SOUTHERN AFRICA REGIONAL DIALOGUE ON INTERNET ACCESS 2019

REPORT

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1. Background

The two days’ dialogue conference – facilitated by the Southern Africa Non-Government Organizations Network (SANGONeT), in partnership with the Open Society Initiative of Southern Africa (OSISA) - was propelled by the concern raised in relation to internet shutdowns which were happening since 2016 in a number of African states. Also, the regional threats to online freedoms have manifested in internet shutdowns in recent past. As a result, the two partners, proposed a proactive response to this serious assault on citizens’ online freedoms.

The Goal of the regional dialogue was to influence democratic internet governance in the region to enable citizens’ free speech and access to information essential for their participation in the democratic governance of the Southern Africa region.

During the two days of dialogue, researched papers were presented, and delegates engaged in dialogue regarding challenges posed by the internet shutdowns in the region, other African regions, as well as globally. The dialogue further discussed how limited access to internet and shutdowns affected the societies; issues hindering access to the internet for remote and poor communities; and came up with possible intervention strategies and advocacy processes against these shutdowns.

This report presents the process of the Southern Africa Regional Dialogue on Internet Access which took place in Johannesburg, South Africa on the 5th and 6th November 2019.

2. The Delegates’ Profile.

This historic gathering was attended by 63 delegates from Southern; East Africa; and West Africa. The following countries were represented in the dialogue;

- South Africa; Botswana; Malawi; Mauritius; Zimbabwe; Namibia; Tanzania; Zambia; Angola; Eswatini; Mozambique; Lesotho; Uganda; Nigeria; and Kenya;

The mood of delegates was positive, and all participated enthusiastically during deliberations. The diversity and richness of experience and expertise of delegates added value to the conference in that they came from Media institutes; Communications Regulators; Civil Society Organizations involved in ICT; Academia (Universities representatives); ICT Policy organizations; National Councils and Forums of Civil Society Organizations; Internet Service Providers; Civil Rights Organizations; Legal and Litigation Institutions; The African Union Youth Club; Communications Associations; and Media Monitoring Agencies.

A brief profile of each organization represented is on ANNEXURE II accompanying this report.

3. Opening Ceremony

3.1 Dialogue Overview: Mr Kenneth Thlaka, Executive Director – SANGONeT

In his presentation, Mr Kenneth Thlaka, briefed the conference of the importance of Technology in ensuring that at macro-level the governance structure become effective, and that that is why IT policy is becoming instrumental in organization, guiding on how information is managed and data is collected and stored.
The highlights of this overview were the following points:

- Internet is regarded as the limitless space where people have access to pretty much infinite amounts of information;

- To imagine our everyday lives without the internet when it is used in almost every infrastructure and in many homes, is disastrous.

- The internet has brought opportunities to societies such that it makes things easier and more accessible. Activities such as communication; education; research; entertainment; work; financial transactions; and shopping are done much easier with the aid of the internet.

Therefore, Internet shutdowns are symptomatic of a broader crackdown on communication and online rights and freedoms. The targeting of online and offline media outlets and journalists is a growing problem which, combined with internet disruption, has a chilling effect on free expression in Africa.

The Open Society Institute of Southern Africa (OSISA) was commended for realizing the need to support this Regional Dialogue, whose intention is to advocate for uninterrupted, accessible, affordable and efficient internet for all. In retrospect, delegates and stakeholders were invited to take part and contribute to ensure that the dialogue becomes a success, as well as living up to its expected goals.

3.2 Regional Perspectives: Mr Jimmy Gotyana, President – South African National NGO Coalition (SANGOCO)

Mr Gotyana represented the SADC Council of NGOs in the absence of its Executive Director. He welcomed all delegates to the conference and explained the role of the SADC Council of NGOs, that the dialogue was an important and necessary platform that will enable broader civil society in the region to discuss and dialogue on internet access. He further commended SANGONeT and its partner OSISA who have taken the lead in advancing NGO advocacy in ICT agenda. The NGO Council looked forward to constructive engagement of the NGO sector who’ll formulate strategies that will look into empowerment of NGO leadership so that they are ICT relevant.

