The right to communicate

The Internet in Africa

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Censorship and control: obstacles to growth

Although direct censorship of Internet content has not been a significant problem so far in Africa - as it has with more traditional forms of media - the trend among the transitional democratic countries of sub-Saharan Africa has been towards more subtle forms of censorship.

Specifically, governments are moving to control the provision of Internet services through their monopolies of existing telecommunications services. In some countries, governments are using their position to assume complete control of the new technology to retain sole access to the revenue and, for some, to exert a degree of control over users. In both cases, government control of the Internet is a threat to established principles of freedom of expression.

The first official act of Internet censorship in Africa occurred in February 1996 when the Zambian government succeeded in removing a banned edition of The Post from the newspaper's website by threatening to prosecute the country's main Internet Service Provider (ISP), Zamnet.

The offending edition of The Post was banned under the Preservation of Public Security Act because it allegedly contained a report based on leaked documents which revealed secret government plans for a referendum on the adoption of a new constitution. A presidential decree warned the public that anyone caught with the banned edition, including the electronic version, would be liable to prosecution. It remained on the newspaper's website for two days until the police warned Zamnet that it too would be liable to prosecution.

The government's action in banning the offending edition was rendered futile when a US reader published the Post edition on his own Internet site. Thus anyone with Internet access could still read the banned paper and, because it was located on a computer in the US, it was outside the jurisdiction of the Zambian authorities. The Zambian government also tried to pressure Zamnet to cease publishing The Post on the Internet.

However, Zamnet stood its ground and instead encouraged the government to publish its media on the Net as well. As a result, the Times of Zambia, the Zambia Daily Mail and information from the state-run Zambia News Agency (ZANA), as well as The Post, are all now available on the Internet - a triumph for media pluralism over censorship. The

example of The Post demonstrates the power of the Internet to circumvent censorship through 'mirroring' banned material on websites in other countries.

The futility of Zambia's heavy-handed censorship is clear, but it also shows the vulnerability of ISPs to government coercion. Most ISPs would not risk their businesses by standing up to official pressure in the way that Zamnet did.

State monopoly of telecommunications services:

While blatant attempts to censor the Internet - like the Zambian example - are rare, concerns are growing that African governments will exert their control over content and access to the Internet by maintaining and extending their monopolies on telecommunications services.

In many African countries, these services are obstructed by inefficient state-owned post and telecommunications companies (PTCs). Despite their failure for years to provide adequate telephone services, these companies have moved into the Internet market with remarkable speed. Twenty-six African PTCs have brought full Internet services to their countries in the last few years.

In all but three of those countries, the PTC has assumed a monopoly in the provision of Internet services, although few have officially defined themselves as the only provider. Many African governments would like to maintain sole access to revenue from the new technology, and some also view it as a way to control access to and information on the Internet. Either way, government monopoly of telecommunications is a threat to freedom of expression online.

In Retrofit (Pyt) Ltd v Post & Telecommunications Corporation, [See SAMLB Vol 1 No. 2, November 1996], the Zimbabwe Supreme Court ruled in December 1995 that the state-owned PTC's monopoly of telecommunications violated section 20 of the Constitution guaranteeing freedom of expression.

According to the court, the right to freedom of expression also entails access to the means of communication, including the telephone. Although the case involved a private cellular phone operator and not an Internet service provider, it nevertheless sets an important legal precedent in favour of liberalization of telecommunications. The court held that although monopolies were not in themselves unconstitutional, an inefficient monopoly which failed to deliver adequate services was unacceptable.

In September 1997, a dispute arose between the PTC and ISPs in Zimbabwe over control of the entity that registers new Internet sites. The ISPs called for an independent body, arguing that the PTC wanted to assume control of the Zimbabwe top-level domain so that it could regulate which ISPs would be registered. The ISPs also claimed that the PTC's charges for bandwidth - which enables Internet access - were the highest in the world (up to about US$13,000 for a bandwidth) and may be designed to stop private operators from joining the market.

Similarly, in Malawi, private ISPs complained in 1997 that the government was trying to create a monopoly when it rejected several ISPs' applications and instead granted a licence to MalawiNet, a company in which the parastatal Malawi PTC was a major shareholder. The ISPs said that the MPTC was using its position to control the market and award licences only to ISPs that pose no meaningful challenge. The MPTC has the power to allocate licences, as well as to compete with those it licenses through its existing monopoly over terrestrial telecommunications services.

