2005). One solution negotiated at PrepCom-2 was to set up a special, voluntary Digital Solidarity Fund (UN summits tend to raise the question of setting up special funds). The African countries in particular were politically strongly committed to creating this fund, and the final solution was basically negotiated between the African regional group and the EU. Very frankly, many believe that Africa was being cheated, since the creation of the fund was presented as the overall solution for financing, when, in fact, financing the bridging of the digital divide is a far more complex issue than creating a fund.

The EU position

When the WSIS process began in 2002, it had a very strong telecom and technology perspective. Over time, this has shifted quite substantially, and even the

EU position has shifted to some extent. Internet governance is a good example. From being strictly telecom and Europe focused and fairly well organised, with well defined groupings and discussions taking place, the view has been widened. The EU has realised that there is a world outside, whose opinions need to be taken into account. Due to different views and interests within the EU Commission regarding the WSIS process, the EU has been a bit disorganised. However, things have now changed and there is more coherence.

Interesting in this discussion is the new Swedish Policy for Global Development (PGU), which provides a possibility for all actors within all political sectors, addressing a specific problem, to work towards a common goal. The PGU functions as the common ground, ensuring that developmental aspects are considered a cross-cutting issue in every sector, be it telecoms, agriculture or trade. This is a strong message, and Sweden is the first country in the world to have adopted such a policy. It has not yet trickled down to all the different layers, but the policy is very clear.

The fact that the EU speaks with one voice only is a bit complicated. On the one hand, it has given the EU an enormous advantage, since it has been very well prepared in the negotiations. The UK as Chair has done a very good job; that they have been able to use their mother tongue has helped a lot in the discussions. On the other hand, being part of the EU means that countries lose their individual voice. From a foreign policy perspective, Sweden used to be what Norway is today; namely a sort of spokes-country for, in this case, human rights. Norway has pushed for the freedom of expression and editorially independent journalism. Being part of the EU, Sweden has to work within the EU framework. All debates must take place within the EU group, and a consensus position must be formed, implying that decisions often boil down to the least common denominator. Sometimes, this makes the EU a bit clumsy in discussions, but it also makes the EU very well prepared compared to other regional groupings. These groups may state their position, after which representatives for individual countries from that region may come up and repeat what has already been said and/or add on to what has been said. At the moment, the EU presidency speaks on behalf of twenty-seven countries, normally joined by those who want to become members. In this context, the EU works well to make negotiations a bit easier, but it never gets credit for it.

PrepCom-3

Friday night, September 30, 2005, PrepCom-3 ended in Geneva. PrepCom-3 was basically the final preparatory meeting before the Tunis Summit. It was supposed to have the final documents ready on all major issues. However, none of the different

parts of the documents was finalised; neither the political chapeau², nor the part on implementation and follow-up³. Concerning the implementation, there was a major debate on what the mechanisms should look like.

The financing issue was to some extent resolved by the creation of the Digital Solidarity Fund, but there were still minor issues to be discussed. As for internet governance, some quite strong partners did not want to find a solution during the process, and the delays in the negotiations favoured them. Because of these unsettled issues, it was decided to resume the PrepCom-3 session in conjunction with phase two.

Human rights

The human rights issue in the WSIS process is much broader than internet governance alone. One dimension concerns the human rights situation in Tunisia. A special group, the Tunisia Monitoring Group (TMG) under the International Freedom of Expression eXchange (IFEX) network, has monitored the human rights situation in Tunisia, visiting Tunisia three times prior to the Summit, their latest visit carried out in early September 2005. The TMG, which consists of very reputable people, concludes in its report that the human rights situation in Tunisia has seriously deteriorated since its first visit – an alarming statement (TMG 2005).

Another dimension concerns the WSIS procedure itself, particularly the possibility for civil society to participate in a free and fair way. At PrepCom-3, this was a major problem which resulted in a strong statement from Canada⁴, which was the regional coordinator of the Western group. During PrepCom-3, when the TMG report was supposed to be presented in a special session as a side event, the meeting was ruined and taken over by Tunisian government-organised NGOs (so called GONGOs). This was one reason why the Canadian protest was made. Tunisia violated many rules pertaining to what is expected from a UN summit host country and what can be done on UN ground. For instance, a video film team was allowed to film all civil society representatives – completely beyond what is acceptable, of course. Many protests were made during meetings with the organisers of WSIS, not explicitly mentioning the Tunisian human rights situation, since that situation must be dealt with separately.

The head of the Tunisian delegation wished to avoid embarrassment and pleaded with the EU and the Western group not to put forward Canada's statement. However, the statement was delivered on behalf of a huge majority of the countries belonging to the Western group, Japan excluded (possibly because there is a Japanese head of the International Telecommunication Union, ITU).

Interestingly enough, the US was very strong on human rights issues and very much in favour of warning the Tunisians that there would be implications, if no improvements were made. In the language of diplomacy, this means lowering the level of participation in ranks, not in numbers. The Tunisians expected attendance of heads of state and governments as at the Geneva Summit, but due to the human rights situation, many Western countries lowered their level of participation of heads of state. This has implications for Tunisia's international reputation, as well as for the Arab world and Africa as a whole.

To conclude, immediately after Canada had delivered its statement, Tunisia delivered another; it regretted that Canada had gone forward with its statement, since Tunisia had assumed that the issue could be solved outside the actual meeting. The Tunisian delegate said that everything possible had been done to secure the participation of civil society and that this effort would be continued. The Canadian statement criticised Tunisia exactly for not doing so. Saudi Arabia, as the spokes-country for the Arab group then gave full support to Tunisia, whereupon the African group (led by Ghana) and the Asian group (led by Pakistan) did the same. The only regional group not to join in was the Latin American and Caribbean (Cuba excepted). Applauds from the audience followed each different statement. The split that was obvious in the debate on financing mechanisms was again to be seen: the Western group versus the rest of the world, ie the developing countries.

This is a tragic conclusion to draw about the present situation. There seems to be no common understanding of basic human rights standards, such as freedom of expression (including freedom of the press and other media of communication) and freedom of assembly and association. Rather, there seems to be many different ways in which the basics of human rights may be interpreted.

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¹ *Declaration of Principles – Building the Information Society: a global challenge in the new Millennium*, www.itu.int/wsis/docs/geneva/official/dop.html and *Plan of Action*, www.itu.int/wsis/docs/geneva/official/poa.html (2006-01-31).

² *Tunis Commitment*, www.itu.int/wsis/docs2/tunis/off/7.html (2006-01-31).

³ *Tunis Agenda for the Information Society*, www.itu.int/wsis/docs2/tunis/off/6rev1.html (2006-01-31).

⁴ www.wsis-canada.gc.ca/act/en/docs/WeogStatementPC3phase2.pdf (2006-01-31).

General Report – Outcomes and Uganda’s Way Forward

Patrick Mwesigwa

The World Summit on the Information Society (WSIS) in Tunis was opened by UN Secretary General, Kofi Annan. 174 UN member states, 46 heads of state and government (whereof many from Africa, although not from East Africa) and 19,400 participants took part in the Summit (UN 2005). This could be compared to the 50 heads of state and 11,000 participants that attended the Summit in Geneva. (WSIS 2003). WSIS in Tunis comprised two elements: 1) the official part (where documents were approved), and 2) parallel events (meetings, panels, workshop, debates, and the ICT4All exhibition). In total there were more than 300 summit events taking place in the Kram Exhibition Centre in Tunis.

Uganda had a very strong delegation with around 30 people, led by Ambassador Kweronda Ruhemba, Permanent Representative of Uganda’s Permanent Mission to the UN Office in Geneva.

During the general debate, which took place on November 16–18, 2005, every state made a statement. Uganda’s statement (Museveni 2005) highlighted its achievements since the information and communication technology (ICT) sector was liberalised in 1996. The statement called upon the international community to support regional initiatives, aiming at providing a backbone ICT infrastructure that will lower the costs of communications, ie the Eastern Africa Submarine Cable System (EASSy) project. Uganda further stressed the need for involvement of all stakeholders in internet governance decision-making mechanisms. The need for international collaboration in the fight against misuse of the Internet (like spam, pornography and cyber crime) was also emphasised. Uganda also expressed its continued support for the creation of the Digital Solidarity Fund.¹

After lengthy and tedious debates, the extended PrepCom-3 finally adopted the two summit outcome documents (the Tunis Commitment and the Tunis Agenda for the Information Society) less than twelve hours before the opening

of the Summit. The key controversial issues comprised financial mechanisms, internet governance oversight function, human rights and freedom of expression and implementation mechanisms for WSIS outcomes. The two documents were endorsed by world leaders at the closing plenary of the Summit on Friday evening.

The Tunis Commitment

The highlights of the Tunis Commitment include (WSIS 2005b):

- Reaffirmation of support for the documents Declaration of Principles and Plan of Action adopted at the first phase in Geneva (§1);
- Recognition of ICTs as effective tools to promote peace, security and stability, to enhance democracy, rule of law and good governance (§15);
- Need to prevent the abuse of information resources and technologies for criminal and terrorist purposes, while respecting human rights (§15);
- Commitment to women's empowerment and to a gender equality perspective, so that the gender digital divide can be overcome (§23);
- Recognition of role of ICTs in protection of children from abuse and in defence of their rights (§24);
- Conviction that all users should be able to use various technologies, including free and open source software (FOSS), and that these possibilities must be further explored and developed² (§29);
- Reconfirmation of the commitment to implement the Digital Solidarity Fund (§31); and
- Protection and promotion of cultural diversity and identities within the information society (§32).

The Tunis Agenda

The Tunis Agenda for the Information Society called upon the international community to promote transfer of technology and related know-how to developing countries. Areas in need of greater financial resources were identified as (WSIS, 2005a, §23):

- ICT capacity-building programmes;
- access and connectivity, especially for (small island and landlocked) developing countries;
- regional backbone infrastructure and regional networks;
- "ICT applications and content aimed at the integration of ICTs into the implementation of poverty eradication strategies" (WSIS, 2005a, §23f); and
- local community initiatives in ICT projects related to health, education, and livelihood support.

The Tunis Agenda also recommended improvements in existing financial mechanisms and welcomed the Digital Solidarity Fund to complement existing financing mechanisms.

Internet governance

The Tunis Agenda underscored commitment to the stability and security of the Internet with full participation of all stakeholders. Further, it endorsed the wide definition of internet governance which was proposed by the Working Group on Internet Governance (WGIG) as “the development and application by governments, 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” (WSIS, 2005a, §34).

The Tunis Agenda called for the reinforcement of specialised regional internet resource management institutions (eg African Network Information Centre, AfriNIC) to “guarantee the national interest and rights of countries in that particular region to manage its own Internet resources” (WSIS, 2005a, §38). Governments were further called upon to develop legislation for the investigation and prosecution of cyber crime. This is an area where Uganda has done some work and is going in the right direction. The Agenda encouraged the realisation of multilingualism in the internet development environment. A good example of this is found in East Africa, where Kiswahili is being developed very fast on the Internet.