3.3 Message of Support: Mr Percy Makombe, Team Leader for the Democracy and Governance Cluster – OSISA

Mr Makombe represented the partner organization of SANGONeT regarding support for the Regional Dialogue in Internet Access. The Open Society Initiative for Southern Africa (OSISA) view internet access as a tool for open and free access to communication and information since it is the aspiration of OSISA for people to live free from discrimination and enjoy their rights regardless of who they are. And the organization seeks to ensure - through programmes it is supporting - that dissenting voices have as much respect as those of the majority.

OSISA promotes open society values by working towards building vibrant and tolerant democracies across the region, through its various thematic and country programmes. SANGONeT approached OSISA for assistance towards coordination of this dialogue. As civil society organization, this promoted OSISA’s key directions of civil society mobilisation and supporting social movements.
The importance of this Dialogue is its alignment with the commitment of OSISA to deepening democracy, protecting human rights and enhancing good governance in the region.

Other regional representatives, such as East and West Africa, were brought in to share experiences with the Southern Africa region. Therefore, expectation from this conference is deliberations and resolutions culminating to strategic directions towards ensuring uninterrupted internet access in the Southern Africa region.

3.4 **Keynote Address: Mrs Zine Nkukwana, Chief Executive Officer – South African Women in ICT Forum.**

The South African Women in ICT Forum was established by women who operate businesses within the ICT sector to ensure equitable and sustainable representation of women in the sector, where women are playing a vital role and making significant contributions, and impacting lives. Mrs Nkukwana has close relations with the Deputy Minister of Communications and Digital Technology, and as such, she was invited to speak within the perspective of the ICT industry in South Africa as well as to welcome the delegates from outside South Africa.

**Key element of the address:**

More than half of the world’s population is using the Internet. Be that as it may, far too many people around the world are still waiting to reap the benefits of the digital economy. And affordability should continue to be at the top of our priorities for the digital economy to become a reality for all.

Investment from the public and private sectors should be encouraged, and a good environment to attract investments must be created. Also, supporting technology and business innovation throughout Africa is inevitable to ensure that the digital revolution leaves no one off-line.

The increase in percentage of population using the Internet requires three stages of evolution towards becoming an information society:

- ICT readiness - reflecting the level of networked infrastructure and access to ICTs
- ICT use - reflecting the level of use of ICTs in the society; and
- ICT impact - reflecting the results/outcomes of more efficient and effective ICT use

The conclusions are that there is a positive correlation between broadband internet access and economic growth. Internet use in Africa at the end of 2018 was still less than half of where the developed world was in 2005. Also, the digital divide between Africa and the developed world is compounded by the digital divide between urban and rural communities in African countries. Which lead to the fact that the cost of ICTs in Africa is significantly higher than in the developed countries.

Therefore, the deployment of ICT infrastructure must go hand-in-glove with the skilling of the communities in Africa.
DIALOGUE PROCESS.

4. Session 1

Perspective on Inclusive Information Society

This session looked at the general perspective regarding the Inclusive Information Society. A thematic paper was, therefore, presented by Dr Admire Mare from Namibia University of Science and Technology as pace-setter of the conference dialogue sessions. The title of the paper was “The Effects of Internet Shutdowns on Societies: Lessons for SADC Member States”

This paper critically discusses the effects of internet shutdowns on societies based on concrete examples from the African continent. Internet shutdowns have become normalized as evidenced by the rate at which these communicative raptures and disruptions have been used by both democratic and autocratic governments to stifle the free flow of information, freedom of assembly and freedom of expression.

Highlights of the presentation.

The disruptions to internet access encompass political, social, technical and personal impacts. In countries, where most people rely on social media internet and mobile payment systems, the effects of network disruptions are very dire.

The presentation looked at the various impacts of internet shutdowns from an economic, political, social and technical point of view. It defined the problematic concept of internet shutdowns. The paper broadened the definition to look at how affordability and accessibility conspire in ways that shut down the internet from the unconnected thereby leaving them behind the information superhighway.

It further demonstrated that internet shutdowns have short and long term impacts.

Besides affecting economic growth, hampering revenue generation and collection, these disruptions negatively affect the overall image of the country. By attracting international attention and creating pressure on countries that undertake them.

These disruptions affect the overall investment image of a country;

- slows down economy growth, and disrupts the value chain of the digital economy,
- lead to political demobilization and self-censorship,
- affects job application, submission of assignments, and transfer of remittances,
- disrupts the smooth operations of technology-based transportation systems like Uber, Taxify and Vaya.

