



Stakeholders' Involvement and Participation in the Internet Governance Ecosystem: An African Perspective

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ABSTRACT

From an African perspective, internet governance requires not only an understanding of the variability in access to and use of the internet across the continent, but also an understanding of the disparities between developed and developing countries' abilities to effectively participate in global internet governance debates. Few developing countries participate in these debates, and even fewer are active in agenda setting for global internet governance.

This paper seeks to understand how these factors transect with the notion of multistakeholder participation as a form of governance for internet policymaking, which is often informed by assumptions from more mature markets and Western democracies. It does so by exploring the evolution of multistakeholder participation through mapping the main international and regional instruments of the internet governance ecosystem in Africa. It critically assesses the ability of current multistakeholder initiatives to provide Africans with a compass to guide them through the miasma of cybercrime, political surveillance, censorship and profiteering that threaten the openness of the internet. The paper also highlights the participatory and accountability gaps in the current *status quo*, ultimately asking what solutions can be devised to enhance the participation of African stakeholders in internet governance.

Keyword: *Internet, governance, multistakeholder, participation, Africa.*

1. AN AFRICAN PERSPECTIVE ON INTERNET GOVERNANCE

Reasons for limited African participation in internet governance forums and ineffective coordination of internet policy-making in the African context are complex. Besides the more fundamental and perhaps obvious challenges of low income and education levels in most African countries, other challenges are at least partially explained by the evolving internet ecosystem in Africa. From a policy and regulatory perspective, although several African countries embarked on telecommunications reforms in order to meet international trade agreements, reform processes in Africa are incomplete and political interference and corruption in regulatory processes still occurs in some countries (Sutherland, 2012). In many African countries, regulatory capacities and independence are limited within the context of fragile democratic states or authoritarian regimes. In this respect, Khan's studies on the implementation of democratic principles in developing countries (2005) reveal that a large informal economy and widespread non-market accumulation processes characterize democratic developing countries.¹ Western liberal democratic principles and assumptions informing the telecommunications reform agendas of the states and the creation of an independent regulatory agency to regulate competitive markets are misaligned with the existing systems of power and patronage in many countries, which renders reform efforts ineffectual. In most African markets, poor policy and ineffectual regulation has resulted in low levels of competition and barriers to market entry especially in the fixed-line and backbone segment, which constrains telecommunications markets expansion. This has resulted in high prices and poor quality of broadband services and low-level access to the internet; limited backhaul and access networks provided by weak former fixed line incumbents; and dominance of regional vertically integrated mobile operators that have come to characterize the wireless telecommunications environment across the continent. Therefore, the potential of the internet to contribute to economic growth, development and innovation has not been fully exploited across the African continent.

Driven by social networking, mobile operators now primarily provide internet access. The 2012 Research ICT Africa (RIA) Household and Individual Information and Communications Technology (ICT) Survey found that in 11 of the 12 participating sub-Saharan African countries (the exception being South Africa), less than 16 per cent of the population has ever used the internet. Moreover, internet users are concentrated in urban areas, while rural and marginalized areas are almost untouched by the internet (RIA, 2012). In addition, as more bandwidth intensive services become available, their deployment is prevented by the poor quality of service, rendering certain services unfeasible.

Finally, one important cause for the low level of connectivity is the ineffective participation of the private sector in the development of the internet in most African markets. Hindered by ineffective ICT policies and regulations², this contributes to the uneven distribution of internet resources - such

¹ According to Khan (2005), political patronage is a feature that explains the relationship between democracy and market performance in developing countries. For instance, internal political stability in a developing country is not sustained primarily through fiscal policy, but mainly through accommodating off-budget interests of factions organized along political patronage lines. Khan (2005) explains that in developing countries, clients agree to provide political support to patrons in exchange for payoffs. He further stresses that the state does not only play the role of service delivery, but also is instrumental in allowing different groups, such as contending classes and entrepreneurs, to use resources to drive transformation in specific directions (Khan, 2002).

² By contrast, in the global North, business associations substantially contributed to the development of the concept of multistakeholderism: examples are the role played by the International Chamber of Commerce as coordinating advocacy

as Tier1 networks and Internet Exchange Points and intermediaries³, which are concentrated in the Global North.

Yet despite these pressing issues, there have been few attempts to develop a local internet governance agenda based on multistakeholder participation, and, insofar as an African agenda on internet governance exists, it has not been defined through deliberative democratic processes⁴ (KICTANet, 2013; Global Partners Digital, 2013; NEPAD, 2013).

Some of the reasons for this include the absence or nascent nature of the internet industry and civil society organizations, and their exclusion from formal meetings with, or delegations of, national governments at international meetings. Even where international meetings are open to non-governmental organizations, they tend to take place in venues requiring resources for travel, which NGOs seldom have. As a result, they are unable to advocate at regional, national and international levels.

Furthermore, national governments and regional economic communities in Africa lack the capacities, skills and financial resources to address relevant problems related to the internet. Often they default to adopting the agendas of inter-governmental or donor organizations. Organizations like USAID, the International Telecommunications Union (ITU) and the European Commission have been extensively and consistently involved in ICT policy reform processes in Africa since the 1990s. These organizations are involved in harmonizing a global agenda on ICT policy, driven by international regulatory trends.⁵ While international organizations have sometimes assisted with the development of necessary technical and regulatory frameworks to enable the internet in Africa, they have based these recommendations and guidelines on the regulatory best practices of mature markets, with better-resourced and more stable institutional, political and economic contexts.

