GLOBAL INFORMATION SOCIETY WATCH

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

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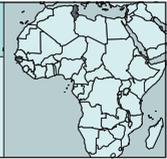
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Introduction

In Tunisia there is a gap between internet governance "policy discussions" at regional and international forums, and "policy making" at the national level. Some call this the difference between "talk" and "action". However, there is also the belief that the Arab Internet Governance Forum (IGF), as a regional mechanism to talk about internet governance issues, provides an important platform for civil society to at least voice their concerns about whether or not they can actually impact on the local policy environment, especially when the most important decisions are made behind closed doors.

Since the social uprisings six years ago, Tunisia has seen rapid changes. These changes make it necessary to shed light on the positive and negative internet governance developments when it comes to internet freedoms, openness and transparency. It is hoped that this will help find ways to communicate policy development more effectively in national policy-making circles and influence the idea of implementing cost-effective national policies.

Policy and political background

The political, economic and policy context in Tunisia is experiencing a deep transformation. The country has much to celebrate after the revolution and many lessons still to learn. The upheavals in the region make the country's national internet policy context very challenging. It is difficult to adopt a hopeful vision for the future of internet freedoms, even if the country has successfully written a democratic constitution.

Tunisia is still politically unstable, and economically the situation is fragile. At the moment, the government does not put the internet governance agenda at the centre of its policy discussions. This situation has a negative impact on issues related to national IGF themes such as data protection, privacy, online freedoms, censorship, surveillance, e-commerce and internet policy in general. In contrast, issues that are being debated by the government include attracting international investors, state security, border terrorism, the tourism industry, the services sector and the rising unemployment rate.[1]

Internet policy discussions are still perceived by civil society actors and activists to lack transparency, openness and inclusiveness. The government continues to use a top-down approach in putting forward certain policies. A good example of this is the recent legislation on the national biometric identity card. This has been controversial because it shines a light on the government's attitude toward the data privacy of Tunisian citizens online.

Draft legislation has been proposed to amend Law No. 27 of 1993 on the national identity card to equip citizens with a new biometric identity card with an electronic chip. This card uses the Gemalto[2] system to store citizens' sensitive personal data such as health and banking information, and their social security numbers.[3] Tunisian citizens will not be able to access their personal information stored on the card; if they do so, they can be punished for up to five years in prison. The card contains a unique identifier that can only be accessed by the Interior Ministry.[4]

A similar top-down approach was followed in the creation of a new agency called the Tunisian Telecommunication Agency (ATT) in November 2013.[5] It is responsible for providing technical support to judicial investigations into cybercrimes.[6] However, the ATT has not been given the proper public oversight to ensure accountability. The new agency has such broad competencies that it could constitute a form of control and censorship over the internet. Civil society

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1 Wood-Donnelly, C. (2015, 29 June). Tunisia: a country in transition, and under considerable threat. *New Statesman*. www.newstatesman.com/politics/2015/06/tunisia-country-transition-and-under-considerable-threat

2 www.gemalto.com/govt/identity/id-motion

3 Ben-Hassine, W. (2016, 18 November). Tunisia's new ID card: a looming disaster for personal data *Access Now*. https://www.accessnow.org/tunisias-new-id-card-looming-disaster-personal-data

4 Ben-Hassine, W. (2017, 11 July). Take action: Help Tunisians defend their privacy. *Access Now*. https://www.accessnow.org/take-action-help-tunisians-defend-privacy

5 Decree No. 4506 of November 2013. Available at: www.legislation.tn/fr/detailtexte/D%C3%A9cret-num- 2013-4506-du-06-11-2013-jort-2013-090__2013090045063?shorten=DBjx

6 Ben Youssef, D. (2015, 1 September).Terrorism and ICT: Keeping alive old surveillance practices in Tunisia. *Nawaat*. www.nawaat.org/portail/2015/09/01/terrorism-and-ict-keeping-alive-old-surveillance-practices-in-tunisia

activists are calling for the ATT to be open in conducting investigations so that individual and public freedoms are not negatively affected. ATT decisions should be transparent to review.[7]

These concerns can be contrasted with more positive signs. The Tunisian Internet Agency (ATI), the government agency that was heavily involved in internet censorship, is now contributing to building a multistakeholder internet governance environment to achieve a more open and inclusive internet governance ecosystem. Today, the ATI is not involved in internet censorship, or in deploying monitoring technologies. These activities were immediately cancelled after the revolution.