Internet shutdowns also affect the attainment of the Sustainable Development Goals (SDGs).

Key Points:

- Shutdowns can inhibit social interactions especially in societies where families have been dislocated by international and regional migration.
- Internet shutdowns refers to an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, are a type of online censorship.
- Internet shutdowns, in particular those that disable all means of communications, should be considered as potential Human Rights violations.
- Internet shutdowns affect economies in numerous ways, disturbing productivity and generating monetary losses in time-sensitive transactions.
4.1 Panel Presentations and Discussion: “Internet Access in Decline – a Threat to Democracy and a Violation of Citizens’ Rights”

This specific dialogue, alongside the question and answers session, looked at what influences limitations to internet access; effects of these limitations to the broader economy, and democracy; factors contributing to decline in internet access; and how this situation could be improved.

4.1.1 Ms Onica Makwakwa: Head of Africa, Alliance for Affordable Internet at World Wide Web Foundation, made a presentation entitled “Limitations to Internet Access: Affordability”.

This presentation focussed on Affordable Internet for all Africans, and key points were that for a better digital future in Africa, there is a need for a comprehensive ecosystem approach that considers supply, demand as part of critical foundations of an information economy. For total inclusivity, we need an information economy that provides equal access and is affirmative in addressing exclusions. And to be really Afrocentric, we have to consider a system that is Anchored in Africa’s realities from infrastructure to culture and spirit.

She emphasized that public access plays an essential role in a diverse, healthy market. Market expansion through wholesale bandwidth purchases to private networks have to be considered. And that, demand stimulation through onboarding and skill-building for first-time users was key to ensure affordability. In conclusion, Ms Makwakwa urged the region towards making universal, affordable internet access a reality.

4.1.2 Mr Izak Minaar of the Association for Progressive Communication (APC) presented on “Instruments and strategies to promote internet access as a basic right”

This presentation was introduced under the quote ‘... the same rights that people have offline shall be protected online...’ drawn from the Draft Declaration of Principles on Freedom of Expression and Access to Information in Africa (ACHPR 2002 Declaration).

The instruments in place for the promotion of internet access as a basic rights include;

- Resolution 362, 2016; the UN Sustainable Development Goals 16.10.2;
- African Declaration on Internet Rights and Freedoms’ “SADC AfDec coalition strategy” and
- the Digital equalityinitiative in SA’s “Universal internet access and free public access as a basic right”

Key Elements of the presentation:

These instruments recognize the important contribution that can be made to the realization of the right to freedom of expression and access to information by new digital technologies and the role of open government data in fostering transparency, efficiency and innovation;

They also acknowledge that the exercise of the right to freedom of expression and to access information using the internet are central to the enjoyment of other rights and essential to bridging the digital divide.
Specific directives for the SADC region can be derived from the SADC AfDec coalition strategy, which calls for;

- Use the African Declaration on Internet Rights and Freedoms to increase advocacy efforts at national and regional level on the rights to freedom of expression and assembly, access to information and privacy.
- Analysis of regulatory frameworks and their implementation in the region.
- Engagement in community awareness campaigns to increase appreciation by the citizens on their rights both off and online.
- Litigation to improve the digital rights environment in the Southern African Development Community (SADC), and
- Targeted country campaigns to promote digital rights and digital equality.

5. Session 2

Socio-Political and Economic Influences of Limitations to Internet Access.

This session dealt with how limitations to internet access had effects on political and social stability; its contribution to inequality in the economy and society. There were further dialogue regarding privacy and security concerns as well as digital literacy.

A recorded audio-visual presentation of the Thematic Paper by an independent consultant and researcher, Chief Masimba Biriwasha, titled “A Question of Disruptions” was viewed. And the key points are as follows;

- The internet has been growing rapidly in Africa in recent years, transforming the way we communicate, interact, conduct politics and business and even find love. But this potential of the Internet in Africa can be stymied by the preponderance of government-directed internet shutdowns which have increasingly become a mainstay on the continent.
- Across the African continent, internet stoppages are getting longer, more sophisticated, and targeted. As the digital economy expands, it will become even more expensive for nations to shut down the internet. Without coordinated action by civil society, this damage is likely to accelerate in the future and further weaken much needed economic development in Africa.
- An analysis of internet shutdowns in 10 countries using the CIPESA methodology revealed that; when connectivity is throttled, slowed or severed, the impact can be systemic, disrupting the delivery of critical services and undermining economic growth.
- Access to internet is essential for businesses, public institutions, and households to flourish in the modern economy.
The Collaboration on International ICT Policy in East and Southern Africa (CIPESA) has now developed a measurement that assesses both the immediate and long-term structural effects of internet shutdowns.