Expensive international internet connectivity is an obstacle for achieving universal access. Admitting the problem, the Tunis Agenda called for the development of strategies for increased affordable global connectivity by promoting commercially negotiated internet transit and interconnection costs, and by promoting the development of low cost terminal equipment (WSIS, 2005a, §50). This is especially important for Uganda that has suffered from very high prices on internet bandwidth and expensive equipment. Also, by setting up high-speed internet backbone networks and regional internet exchange points (IXPs), prices on national and regional internet connectivity can be reduced. Uganda has already set up an IXP, Kenya and Tanzania have done the same. By linking these three, the price on regional traffic will drop.

Internet Governance Forum (IGF)

A very important formulation originated from the UK proposal, representing the EU, that managed to get the text “countries should not be involved in decisions regarding another country’s country-code Top-Level Domain (ccTLD)” (WSIS, 2005a, §63) into the final document. This implies that individual countries will

have greater control over their own domains, such as Uganda's .ug or Sweden's .se. Surprisingly, the US let this through.

Another big achievement was that the UN Secretary General was tasked to convene a new forum for multistakeholder policy dialogue, called the Internet Governance Forum (IGF) by the second quarter of 2006. The structure and functioning of the IGF “will be multilateral, multistakeholder, democratic and transparent” (WSIS, 2005a, §73). It should be lightweight and decentralised in its structure and hold periodic meetings.

The IGF is not to have an oversight function and should not replace existing internet governance structures and organisations. This implies that organisations playing a critical role in the technical coordination of the Internet – such as the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Architecture Board (IAB), the Internet Engineering Steering Group (IESG), and the Internet Engineering Task Force (IETF) – will remain intact.³ The IGF will therefore mainly focus on general, public policy issues, not handled and discussed by any of the existing structures.

The IGF mandate is to discuss public policy issues related to internet governance, and to advise “all stakeholders in proposing ways and means to accelerate the availability and affordability of the Internet in the developing world” (WSIS, 2005a, §72e) (note: only recommendations). It is further to contribute to capacity-building for internet governance in developing countries, to discuss issues related to critical internet resources, to help finding solutions for use and against misuse of the Internet. The first IGF meeting will be held in Athens in 2006.⁴

Follow-up mechanisms

At national level, governments were invited to identify and develop national implementation mechanisms, where national e-strategies form an integral part of national development programmes, including poverty reduction strategies (WSIS, 2005a, §100). In Uganda, issues concerning ICTs are not well addressed in the current Poverty Eradication Action Plan (PEAP), but there is a taskforce trying to integrate ICT into the PEAP. According to the Tunis Agenda, ICT should also be mainstreamed in strategies for official development assistance and country assessment reports should contain components on ICT for development in terms of what has been achieved.

At the regional level, implementation mechanisms include exchange of information and best practices. It is important to organise regional WSIS follow-up activities and to adopt a multistakeholder approach in regional WSIS implementation activities (WSIS, 2005a, §101).

At the international level, implementation mechanisms include taking into account the main themes and action lines in the Summit documents. “Each UN agency should act according to its mandate and competencies” and “Implementation and follow-up mechanisms should also include inter-governmental and multistakeholder components” (WSIS, 2005a, §102).

The UN Secretary General was requested to establish a UN group on the information society, consisting of relevant UN bodies and organisations, to facilitate the implementation of WSIS outcomes. When choosing lead agencies, the experiences of the International Telecommunication Union (ITU), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the United Nations Development Program (UNDP) should be considered. Finally, the UN General Assembly was called upon to declare May 17 the World Information Society Day in order to raise awareness of the importance of this global facility.

Recommendations for a Ugandan way forward

- A National Internet Governance Forum (NIGF) for Uganda should be set up, consisting of all stakeholders – government, civil society, private sector and the media – to discuss policy and technical issues related to the management of the Internet. The NIGF will form the basis of Uganda’s participation in the proposed global IGF.
- The Uganda Communications Commission (UCC) will coordinate the implementation and follow-up of the WSIS outcomes and regularly update the stakeholders on the progress of the realisation of WSIS goals and objectives, taking into account the internationally agreed ICT and Digital Opportunity Index.
- The NIGF must ensure the involvement of all stakeholders in all WSIS activities through events such as public dialogues, conferences and workshops.
- The UCC should continue to play the role of focal point for WSIS activities.

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Notes

¹ First proposed by the government of Senegal and launched in Geneva on March 14, 2005, the Digital Solidarity Fund was created in order to promote ICTs in developing countries as the basis for the formation of an equitable Information Society. More on www.dsf-fsn.org/.

² This proposal was originally strongly opposed by some delegations who did not want the document to mention any specific technology, but it was upheld in the final document.

³ This issue was important for the US that has argued against creating an international oversight body like the IGF that would be involved in oversight internet governance matters. The US has argued that bureaucratic red tape would impede innovation.

⁴ See www.igfgreece2006.gr for more information.

Human Rights and the Role of Civil Society in WSIS, WGIG and Beyond

Avri Doria

When the UN Secretary General engaged the nations of the world, the private sector and civil society in the dialogue for solutions toward the elimination of the digital divide, it was because of a basic human need for information and communication technology (ICT). Beyond the need for ICT itself, and acting as its foundation, are the human rights that pertain to all human beings, regardless of the particulars of their lives, or whether they are engaged in ICT practices.

Human rights are defined in the Universal Declaration of Human Rights (UDHR)¹, the International Covenant on Civil and Political Rights², and the International Covenant on Economic, Social and Cultural Rights³. Taken collectively, these agreements, as well as other international conventions, can be understood to define the civil, political, economic, cultural and social rights of all the people in the world, regardless of nationality or other status, identity or other factors.

The World Summit on the Information Society (WSIS) called for a solution to the problem of the digital divide⁴ and made specific mention of human rights in the WSIS Declaration of Principles in Geneva in 2003 (WSIS 2003):

4. We reaffirm, as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression; that this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Communication is a fundamental social process, a basic human need and the foundation of all social organization. It is central to the Information Society. Everyone everywhere should have the opportunity to participate and no one should be excluded from the benefits the Information Society offers.

5. We further reaffirm our commitment to the provisions of Article 29 of the Universal Declaration of Human Rights, that everyone has duties to the community in which alone the free and full development of their personality is possible, and that, in the exercise of their rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. In this way, we shall promote an Information Society where human dignity is respected.

This paper looks at the role of human rights in the WSIS and the Working Group on Internet Governance⁵ (WGIG) process. It also looks at civil society's role in this process. In the analysis, not only will the words from the texts of the WSIS outcome be discussed, but some of the activities involved in the second phase of WSIS leading up to and including the Tunis Summit will be discussed as well. The analysis will show, that while there was a modicum of lip service paid to human rights in Tunis, in fact human rights were transgressed more than they were upheld and that these transgressions were treated with acquiescence by those responsible for the WSIS.

The Declaration of Human Rights and its escape clause

Paragraph 4 of the WSIS Declaration of Principles, as quoted above, builds on the basic right of freedom of opinion and expression as defined in Article 19 of the UDHR that states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Paragraph 4 of the WSIS Declaration of Principles includes:

Communication is a fundamental social process, a basic human need and the foundation of all social organization. It is central to the Information Society.

This is an important addition to the UDHR, because it clearly links the right to freedom of expression and opinion to communication technology and to the information society. By extension of the requirement, ie that this right applies everywhere and to everyone at all times, it also extends this right to the Internet

and its virtual space. This is important in that it uses language that all the signatories to the UHDR have agreed to, a crucial ingredient in extending the scope of human rights.

As strong and important as the UDHR is, it also contains a weakness in the inclusion of Article 29, an article that has unfortunately been frequently used as an escape clause by many signatories to the declarations from the agreement of the UDHR. Article 29 states:

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

By including reference to UDHR Article 29 in Paragraph 5 of the WSIS Declaration of Principles (“We further reaffirm our commitment to the provisions of Article 29 of the Universal Declaration of Human Rights, that everyone has duties to the community [...]”), the nations of WSIS have imported this liability to freedom of expression into the outcome of WSIS. Given the rampant abuse of the rights to freedom of expression by governments such as the People’s Republic of China and Tunisia,⁶ instances of which will be discussed in this paper, and by other nations in their zeal to fight pedophilia and terrorism, the carry over of the UDHR human rights escape clause is unfortunate. It is also representative of much of the WSIS and WGIG attitude to freedom of expression and other human rights.

While the declarations serve as a point of reference for all of the information society and are often incorporated into national law (*de jure*), they are *de facto* violated in many countries. The primary areas of violation are:

- surveillance of those who express positions that are not in keeping with government positions. This surveillance extends to both professional life and to personal life;
- monitoring of communications by the citizens of a country;
- censorship of writings and internet sites that contain topics the government disfavours; and

- imprisonment and torture when self-censorship due to fear of repression is not sufficient.

These national attacks on human rights are most often excused as necessary to protect a country's culture, its ethics or the national security. Legislative and administrative repression in the name of security and morality are ubiquitous among the signatories to the UDHR and the WSIS outcome documents.

Human rights, WSIS, and WGIG

With the support of only a few nations, civil society was largely alone in arguing for the inclusion of human rights as an important topic for WSIS. This was the case in both the WGIG and the WSIS in Tunis. The problem with human rights was multifaceted in the WSIS and its preparatory process. Problems occurred not only in the content of the discussions and the final declarations, but in the process itself.

The content issues involved the difficulty of getting the governments – the only ones permitted to make decisions in the WSIS process – to seriously discuss the relation of human rights to the information society. To compound the problem, when nations were forced to take on the issues of human rights, they did so as if human rights were a point topic and not a cross-cutting issue that affects all aspects of internet governance as well as both problems and solutions involved in the digital divide.

The process issues concerned the activities of civil society in their advisory role. These problems involved the accreditation of individuals from NGOs struggling with repressive regimes, pressure on activists in the host country Tunisia, and harassment of civil society participants in the preparatory process (Prep-Com).

Each of these issues is discussed separately below.

Human rights in the WSIS and WGIG outcome declarations

WSIS did not seriously tackle the issues of human rights. Yes, the principles were declared in the WSIS Declaration of Principles. As discussed above, however, while declaring the importance of the human right to freedom of expression and opinion, the documents also included the escape clause that allowed most countries to avoid their obligation to defend these rights.

This deficiency was noticed by the WGIG in its discussions, and was the subject of a tense discussion that resulted in a minimal statement being included in “The Report of the Working Group on Internet Governance” published in June 2005. The issue was mentioned twice, once as one of the public policy

issues that were relevant to internet governance and to assessing the adequacy of existing governance arrangement (Paragraph 24 quoted below), and once under the recommendations to address internet-related issues (Paragraph 81 quoted below) (WGIG 2005).

24. Freedom of expression

Restrictions on freedom of expression.

- Measures taken in relation to the Internet on grounds of security or to fight crime can lead to violations of the provisions for freedom of expression as contained in the Universal Declaration of Human Rights and in the WSIS Declaration of Principles.