The ATI is promoting its activity as the only internet exchange point (IXP) in the country, as well as the registry of national domain names. In 2015, the ATI was accredited by the Internet Corporation for Assigned Names and Numbers (ICANN). Recently, the ATI hosted civil society activities in the 404 Lab[8] where deep package inspection systems were deployed under the previous regime. Today, the lab – which is a basement located in the previous ATI building – is used by civil society advocates and human rights activists to organise training and workshops and to develop projects for the good governance of the internet.

The need to build a better national IGF

The Tunisian national IGF was born in March 2013 with the support of the Ministry of Communication Technologies and Digital Economy. Thirteen members were elected from the government, academia, private sector and civil society to form a Multistakeholder Advisory Group (MAG). The regulator was the secretariat of the MAG. The first event was held in December 2013.[9] The IGF provided a space for local stakeholders to discuss the political and strategic aspects which relate in particular to the development of infrastructure and access, capacity building, regulation of transactions, and data protection and transparency.

However, the number of participants was not sufficient, with weak participation from the government and private sector. In total, 20 participants attended the first national IGF in the capital Tunis. Moreover,

the first meeting did not encourage the members of the MAG to stay involved, and no further meetings were organised after the IGF. The election of the new MAG was held later than expected.

Because of some of the above factors, the country's first national IGF was not successful and certainly could not have the same impact as the Arab IGF. A key reason in the failure of the first IGF is that governments in some developing countries tend not to give priority to structures and initiatives such as the IGF, possibly because they feel their power is threatened. We also need more active involvement from all stakeholders including the private sector, civil society and academia. The second national IGF will be held on 17 October 2017. There is a lot of hope that this IGF meeting will potentially have some impact on national policies by securing better support from the government, civil society and the private sector.

A new vision for the region is needed

The Arab IGF has been heavily criticised by civil society groups in Tunisia, following the four meetings that took place from 2012 through to 2015. The forum is not seen as a space for a multistakeholder discussion of internet governance.

Multistakeholder governance will succeed in the Arab world if governments create a long-term vision for internet governance, and a strategy for the internet through the establishment of multistakeholder forums that could complement or even replace the Arab IGF. This regional forum could be used to share plans and experiences with national IGFs, and to explore the potential of building a model for a regional umbrella IGF of national IGFs through a bottom-up approach. Right now, the regional IGF is too detached from the national-level forums.

These national IGFs should network with other IGFs in the region, and through this collective action, secure multistakeholder sponsorship for a regional event. This event should propose concrete next steps for pushing forward a truly multistakeholder regional vision for internet governance that is aligned with similar initiatives elsewhere in the world.

The theme of the 2017 IGF in Tunisia will be "Shape Your Digital Future",[10] which is also the theme of this year's global IGF in Geneva. Forty participants are expected to participate. The IGF will be preceded by the first Tunisia School on Internet Governance (TSIG), where the internet grassroots community of students, activists, engineers and human rights advocates will participate in a one-day learning and training event on internet governance. Among other things, the forum will evaluate past attempts at

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7   https://www.igmena.org/Tunisian-Technical-Agency-for-Telecommunications-Does-it-protect-Tunisians-online-safety-or-threaten-their-privacy