In conclusion, the African Declaration on Internet Rights and Freedoms, launched in 2014 as a response to the clear need for the articulation of a rights-based approach to internet policy in the region, is a Pan-African initiative to promote human rights online in Africa.

6. Session 3

Limitations to internet Access

This dialogue session looked at how limitations to internet access affects the ICT industry; what the role of the ICT industry was; and how the industry viewed these limitations with regards to human rights.

6.1 Mr Eric Thwala, from Wireless Access Providers Association, presented “Limitations’ Effect on the Industry”.

Limitations to internet Access

The limitations to internet is not just the absence of the network but the cost of the access to the network. These limitations affect the population in many different ways. In case of access to information; people are excluded from the information highway. In case of businesses and the economy; business opportunities are limited and there is a loss of revenue for the respective country’s economy. In case of education; schools without internet access fall behind in development and access to information.

The 4th Industrial Revolution is not even a dream in areas without internet access. Therefore, the ICT industry need to push for Internet Access for all. However, this will only be possible when all relevant sections are involved and committed. Government, Big business, Small business, SOE’s and NGO’s must work together to ensure that these limitations are eliminated.

African Governments need to view internet access as a human right issue, just like water and education. Internet access need to be available in at least every school, clinics and government offices throughout each country in Africa. And, internet access need to be part of the budget that is given to education and health.
7. Session 4

The Effects of Internet Shutdowns on Societies

This session was conducted as a working breakfast, and probed perspectives of SADC countries that experienced the internet shutdowns.

Ms Anneke Meerkotter, of the Southern Africa Litigation Centre, made a presentation of the Thematic paper jointly researched and compiled with Christoph Seiler and Max chaffetz – entitled “The Effects of Internet Shutdowns on Societies in Southern Africa”

Recent trends in government sponsored internet shutdowns have threatened to turn the Internet Access advancement on its head. As societies become dependent on the internet for communication, business, news, health, security, democracy, virtually every facet of life, a government’s ability to shut the internet down becomes all the more devastating. An actual internet shutdown is an extension of these types of censorship.

Key elements of the paper:

- Africa has seen significant increases in internet access, yet internet penetration remains urban-biased and data costs are a significant barrier to access. Rwanda and Sudan have some of the cheapest data costs in Africa, with Mozambique, Tanzania, and South Africa also have prohibitive data costs. “Network shutdowns ... generate a wide variety of harms to human rights, economic activity, public safety and emergency services that outweigh the purported benefits.” UN Special Rapporteur on Freedom of Assembly and Association, 2019.

- The Impact of Internet Shutdowns on Societies in the Southern Africa region has been seen to cover a wide range of sectors. The following are – among others – the most affected sectors:

The Media:

Reporters need a functioning internet network to produce, verify and publish stories, and people need the internet and social media to access those stories and voice their own opinions.

Personal security

The internet is used to stay in touch with family and friends, to get information about the news and politics, and to do various transactions.

Health

Increasingly we see an integration of information and technology in health systems and there is evidence to suggest that ICT can improve health outcomes, especially in hard to reach areas and in the context of limited access to health professionals.

Economy

Small local businesses and large national corporations suffer losses during internet shutdowns.

Education

The internet has a good influence on education. Internet access for students is one of the key indicators of Goal 4 of the Sustainable Development Goals.
In conclusion, internet shutdowns, to whatever extent, constitute a form of censorship. Any action by a government which infringes on human rights has to be measured by a specific set of standards. The action must be “fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.” An internet shutdown can have unfortunate and unpredictable ripple effects on people’s lives far beyond the silencing of dissenting voices. Internet shutdowns affect a wide range of rights due to their disproportionately wide scope.