81. Freedom of expression

- Ensure that all measures taken in relation to the Internet, in particular those on grounds of security or to fight crime, do not lead to violations of human rights principles.

The WGIG report statements, though short, add a significant point to the discussion. Paragraph 24 makes a specific mention that abridging human rights for security reasons or in fighting crime has become a problem on the Internet, and Paragraph 81 recommends that care should be taken to avoid doing so. This highlights a prevalent practice that is a major risk to human rights, ie the censoring of internet content and the frequent arrest and punishment of those who publish or read information that a government disapproves of. This statement is significant in that it went beyond the general statement made in the WSIS Declaration of Principles and applied specifically to problems with the Internet. Unfortunately, this recommendation was turned on its head by the Tunis Commitment in Paragraph 15 (WSIS 2005):

We further recognise the need to effectively confront challenges and threats resulting from use of ICTs for purposes that are inconsistent with objectives of maintaining international stability and security and may adversely affect the integrity of the infrastructure within States, to the detriment of their security. It is necessary to prevent the abuse of information resources and technologies for criminal and terrorist purposes, while respecting human rights.

Instead of placing the emphasis on the notion that human rights need to be protected in spite of the need for security, the need for security was emphasised, while the need to respect human rights was made dependent on security considerations. The pattern of relegating the respect for human rights to a lesser importance was

one of the hallmarks of the WSIS experience, and evidence for this was seen time and time again in the discussions and in the process of WSIS.

Human rights as a cross-cutting principle

One of the more important arguments made by civil society in the WSIS process and elsewhere is that human rights is not a point issue that is on a par with other issues, such as internet names, but rather that it is a cross-cutting issue that affects and informs all other issues in internet governance. This can be seen again in the Tunis Commitment (WSIS 2005):

2. We reaffirm our desire and commitment to build a people-centred, inclusive and development-oriented Information Society, premised on the purposes and principles of the Charter of the United Nations, international law and multilateralism, and respecting fully and upholding the Universal Declaration of Human Rights, so that people everywhere can create, access, utilise and share information and knowledge, to achieve their full potential and to attain the internationally-agreed development goals and objectives, including the Millennium Development Goals.
3. We reaffirm the universality, indivisibility, interdependence and interrelation of all human rights and fundamental freedoms, including the right to development, as enshrined in the Vienna Declaration. We also reaffirm that democracy, sustainable development, and respect for human rights and fundamental freedoms as well as good governance at all levels are interdependent and mutually reinforcing. We further resolve to strengthen respect for the rule of law in international as in national affairs.

It is important that the assembled nations in Tunis were at least able to acknowledge this. A question that comes up is: are human rights in ICT separate from issues of development and poverty reduction, or are they mutual cause and effect? While the answer in these paragraphs points toward a linkage between the issues of poverty reduction and human rights, the rest of the text that was resolved in Tunis does not build on this theme. It was dealt with by making an introductory declaration, and then was left out of the rest of the discussion.

The text does not go so far as to place economic and social development within a human rights framework. Several of the themes that received little or no attention within the WSIS process included:

- human rights as a normative foundation of ICT, not a secondary issue;

- human rights as not restricted to political and civil expression, but including all forms of human expression;
- the need to include non-discrimination in all aspects of ICT.

WSIS also gave little or no focus to the privacy threats by invasive procedure to protect intellectual property rights or to fight cybercrime and terrorism. Despite repeated arguments by civil society, the countries involved in the drafting of WSIS outcome documents were unwilling to place any restrictions, or even cautions, on the use of invasion on privacy.

It should be noted that several of the governments participating in the WGIG did not want any discussion of human rights in the WGIG report and certainly did not accept it as a cross-cutting principle.

WSIS, civil society and human rights

Civil society is largely composed of non-governmental organisations (NGOs) and academia. During the PrepComs, civil society would hold extensive meetings that paralleled the meetings held by the governments. The parallel meeting structure was necessary as civil society, as well as the private sector, was often excluded from the formal meetings, contrary to what might have been expected, given the WSIS formal commitment to multistakeholder participation. Often, the civil society meetings would be used to draft the statements that the governments would occasionally allow civil society to make at the beginning and end of their meetings.

During the second phase of the WSIS process (2004–2005), the Tunisian GONGO⁷ civil society participants managed to prevent the civil society plenary from ever discussing human rights in Tunisia, and prevented all decisions regarding any action that the Tunisian government would disapprove of. Primary among the topics that the Tunisian civil society participants would not allow to be discussed were the human rights abuses in Tunisia.

The human rights abuses in Tunisia are well documented by the International Freedom of Expression eXchange⁸ (IFEX), a group formed in 1992 and composed of many of the world's leading freedom of expression organizations. IFEX created the Tunisian Monitoring Group (TMG) that made several survey trips to Tunisia in the months leading up to the Summit, and published two reports on their findings. The final report was published in September 2005.⁹ Bowing to the pressure from the Tunisian government, the ITU would not allow the TMG to release its report as part of the Prep-Com-3 in Geneva. Rather, the TMG was forced to hold its press release at an external location. The Civil Society Plenary,

the collective discussion group for civil society, was also kept from discussing the report by the harassing activities of the Tunisian participants.

The civil society human rights group was forced to hold its discussion of the report externally as well, as the Tunisian GONGO representatives disrupted any discussion of the Tunisian human rights situation. In fact, the WSIS Civil Society Human Rights Caucus was prevented from holding any meetings without disruption from Tunisian operatives. Even informal meetings were disrupted by Tunisians entering the rooms with UN security forces to break up the meetings. While these actions were protested to the ITU officials¹⁰ and a letter of protest was sent to the UN Secretary General¹¹, little could be done given the entrenched nature of Tunisian representatives in the WSIS structure, and given the support they received from the ITU secretariat. In fairness, the ITU cannot be accused of condoning prejudice and harassment so much as wanting to avoid any activity by civil society that might embarrass the WSIS project.

A final example of the Tunisian harassment involved human rights participants from Tunisia, who happened to be members of legitimate Tunisian NGOs. These participants were shadowed throughout the process by the GONGO participants, making it almost impossible to ever speak with one without a minder being present. At one meeting Tunisian television, accredited by the ITU for press coverage, got permission to film a civil society plenary meeting. The filming focused on Tunisian human rights representatives and disrupted the meeting.

China, WSIS and human rights

The NGO Human Rights in China¹² (HRIC) was denied accreditation by the WSIS secretariat under pressure from the delegation from the People's Republic of China. The decision was based on allegations of HRIC having anonymous donors and for allegedly having failed to give full disclosure of financial support. The history of HRIC's attempt to get accreditation shows that they gave the most complete filing of any entity seeking accreditation, including certification by auditors that no direct government contributions were received. The People's Republic of China prevented the opening plenary of WSIS from discussing and possibly approving HRIC accreditation by using a procedural motion (HRIC 2005). An afternoon of the meeting schedule was lost because of this.

This was not the only example of participating countries interfering with the accreditation of legitimate NGOs, but it was the most obvious display. From this example, it is clear that support for human rights took a back seat to repressive politics. Regimes noted for their repression of freedom of opinion and expression,

known for the jailing of journalists and known for rampant censorship were in many cases allowed to control the WSIS process.

Tunisia, WSIS and human rights

As discussed above, IFEX through the TMG did an extensive investigation of human right abuses by President Ben Ali's government in Tunisia. Among the threats to fundamental freedoms they documented are the following (TMG 2005):

- assaults, including physical, on the Tunisian Bar;
- denial of accreditation to legitimate Tunisian NGOs;
- threats against freedom of assembly;
- police interference with association headquarters and the homes of leaders;
- retaliations against university professors;
- censorship of newsletters and books, blocking of websites;
- use of systematic torture to obtain confessions;
- use of terrorism as a pretext for sentencing guidelines; and
- Tunisian authorities held more than 600 prisoners of opinion.

Another point that was discussed in the report was that the situation in Tunisia had deteriorated in the time intervening between the first and the second report (TMG 2005). This was a disappointing result to the activists involved with Tunisia, as there had been the expectation, and the hope, that shining a light on the situation would result in some lessening of the abuse. As the report showed, the opposite was the case. As the Summit approached, the repression only grew.

There was a concerted movement, which started as early as in 2003, to move the Summit away from Tunisia to a country that had greater respect for human rights and posed less of a risk to the participants. While there was some support for this from the countries around the world, Tunisia's position as the originator of the request that the UN should hold a summit on the spread of ICTs to the less developed countries, was too strong to allow for a change.

There were many questions leading up to PrepCom-3 to determine what countries were doing about the Tunisian situation. While Canada made a strong statement during PrepCom-3 relating to Tunisia and its human rights behaviour, there were in general few other public statements from national leaders.

Many questions were raised by civil society on how nations could participate in a summit held in a country with such a questionable human rights record. Civil society continued to push for the inclusion of mechanisms to advance a human rights agenda, eg an Independent Commission on the Information Society and Human rights, but governments did not include any such mechanisms.

Civil society also went through extensive discussions on whether it was appropriate for civil society to attend a summit in Tunisia and thus appear to be supporting a repressive regime, even if in a tacit way. While civil society did decide in the end that it was important to go and give testimony to the situation and that the other topics on the table were too important to be left to nations alone, many NGOs made a principled decision to avoid support for Tunisia and did not attend. Other civil society organisations decided to take an activist approach to the problem, and decided to organise a Citizen's Summit alongside the WSIS, to include the NGOs that had been refused accreditation for the WSIS.

Another activity on the part of civil society involved trying to place a speaker in the opening ceremonies of the Summit, who would be able to address human rights issues and to do so with authority. The Civil Society Human Rights Caucus, with the support of the other caucuses, was able to arrange for Shirin Ebadi, the Nobel Peace Prize winner of 2003, to speak for civil society in the opening plenary in Tunis.

Human rights, the Citizen's Summit and WSIS in Tunisia

The Summit itself was a very mixed event when it comes to discussion of human rights. While there were some very important talks given in the opening plenary session, there were also many disturbing events in the streets of Tunis.

As was hoped, the opening talk by Shirin Ebadi was a powerful attack on "some governments", generally unelected, that do not respect the desires and hopes of their people, and who deny their people the basic human right of freedom of expression (Ebadi 2005). She went on to demand that political prisoners everywhere should be freed. Shirin Ebadi later on participated in a demonstration in Tunis in support for political prisoners and the hunger strikers.

In his opening remarks, Kofi Annan called human rights and freedoms, particularly the freedom of expression, the "information society's very life blood" (Annan 2005). Great credit should be given the President of the Swiss Confederation, Samuel Schmid, who in his opening speech (Schmid 2005) directly criticised the human rights record of authoritarian governments with indirect, but obvious, reference to Tunisia and to the opening remarks of the Tunisian President Ben Ali¹³. President Schmid directly condemned the fact that the UN included, in this day and age, many countries that imprisoned their citizens for expressing their opinions and imprisoned them for writing, or even reading, criticisms on websites. He went on to state that

I therefore expect that freedom of expression and freedom of information will constitute central themes over the course of this Summit. For myself, it goes without question that here in Tunis, within its walls and without, anyone can discuss quite freely (Schmid 2005).