African institutions and ICT policy and regulatory processes have been supported and shaped by a network of development practitioners, consultants and academics with a shared system of values, beliefs and practices, mostly drawn from Western democracies and mature economies. This community of experts is referenced in the literature as an “epistemic community” (Haas, 1992).⁶

lobby for business in WSIS, ICANN, OECD, IGF, etc., as well as the significant investment of time, resources and energy into multistakeholder dialogue by individual tech companies like Cisco, Microsoft, Nokia-Siemens, Verizon etc.

³ According to the OECD (2010), internet intermediaries are internet service providers (ISPs), hosting providers, search engines, e-commerce intermediaries, internet payment systems and participative web platforms.

⁴ According to Chambers (2013) “deliberative democratic theory is a normative theory that suggests ways in which we can enhance democracy and criticize institutions that do not live up to the normative standard.”⁴ Chambers (2013) lists a few key elements defining deliberative democracy. First, he asserts that it is a way to enhance democracy and to make institutions more accountable. It is focused on communicative processes of opinions. At the conceptual core of legitimacy, accountability replaces consensus in order to justify a political legitimate order. In that sense, accountability is a way to justify public policies. Deliberative democracy does not replace representative democracy but it expands it.

⁵ Convergence, roll-out of fibre-optic networks, and the release of LTE spectrum are currently the priorities for ICT policy and regulatory reforms in developing countries. In addition, as more people get connected to the internet, internet governance issues such as cyber-security, surveillance and freedom of expression are becoming the new regulatory challenges for governments and regulatory bodies in developing countries.

⁶ The epistemic community of external consultants and representatives from international organizations, who have been involved in regional and national ICT policy processes, have a normative approach to ICT policy-making, which comes from their experience of the mature markets of Europe and the United States. This normative approach informing regionalization efforts draws extensively from the European Union as the most developed integrated region, for instance, where institutionalized and complex structures and processes for the harmonization of regional frameworks are in place,

These shared international values are based on good governance, democracy and liberalized markets. However, studies on the political economy of developing countries observe that a major obstacle to economic development is caused by the lack of implementation of democratic principles in their governance. Democracy in developing countries does not result in a significant change in the economic situation of these countries, which are characterized by a large informal economy and widespread non-market accumulation processes (Khan, 2002). Overlooking political and economic conditions in developing countries, could lead to the failure of technical assistance or capacity-building programs, initiated or supported by international, multilateral or donor organizations, and often implemented by external consultants.

Nevertheless, in order to get financial and technical support, certain inter-governmental organizations such as the International Telecommunications Union (ITU), have become the preferred bodies to solve issues related not only to the physical infrastructure and to the definition of technical standards and services but increasingly to issues relating to the internet⁷.

Approaching multistakeholder participation in internet governance from an African perspective requires assessing the not only the level of involvement among different stakeholders in internet governance forums but also analyzing how effective and relevant different internet structures and processes are for African countries.

The study does so by exploring how African internet governance structures and processes adopted the notion of multistakeholder participation in internet governance. It examines the evolution of multistakeholderism in African internet governance to appraise its success and failure as an alternative form of regional governance and decision-making that traditionally unfold within national borders and between government organizations, such as the Ministry of ICT and the National Regulatory Agency (NRA). It assesses these issues by mapping the main actors involved in internet governance at the national, regional, continental and international levels, including the roles of various stakeholders, including individuals and civil society, the private sector, and multi-lateral and international organizations, government organizations,. This policy paper investigates constraints of African stakeholders, including government organizations, private sector, and civil society organizations to effectively participate in national, regional, continental, and global internet governance processes and debates. Finally, it identifies pressing issues and priorities for an African internet governance agenda, at the national, regional, continental and international levels.

The policy paper poses the following questions:

- What are the main regional and international instruments of the internet governance ecosystem in Africa?
- Are these multistakeholder initiatives able to support the development of the internet?
- What are the participatory and accountability gaps in the current status quo?

and the interaction between the regional level and the national level is structured around sophisticated bureaucratic organizations, which monitor and evaluate the implementation of regional measures.

⁷ The increasing role of the ITU in internet-related issues is confirmed by the online multistakeholder consultation, which was launched in March 2014 by the Council Working Group on international internet-related public policy issues. The public consultation invited stakeholders to provide their position on what actions should be undertaken by governments in relations to internet-related public policies issues. This recognition of the importance of the internet with the UN is evident in the high-level commissions on the subject. Similarly, other UN bodies and multilateral agencies have been trying to stimulate internet access and use through donor-based support of projects and programs.

- What recommendations can be devised to enhance the participation of African stakeholders?

The methodology for this research includes both a survey and interviews with key informants. An extended literature review was conducted to determine the factors contributing to the rise of multistakeholderism in internet governance, with a specific focus on the African context. The primary data was collected through a continental-wide online survey with both closed and open-ended questions delivered to key national, regional, continental and international respondents, including representatives from all African governments, officials working in Regional Economic Communities (RECs), key African actors from internet governance institutions such as the IGF, ICANN, the ITU, UN agency, etc., representatives from civil society organizations, the industry and other individuals. Respondents were purposefully sampled based on their roles and involvement in internet governance processes. They were requested to provide detailed opinions on the effectiveness of internet governance structures and processes. Responses were collected from 41 stakeholders from across the continent who were contacted through three mailing lists of individuals involved in internet governance in Africa at different levels (Calandro, 2014).

Most respondents had a university education (37% Masters degree, 27% BCs/BA degree). A majority (34%) represented civil society organizations (CSOs)/Non-Government Organizations (NGOs), followed by multilateral organizations (22%) and academic institutions (19%). A good response rate came from respondents operating at a national level (47.5%).