7.1 Ms Teresa Chirwa-Ndanga, Media Institute of Southern Africa (MISA) Malawi, presented - MALAWI’S INTERNET SHUTDOWN: WHEN THE POWERFUL BECOME AFRAID

This presentation was intended to share experiences from the Malawian perspective, a country that has experienced limitations to internet access. Malawi has a number of policies that touch on ICT, and all these policies recognize the importance of communication and ICT in promoting national development but they have not been able to translate into practice and we have a number of gaps and concerns despite the presence of these policies.

- There is failure by government to tackle key issues within the sector such as access, production of local content, illiteracy and cost.

- The country has the lowest internet access in comparison with regional neighbours such as Zambia where those with access to the internet are more than twice that of Malawi.

- Despite the favorable environment and being ranked well on readiness, nothing much is being done to improve internet access in Malawi.

- There is no free internet access in public places in Malawi. One has to buy mobile data for the internet or use vouchers, and this is so costly as there is also a tax on data.

The following are key elements of the presentation:

The main issue that need to be addressed is that there is need to begin to question not only the shutdowns that occur over a period of time such as during elections, but also the lack of political will to make the internet more and more accessible.

Internet Shutdown in Malawi.

MISA Malawi received reliable information on a planned internet shutdown from polling day until after the announcement of the election results, and the organization took a pro-active approach by writing the Malawi Communications Regulatory Authority on its concerns, and asking for a written assurance that government was not to implement a shutdown. Without responding to these concerns, government released a statement in which among others they made an assurance there was not to be any internet shutdown. However, the Malawi Telecommunications Limited MTL cables were cut in five different places simultaneous which rendered broadcasting and a part of internet services inaccessible for a period between 3 -5 hours. This resulted in delays by media houses such as Zodiak and Times failing to broadcast and publish results online or on television.

In conclusion, there is need to look at both limitations that are placed on access to the internet and the shutdowns. The result is a less informed society which impacts decision making and their constitutionally enshrined freedoms.
8. Session 5

International Experiences Sharing Regarding Internet Shutdowns

This session was dialoguing on perspectives of countries outside the SADC region.

8.1 Mr Daniel Mwesigwa, from Collaboration on international ICT Policy for East and Southern Africa (CIPESA) presented - Internet Shutdowns; Countries Outside the SADC Region.

Since 2014, The Collaboration on International ICT Policy for East and Southern Africa (CIPESA) has been hosting Forums on Internet Freedom in Africa. The organization has been expanding the number of countries covered in its flagship State of Internet Freedom as well as broadening the discussions that form the pillar of the Forum.

Key elements of the presentation;

- With only 24.4% of Africans using the internet, increasingly, the countries reviewed have since 1999 adopted a similar pattern of internet control measures across the board. The key reasons given by governments are the need to safeguard national security, fight cybercrime and maintain public order.

- Each successive period since 1999 came with some notable developments in internet controls, including establishment of regulatory agencies. By 2005, a few regional countries were beginning to realize the need to intercept communications, including digital communications.

- Internet shutdowns are increasingly becoming normalized and more sophisticated. This presentation looked at shutdowns, mostly content controls through policy/regulatory interventions, and [internet] physical layer re-alignment.

- Since 2015, the countries that have ordered network disruptions include Algeria, Burundi, the Central African Republic (CAR), Cameroon, Chad, DRC, Congo (Brazzaville), Egypt, Eritrea, Equatorial Guinea, Gabon, Ethiopia, Libya, Mauritania, Niger, Togo, and Zimbabwe. Others are Uganda, Mali, Morocco, the Gambia, Sierra Leone, Somalia, and South Sudan.

- Countries that have seen challenges of internet shutdowns on legal grounds in 2018 are Chad, Cameroon, and Togo. And we have only observed a few judgements in 2019 from Uganda, Sudan, and Zimbabwe.
9. Session 6

Policy Imperatives to Inclusive Information Society.

This session was looking at what the policies say regarding Inclusive Information Society; what regulations should be enforced; and what new regulations should be created to address internet access.

9.1 Mr Tony Chigaazira, Executive Secretary – Communications Regulator of Southern Africa (CRASA), presented:

Policy Imperatives to Information Society.