To many in civil society his speech was relief, given the relative acquiescence of the world's leaders to the human rights abuse rampant among UN member countries. It is important to note that Tunisian television, which had been broadcasting the opening of the WSIS, ceased its broadcast of the event during President Schmid's talk.

President Schmid's remarks were interpreted by many as a reference to two realities: the fact that many websites were accessible only inside the WSIS hall but not in the city outside, and the situation that had been going on in the streets of Tunis during the days before the Summit. The latter situation related to the attempt by various NGOs from civil society and Tunisian NGOs concerned with human rights to hold the Citizens' Summit on the Information Society (CSIS). As is often the case, the Citizens' Summit was to be organised as a parallel event to the UN Summit.

CSIS' difficulties began with the blocking by Tunisian authorities of all venue arrangements that were made leading up to the Summit. Even after contracts were signed and payment made, pressure from the Tunisian government would cause the arrangements to be cancelled. As the difficulties continued, the organisers decided to meet at the Goethe Institute to discuss the arrangements and to make a last attempt to find a location for the CSIS. In the morning of this meeting, the Tunisian police blockaded the streets leading up to the Goethe Institute. Not only were Tunisian citizens and NGO activists forcibly prevented, with physical harassment, from entering the area, but the head of the German delegation was even prevented from entering the site. To his credit, the German Ambassador attempted to meet with the organisers at a restaurant outside the blockaded zone. Once the Tunisian authorities realised that this meeting was going on, they moved in and broke it up.

Because of the harassment against the CSIS event and the fact that the ITU organisers of WSIS were unwilling to intercede, it was cancelled. A press conference was planned in Tunis to announce the cancellation. In order to attempt to forestall further harassment by the Tunisian police, a call was made to the diplomats attending the WSIS. This call was well responded to, and several delegations sent contingents to the press conference. The press conference was well covered by the world's media and was a very successful and exhilarating event. Because the repercussions that would be felt by the Tunisian activists after the world's eyes

left Tunis were a concern, both the EU and the UN human rights officials called for continued investigation of the situation to continue after the WSIS ended. It is also worth noting that several national delegations met in response to Tunisian actions and did make protests through diplomatic channels. Additionally, many civil society groups cancelled one day's worth of session in solidarity with the Tunisian activists.

Conclusion

WSIS was organised around the theme that human rights demanded a reduction of the digital divide. Yet, with the exception of some token statements in the WSIS reports, human rights was pushed aside to suit national interests, especially in the case of the host nation Tunisia and the People's Republic of China. While human rights were recognised, the importance of human rights as a cross-cutting principle – for example of non-discrimination, gender equality, and workers' rights – that must inform all interactions in the information society was mostly ignored. While freedom of expression was addressed in some respects, it is abridged daily by many of the signatories of the reports, and was abridged in the process of the WSIS itself. In many ways, the Summit was a failure when it came to human rights, as human rights were not furthered and were in fact frequently violated with the acceptance of the Summit organisers.

In its closing remarks on the Summit, the Civil Society Human Rights Caucus expressed its disappointment with the process. The one bright light is that the WSIS was just the first act in the effort to remedy the digital divide and to foster human rights in ICTs. It is important for civil society to regroup in preparation for the follow-on to WSIS.

In closing, I would like to quote the two leaders of the Civil Society Human Rights Caucus who put so much effort into making WSIS pay serious attention to human rights and who took many personal risks in the process (Jørgensen and Marzouki 2004):

There is still a long way ahead to harmonize civil society aspirations of building information and communication societies that are people-centered, inclusive and equitable, "where development is framed by fundamental human rights and oriented towards achieving a more equitable distribution of resources", and to have them realized.

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Notes

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- ² www.unhchr.ch/html/menu3/b/a_ccpr.htm (2006-01-31).
- ³ www.unhchr.ch/html/menu3/b/a_ceschr.htm (2006-01-31).
- ⁴ In support of the UN Millennium Development Goals (MDGs) (www.un.org/millenniumgoals/) specifically MDG Target 18: “In cooperations with the private sector, make available the benefits of new technologies – especially information and communication technologies”. The specific goal is to reduce the have-not section of the divide from 80 to 50 percent by 2015.
- ⁵ www.wgig.org/ (2006-01-31).
- ⁶ The fact that this paper focuses on the People’s Republic of China and Tunisia is not meant to single out these two governments as the only transgressors against human rights in ICT, but rather as an artefact of activities described in this paper.
- ⁷ GONGO (Government-Organised NGO). While this may be an anachronism, it is the prevalent form in many countries. They are especially prevalent when governments wish to control the actions of NGOs and prevent them from interfering in government policy.
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Controlling Online Information: Censorship and Cultural Protection

Mattias Klang

Introduction: them and us

How we judge censorship is often a matter of perspectives. The legitimising motives behind control of the free flow of information may lie in paternalistic desires to protect weaker individuals, be they children or adults. The problem of perspectives shows itself in the form of cultural relativism, in the sense that “we” limit access to information in an effort to defend important cultural values, social stability or avoid harmful content, while “they”, on the other hand, maliciously prevent individuals from accessing information in an attempt to protect and maintain their own power and position (Esler 2005).

In order to bring internet censorship back to the mainstream public debate, this article will review methodologies of filtering processes, including an analysis of the strengths and weaknesses of different approaches. The underlying motives for the activity of filtering, however, will not be discussed. Examples of state activities in the field of censorship of online material will be presented, followed by a brief overview of techniques that may be implemented in an attempt to circumvent online censorship. This kind of debate is of growing importance, since the production of online information increases, facilitated through technological advances such as blogging.

Censorship and filtering

The concept of censorship is most often concerned with activities carried out by a censor after the text has been written but prior to its dissemination. This limitation fails to take into account other important methods of information control, for instance the self-censorship, often carried out by those who are too intimidated

by threat of legal sanction or social exclusion. Nor does it take into account the activities of a state after the information has been widely disseminated.

The focus of this article is on internet content and the limitation or control of the free flow of information. To understand the issue, it is important to be aware of the techniques available. The major difference between the traditional censor and the internet-based censorship is that in the case of internet, the information in question has usually already been disseminated. The focus is therefore not on *what* may be disseminated but rather on *how to prevent* groups from accessing the information. The main process involved in this activity is filtering. The term is aptly chosen, since it allows the free flow of acceptable material, while it prevents harmful content from being accessed.

Black, white and contents

For the most part filtering is based on one of three techniques (that can also be used in combinations). The techniques are known as *blacklisting*, *whitelisting* and *content analysis*.

Blacklisting

Blacklisting refers to the process whereby lists of unacceptable websites are set up. Once the filtering software is installed, it first makes sure that the website requested by the user does not occur on the list of websites on this blacklist. This process is very similar to its infamous predecessor: the *Index Librorum Prohibitorum* – a list of books that were banned by the Roman Catholic Church as support for Roman Catholics, ensuring that the correct faith was practiced. All systems have flaws, and the flaw of the *Index* was that appearing on the list actually gave the book a certain level of recognition. Protestant publishers outside the grasp of the Catholic Church used the list as an indication of which books to publish. In certain cases, the fact that the book was on the *Index* was used in marketing to give the book publicity.

The use of blacklists entails handing over power and decision-making to another agent. Commercial blacklisting products have received a fair amount of criticism for their tendencies to overblock, ie to block more than necessary. A recent study found that in school blocking software, for every website correctly blocked as advertised, one or more were blocked incorrectly (EFF and OPG 2003). The school blocking software was installed as a result of the Children's Internet Protection Act (CIPA), which requires all schools and libraries in the US, receiving federal funds or discounts, to install and use a software for blocking

visual depictions that are obscene, as well as child pornography and sites harmful to minors (EFF and OPG 2003).

Blacklisting is a commonly used method in many countries. In the UK, British Telecom decided to create a blocking system, CleanFeed, with the aim to prevent their internet customers from accessing child pornography sites. This project has inspired similar action in Norway and caused a debate in Sweden on the responsibilities of the internet service providers (ISPs).

Blacklisting raises many questions and fears. To avoid creating an interest in the information that is intended to be controlled, publicity surrounding the lists is kept to a minimum. However, it is important to ensure that blacklisting is not used as a method to prevent access to acceptable material. The question is, therefore: if blacklisting is to be used as a legitimate form of information control, how can the controlled society ensure that the right material is being blocked? Blacklisting also creates the need for constant vigilance, since the censor is required to keep the blacklists up to date and in line with the growing sources of information to be blocked. This is a daunting, if not impossible, task.

Whitelisting

Whitelisting is also, as the name reveals, a process of allowing access to material that has been checked in advance. However, instead of creating lists of unacceptable material, whitelisting entails the creation of acceptable material. Users are therefore only permitted access to what has been approved in advance. This method is infinitely more cost efficient in terms of limiting user access to unwanted information. However, it is also prone to overblocking; whitelists prevent users from accessing too large amounts of information, thus mitigating the potential of information and communication technology (ICT).

Seen as a hindrance to access information, whitelisting is a much more serious impediment to the free flow of information than blacklisting. However, looked at benignly, the concept is based on trust. The information one is allowed to access is in some form “officially approved” by the censor and is therefore reliable, non-harmful and will not lead to negative consequences.

Contents analysis

The third technique of filtering is content analysis. The idea behind this system is to avoid predefined lists (irrespective of black or white) and to focus on the actual content of what is viewed. Content analysis works by setting predefined characteristics of the material to be censored and then allowing software to scan the information for this content, prior to delivering it to the user.

If the software is programmed to recognise sexually explicit language and the user attempts to view a page with such content, access will be denied. This system has obvious appeal, since it avoids the pitfalls of white- and blacklisting (most of over- and underblocking respectively). However, the system has problems of its own. Content analysis does not judge information in a context. If keywords are used, sites that have no connection to these words may be inadvertently affected. For example, the city of Scunthorpe has been blocked since the word contains a dirty word. Swedish blocking sites have inadvertently blocked Spanish sites containing the word “hora” (hour) because the term means prostitute in Swedish. Other content analysis systems intended to block sexually explicit images have been based upon the large amounts of skin-coloured pixels in such images. These systems have however been known to block close up pictures of a non-sexual nature, since the bulk of the image consists of skin-coloured pixels.

State of the art filtering software usually attempts to use a mixture of these three techniques plus a level of human activity to “teach” the filters what to block and what to accept. However, as these examples have shown, systems tend to over- or underblock and will therefore always be tools of conscious and inadvertent censorship, or they will never be 100 percent efficient.

Level of control

The filtering of information may take place at three different levels: local, organisational or national. The local level refers to filtering activities carried out on individual computers to prevent access to different websites. While this is not what is usually referred to when discussing the activity of censorship, it is nonetheless an important level to discuss. Installation of filtering software on a local computer is usually done in small groups and intends to block access to selected websites. Filtering at this level can easily be carried out with over-the-counter software products like NetNanny and Mate Watcher (names that leave little to the imagination of who and what is controlled). These products combine filtering with surveillance.