8   The 404 Lab was used by officials and agents of the previous Ben Ali regime to censor the web. The famous servers that were used to control the internet are still on these premises. See: OpenNet Initiative. (2008, 27 September). Tunisian journalist sues government agency for blocking Facebook. *Nawaat*. https://nawaat.org/portail/2008/09/27/tunisian-journalist-sues-government-agency-for-blocking-facebook

9   www.igf.tn/wp-content/uploads/2017/03/IGF-TN2013-Rapport-Version%20Finale.pdf

10   www.igf.tn/igf-tunisie-2017

building a national IGF and identify barriers and opportunities that can strengthen internet governance at the local level, as well as exploring how the national conversation can feed into global conversations on internet governance. Meanwhile, the Ministry of Communication Technology and Digital Economy has launched a public consultation for a new Digital Code.[11] The ministry is also supporting the October IGF, suggesting a positive future for a multistakeholder approach in Tunisia.

Shaping a regional agenda through coalitions and alliances

Internet governance policy advocates in the Middle East and North Africa (MENA) should encourage transparent and open policy processes in the region. This can be done through the creation of coalitions and alliances, education initiatives, and community-building activities, among other things. In this way, new communication channels for policy advocacy with governments and the private sector can be created. This will ultimately make those stakeholders see that internet governance issues matter to them. From a national consensus on the importance of multistakeholder internet governance at the national level, as well as with regard to the critical issues faced at the national level, a regional agenda can be developed.

If we forge new networks that can advance mutually beneficial cooperation among stakeholders, so that the complex internet governance problems of today can be tackled, we can avert the problems of tomorrow and create benefits in the medium and long term for all stakeholders concerned.

Conclusions

Internet freedoms in Tunisia are not totally safe from state censorship and control. A post-revolution internet policy agenda is critical. While there is an open multistakeholder policy environment that encourages engagement and discussion, this can be put at risk through state security measures and threats of terrorism.

There is a huge discrepancy between policy discussions and policy making at the national level. Civil society advocates who participate in many workshops with interesting and controversial topics such as net neutrality, cybersecurity, zero rating and gender rights have noticed that many stakeholders repeat the same ideas and talk a lot. As a consequence, we get nowhere. The communities most affected by the

policies being developed are also excluded from the policy-making process.

Internet advocates should fully utilise the internet space not only as a tool to advocate for more social and political rights and online freedoms but also as an economic engine. We need not only internet freedom advocates but also active entrepreneurs online. To support this, the state needs to work on implementing sound economic policies when it comes to the physical infrastructure, including fibre optic cables and 4G connectivity.

The Tunisian revolution did not make the internet totally free, without constant effort and vigilance by Tunisian internet users; the internet freedoms achieved could be reversed.

Action steps

The following steps are suggested for Tunisia:

- The more we know about what institutional power is doing, through transparency and oversight, the more we can trust it. From a legal perspective, courts must act as third party advocates, legislators must understand technologies, the press must be free and vibrant, and watchdog groups must analyse and report on what power is doing. But we all have a duty to tackle this problem to create legal certainty, avoid arbitrariness, and ensure procedural and legal transparency.

- Civil society needs to work to reduce power differences and achieve a balance of power among the various internet stakeholders at the national level. Society will become more stable with a new principle of governance by which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and consistent with international human rights norms and standards.

- Responsive and accountable institutions are central to ensuring that development is both effective and sustainable for citizens. They are also important to deliver quality internet services, improve accountability, and expand opportunities for inclusive economic and social progress between the state and the people.

- All levels of society need the basic capacities required to contribute to policy that impacts on them. Public authorities should work with civil society to involve communities in deciding on policy priorities. This will help to make those institutions transparent and accountable, and build a culture of integrity into the delivery of services, including broadband.

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11 Dahmani, W. (2016, 31 June). Breaking the National Cyber Security dilemma in Tunisia. *iGmena*. https://www.igmena.org/Breaking-the-National-Cyber-Security-dilemma-in-Tunisia

National and Regional Internet Governance Forum Initiatives (NRIs)

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

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

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

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

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