Amid the controversy, the government pointed to the existence of four private ISPs in Malawi as proof that it did not have a monopoly. However, these ISPs must dial out through South Africa at costs they describe as 'prohibitive' and only offer e-mail services. MalawiNet is the only ISP to offer full Internet access.

In South Africa, the state-owned company, Telkom, argued for its monopoly so it could provide Internet services to the 'masses'. A battle over Telkom's monopoly of telecommunications began in 1996, when the Internet Service Providers Association (ISPA) challenged Telkom's role as an ISP before the Competition Board. ISPA alleged that Telkom was abusing its position as sole provider of telecommunications services in order to undercut prices of private ISPs who had to bear the expense of leasing Telkom's lines for their clients, whereas Telkom did not have to carry that additional expense.

Telkom took its case to the South African Telecommunications Regulatory Authority (SATRA), arguing for monopoly rights over certain Internet services to enable it to raise sufficient revenue to build the infrastructure necessary to bring low-cost Internet access to rural areas. The private ISPs, however, claimed to have built South Africa's vast, dynamic Internet industry - characterized by excellent service, capacity and bandwidth - without which the possibilities for South Africans to exercise their constitutional right to freedom of expression and access to information were minimal. SATRA decided in October 1997 that Telkom did not have exclusive rights to provide Internet service in South Africa. Thus, private ISPs could continue to buy bandwidth from Telkom and resell it to end-users.

While some reform of the sector is required in order to improve Internet services, observers warn that liberalization and deregulation may bring new problems. As large multinational Internet providers - such as Compuserve and Africa Online/Prodigy - continue to move into the African market, they are likely to gain a significant share of the market from smaller local companies, and to invest in the sophisticated, profitable market sectors at the expense of rural and poorer communities.

While a few cases exist - such as in Senegal - where regulatory frameworks have been established and governments have formed alliances with civil society and the private sector, mostly, African governments appear to be manoeuvring to retain their strangleholds over telecommunications for fear of losing their market share and, for some, to maintain control over the flow of information.

Regulating speech on the Internet

The right to freedom of expression - which is fundamental for democracy and the enjoyment of virtually all other rights - applies as much to the Internet as to the more traditional forms of media - press, radio and television. However, this right, like any other, is not absolute.

Article 19 of the International Covenant on Civil and Political Rights states that it may be limited as far as is necessary in a democratic society to protect national security, public order, health and safety, public morals, and the rights and freedoms of others.

Reports that the Internet may be facilitating a proliferation of extremist 'hate' groups are posing difficult legal and ethical questions. A report by a special investigator to the United Nations Human Rights Commission in March 1997 stated that racism is increasing worldwide and that the Internet 'has already conquered the imagination of the people with a message where those who incite the hatred, the racists and the anti-Semites, all participate.' In Africa, there is evidence that extremist groups are coming online. The Broederbond - South Africa's most powerful secret society, made up of men who managed the design and implementation of apartheid - has set up a website.

Although all references to race and gender have been removed from its constitution, the Broederbond has as its objectives: 'Activities with individual Afrikaans speakers, associations, organizations, or groups of the Afrikaans community to protect their rights and interests, including economic, social, educational, cultural and religious.'

A Web notice-board about Kenya contains information about a fictitious Kenyan rebel movement and some calls that 'Asians must go'. Chat rooms provide little or no trace of users and are prime forums for those intent on peddling pornography and fomenting racial and religious hatred.

The balance between protecting free expression online and ensuring that the rights and dignity of others are protected is an extremely delicate one and must be applied carefully. The experience of traditional forms of media in many African countries suggests that governments will try to limit freedom of expression in order to curtail political opposition, while justifying their attempts to control and monopolize the Internet by the need to protect national security, public safety and morals, or bringing telecommunications services to the masses.

It is legitimate for governments to restrict the circulation of material which will incite to violent action. However, it is doubtful in what limited circumstances the Internet - which is an essentially individual medium that is available to people when they are on their own - can have the effect of provoking its audience to violence. In most cases the Net offers its own antidote to racist propaganda and other pernicious material. The ordinary Web user - or indeed governments who are concerned about the proliferation of hate speech - can disseminate their own alternative points of view.