At the organisational level, the products become increasingly more sophisticated, as can be expected of large-scale corporate users, but the products are basically the same. The products are installed on servers to prevent users from accessing certain websites. The main arguments for installing this kind of software in companies are to enhance productivity by decreasing time waste and to limit liability. These software packages are usually combined with other forms of protective software (firewalls, spyware blockers and anti-virus systems) and the sellers and product names are more formal in character (like SurfControl).

Parental and spousal control software, ie local level, is more openly marketed as surveillance oriented. The language is intended to allude to fears and awaken anxiety, in contrast to at organisational level, where it is intended to instil trust and ensure safety and productivity gains.

The level of filtering mostly associated with censorship is the activity that occurs at national level. According to a study conducted by Deibert and Villeneuve (2005), online censorship activities are being carried out by 22 states. These activities are divided into three categories: 1) comprehensive censorship, 2) distributed censorship (usually delegated to the ISP), and 3) limited censorship.

While there is a great deal of concern about the states who traditionally censor the Internet, such as China, Cuba, Burma and Tunisia, there are other states that appear on the list which are traditionally not understood to be censorship states. Such states, including the USA, France and Germany, rarely receive the same amount of bad publicity for their censorship, since they are believed to be in favour of international human rights conventions. However, this stance becomes problematic; it is still an act of censoring access to online information.

There seems to be two main approaches among states implementing comprehensive censorship practices. Burma and Cuba limit access to the Internet by ensuring that only certain individuals can go online and access the already approved material. China, Saudi Arabia and Tunisia are more permissive when it comes to allowing access to the Internet, but then the content is heavily filtered (Deibert and Villeneuve 2005). Additionally, these countries attempt to register users at for example internet cafés.

Among the states that are less ambitious in their filtering activities, ISPs or – as in the case of the USA – libraries, are required to filter different types of content in an effort to protect certain cultural values (distributed censorship). Often the filtering is heavily focused on, but not limited to, preventing pornography. The filtering of dissident and human rights sites is another common activity (Deibert and Villeneuve 2005). The countries on the list who filter least are for example France, where courts have ordered Yahoo! to block access to Nazi auction sites, and Germany, where certain states require ISPs to block Nazi sites, and Jordan, blocking the site of arabtimes.com at a national level (Deibert and Villeneuve 2005).

The Deibert and Villeneuve study clearly shows that it has become increasingly difficult to speak of censorship in terms of “them” and “us”, since even states traditionally seen as pro free speech censor to a lesser or greater extent. It is important to remember that no matter how well planned and organised the system of censorship is, let it be in France or China, there is no such thing as a perfect censorship system.

Private censorship

While much of the censorship that is being carried out can be relatively easily understood in terms of a central power controlling the free flow of information in an attempt to achieve certain political goals, not all internet censorship follows this pattern. Two main areas of concern, which fall into the category of private censorship, are the role of the *ISPs*, and *legislation with a chilling effect*.

Censorship by ISPs is mostly carried out either as part of a governmental recommendation or requirement, or as part of a corporate policy (which may in turn be part of industry self-regulation or simply an individual corporation policy). An example of a governmental policy is the “Public Pledge of Self-Regulation and Professional Ethics for China Internet Industry” which requires ISPs to inspect and monitor national and international sites and block access to harmful content (ISC 2002).

In the case of China, many companies are eager to take part in the large and potentially profitable market. Therefore, many of them are prepared to sign the pledge to gain access to the Chinese market. Among the more notable signatories are the companies Google and Yahoo!. Paradoxically, when Yahoo! was compelled by the French courts to prevent access for French Internet users to auction sites for Nazi memorabilia, Yahoo! argued that such censorship was unconstitutional (Reidenberg 2001; Vick 2005).

Another example of voluntary self-regulation can be seen in the UK blocking system CleanFeed mentioned above (Fagelman 2004). The project has led other countries to follow suit or to discuss similar action (Eneman 2005). Often these forms of self-regulation are an attempt to prevent actual state legislation in the field.

The second category of private censorship is the case of legislation with so called chilling effects, which prevents open communication. This may sometimes fall outside the strict definition of censorship, but the effect of such legislation is a decrease in the flow of free information. Many different bodies of legislative rules can affect the way in which communication takes place. The most common are privacy (Taylor 2002), defamation (Dent and Kenyon 2004), copyrights (Heins 2003) and trademarks (Dogan and Lemley 2004).

Countering censorship

The evasion of censorship has always been a popular topic. There is now an escalating technological race going on. For every move the censor carries out to implement new forms of censorship technologies and techniques, there is a rapid move towards new and better forms of hidden communication. The advent of

the Internet has increased the amount of inventive and low cost international communications. The race to censor and to beat the censor has been going on for some time but is still in its infancy.

Information on how to avoid or evade censorship is easy to find. Much of it focuses on the use of pseudonyms and on maintaining a level of secrecy to ensure that if communications are intercepted, the communicants cannot be identified and punished. Once again, there are two sides to the coin. When these techniques are used to cause harm, they are seen as abhorrent; when they are used by those who bravely fight for freedom, they are seen as praiseworthy. So, the question becomes one of degree and definition: which user causes harm, and which user is praiseworthy?

In other words, censorship becomes an issue of opinions. Those against and those for merely demonstrate differences in opinion; it is only mere chance that decides on which side of the barrier we will find ourselves. This cultural relativism argument can however never justify national attacks on freedom of expression and other human rights.

Recent work on the importance and methodology of censorship evasion include: *How to Blog Safely (About Work or Anything Else)* (EFF 2005); *Handbook for Bloggers and Cyber-Dissidents* (RSF 2005,) and *HOWTO bypass Internet Censorship* (Freerk 2005). These manuals and tutorials attempt to discuss censorship evasion through both technical and social means.

Conclusions

The purpose of this article was, as mentioned in the beginning, to bring the topic of internet censorship back into the mainstream public debate. This is of growing importance today, because the production of online information is constantly increasing, facilitated by technological advances. The importance of internet censorship should not be understated. Recent political developments can be seen as signs of how lightly these types of human rights violations tend to be taken by the community at large. The fact that China will be the host of the Olympic Games in 2008, and that Tunisia was allowed to host the World Summit on the Information Society (WSIS) in 2005 are two examples of this. When these states have been chosen despite their abysmal respect for human rights, on as well as off the Internet, it is an interesting example of how little freedom of speech is valued – and how little censorship is understood.

One final point to be made about censorship: most people do not need to be censored. They tend to censor themselves, for fear of political, legal, economic or social reprisals. It is therefore especially important to protect those who do not stop themselves.

Circus dogs jump when the trainer cracks his whip but the really well-trained dog is the one that turns his somersault when there is no whip. (*George Orwell.*)

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Cutting Interconnection Costs – Developments in the Ugandan Telecom Sector

Timothy McGinnis

At an earlier Ugandan stakeholder workshop, prior the World Summit on the Information Society (WSIS) in Tunis, I delivered some advice on the subject of WSIS and Uganda vis-à-vis information and communication technology (ICT) for development. This advice is still valid after WSIS:

- Focus on capacity-building, access for all, backbone infrastructure, an anti-spam law, regional connectivity (EASSy¹), in other words, things that you can do locally.
- Do not expect too much from WSIS.
- Encourage participation in existing foras and organisations that already deal with internet governance mechanisms, such as African Network Information Centre (AfriNIC)², ccTLD NSO³, African Internet Service Providers Association (AfrISPA)⁴, and the Internet Society (ISOC)⁵
- Foster the Ugandan Internet Service Providers Association (UISPA) and public private partnerships (PPPs)

Since the Summit in Tunis, Uganda has had a series of successful meetings, events and capacity-building workshops that are good examples of the first bullet above. In January 2006, the non-governmental organisation Women of Uganda Network (WOUGNET), together with the East African Center for Open Source (EACOSS) and the private Kampala based company Linux Solutions, hosted the biggest free and open source software (FOSS) event in Africa; Africa Source II.⁶ Shortly after that, I-Network Uganda hosted an event in relation to the Africa Source event. In addition, I-Network also hosted a computer training camp for youth on Kalangala Island in Lake Victoria.

I-Network seems to have filled the vacuum left by the inactivity of the Internet Society (ISOC) Uganda Chapter. I-Network, WOUGNET, Collaboration on International ICT Policy for East and Southern Africa (CIPESA) and the Uganda Communications Commission (UCC) are all valuable Ugandan organisations that host useful events and cyber activities.

A variety of telecentre initiatives continue to flourish. An example is a PPP near the Bwindi National Park in western Uganda. Partners in the Bwindi Telecentre include the UCC, the World Bank, Uganda Telecom and the Albertine Youth Resource Centre (AYRC). The telecentre will open up and connect a whole new region and its population that were previously unconnected from telephony and internet service. Since Bwindi lacks electrical and telephone infrastructure, innovative technology had to be deployed;

low power ecofriendly equipment resulting in a WiFi hotspot⁷ built on solar, thin client terminals and satellite communication with high-speed Internet and voice telephony capabilities (CTPH, 2005).

Another interesting telecentre initiative is that of UgaBYTES.⁸

Interconnection costs and spreading the edge of the network

One of the most crippling aspects of the digital divide is the high cost of internet connectivity in Africa. Obtaining upstream connectivity requires Ugandan internet service providers (ISPs) to purchase bandwidth from satellite providers, which are largely network operators from the EU and the USA. Typically, the cost of purchasing internet bandwidth is several orders of magnitude more expensive in Africa than it is in the developed world⁹ and is holding back the spread of internet connectivity on the continent. These higher costs are passed on to the end users in developing countries meaning that on the Internet, the net cash flow is from the developing Africa to the developed North. The African Internet Service Providers Association (AfrISPA) is working on projects to correct this cost imbalance (AfrISPA 2005; ITU 2005).¹⁰

Bushnet – an innovative ISP

A small ISP in Uganda, Bushnet Ltd, has found a unique solution to these high interconnectivity charges; tired of paying exorbitant rates for their upstream connectivity, Bushnet became their own satellite provider through leasing an entire earth station in Sweden. They have also negotiated for bulk transponder space with Intelsat¹¹, and are beginning to offload inexpensive bandwidth across

Africa to ISPs, universities, NGOs, governments and businesses. Another unique aspect of this “Big Dish” project is bandwidth management that has become a hot topic in recent years due to high bandwidth costs. Using hardware and software, Bushnet has been working with traffic shaping and bandwidth allocation for several years.

How data transactional services can reach out to the rural, poor people was a challenge that was discussed at WSIS. A central aim of the “Big Dish” project is to establish VSAT¹² or modem internet Points of Presence (PoP)¹³ for rural universities, businesses and NGOs. The business idea is that when a commercial customer is paying for connectivity in an area, Bushnet can build a wireless network for that region using that PoP, and thereby serve those who otherwise could not have afforded connectivity on their own.