Research limitations

The internet governance ecosystem has a complex structure including different forums and institutions at national, regional and international levels. Therefore, a comprehensive study on this issue would require mentioning many international organizations concerned with internet policy and regulation.⁸ However, this study has selected only a few of such institutions and forums in order to assess the level of involvement and mechanisms of participation of African stakeholders in these institutions⁹.

2. MULTISTAKEHOLDERISM AND CONSENSUS-BASED DECISION-MAKING

Before investigating problems encountered by African stakeholders participating in internet governance forums, it is important to emphasize that the internet is governed by an innovative and unique multistakeholder model (DeNardis et al., 2013). Lawrence E. Stickling, U.S. Assistant Secretary for Communications and Information of the National Telecommunications and Information Administration (NTIA), describes the multistakeholder process as “the full involvement of all

⁸ An inter-governmental organization with considerable influence on internet governance is the United Nations: over and above its dedicated agency, the ITU, the UN is the international body whose competences offer the highest density of tangential points with internet governance. However, an in-depth analysis of African stakeholders involvement in UN structures is out of the scope of this paper.

⁹ For a comprehensive description of African internet governance structures and processes, see the discussion paper titled “Mapping Multistakeholderism in Internet Governance: Implications for Africa,” available at <http://goo.gl/D5Ke5w>.

stakeholders, consensus-based decision-making and operating in an open, transparent and accountable manner." ¹⁰

A stakeholder refers to an individual, group, or organization that has a (in)direct interest or stake in a particular organization. These may be businesses, civil society members, governments, research institutions and non-government organizations. Prior to the introduction of such terminology in the context of internet governance, the [Earth Summit Forum in 2002](#) defined multistakeholder processes as aiming “to bring together all major stakeholders in a new form of communication, decision-finding (and possibly decision-making) on a particular issue. They are also based on recognition of the importance of achieving equity and accountability on democratic principles of transparency and participation, and aim to develop partnerships and strengthened networks between stakeholders”.

The introduction of the “multistakeholder” term into internet governance discussions dates back to the World Summit on the Information Society (WSIS) (Kummer, 2013). A multistakeholder approach to global internet governance was first discussed during WSIS, which took place in 2003 in Geneva and in 2005 in Tunis.¹¹ According to Kummer (2013) during the first phase of WSIS, the term was normally used to describe existing arrangements that were led by the private sector, in line with the principles at the core of the Internet Corporation for Assigned Names and Numbers (ICANN).

The proposal to create a multistakeholder Internet Governance Forum linked to the United Nations (Musiani, 2013) was put forward by the Working Group on Internet Governance (WGIG) which stressed the need for a “global multi-stakeholder forum to address Internet-related public policy issues” (WGIG, 2005). The WGIG was particularly devoted to the identification of public policy issues that are potentially relevant to internet governance. During its proceedings, it identified three main groups of stakeholders with associated actions that they found to have a particular interest in internet policy development. Coordination and implementation of public policy was assigned to Governments. The private sector was not only expected to deal with the “technical and economic fields” that the Geneva Declaration of Principles had mentioned, rather private players were acknowledged as active actors for policy proposal development. Finally, in order to improve grassroots participation, civil society’s engagement was required to contribute to policy processes and policies that are people-centred and inclusive (Musiani, 2013).¹² The WGIG expanded the scope beyond internet issues, traditionally seen as technical matter but with important political implications, to include global internet politics, such as management of critical internet resources, security and safety of the global network, as well as issues related to the internet’s development, access and use. Further, in giving effect to the objective, goals and targets of its Plan of Action (WSIS, 2003), the WGIG paid special attention to the needs of developing countries, particularly countries, peoples and groups cited in paragraphs 11-16 of the Declaration of Principles.

The multistakeholder approach was also adopted as a model by the OECD in 2008 during a ministerial meeting on the Future of the Internet Economy in Seoul and subsequently by the Council

¹⁰ Assistant Strickling’s full remarks can be found here: <https://www.ntia.doc.gov/speechtestimony/2014/remarks-assistant-secretary-strickling-istanbul-bilgi-university-information-te>

¹¹ According to Kummer (2013), the term multistakeholder emerges in the internet governance debate for the first time in the Geneva Action Plan in relation to “establishing multi-stakeholder portals for indigenous peoples at the national level.”

¹² In terms of procedures, the entry into the discussions of organized civil society was noteworthy, and was considered by many as the first instance in which this relevant stakeholder for the future of ICTs had reclaimed its right to be heard (and even listened to!), alongside governments and private companies (Musiani, 2013).

of Europe, which in 2009 also adopted a declaration recognizing the need for a “multi-stakeholder approach” (Musiani, 2013).

However, as DeNardis et al., (2013) points out, the multistakeholder model may not be the most appropriate model in every functional area of internet governance. There is not a single unitary system or entity that oversees and coordinates the internet. Rather, the internet is governed by a “multi-layered series of distinct tasks” (DeNardis et al., 2013:2). Different bodies for internet governance exercise different tasks over related but distinct aspects of governing the internet’s technical architecture (DeNardis et al., 2013). This policy paper echoes DeNardis’s views of multistakeholder governance in embracing the idea that multistakeholder participation should not be heralded as value in itself and applied homogenously to all internet governance functions. Rather, the appropriate approach should be devised on the basis of what types of administrations are optimal for promoting balance of interoperability, innovation, free expression and operational stability in any particular functional and political economy context (DeNardis et al., 2013).

Besides the controversy regarding the scope of the multistakeholder approach (Gurstein, 2013), it is unclear whether the term refers simply to a process, or to the more institutional concept of representational form. In this regard, it should be noted that the definition does not specify a procedure by which decisions are made, other than being based on a set of minimum principles such as being open, transparent and accountable.