The policies regarding inclusive information, say that Rights of data are subject to notice, access and consent regarding the collection. Also, use and disclosure of personal data is crucial due to increasing number of devices and entities connected to the Internet; There is need for Stakeholder engagement vehicles such as public hearings, high-level roundtables and expert workshops. These vehicles can allow pooling resources and expertise to inform major regulatory decisions; There is need for diversified mechanisms for stakeholder engagement and feedback to multiply the regulatory inputs and allow for fine-tuning regulatory policies and implementation.

Regulations that need to be enforced include;

- Regulations for ensuring trusted and secure cross-border data flows; Cyber Security and international co-operation.

- Rights to access Information and Rights to Privacy and Protection of Personal Data.

- Freedom of Expression, Access to Public and Private Services, to health information, to Education, etc;

- Human Rights-recognition of the dignity and equality of all people.

- Privacy of Internet of Things- IoT devices very intrusive as many have microphones that can breach informed content and privacy, and

- An individual’s personal data now often held by different agents, such as Geo-localization data, voice data and biometrical data. Need to ensure privacy not breached through unconsented data aggregation.

International and Regional Instruments for Data Protection in SADC;

INSTRUMENT
International Covenant on Civil and Political Rights (ICCPR) 1st Protocol.
COUNTRIES
Comoros, Mauritius, Mozambique, Eswatini, Tanzania and Zimbabwe

INSTRUMENT
OECD Guidelines on Protection of Privacy
COUNTRIES
Tanzania and Zimbabwe

INSTRUMENT
Convention 108 of CoE
COUNTRIES
Mauritius 2016

INSTRUMENT
Directive 95/46/ EC 56/ EU GDPR 57
COUNTRIES
South Africa, Mauritius, and Botswana

INSTRUMENT
AU Convention on Cybersecurity & PDP
COUNTRIES
Signed by Mozambique, Comoros, Zambia, and Ratified by Mauritius, and Namibia.
New key regulations that should be developed to address internet access are:

- Data governance frameworks for transparent and accountable processing of personal data due to AI, Big Data Analysis;
- Balancing Digital Rights against Freedoms and ensuring replacement of data informed Policies with Data Driven ones;
- Data Protection Regulation needed due to huge amounts of data collected and processed from Artificial Intelligence, Block Chain, Cloud Computing, Drones and Internet of Things;
- Policies promoting access and use of digital technologies;
- Harmonization of Data Protection Legislation in SADC; and
- Privacy frameworks that conform to local cultural context.

Other regulatory interventions meant to address internet access are as follows:

- Space for digital experimentation;
- Pro-competition frameworks for the digital transformation;
- Regulatory incentives; and
- Regulatory Impact Assessment (RIA): With Enhanced Benchmarks and Data Analysis.

In conclusion, collaborative regulation should be seriously considered. Such as:

- agile data-driven monitoring solutions can facilitate market oversight in areas such as quality of service and experience, and regulatory compliance;
- effective channels for dynamic collaboration among regulatory authorities such as the ICT, financial and competition authorities and law enforcement agencies;
- the judiciary regulatory sandboxes involving multiple regulators can incubate key cross-sector regulations, such as for digital financial inclusion;
- regional and international cooperation in regulatory rules on cross-border issues for consistency, predictability and fluidity of digital markets;
- as well as regulatory expertise continuously developed to integrate new technologies, competencies and skills and allow for data and evidence-based decision-making.

9.2 Mr Samkelo Mokhine, from Freedom of Expression Institute, presented – Inclusive Information Society Policies.

Policies should reflect how and why there is a link between digital exclusion and inequality, poverty, unemployment. They should outline the long term benefits of an inclusive information society and the cost economic and social cost of exclusion.

Policies should be deliberate and targeted with ongoing periodic evaluation, mindful of the expected timeframes between investment and results. In the process, cyber security should be key, and success should be judged not only by statistics but also by how people engage with the internet and the impact access has.
We need to enforce regulations that ensure Regulations needing to be enforced compliance with international standards, and those enforcing cyber security.

New regulations that need to be created are;

- Acquisition of literacy skills to maximise effective participation;
- Gender and inclusion; and consideration for people with disabilities; and
- Reflective of inevitable uneven progress between urban and rural.

10. Session 7

Discussion on Key Strategic Elements.

This session was a plenary discussion in preparation for commissions. Here, key strategic elements were formulated for discussion in commission.