For the masses or the elite?

Issues of government control and censorship of the Net in Africa pale in comparison with the overriding problem of access. The sheer lack of access to basic telecommunications services means that three-quarters of Africa's people will never make a telephone call, let alone use the Internet. Simply by not having access to the new technology, their voices are effectively silenced and they are excluded from the benefits of participation in the global information society.

There is growing consensus that the right to communicate is a basic human right. In December 1997, the UN General Assembly endorsed a statement committing the UN system to the objective of universal access to basic communication and information services for all in order to secure sustainable human development. The statement expressed concern that the 'information and technology gap and related inequities between industrialized and developing nations are widening: a new type of poverty - information poverty - looms.'

Net growth in Africa

The number of African countries with full Internet access in the capital cities has nearly tripled from 16 in 1996 to 46 in 1998. Only 3 of the continent's 54 countries still have no Internet connection - Eritrea, Libya and Somalia - and the first two are expected to obtain full Internet access soon.

Despite the dramatic growth in Internet connectivity, its outreach is largely confined to an educated and affluent elite living in the major cities. Only 10 African countries have local dial-up facilities outside the capital cities. Of the 700 million people in Africa, about a million - 0.14 per cent - are Internet users, and more than four-fifths of those are in South Africa.

The major obstacles to its spread in many countries are government monopolies in telecommunications with vested interests in obsolete technologies and high cost structures. As a result, Africa has the world's least-developed telecommunications network, with an average of just one telephone line for every 100 people.

Some countries, such as Chad, Mali and Congo-Kinshasa, have only one phone for every 1,000 people. About 80 per cent of Kenyans live in places that have no phone. There are more phones in Tokyo city than in the whole of Africa, which has about 12 million phones, 5 million of which are in South Africa. Even in South Africa, which ranks eighteenth in the world for Internet use, half the population has never made a phone call.

Nevertheless, the state of national telephone networks varies widely. Some African countries have made telecommunications a priority and are installing digital switches with fibre optic inter-city networks and the latest cellular and mobile technology. For example, the national networks in Botswana and Rwanda are among the world's most sophisticated, with all the main lines digital, compared with only half in the US.

At the other extreme, countries like Madagascar and Uganda have unreliable analogue systems and poor national links between the major urban centres. In many countries, the few lines that do exist in rural areas are often unsuitable, either because they are still on manual exchanges or the quality is poor and highly unreliable, especially during the rainy season. Even in most cities, Internet use is constrained by poor quality lines and high charges for local calls - as high as US$14 per hour in some countries. In areas without local dial-up facilities, Internet access requires an international phone call, at a cost which would be considered prohibitive even in the world's wealthiest countries.

Computers, software and modems are out of reach of most Africans. Such equipment is often subject to high import tariffs, making it several times more costly than in industrialized countries. Computers and networks require constant maintenance as well as electricity, supplies of which can be highly unreliable.

According to the International Telecommunications Union 'the greatest danger to improving access today appears to be complacency. There is a tendency to believe that a profitable industry with expanding sources of supply will solve the access problem by itself.' Most African governments appear to be realizing the importance of telecommunications for development. In 1996, they pledged to build 'the African information highway' in order to aid the socio-economic development of the masses.

Several large-scale infrastructure development projects - backed by multilateral and bilateral donors - have begun in the last decade with the aim of wiring Africa. Some say that satellite technology offers Africa the opportunity to 'leapfrog' development stages.

Like cellular telephony, which has been successful in some areas, notably southern Africa, satellite communication does not require the laying of costly fibre optic cables which are required for high-speed data transmission. As investment in older communications technology is relatively small, Africa may be able to 'hop' directly to satellite use. But with call charges currently at least US$1 per minute, and handsets between US$700 and US$2,000, it is hardly likely to solve the access problem for the three-quarters of Africans living in rural areas. Nevertheless, satellites have already proved useful for some well-resourced NGOs and journalists.

'Telecentres' - or 'cybercafes' - are proving successful in many African capitals. These offer a range of low-cost telecommunications services, including phone, fax and e-mail and Web access, on a timed charge basis. The concept has also been advanced for rural communities.