In order to avoid the subjugation of minorities associated with majoritarianism, a recent contribution concluded that an appropriate structure for a transnational network for internet governance should consist of an open and transparent forum within which members of all stakeholder groups deliberate with the aim of reaching consensus, led by a meritocratic executive council to which each group appoints its representatives (Malcolm, 2008). The same author warned that for the principle of merit to prevail over the “law of the jungle” of oligarchy, it is necessary for the rules by which merit is assessed to be either agreed upon by consensus, or be settled by some other objective means. Accordingly, he suggested that this can be done with reference to the five requisites that were identified by Dahl (1989) as for the existence of a democratic polity:

1. Effective participation (that all citizens are equally empowered to participate in the political process);
2. Enlightened understanding (that these citizens are provided with adequate information to allow them to contribute meaningfully);
3. Control over the agenda (that citizens should be empowered to decide which issues should be placed on the public agenda);
4. Voting equality at decisive stages (that all citizens should have a vote of equal weight at every point when a decision is made); and
5. Inclusiveness (that the rights of citizenship should be available to all besides transients and the mentally deficient) (Dahl, 1989).

While a multistakeholder approach to internet governance can be developed on these principles, it must be recognized that they all refer to equality among citizens – which makes them only partially applicable to the stakeholder structure based on roles which are currently used for participation in many internet governance forums. In other words, the challenge seems to be not only one of ensuring equality among intra-group stakeholders but also of defining the extent to which inter-group equality should be promoted by the multistakeholder approach. In this respect, it is important to note that the recent NETmundial Multistakeholder Statement (2014), the final product derived

from the global multistakeholder meeting on the future of internet governance held in Sao Paulo, Brazil in April 2014, embraced the above mentioned view that the respective roles and responsibilities of stakeholders depend on the functional and political context of the issue under discussion (DeNardis et al, 2013). The same document also refers to meaningful and accountable participation, and mentions the need for multistakeholder processes to be “democratic.” Taking this understanding of the multistakeholder process at face value, it is clear that its measurement should rest at the very least on values such as inclusiveness, effectiveness of participation, fairness and accountability.

In addition to definitions of multistakeholder participation in internet governance provided by the literature, open questions in the survey on mapping multistakeholder participation in internet governance from an African perspective revealed that in addition to the common understanding of the concept in terms of “bringing stakeholders together to participate in the dialogue, decision making, and implementation of solutions to common problems or goals” (representative from the government of Malawi), “multistakeholderism means increased accountability, transparency and accessibility to decisions taken in the public domain” (member of an African think-tank). Others, such as an NGO based in Democratic Republic of Congo, see it as a new form of governance, which “supports the identification of innovative solutions to complex problems.” From a decision-making perspective, an ISOC respondent from Uganda chapter viewed it necessary that all players participate and are equally represented and have equal decision making power in the IG deliberations.” Other respondents were more concerned with the predominant role of governments and on their capacity to influence the US agenda on internet governance: “multistakeholderism in the final analysis is subject to the rules of their national governments and not as it is currently being advocated only subject to USA rules,” (representative from an international organization).

On the question of to what extent the multistakeholder approach is practiced, feasible or applicable in existing (internet) governance and policy structures in Africa, an African think tank respondent stressed that “the failure of many African countries to meet the democratic thresholds of representation and participation make multistakeholder engagement unfeasible or impossible at the national level, which translates in lopsided participation at the international level.”

Respondents also had the opportunity to suggest how to strengthen Africa’s internet governance ecosystem and make the multistakeholder approach work more effectively. Some of the recommendations to improve multistakeholder participation in internet governance from an African perspective included: “capacity building to understand internet governance concepts” (ISOC Uganda representative); “commitment to adopting fundamental human rights principles” (African think tank representative); and “to reach out to African governments and ensure they participate effectively in the internet governance debate” (ISOC Kenya representative). However, according to a representative of an African think tank, “the prospects of creating effective, democratic, participatory governance arrangements are bleak without these first being addressed in non-digital world.”

This pessimistic view of the participation of African governments in global internet governance fora is manifest in the results of what arguably constituted the most important initiative of this type: the NETmundial process. Only 19 African organizations out of 180 made submissions to the NETmundial process, most of which came from civil society organizations, with only one submission from governments (Kenyanito, 2014). To understand why this may be the case, the next sections of the policy paper will attempt to show some deficiencies of the current national, regional and international frameworks from an African perspective.

3. INTERNET GOVERNANCE IN AFRICA

In Africa, a number of regional organizations are entrusted with competencies in areas affecting internet governance.

Before addressing the aspects of their work that are relevant to internet governance, it is important to bear in mind that, as noted above, their agenda is shaped by international institutions, both through specific aid programs and technical assistance. In fact, international organizations normally have a specific department or specialized agency for Africa. One important example of an institution functioning as a bridge between international organizations and the regional community is the United Nations Economic Commission for Africa (UNECA). However, the organization seems to have lagged over the last 15 years in producing concrete outputs. The only measurement of performance has been done by UNECA itself with respect to one of its biggest projects, the African Information Society Initiative (AISI). The AISI was launched in 1996 as a high-level work group that would develop an action plan on ICTs to accelerate socio-economic development in Africa. A 10-year review of UNECA's execution of the project confirmed its success, as evidenced by the existence of national e-strategies in three quarters of UNECA's member states (UNECA, 2006a). The objective of the program to realize a sustainable information society in Africa by 2010 in which "every man and woman, school child, village, government office and business can access information knowledge resources through computers and telecommunications" (Soul Beat Africa, 2004) is, however, far from being realized.