- There is a need to develop robust discussion around internet shutdown, and CSO’s must have a clear advocacy plan around these shutdowns. This right of access to internet is connected to many other rights and we have to mindful of that. Skills and Digital literacy need to be part of the core of discussion as well as gender inclusiveness, as well all forms of disability
- There is urgent need for CSO’s within and outside the SADC region, to scale up their technical know-how and capacity on the issues implicated in the subject matter of this regional dialogue as that has a direct correlation on the success or failure of their public advocacy engagement on the various issues discussed over the course of this two days’ dialogue.
- There needs to be developed a robust, concerted, strategic public advocacy programme by CSOs within and outside the SADC region on addressing this growing challenging phenomenon of internet shutdowns.
- Advocate for the promotion and protection of access to the internet, especially for its unique value of being an enabler for the effective realization of various other rights, be they civil and political, economic, social and cultural rights, amongst others.
- Strategic Litigation aimed at addressing issues of internet shutdowns, amongst various other governmental violations of otherwise established rights that are also available both offline and online, should also be actively explored by CSO groups and other stakeholders.
- In this regard, the capacity of the Judiciary to effectively understand and appreciate the gravity of the issues implicated in these rights violations online, also needs to be addressed by CSO’s and SANGONET amongst others, through a process that involves on-going strategic engagement and capacity building too.
- Similar engagement also needs to be had with parliament at the national, sub-regional and continental levels, to get them to better appreciate the negative effects of some recent rash of legislations being adopted on issues cybersecurity, terrorism, et al, which impact negatively on effective and efficient public access to the internet, as a basic tool for the ordinary person in any part of the continent.
- Increased utilization of opportunities for multi stakeholder engagement aimed at addressing the myriads of issues that were flagged at this conference. In this regard, challenges militating against the effectiveness and efficiency of extant multi-stakeholder mechanism such as the one presently in the SADC region (i.e. SA-IGF) also needs to be promptly addressed.
• Increased opportunities for deploying IXPs with a view to keeping local traffic local and by so doing, also secure reduced cost and efficiency of access to the internet in the various countries also needs to be explored with greater intensity. However, while at it, checks and balances needs to be put in place, to avoid governments tendency to exploit such infrastructure mechanisms as avenues for advancing their penchant for absolute control of the internet, including through perpetrating the growing menace of internet shutdowns. A case in point in this regard, is the situation in Uganda as was shared with us by one of the experts on one of the panels this morning.

11. Session 8

Commissions.

Three commissions were assigned to look into key strategic elements, and the result are the following presentations of the discussions’ recommendations.

1. Commission on Advocacy:
   
i. Establishment of a working group: SADCCNGO is the umbrella body but there is need for a working group that can unpack the technicalities. Suggestion is for SANGONET to coordinate the working group. There must be a manageable number (8 people [50/50 gender representation, diversity in terms of sectors and nationality]) of organisations

   Others (especially those from outside SADC) may be invited when there is a need and they possess the necessary technical expertise. TORs will outline that the mandate of the working group is implementing recommendations of this platform.

   ii. Digital literacy of the sector: Up-to-date websites, and ensure that links are working.

   iii. Joint SADC event to sensitize member states in a non-confrontational way: To engage the SADC business council and SADC parliamentary forum and present all the factors that were raised in this platform.

   iv. Lobby for affordability of internet access: Involve the major telecoms players (Econet, MTN, Vodacom, Airtel, Mascom) and come out with a mechanism that ensures affordability leading to increased access.

   v. Negotiate with service providers to create a subsidised package (hardware, software and connectivity) for NGOs that are registered and validated. Increase in uptake but incentive for NGOs to register and have a clear mandate. There are other facilities, for instance, from Microsoft. This also becomes the CSI for these telecoms service providers.
NGOs are not making profits but contributing immensely towards sustainable development of Southern Africa.

Advocacy by umbrella bodies also increases clientele as more NGOs take up the service. NGOs can mobilise community networks that own the infrastructure although this type of investment may take a lot of time and resources.

**RECOMMENDATIONS**

i. Regional policy framework to promote internet access: At a regional level there should be engagements towards development of a policy that can be domesticated which is supportive of promotion of internet access.

ii. The working group can submit and draft/shadow policy or SADC will task ICASA.

iii. Civil society should constitute part of SAIGF for higher probability of consideration of recommendations from this platform.

iv. Need for necessary and up-to-date equipment.

v. Include issues of digital privacy, security (legislation should respond to cyber crime and cyber terrorism)

vi. Research: Impact of internet shut down in the region among a range of issues.

vii. Public interest litigation: (early warning indicators/systems, verification). As a last resort especially if the trend of internet shut down persists.