Bushnet is an interesting ISP in that it reinvests all profits, and acts and thinks like an NGO. The Bushnet vision statement is quite telling in this regard: it wants to make access to the Internet available and affordable to all, not only to those who will pay the highest price. In addition, it works with a variety of partners on the next generation of a thin client device, a remote transaction system that can be used for rural data services. The system was built and piloted in Uganda in the context of both group and individual micro-finance lending models.¹⁴ When the pilot project ended with the creation of the first elements of a working solution, Bushnet, as the technical implementing partner, kept the remote transaction system network operating and is keen to build the next generation device that can be used for multiple sectors of the economy, not just micro-finance. This transaction system constitutes a good example of a project that could get support from the Ugandan Rural Communications Development Fund (RCDF) and other donors.

Moving forward, post-WSIS

With the end of the WSIS process there is a need to move forward and take the next steps. The most tangible result from WSIS will be the creation of the Internet Governance Forum (IGF). As with WSIS, Uganda should not expect too much from the IGF in terms of concrete actions that will speed up ICT development and deployment in developing countries. The IGF will most likely discuss and perhaps come up with recommendations to national governments regarding issues like spam, the right to communicate, interconnection issues, and public policy associated with the coordination and management of critical internet resources. However, if these recommendations are unpalatable to national governments, they will be ignored. Frankly, it is hard to see much utility in the IGF for Uganda, but judgment must be reserved until its form and structure become known. In

order for the IGF to be useful, multistakeholder participation must be ensured. This was not the case in the WSIS process, which was characterised by multi-governmentalism rather than truly multistakeholder participation. Civil society and the private sector had just fifteen minutes each twice a day to speak. That is neither true participation nor a seat at the table.

When it comes to implementing the WSIS outcomes in issues such as financing and creating PPPs, Ugandan stakeholders are largely on their own. This is neither the task for nor the purpose of the IGF; it is up to the Ugandan private sector and civil society to take action (much like the examples mentioned above). The Rural Communications Development Fund (RCDF), administered by the UCC, and set up in order to achieve universal access, can be extremely helpful in this regard. A one percent levy on the gross revenue of all communication service providers constitutes the fund. However, it seems like the duopoly (consisting of the two major national telecommunications operators Uganda Telecom and MTN) gets the bulk of their one percent levy back. On many Ugandan mailing lists, the RCDF is seen as a “cash cow” for the UCC and as a way to generate good public relations. It is also seen as a way for the duopoly to work on their corporate social responsibility.

The funding must be spread to many more recipients doing ICT for development projects to avoid this perception, and it must be done in a more generous fashion. For example, the UCC recently put out a tender for internet cafés in eleven towns. The UCC stipulated a minimum of four computers and offered a maximum subsidy of 40 percent of the investment costs up to a maximum of USD 6,000. According to my research, internet cafés are only sustainable with a minimum of ten computers. However, the capital outlay to create cafés and provide connectivity in eleven places is so large that a meagre incentive of USD 6,000 makes it an unappealing inducement to many.

There are also many donors working with civil society groups, mostly NGOs, on ICT for development projects in Africa. These must be tapped in a more cost-effective way, using appropriate technologies. For example, a donor supported government project will buy an Oracle Database even though a much simpler and cheaper database would be a more appropriate solution. Things like this happen too often in Uganda.

The duopoly of Uganda Telecom and MTN was due to end in July 2005, but was still in place early 2006. Because of this, some private funding for telecom projects is waiting for the “Green Book”¹⁵ to become policy. However, other private sector interests are not waiting, since they hope to be “grandfathered in” under the new regulations.

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Notes

- ¹ EASSy, short for the Eastern Africa Submarine Cable System, will run from Mtunzini in South Africa to Port Sudan, with landing points in six countries. It will also connect to at least five landlocked countries (whereof Uganda is one), so they will no longer have to rely on expensive satellite communication systems.
- ² AfriNIC is one of the five regional Internet registries in the world, www.afrinic.net/ (2006-02-01).
- ³ ccTLD (country-code Top Level Domain) NSO (Name Supporting Organisation) is an ICANN body.
- ⁴ AfrISPA is a continental association of African Internet service provider associations; www.afrispa.org.
- ⁵ ISOC is an international organisation for global cooperation and coordination for the Internet and its internetworking technologies and applications, www.isoc.org.
- ⁶ Africa Source II was an eight day hands-on workshop aimed at building the technical skills, particularly in FOSS, of those working with and within NGOs on the continent. More information: www.tacticaltech.org/africasource2 (2006-02-01).
- ⁷ Wi-Fi (short for “wireless fidelity”) is a term for certain types of wireless local area network (WLAN). Locations that offer public access to Wi-Fi networks are known as hotspots.
- ⁸ More information about telecentres in Uganda can be found at www.ugabytes.org and www.telecentre.org/search/node/uganda (2006-02-01).
- ⁹ One reason is that most of Africa depends on satellite bandwidth that remains more expensive than fibre.
- ¹⁰ Another regional interconnectivity project include EARPTO described at www.ucc.co.ug/publications/interconnect.ppt (2006-02-01).
- ¹¹ A communications satellite’s channels are called transponders, and Intelsat is the world’s largest commercial satellite communications services provider, www.intelsat.com (2006-02-01).
- ¹² Short for Very Small Aperture Terminal, an earthbound station used in satellite communications.
- ¹³ PoP is a physical access point to the Internet.
- ¹⁴ Case studies, financial analysis, and other results from this work are available at www.sevaksolutions.org/resources.htm (2006-02-01).

¹⁵ The revised telecommunications policy will include the general statement, the mission (“to establish, by the year 2010, a fully liberalised telecommunications sector as an engine of growth that is driven by the human development needs of the nation”), the goal and the policy objectives and strategies.

Post-WSIS – the Ugandan Way Forward

David Turahi

The World Summit on the Information Society (WSIS) was a wake-up call for the nations that previously had not realised that the industrial revolution was literally over, and that the developed world was transforming its people into an information society. Whereas the developing world, most especially sub-Saharan Africa, has missed out on the industrial revolution, there is now a big opportunity to leapfrog that development stage and catapult our people right into the information society.

It is well known that information is power. The Internet, for example, has made it possible for people even in the remotest villages to have access to the same information as people in Stockholm or Tokyo. The challenge is how to convert this information into a knowledge-support tool, so that people can use it to drastically change and improve on their livelihoods by increasing productivity and marketability of products, and hence increase incomes and get out of poverty. Since most people in sub-Saharan Africa are unaware of these developments, the undertaking requires focused and dedicated leadership that pushes for awareness-building, training and human resource development in general.

WSIS being, above all, a global movement that sought to mobilise leaders and heads of state to champion the push in this grandiose endeavour, the implementation at national level of the WSIS outcomes requires the effort of people coming from literally all economic sectors. These, too, will have to be mobilised. It is now imperative that no time is wasted in following up the call of the Summit by implementing the action plan. For Uganda, the challenge ahead of us is to see how we, as a country, can implement what was said.

In the implementation of the directives that were put forward, it is important to bear in mind the WSIS vision and its key principles, found in the document Declaration of Principles (WSIS 2003a). These principles must in turn be broken down into achievable targets, situated within a certain timeframe. During the Geneva phase, a number of key action lines were developed in the document

Plan of Action (WSIS 2003b). My paper seeks to 1) elaborate on what Uganda needs to attend to regarding this plan, and 2) who in Uganda should do what in this process. Suggested organisations that could be part of the implementation process are mentioned as well as a proposed way forward.

The vision and the plan

In the opening paragraph of the Declaration of Principles, a common vision of the information society is presented, a vision for all governments to aspire to (WSIS 2003a):

We [...] declare our common desire and commitment to build a people-centred, inclusive and development-oriented Information Society, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the purposes and principles of the *Charter of the United Nations* and respecting fully and upholding the *Universal Declaration of Human Rights*.

According to the Plan of Action (WSIS 2003b, §6) Uganda has committed itself by saying that by 2015 it wants to:

- a) connect villages with ICTs and establish community access points;
- b) connect universities, colleges, secondary schools and primary schools with ICTs;
- c) connect scientific and research centres with ICTs;
- d) connect public libraries, cultural centres, museums, post offices and archives with ICTs;
- e) connect health centres and hospitals with ICTs;
- f) connect all local and central government departments and establish websites and email addresses;
- g) adapt all primary and secondary school curricula to meet the challenges of the Information Society, taking into account national circumstances;
- h) ensure that all of the world's population has access to television and radio services;
- i) encourage the development of content and to put in place technical conditions in order to facilitate the presence and use of all world languages on the Internet;
- j) ensure that more than half the world's inhabitants have access to ICTs within their reach.

Some of these key agreed-upon basic objectives, goals and targets are especially complicated for developing countries like Uganda to achieve. For example, Uganda has around thirty languages; is it realistic and economically viable to have all these on the Internet by 2015? Regarding access, at the moment, around four percent of the population in Uganda has telephones, and probably less than one percent has ever seen a computer. It is really a challenge to increase this percentage to 50 by 2015?

Specific targets to be achieved in each of the above action lines are to be established as appropriate, at the national level in the framework of national e-strategies, taking into account other national development policies, such as the Poverty Eradication Action Plan (PEAP)¹, the Telecom Policy and the ICT Policy, etc.

Action lines of the Plan of Action and the situation in Uganda

Role of governments and all stakeholders in promotion of ICTs for development

According to the Plan of Action, governments should develop national e-strategies, including the necessary human capacity-building, by 2005. E-strategies, including a national comprehensive master plan, should be developed for all sectors and include telemedicine, e-health, e-education, e-agriculture, etc. These strategies should already be in place, but the human capacity to develop them within the various sectors is still seriously lacking. Uganda has only a few sectors with e-strategies, and for the few that have, the question now is implementation.

Countries should also establish at least one functioning public private partnership (PPP) or multisector partnership “by 2005 as a showcase for future action” (WSIS 2003b, §8d). In the Ugandan Telecom Policy, which is yet to be announced, it is proposed that this is the only way to build a national infrastructure backbone, since the private sector and the government normally have opposite interests (profit versus public good). The challenge is how to form partnerships rather than rivalries – particularly challenging since there are very few PPPs on the ground that have been successful and from which to learn. If they are available in other countries, study teams should be sent out to look at best practices and advise the government on the best way forward for Uganda.

Further, governments should “explore the viability of establishing multistakeholder portals for indigenous peoples at national level” (WSIS 2003b, §8f). District information portals are being built by the Uganda Communications Commission (UCC) under the Rural Communications Development Fund (RCDF), but the issue of content in local languages has not yet been addressed.