African Union and Regional Economic Communities

At a continental level, the African Union (AU) leads the process of harmonizing the ICT policy and regulatory frameworks (African Union, 1991, 2009, 2010, 2012).¹³ The Reference Framework for Harmonization of Telecommunication and ICT Policies and Regulations in Africa was endorsed by the Summit in July 2008. The Reference Framework is implemented through the International Telecommunications Union (ITU)/European Commission (EC) HIPSSA project, which is understandably strongly influenced by the EU's policies and agenda, led by EU consultants and supported by EU-based capacity-building programs, although it contains requirements to work with local expertise and institutions.

By contrast, a good level of engagement between the AU and African governments can be observed in the assignment of new generic Top-Level Domain (gTLD) names, particularly in the process that led to the application for the ".africa" (dotAfrica) gTLD. The process dates back to 2000 when non-African companies expressed the desire to apply for it during ICANN's first gTLD open application round. In response to their expression of interest, a few African professionals opposed that bid as it was considered that it would not have benefitted the entire continent and the public interest of the African community. In 2002, this group drafted a concept paper proposing possible alternatives and community-based operational models for dotAfrica (African Union, 2011a, 2011b).

In 2007, Dot Connect Africa (DCA) Trust—an independent, non-profit and non-partisan

¹³ The African Union is a continental organization grouping eight Regional Economic Communities (RECs). The RECs are sub-regions for the implementation of the New Partnership for Africa's Development (NEPAD), which was adopted by the Assembly of Heads of State and Government in 2001 in Zambia to accelerate economic cooperation and integration among African countries.

organization¹⁴—declared its intention to set up, own and manage the dotAfrica gTLD name. In response to this application, the African Union Commission (AUC) made a stand calling for an open process to set up the dotAfrica geographic TLD name (African Union, 2011a, 2011b).

Eventually, the AUC process for the management of dotAfrica received formal support from 43 African Governments. Conversely, in response to the DotConnectAfrica application, 17 African countries issued a Governmental Advisory Committee (GAC) early warning in November 2012 on the DotConnectAfrica application, which was supplemented by the objection of three other GAC representatives in February 2013. Two months later, during the ICANN46 in Beijing, the GAC issued unanimous advice to the ICANN board that DCA's application for dotAfrica should have been dropped. In June 2013, an evaluation committee for new gTLDs expressed its agreement with the GAC advice and dropped the DCA's application (Katiti, 2013).

However, it should be noted that, as claimed by DCA, ICANN's guidebook does not require the entire community's support for applications for a geographic name of a continent.¹⁵ In addition, the DCA had acted in accordance with a resolution of the Conference of African Ministers in Charge of Communications Information Technologies allowing competition from any African organization or entity interested in bidding for the domain name on behalf of and for the use of African organizations and citizens at large, without specifying the need for governmental support. Nonetheless, support was specifically requested from the African Union, which decided not to grant it and referred the matter to member states, which in turn called the AUC to "set up the structure and modalities for the implementation of the Dot Africa project" (African Union, 2011a, 2011b).

Thus, the dotAfrica saga is an illustrative example of how inconsistent and unclear policies can be detrimental to private investment in internet in Africa. But while the exercise of veto powers by member states might be viewed negatively, it also shows the important role of leadership that the AU can play to defend the interests of African governments in a coordinated way. This was confirmed by 43% of survey respondents, who considered the AU as a sufficiently effective institution to make decisions and reach agreements in the area of internet governance. Admittedly, the AU can stimulate and spearhead discussions on important policy domains; however, it appears that such a role has been less effective in areas requiring greater coordination and a more proactive engagement from national governments. For example, the open access principles laid down in the AU Reference Framework for Harmonization of the Telecommunication and ICT Policies and Regulation in Africa (2008), which would open up closed networks to competitors and new entrants in national telecommunications markets and thus provide consumers with better and more affordable internet access, were, as of May 2012, at study stage and therefore not yet fully implemented anywhere in the continent (African Union, 2015).

Unsurprisingly, survey results showed that the AU is viewed as slightly ineffective in providing information, data or research on internet policy, which suggests a stronger potential in terms of policy coordination rather than technical governance. Similarly, the AU was considered ineffective in regulating internet content, providing technical support on internet content regulation and

¹⁴ Dot Connect Africa (DCA) Trust is based in Nairobi Kenya with its head office in Mauritius. See <http://www.dotconnectafrica.org/> for further information.

¹⁵ According to Module 2.2.1.4.3 of the gTLD Applicant's Guidebook, documentation of support for names appearing on the "Composition of macro geographic (continental) or regions, geographic sub-regions, and selected economic and other groupings" list will only be required from 60% of the respective national governments in the region, in addition to there being no more than one written statement of objection to the application from relevant governments in the region and/or public authorities associated with the continent or the region.

regulating cybersecurity. In contrast, the AU was perceived as more effective in developing and implementing internet for development programs and projects.

At least to some extent, this burden should be alleviated through the action of Regional Economic Communities,¹⁶ which group neighboring countries together and should have a better understanding of national issues as well as a geo-political predisposition to tackle common regional socio-economic problems. Although regional organizations are legally in charge of coordination, harmonization and integration of national policy and regulatory frameworks, RECs face many challenges in fulfilling their role of effective engagement with national governments. These challenges include the lack of financial and human resources, which often result in the ineffective coordination of regional actions. As one respondent from the government of Malawi pointed out about a REC committee, “there is no coordinated approach nationally or within countries in SADC region in providing data or research on internet policy.” Also, multiple and overlapping membership creates confusion and sometimes competition in policy development and implementation especially at a national level. Finally, even where policy and regulatory frameworks are formally integrated and harmonized at a regional level, through ICT model policy and model laws for instance, the form of these legal frameworks is such that they do not bind national states to adopt the updated regulation.