**11.2 Commission on Strategies.**

i. **Internet Access in Decline:**

   • Develop strategies on trusting factors / trusting models for a building inclusive society using technology. People are self sensory and contextualize content personally.

   • Develop a social strategy to become digital advocates, support governmental issues and raise voices on democratic issues in a safe environment.

   • Encourage government states to present updated accurate information online and provide a single point of entry to all data.

ii. **Socio – Political and Economic Influences of Limitations to Internet Access:**

   • Defining digital rights outlined in the legal and statutory environment within a local region and how the internet is being regulated. To locate key trends pertaining to digital rights and in the region, and the implications to expression and access to information.

   • Assisting the government through a public participation process to endorse the African Union Cyber Security and Personal Data protection policy through a council of chambers in all sectors.

   • Develop a global public – private partnership to advance ICT Infrastructure, inclusive with development for the country / region.

   • Develop a consultative approach with government, investors and civil society in drafting, reviewing and amending ICT policies. Hand – Over policies (over a period of time) must be incorporated.

   • Research intergovernmental partnerships to develop a reference model for defining partnerships.
• Develop an ecosystem of digital skills to build educational curriculums, build a knowledge society, empower youth and advance the workforce through high–speed internet access.

iii. Internet Shutdowns on Societies;

• Develop a communication strategy and accountability framework for government and civil society to peacefully coordinate Denial of Access over a period of time. (as a last resort).

11.3 Commission on Tools

• Using wireless, offline marketing to bridge the gap in information dissemination.

• Using arts and music as a tool to raise awareness particularly to capture millennials’ attention with focus using graphics to harness the richness of art as a way build an inclusive society.

• Innovation campaigns; Naming and Faming the people who are ensuring the gap to access is shortened. Using public lectures as a tool to bring awareness. When the general public does not understand the importance why access to internet a human right, they cannot make informed choices around what this access means to their democracy and freedom of speech.

• Engaging Young people in dialogues and inviting stakeholders.

• Advise on ICT issues and access to information. How can ensure that parliamentary caucus also have this at the forefront of their agenda?

• Advocacy as a tool for service demands. Civil Society has to be capacitated to at forefront of change and not pay catch-up.

• Ensuring laws around access express the needs of the community.

11.4 Nomination of a Working Group on Internet Access;

The Dialogue delegates, upon pondering and accepting reports from commission, resolved in nominating a Working Group to ensure implementation of the strategies suggested by the conference. To better manage the planning and multi-stakeholder inputs, the dialogue resulted in a working group of 10 members who are geographically representative of the attendee country representatives.

This Working Group is entrusted with commitment to an open and inclusive planning process for sustainable engagements towards total eradication of internet shutdown. Direct input and participation of community, industry and thought leaders as well as other stakeholders is a critical component for the creation of a successful sustainable advocacy plan. The working groups will assist the project team in identifying best practices locally or around the world;

• Prioritizing recommended actions to address internet shutdowns; and

• Finalize the advocacy strategy to mitigate internet shutdowns.
11.4.1 Working Group Members.

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12.1 Mr Glen Farred, Director in the SADC Council of NGOs, presented the First Closing Statement to conclude the conference.

As we conclude this conference, we commit ourselves to working with SANGONeT in implementing the recommended Advocacy Strategies. We congratulate all members of the Working Group, and hope they will put every effort to ensure the region is free of interruptions to internet access.

12.2 Mr Kenneth Thlaka, Executive Director of SANGONeT, presented the Second Closing Statement to conclude the conference.

An apology for the OSISA team was presented as, due to work commitments, they could not attend the closing ceremony. Mr Thlaka thanked all delegates and teams that participated during the two days’ dialogue conference, and ensured them that the organizers of the dialogue appreciate their attendance as well as all input made.

The plan, going forward, is to have a similar follow up conference again in two years’ time; that is 2021. This will give time for the Working Group to implement resolutions of this conference. Once, again, thank you for your participation. We declare the conference closed.

Safe travel.