The RCDF was put in place by the Ugandan government through the UCC in order to address universal access. It aims at filling the gap and cover areas that commercial operators have declared unprofitable and non-lucrative. A one percent levy on the gross income of all telecom service providers (together with initial support from development partners) is the main funding driver for the RCDF. The intervention is structured around the following undertakings (UCC 2005):

- *Awareness and literacy* – support a vanguard training institution in each district so as to create literacy and awareness about the potential of ICT; support district websites to demonstrate some benefits and use through relevant content;
- *Access* – support an Internet Point of Presence (PoP) in each district; set up a national Internet Exchange Point (IXP) so as to keep local traffic local; ensure a phone in each sub-county (which is the smallest local government administrative unit in Uganda);
- *Affordability* – give outright one-off grants to small start-ups and partial one-off grants to bigger rural operators; permit or require asymmetrical interconnection settlements in favour of rural telecom operators.

Finally, according to the Plan of Action, governments should encourage incubator schemes², venture capital investment, provide government investment funds for small, medium-sized and micro enterprises (SMMEs), develop investment promotion strategies and software export support activities, as well as support research and development (WSIS 2003b, §8i). The Uganda Investment Authority is frantically trying to push in this area, but it is a challenge and so far, success on the ground is not visible.

Information and communication infrastructure

Governments are obliged to create an enabling environment for the necessary investment in ICT infrastructure and services (WSIS 2003b, §9a). The issue of infrastructure is normally the responsibility of the telecom companies, but despite some progress, 96 percent of the Ugandan population still does not have telephones. How do we get the 96 percent on board? The new Telecom Policy is a step in the right direction. It aims to provide and improve ICT connectivity at all public places and institutions (such as schools, libraries, community centres, museums) by 2010.

However, in order to achieve universal access, indicative targets and connectivity indicators must be developed (WSIS 2003b, §9b). The use of indicators to measure results is very important in order to see if a target can be reached on time. The Ministry of Works, Housing and Communications (MoWHC), the

UCC and the Uganda Bureau of Statistics should lead other stakeholders in this area, and the indicators should ideally be embedded in a new strategy.

The Eastern Africa Submarine Cable System (EASSy) project will really push for universal access and the provision of a broadband infrastructure in Uganda. If it succeeds, it will go a long way in solving the problem of high internet connectivity costs and poor coverage. While waiting for the project to be implemented, there are other solutions of which Bushnet’s “Big Dish” is a good example (see McGinnis, p 51). As mentioned above, there is a possible conflict between the private sector, motivated by profit maximisation, and the government’s public good stance on provision of a backbone infrastructure. An alternative could be to merge the two into a PPP.

There are some infrastructure issues raised in the Plan of Action that Uganda does not know how to solve at the moment:

- How to facilitate accessibility for all, including people with special needs (elderly, persons with disabilities etc), is not clear. Uganda is very weak in this area, and although much is said, little is actually done. Sweden is a good example of a country that has done much for people with disabilities, and Uganda should learn from such countries;
- The design and production of ICT equipment and services is another area where Uganda is struggling. At the moment it is not realistic to design or produce anything and there is no focused initiative to address this issue;
- So far no work has been carried out in the area of affordable and accessible technologies. It is not clear who should handle it. India and other countries have done a lot in this area, and Uganda could learn from them.

Ugandan ministries and institutions (such as the UCC, the MoWHC) should investigate and inform about what is available on the market. One example is the US\$100 computer³ to be out on the market in 2006, announced during WSIS in Tunis.

Access to information and knowledge

The Ministry of Public Service, the Office of the President, the Office of the Prime Minister, the judiciary – all are Ugandan institutions that should develop

policy guidelines for the development and promotion of public domain information as an important international instrument promoting public access to information (WSIS 2003b, §10a).

The Official Secrets Act also needs to be reviewed, since access to official information is constrained by it. Some of the things labelled secret are probably not secret, but public domain information that should be accessible. Generally, the Official Secrets Act is often invoked to keep information away from people who seek it.

According to §10d, the government must provide multi-purpose community public access⁴ also to rural people with small incomes (WSIS 2003b). The UCC, which already has some programmes on the ground, should initiate the coordination of all sectors that deliver services to the public, in cooperation with the Ministry of Local Government (MoLG), and in line with the decentralisation policy. Much duplication in terms of providing infrastructure could be avoided. Being the line ministry, the MoLG should further work together with the UCC and non-governmental organisations (NGOs) in order to tap synergies and build capacity for local authorities.

Uganda is very weak in the area of creation and development of a digital public library and archive service. The library culture is weak, and there are hardly any district libraries. The few libraries that exist are in Kampala and are not well managed. However, a society without libraries and archives is a very weak information society. Uganda must act upon this and leapfrog, but the question is who should lead.

The Plan of Action also encourages governments to promote awareness about “open-source and free software, in order to increase competition, freedom of choice and affordability” (WSIS 2003b, §10e). Once again, the question is who should take the lead. NGOs such as I-Network, the Women of Uganda Network (WOUGNET), Collaboration for International ICT Policy for East and Southern Africa (CIPESA) could help to push in this area.

*Capacity-building and building confidence and security
in the use of ICTs*

Capacity-building is a prerequisite for the development and integration of ICTs in a society. The Ministry of Education and Sports needs to push very hard in this area, in consultation with United Nations Educational, Scientific and Cultural Organisation (UNESCO) and NGOs. Priority should be teacher training and ICT curricula for all levels of education.

Governments should promote, develop and implement a global culture of cyber-security. So far, no one has taken the lead in Uganda to do this, but it is NITA-U's (National Information Technology Authority Uganda)⁵ area, and eventually also the area of the planned Ministry of ICT in collaboration with relevant

international agencies such as the Internet Corporation for Assigned Names and Numbers (ICANN), the International Telecommunication Union (ITU), etc. The Computer Crimes Bill is ready for presentation to the Cabinet by the MoWHC, but much bureaucracy has delayed the process, and due to the current political situation it might take time before any politician has time to look at it.

Enabling environment

All sectors need to integrate ICTs in their work in order to increase transparency and accountability. According to the Declaration of Principles, governments should

correct market failures, maintain fair competition, to attract investment, to enhance the development of the ICT infrastructure and applications, to maximize economic and social benefits, and to serve national priorities (WSIS 2003a, §39).

That is both a policy and a regulatory issue between the MoWHC and the UCC. With the liberalisation and privatisation of the sector in 1996 and 1997 respectively, good progress has been achieved in this area, but there is still a long way to go.

Prior to 1997, there was a government body that played both the role of operator and regulator for the telecommunications sector. It was to a large extent the policy advisor as well. When the decision to restructure and privatise the sector was adopted by the government, it was deemed wise to separate the roles so as to mitigate conflict of interest and reduce potential for corruption. Operators were to become largely or wholly private companies; the regulator was not to have any role in operations; and the policy-maker was to have an arms-length relationship with the regulator. In an era of competition, it is necessary to have a regulator that among other things is responsible for dispute resolution, in case they arise.

It was also ensured that the UCC would not be part of the regular government structure. The regulatory agency collects and keeps its own funds (license fees, spectrum fees, donations and grants) and is able to motivate employees through payment of high salaries (higher than mainstream government). This is supposed to ensure that employees will not be tempted by corruption – a terrible vice in this part of the world.

However, it should be understood that both the regulator and the policy-maker serve the same nation and should not lose sight of the overall strategic interest of the nation. There should be collaboration rather than bad blood between the two arms, and this is largely how it is in Uganda.

On the international scene, Uganda should participate in global policy-making fora to a higher extent. Participation in these international fora has so far been exclusively for traditional agencies like the UCC, the Broadcasting Council and the MoWHC. With the creation of a national forum for the WSIS outcomes, participation will be wider and include people from the private sector and civil society as well.

The Declaration of Principles also calls for that “ICT-supported productivity gains and applied innovations across economic sectors should be fostered” and concludes that an “equitable distribution of the benefits contributes to poverty eradication and social development” (WSIS 2003a, §41). Since ICT has been identified as a tool for development, Uganda has acted thereafter. When scrutinising the first and second versions of the earlier mentioned Poverty Eradication Action Plan (PEAP) document at one of the workshops on ICTs, it was detected by participants that ICTs had not been recognised as a tool for development in the sense that other nations had recognised it or in the spirit of WSIS. The National Planning Authority, being a kind of high level overseer of planning in the country, took it upon itself to spearhead the correction of this error. However, it realised that it could not carry out this task alone. It therefore put in place a multistakeholder task team, involving key players in the ICT equation, to review the PEAP document and come up with an addendum that recognises the role of ICT for development. This addendum will in the future be part of the PEAP, and future reviews will embed ICT therein once and for all. This is good, since the PEAP works as the guideline for most programs.

Cultural diversity and identity, linguistic diversity and local content

Uganda should accord high priority to the creation, dissemination and preservation of educational, scientific, cultural and recreational content in diverse languages and formats, so as to build a truly inclusive information society. Despite its small size, Uganda is one of the most diverse countries in terms of culture and languages. The issue of cultural diversity and identity, linguistic diversity and local content is therefore important seen to all sectors, but it is not clear who should play the lead role.

Media and ethical dimensions of the information society

There should be “freedom to seek, receive, impart and use information for the creation, accumulation and dissemination of knowledge” (WSIS 2003a, §55); however, media should responsibly use and treat information with the highest ethical and professional standards (WSIS 2003a). In some cases, media in Uganda does not meet these standards.

The Declaration of Principles further states that

the use of ICTs and content creation should respect human rights and fundamental freedoms of others, including personal privacy, and the right to freedom of thought, conscience, and religion in conformity with relevant international instruments (WSIS 2003a, §58).

As regards paragraph 55 and 58, the Media Council, the Uganda Journalists Association, and the Department of Journalism at Makerere University should collaborate to ensure that this principle is upheld. Policies to guide us in areas where we are weak need to be developed.

Internet governance issues

The Tunis Agenda calls for the

reinforcement of specialized regional Internet resource management institutions to guarantee the national interest and rights of countries in that particular region to manage its own Internet resources, while maintaining global coordination in this area (WSIS 2005b, §38).

Addressing concerns amongst developing countries, that the charges for international internet connectivity should be better balanced to enhance access, the following strategies were developed (WSIS 2005b, §50):

- a) Promoting Internet transit and interconnection costs that are commercially negotiated in a competitive environment and that should be oriented towards objective, transparent and non-discriminatory parameters, taking into account ongoing work on this subject;
- b) Setting up regional high-speed Internet backbone networks and the creation of national, sub-regional and regional Internet Exchange Points (IXPs);
- c) Recommending donor programmes and developmental financing mechanisms to consider the need to provide funding for initiatives that advance connectivity, IXPs and local content for developing countries;
- d) Encouraging ITU to continue the study of the question of International Internet Connectivity (IIC) as a matter of urgency, and periodically provide output for consideration and possible implementation;
- e) Promoting the development and growth of low-cost terminal equipment, such as individual and collective user devices, especially for use in developing countries;
- f) Encouraging internet service providers (ISPs) and other parties in the commercial negotiations to adopt practices towards attainment of fair and balanced interconnectivity costs;

- g) Encouraging relevant parties to commercially negotiate reduced interconnection costs for Least Developed Countries (LDCs), taking into account the special constraints of LDCs.