During implementation, regional frameworks are expected to be customized at a national level and translated into national laws. However, regional frameworks are not easily transposed at a national level without the technical support of international organizations such as the ITU. For instance, in the case of new regional frameworks aiming at updating ICT policy and regulation in Sub-Saharan Africa (i.e. HIPSSA project) the updated and harmonized policy and regional frameworks are based on best practice, and the revision of regional regulatory documents have been completed only from a legal perspective. Therefore, national ICT challenges and evidence-based regulatory interventions in these countries are not embedded in the updated model laws.

National and regional internet governance initiatives

It needs to be mentioned that at a national level some initiatives have sought to develop an internet governance agenda based on multistakeholder participation. For instance, domestic internet issues in Kenya have been identified and developed through the Kenya ICT Action Network (KICTANet), a multistakeholder platform for those interested and involved in ICT policy and regulation.. The model is based on a multistakeholder debate both on and off-line. The recommendations of KICTANet are then taken to the East African IGF and subsequently to the IGF (Global Partners Digital, 2013).

In Nigeria, an effort to consolidate its position in global internet governance led to the convening of the Nigeria Internet Governance Forum (NIGF) in 2012. The NIGF developed a renewed collaborative effort of internet stakeholders in the country to help provide a coordinated mechanism for domestic multistakeholders participations in regional and global internet governance and to help facilitate partnerships, coalitions and dialogues that redefine Nigeria’s position at regional and global IGF meetings (Research ICT Africa, 2013b).

¹⁶ The AU recognizes the following RECs: Arab Maghreb Union (UMA), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern Africa Development Community (SADC).

The “Af*” initiatives

In accounting for the institutions involved in African internet governance, one should not underestimate the role played by spontaneous private initiatives, particularly in the development of resources and expertise. These institutions are currently known as “Af*” (AfStars), and complement each other in internet governance by focussing on different areas of specialization (Quaynor, 2012).¹⁷ In fact, it is through the association of private individuals, more specifically the students of the Networking Technology Workshop, that the African Internet Group (AIG) was formed in 1995 i at the 5th Annual Conference of the Internet Society (INET) in Hawaii. In 1998, the AIG organized a conference in Cotonou (Benin) devoted to the theme “Internet governance in Africa,” calling for the establishment of key institutions that can support internet growth in the region.

While AISI had laid down some of the foundations for the development of the internet ecosystem in Africa in the 1990s, the Regional Internet Registry AfriNIC has been a more prominent actor since its birth in 2005, not only in the management of addresses but in the provision of training provided to engineers and network operators on internet resource management.

It is worth noting that all the Af* initiatives support – either through the organization or by active participation – the recent initiative of the African Internet Summit (AIS), which defines itself as a regional multistakeholder ICT conference and “the pinnacle educational and business ICT event in Africa where internet actors interact with the internet global community” (AIS, 2013). The AIS is an annual event, currently in its second year, consisting of seminars, workshops, tutorials, conference sessions, birds-of-a-feather (BOFs) and other forums for sharing ICT knowledge within the African region. The Summit is organized so that the training programs of AfNOG and AfriNIC bring together the ICT business and technical community in Africa to discuss ICT issues and challenges¹⁸ (AIS, 2013).

4. AFRICAN STAKEHOLDER INVOLVEMENT

Participatory processes within the ITU

Least Developed Countries (LDCs) which seldom participate in any other internet governance *fora* and whose only recognition and contact with those responsible for global internet governance is through the ITU, see it as the most appropriate forum for governing the technological and operational aspects of global electronic networks, including the internet. This is partly explained by the fact that the ITU provides technical support to these countries, particularly related to integrating

¹⁷ The AfStars group includes the African RIR AfriNIC; the African Top-Level Domain Name Organisation (AfTLD), which acts as a focal point for African Country Code Top Level Domain (ccTLD) managers in coordinating, formulating, developing and presenting a unified approach to issues related to the Domain Name System; the proposed new gTLD for the African continent dotAfrica (.africa); the association of internet service providers AfrISPA; the African Peering and Interconnection Forum (AfPIF); the African Research and Education Network (AfREN), a specialized ISP dedicated to support the needs of the research and education communities within African members; the African Internet Society (ISOC) Chapters whose main mission has been building Internet Exchange Points (IXPs) across Africa; the Africa Network Operators Group (AfNOG) which provides technical training in network infrastructure and services; the UbuntuNet Alliance, a regional association of National Research and Education Networks (NRENs) in Africa, which aims at securing high speed and affordable internet connectivity for the African research and education community; the Afrinic Government Working Group (AfGWG), which was created to work with African governments and regulators to address general internet governance challenges in Africa; and AfrICANN, a forum for discussion for those involved or willing to be involved in the ICANN processes (Quaynor, 2012).

¹⁸ See <http://internetsummitafrica.org/ais/about>

and harmonizing telecommunications policy and regulatory frameworks at a regional level,¹⁹ and technical assistance to translate regional regulations into national legislation. The results of the RIA survey indicated that both governmental and non-governmental actors prefer the ITU: the ITU is seen as the most appropriate institution in development and implementation of internet for development programs and projects, as well as in terms of providing information, data or research on internet policy. In contrast, international organizations are not considered effective in representing internet governance issues from an African perspective.