Farmers and traders will have access to information about prices and markets for their produce, doctors and health workers to life-saving medical advice, and schools and businesses to the latest information in their fields. This would no doubt be a valuable improvement for rural communities, but concerns remain that the services, even if subsidized, will not be affordable to everyone, and that the poor will again be excluded. So far, there is little sign that 'telecentres' will extend to areas where they cannot at least cover their own costs, and in most of Africa that means well-off urban areas.

There is no doubt that African governments are genuine in their aspirations to maximize the Internet's potential as a catalyst for development. However it is questionable whether there is enough political will to ensure universal access to telecommunications for all, especially in remote rural areas where there is little or no commercial incentive to invest in service provision. Governments do not have the resources to do it alone, but the precise roles of the private sector, the state, and civil society in expanding access are still the subject of debate. It is critical that freedom of expression advocates contribute to formulating policy to ensure that fundamental principles of freedom of expression and information are not overlooked by the technocrats, bureaucrats and businessmen.

Culture, language and content

The question arises how relevant the Internet really is to rural Africa where many people do not even have access to the most basic social services, such as water, health care and education. A simple, affordable telephone service may be more important for most rural farmers than connection to a global information superhighway.

The Internet requires at least a basic level of computer training in order for people to access it - possibly a low priority for people in rural and other marginalized areas. In addition, although the Internet is becoming more multilingual, English remains the dominant language, and translation would be required to make it accessible to millions of people. In some countries, fears are growing that the Internet's Western domination will destroy local cultures and moral values.

Local content produced by Africans is needed to make the Internet relevant and viable in Africa. In a continent where radio reaches about 75 per cent of the population, television about 40 per cent, and the Internet just 0.1 per cent, the impact of the new technology is extremely marginal.

Gender and the Net

Estimates of male domination of cyberspace range from 63 per cent to 95 per cent. While this is a huge margin, the fact remains that there is a profound gender gap on the Net in all societies-it is a predominantly male medium, and sometimes a forum for gender discrimination and intimidation.

African women occupy a subordinate position in society, because of their higher domestic workload, unemployment, illiteracy, poverty and lack of access to power and decision-making. As with rural and poor communities, women's lack of access to the benefits of information technology threatens to reinforce their second-rate status and create a new form of social exclusion. Nevertheless, while women in Africa and worldwide are concentrated in the clerical aspects of work within the new technologies, a small number are beginning to succeed higher up. Many are employed in the science and technology area, as well as management and entrepreneurial areas.

African women's groups are also increasingly gaining access to e-mail and websites for networking and information sharing on issues ranging from sexuality and health, to women in academia, technology, politics and development. It is also assisting women's income-generating activities, such as organic gardening in South Africa, which are providing a useful model for other women's groups on the continent and for adult education as a whole. The Net is well suited to the needs of women's networks because of its decentralized and horizontal nature.

The essential role of women in development is well documented. Their equal participation in the development of the new information and communication technologies is paramount to prevent further marginalization from the political and decision-making processes.

Conclusion

The Internet is the most participatory medium ever known, and it offers a powerful vehicle for popular participation in the democratic process. Although the technology is still in its infancy in Africa, it is already proving its value in many ways. Now, for the first time, there is a glimmer of a possibility that Africans can participate fully in the democratization process which has only just begun across the continent. While not everyone will seek to use the new technology to make their voices heard in the decision-making process, everyone should at least have the choice whether or not to participate.

Widespread access to the Internet is obstructed by poor telecommunications - the result of vested interests in state monopolies of obsolete networks with prohibitive price structures. The lack of adequate communications represents Africa's most potent form of censorship. It curtails the right of the vast majority of Africans to 'seek, receive and impart information and ideas through any media, regardless of frontiers,' as established by Article 19 of the Universal Declaration of Human Rights. It also obstructs the development of free, independent and pluralistic media, which are essential to social and economic progress.

A society's ability to develop depends on the ability of its members to have access to information and to express themselves freely. Therefore, access to information technology is no longer a luxury, but a basic human need. The lack of adequate telecommunications threatens to widen the gap between those who have access to the new technology and those who do not. Africa is in danger of being left behind, as are marginalized groups within African society. Rural and poor communities, women and other disadvantaged groups face a new form of poverty and exclusion - information poverty. However, these negative effects should not preclude efforts to develop and encourage the growth of the Internet. The Internet is certain to continue spreading rapidly whether we like it or not, and it will have benefits for the whole society.