A multistakeholder approach is needed in Uganda to address these issues and strategies. Strategy b) is basically the EASSy project, the EASSy Backhaul Project under the New Partnership for Africa's Development (NEPAD), work carried out by the UCC and operators, and policymaking by the MoWHC. When it comes to e), the Uganda Investment Authority should quickly follow up on and make sure that Uganda benefits. Then the UCC under the RCDF and the private sector should also address this issue. Regarding f), it is sometimes difficult to know how the tariffs are set and if they are cost-based. The end users normally feel that prices are too high. The UCC should therefore have a look at this.

Internet governance at a national level

In line with the recommendation of the Tunis Agenda, the mandate of the proposed Uganda Internet Governance Forum (UIGF) shall be to (WSIS 2005a, §72):

- a) discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet;
- b) facilitate discourse between bodies dealing with different cross-cutting international public policies regarding the Internet and discuss issues that do not fall within the scope of any existing body;
- c) interface with appropriate inter-governmental organisations and other institutions on matters under their purview;
- d) facilitate the exchange of information and best practices, and in this regard make full use of the expertise of the academic, scientific and technical communities;
- e) advise all stakeholders in proposing ways and means to accelerate the availability and affordability of the Internet in Uganda;
- f) strengthen and enhance the engagement of stakeholders in existing and/or future internet governance mechanisms;
- g) represent Uganda on the international Internet Governance Forum.

The Uganda Internet Governance Forum (UIGF) should consist of members like: the Internet Society (ISOC) Uganda, the UCC, NITA-U, the Institute of Computer Science (Makerere University) and other parts of academia, the

MoWHC, the Uganda National Council for Science and Technology (UNCST), media, WOUGNET, I-Network and other NGOs.

Way forward

In order for Uganda to get organised and coordinated so as to implement the WSIS Plan of Action, Uganda should:

- create a Multi-Stakeholder WSIS Implementation Committee (MS-WSIS-IC) to study the recommended action lines and come up with a WSIS implementation, monitoring and evaluation strategy;
- set up a Uganda Internet Governance Forum (UIGF) as a sub-committee of the above MS-WSIS-IC to handle internet issues;
- identify best practices for guidance from Sweden, Ireland, etc;
- agree on leadership of these committees;
- set up a WSIS Fund (the idea of a WSIS fund was mentioned at the international level but we also need to have money to implement these things on a local scene);
- build awareness among those stakeholders who are not yet on board;
- sensitise the public widely about WSIS and what it requires of them, because it is the public we are trying to transform into the information society; and
- keep abreast of international WSIS events as to keep focused.

Strengths, weaknesses, opportunities and threats

The following are strengths, weaknesses, opportunities and threats for Uganda in the WSIS way forward in a broader sense.

Strengths

- National backbone infrastructure to be in place by 2010 through PPPs;
- Political stability/instability (strength/weakness);
- Conducive enabling and competitive environment for the necessary investment in ICT infrastructure and for the development of new services;
- Predictable policy and regulatory regime (independent regulator, private sector led sector growth, government only dealing with policy); and
- Ambitious post-duopoly policy that aims at achieving some of the WSIS targets by 2010.

Weaknesses

- Lack of an appropriate institutional framework;

- Slow bureaucratic processes in getting polices, acts and bills through cabinet and parliament;
- Lack of resources in many target institutions to spend on ICT initiatives due to general poverty in villages;
- Lack of awareness among those individuals or institutions that should be responsible for implementing various action lines of the Action Plan;
- Weak economic base;
- Very small number of skilled manpower in ministries (capacity to handle policy issues), as well as in private sector;
- Nonexistent library infrastructure and reading culture;
- Next to zero presence of books, publications, journals, etc in English language, and worse still in local languages;
- Minimal government investment funding for SMMEs, investment promotion strategies, software export support activities, as well as support for research and development;
- Lack of local ICT manufacturing; and
- Lack of an appropriate institutional framework.

Opportunities

- Increasing network expansion;
- Availability of wireless IP broadband technologies;
- US\$100 laptop coming on the market in 2006;
- EASSy project to be commissioned by late 2007; and
- Donor/development partner interest in supporting ICT initiatives.

Threats

- Uganda being landlocked with no access to undersea fibre optic cables and no capacity to launch own satellite; and
- Current high cost of bandwidth for schools, hospitals, etc.

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Notes

¹ For some time now, the PEAP has been the main thrust of government socio-economic development effort. A lot of funds are channelled annually into PEAP activities. As a matter of fact, donor support for any undertaking is preconditioned on relevance to the PEAP. Internally in any government ministry, when budgeting for a financial year, every sector must show that its planned activities have relevance to the PEAP before funds can be allocated to it by the treasury. The PEAP document was first developed and released in 1997. It was a framework for addressing the poverty challenges. During the process of implementation, new challenges arose which led to the first revision in 2000. Recently the second review of the PEAP was undertaken by the Ministry of Finance, Planning and Economic Development and a new PEAP document was released in 2005.

² Incubation schemes refer to the support given to new creative companies and entrepreneurs in their start up phase.

³ So far only a prototype but it is a laptop; a thin client solution with a hand crank.

⁴ Like telecentres, ie a community-based facility that caters to the information and communication needs of the people (using different intermediaries and assists learning) for economic, social and cultural development.

⁵ Body that regulates and oversees the information technology aspect of ICTs in Uganda.

Sida and ICT; Concerns and Future Engagements

Anders Granlund

There has been a major change within the donor community when it comes to the mode of work in order to fulfil the Millennium Development Goals (MDGs) for poverty alleviation by 2015.

During 2005, large amounts of resources were being allocated for poverty alleviation. At the Gleneagles Summit, the members of the G8 group agreed to double their aid to Africa by 2010 in order to combat poverty (G8 2005). The EU and the World Bank also allocated large amounts for the same reason. The Swedish International Development Agency (Sida) too will set aside a record high fund for 2006.

In order to facilitate the reaching of the MDGs and to work more efficiently with the increased funds, a new agenda of donor collaboration has been established: the Paris Declaration. This agenda, developed by the Organisation for Economic Co-operation and Development (OECD) and its Development Assistance Committee (DAC), primarily discusses how to harmonise donors' efforts better, and how to increase aid effectiveness (OECD/DAC 2005).

To achieve increased aid effectiveness and harmonisation, the main mode of work will be concerted budget support to governments in collaborating countries. Tanzania is today a showcase for this procedure and has developed a Poverty Reduction Strategy Paper to which donors have replied with a Joint Assistance Strategy (JAS). Similar processes are being developed in other developing countries.

ICT in the new mode of work

One of the defined problems, described in the preamble of the pre-WSIS seminar in Uppsala in October 2005, is the existing intellectual divide between information

and communication technology (ICT) and internet management experts on the one hand, and democracy and human rights experts on the other. Technicians know how the technology can be managed and manipulated, but they show little interest in or do not understand the implications for democracy and human rights.

A yet more prominent problem is the divide between academia and poor people. Since only a minority in developing countries has access to the Internet and computers, the discussion on internet governance is not a priority for most people.

Appropriate ICT use is one of few techniques available to create effectiveness in government functions. The demand for creating such an ICT infrastructure is high among governments and something upon which the donor community needs to react. It is imperative that ICT is used here, since it also serves as a tool for control of economic transactions and as a tool for transparency and auditing. However, the introduction of ICT for the purpose of good governance does not equal reaching the most vulnerable groups, the poor people, in developing countries. Development is multifaceted, and the question on how to reach the most vulnerable people in the society is still a challenge.

Technologies and services

ICTs in developing countries can be described as tools and methods to improve communication and livelihood for people. However, it is important to differentiate between the technology itself and ICT services.

Technologies

Information and communication technologies comprise ICT through mobile telephones via mobile networks as well as ICT through computers via (fibre) networks, VSATs etc. The availability and accessibility of mobile phones, compared to that of computers, is much higher and clearly shows that mobile phones are important and serve as a major ICT source. According to the GSM Association, the number of mobile subscribers worldwide reached two billion in September 2005, and the production for 2005 is estimated to 750 million handsets, while the number of computers manufactured is less than 100 millions (GSM World 2005).

Specific technologies, business models and policy strategies must be developed to make use of the ICT potential. The Swedish telecom company Ericsson, for example, is developing a very interesting business model in Tanzania, using "shared net" and the latest technology (Expander solutions for GSM/EDGE networks) (Ericsson AB 2005). This has been enabled by the adoption of the Poverty Reduction Strategy Paper and by the fact that the Tanzanian telecom

sector is regulated by an independent regulator¹, the Tanzania Communications Commission (TCC). Sida has assisted in the work with the regulator.

The Lindi district in Tanzania, with around 1.5 million inhabitants, constitutes the pilot area. Despite the fact that Lindi is a poor rural region, Ericsson's business model promises to be profitable and functional for mobile use, and there will be opportunities for economic development in this area with a predominantly poor population. The fact that the project is not driven by donor money increases its sustainability chances. Sida will monitor this case and work closely with Ericsson.

ICT services

One of the most interesting features today is the recent development and deployment of pro-poor ICT applications and services, either through mobile phones or computers. There is, for example, much potential in applications designed for the health sector, such as low-cost type of telemedicine, capacity-building, advocacy and various awareness-raising activities in areas such as HIV/aids, malaria etc. The development of applications for the education sector also has great potential as a means for leapfrogging development. In this area, computers seem to be the preferable interface. Further, applications for secure money transfer and banking services could offer important possibilities for poor people (given universal access).

Access to ICT offers new opportunities for human collaboration and learning. Arranging study circles with support and guidance from central, local NGOs, on such issues as human rights and democracy, is another way to use pro-poor applications. Here, the Internet plays an important role as a powerful tool for human rights and democracy work and development. However, since the Internet interface requires literacy, new and more simple applications must be developed and explored (such as a "click, talk and send" short voice-messaging service, ie voice-SMS).

What can Sida do?

A donor agency like Sida should adopt a broad perspective and support various activities. Focus on regulatory issues is necessary, since this is a non-functioning body in many developing countries. A good regulator is a prerequisite for the creation of an enabling environment. Through bilateral cooperation, ICT could be strengthened in various sector programmes such as research, education, health, and reform programmes.

As for the education sector, Sida should support vocational training in ICT-related issues, since there is a growing demand for ICT literate personnel. Pro-poor

applications must be integrated with local knowledge and content and in order to achieve this, new training centres must be developed.

What can Swedish academia do?

General development of ICT knowledge is essential. It is important that academic institutions in the North – as well as in the South – continue to work and create networks of ICT professionals, dedicated to assist in the creation of an inclusive information society. It is therefore of imperative importance that seminars like the Uppsala seminar can be held and dig deeper into the understanding of development and deployment of ICT as perhaps the most valuable tool for human rights and democracy.

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Notes

¹ A regulator deals with licensing and management of scarce resources – from radio spectrum to human skills. A regulator should also foster and manage competition, encourage investment, and protect rights of users and consumers. It also deals with issues like equipment type approval, interconnection and numbering, obstacles to universal access, price regulation, ensuring high quality service etc.

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