It has been noted, however, that developing countries' participation in the domain of infrastructure and services regulation,²⁰ which is largely driven by ITU sector members, is hindered by the lack of technical and financial capabilities (MacLean et al., 2003). Our survey investigated reasons why African stakeholders do not effectively participate in internet governance forums as this is one of the main concerns in internet governance from an African perspective. According to results, 87% of respondents reported a lack of financial resources as a main obstacle to their effective participation. This is followed by lack of awareness of dates and venues (26%) and by a general disinterest in these issues (21%). For this reason, capacity-building and other initiatives to financially support developing countries participation, such as the recent Resolution adopted by the ITU Plenipotentiary in Antalya,²¹ are of particular importance.

ICANN multistakeholderism

In the context of internet governance, policy considerations have emerged relating to the governance of internet technical core resources – naming and numbering – managed by ICANN. ICANN represents a new form of governance involving the participation of a mix of actors that include business, governments, users and civil society in its policy-making processes. The level of participation elicited by ICANN recognizes that internet governance is not just about discussing internet issues and sharing ideas and opinions: reaching an agreement in these forums is of paramount importance. More than 80% of survey respondents consider ICANN as the most effective venue for making decisions or for reaching an agreement in areas of internet governance.

Due to the poor participation of African stakeholders in ICANN, which is confirmed by the few number of African Registries and only 17 new gTLD applications,²² the ministerial meeting held alongside the ICANN Dakar meeting in October 2011, issued a communiqué that called on ICANN to increase its presence in Africa and to be more responsive to the specific needs of the region. Subsequently, in August 2012 ICANN proposed the so-called ICANN-Africa Strategy Working Group (ASWG) Initiative²³ to support a stronger presence for ICANN in Africa and to increase Africa's participation in ICANN. ICANN also wanted to promote the multistakeholder model in Africa at the civil society, private sector and government levels. The African strategy was designed by a

¹⁹ For an example of technical assistance provided by the ITU to developing countries, see the HIPSSA project, http://www.itu.int/ITU-D/projects/ITU_EC_ACP/hipssa/

²⁰ The work of the ITU is divided into three areas: telecommunication standardization (ITU-T); radio spectrum and satellite orbits allocation (ITU-R); and facilitating telecommunications access and operation in developing regions (ITU-D).

²¹ On November 2006, the Antalya Plenipotentiary Conference of ITU adopted Resolution 123 on “bridging the standardisation gap between developed and developing countries”, acknowledging the problem of capacity-building and inviting member states and sector members to endow the ITU with a specific fund for that purpose.

²² Worldwide applications came from 60 countries. Out of 1,930 applications, less than 1% were from Africa (i.e. 17); 1.23% from Latin America and the Caribbean (i.e. 24); 16% were from Asia-Pacific region (i.e. 303); 35% were from Europe (i.e. 675); and 47% from Northern America (i.e. 911).

²³ For more information about the ICANN-ASWG Initiative, see <http://www.afrinic.net/en/community/icann-aswg> and <http://www.africanncommunity.org>

committee with representatives from all African regions (RIA, 2013a). To contribute to the development of the new strategy, a working group was created and endorsed by African community members meeting at the 44th ICANN in Prague in June 2012. The core community and the constituency of the African strategy include key players in internet governance from different regions in Africa. The implementation of the African strategy started officially in January 2013.

However, RIA reports there already have been challenges to implementing the strategy.. According to Alice Munyua, in an in-depth interview (RIA, 2013a):

The ICANN wants to show that they are doing something for Africa, but it is different than doing something with Africa,” “For instance, the initiative on the prizes for African Registrars during ICANN47 in Durban is premature, since at the moment there are only 5 Registrars across the continent.” Although there is a need for growing an African domain name space we need to take into account that in Africa there are not enough ISPs. Therefore, a strategy should encourage Africans to apply for the new gTLDs or to become registrars of ccTLDs. We should stimulate the growth of the sector and then to award it (RIA. 2013a).

Munyua added that,

Although the ICANN in the past has had the assumption that one solution fits all, the approach pursued for the African strategy was different. The call for a change came directly from the GAC where African representatives called for a specific approach tailored to African needs. The new ICANN CEO Fadi Chehadé understood the need for a different approach and the process started (RIA, 2013a).

Since the African strategy was promoted by African representatives at the GAC and supported by the Committee, it is positively perceived and welcomed for the African continent, but due to the failure of many strategies pursued by international organizations to improve African participation in global policy-making mechanisms, there is a perception that at an implementation level the African strategy has flaws. “In 5 years time, we will assess what has been achieved, and we would like to expect more than organising conferences and ICANN fellows,” Munyua said “We would like to see more real African internet policy issues in the ICANN policy agenda” (RIA, 2013a).

In addition to the problem of participation, African countries seem to lack also representativeness. “There are not enough Africans who hold leadership positions as chairs of groups and sub-groups within the ICANN structure” (RIA, 2013a). One reason for this lack of engagement within the ICANN process can be explained as legacy issues. The internet developed in North America and Europe, and its growth in Africa has been rapid, with policymakers and governments playing “catch up” and enacting internet policies in an ad hoc manner. In addition, African countries have not perceived the internet as a priority compared to other pressing policy issues affecting the continent. African civil society, industry and internet users are underrepresented in the ICANN process. However, it is expected that with increased access to the internet, the level of engagement will grow (RIA, 2013a).

Governments participate at ICANN in an advisory capacity via the GAC, which includes intergovernmental bodies such as the ITU and WIPO. The GAC can provide advice to the Board with regards to new gTLDs, and objections to specific applications. Consensus of the GAC on whether a particular application should not proceed creates a strong presumption for the ICANN Board that the application should not be approved (GAC of ICANN, 2013). However, challenges related to the participation of African governments in the GAC remain. An African representative from the GAC

stated during an interview:

Although the ICANN is making an effort to involve African governments, only in the last four years has the Kenyan government been able to meaningfully participate to the policy-making process. The main challenges for African governments are the lack of time and lack of both human and economic resources to participate. Further, African leaders perceive that they are not fully included in the decision-making process. Most governments believe that the ICANN manages the internet, and the fact that it is a US-based private organisation makes it even more suspicious. At every GAC meeting there are at least 20 representatives from Africa but their participation in the debate is poor. However, it needs to be recognised that the advisory process of the GAC is improving. The board is now required to approve GAC advices and when it refuses it has to report on the reasons for rejection. (RIA, 2013a).

African internet governance forums and meetings

Less structured from an institutional perspective are three forums which are enlisted among the Af*: AfPIF, AfriCERT and AfIGF. The first, the African Peering and Interconnection Forum (AfPIF) is an annual event organized by ISOC since 2010 to addresses the key interconnection, peering and traffic exchange opportunities and challenges on the continent. It also provides participants with global and regional insights for maximizing opportunities that will help grow internet infrastructure and services in Africa. The second, AfricaCERT (AfriCERT), is the African forum for computer incident response teams who cooperatively handle computer security incidents and promote incident prevention programs. The third, the African Internet Governance Forum (AfIGF) is a continental IGF, hosted by UNECA and supported by the AUC, which follows the same general principles of the IGF (openness, multistakeholder participation, language diversity, remote participation and transparency). It aims to support and promote the consolidation of the five subregional IGFs (i.e., the West Africa Internet Governance Forum (WAIGF); the East Africa Internet Governance Forum (EAIGF); the Forum de Gouvernance de l'Internet en Afrique Centrale (FGI-CA); and the Southern Africa Internet Governance Forum (SAIGF)) and to overcome the participatory gaps of this decentralized structure – where some countries are not actively participating or are not being represented altogether (UNECA, 2013). It is coordinated by an AfIGF bureau, which is composed of the conveners of the five African sub-regional IGFs and three other stakeholder representatives from each sub-region, and held its first annual meeting in 2012.

The African Internet Governance Forum (IGF) was considered by survey respondents as the most appropriate forum to representing internet governance issues from an African perspective in comparison to other forums such as the Global IGFs and National IGFs. Respondents agreed on the fact that the AfIGF is very effective in providing a space for discussion on data or research on internet governance. The AfIGF was considered an effective as a forum to take African internet policy issues forward, but also as a platform to advocate for internet rights and discuss about cybersecurity.

5. CONCLUSIONS

This paper on multistakeholder participation in internet governance from an African perspective has shown the increasing need for involvement of African stakeholders in forums and organizations

affecting the technical management and development of the internet. National, regional and continental internet policy and regulatory frameworks are increasingly part of a wider global internet ecosystem. Internet, which is the driver of broadband diffusion, is a matter of global governance and most African countries are, at best, observers of decisions taken in global forums, with little input into agenda-setting and the prioritisation of issues. Global, regional and national levels of the institutional arrangements for internet governance are interlinked and affect each other through an ecosystem of formal and informal relationships and linkages. At present, the effectiveness of such involvement is hindered by the challenges of effective participation faced by African stakeholders both at a national, regional and at the international level, as well as by the mechanisms devised for the implementation of commonly-agreed policies and principles (Calandro, 2015).

For these reasons, reforming decision-making bodies and policies in the area of the internet with an African agenda in mind should be a priority in the internet governance debate.

6. RECOMMENDATIONS

This policy paper recommends identifying tools to improve inclusiveness of African stakeholders in organizations dealing with issues related to internet governance, from the global level down to the national level. Efforts at greater multistakeholder participation at different levels, in order to feed into the global internet governance forums is an important link in the dynamic internet ecosystem. For this reason, reforming internet governance structures, decision-making bodies and policies in the area of internet, taking into account the challenges affecting institutional arrangements at any level, should be a priority in the internet governance debate.

The weak participation of Africa stakeholders in both global and regional governance structures and processes for the maintenance, management and administration of the global and regional networks, requires an open, inclusive and participatory approach to overcome some of the limitations of African stakeholders to fully participate in such debates and internet policymaking gatherings.

In a complex converged environment, dominated by vertically-integrated regional mobile networks, global IP-based and internet services, varied multistakeholder approaches to internet policymaking must be devised. These approaches should harness the best human resources in the country, and encourage greater participation by all actors involved in internet policy and regulation – from the international down to the local level. In this model of internet governance, different international, multilateral, regional and national organisations should operate and participate in a more horizontal governance structure and process, together with different stakeholders including governments, civil society and private sector.

Together with member states, regional and international organizations and other stakeholders from the private and non-for-profit sector should shape an internet governance agenda for the development of the information society and knowledge economy in Africa. Their agenda should not be shaped only by values and assumptions derived from mature markets and Western democracies, and should not adopt models of integration and harmonization of internet policies based on sophisticated and resource-intensive legislative and institutional systems alone. Rather, at a global level the agenda should be co-created with all the stakeholders involved in the process, so that it builds on the institutional structures and processes already in place in different countries.

The agenda should build on a deep understanding of the national and regional political economy in Africa, which should inform specialized areas of policy intervention. It should also take into account national differences in terms of internet sector development and in terms of constitution, administration and justice in place in each country. In this way, not only will African stakeholders have the opportunity to participate meaningfully in the development of global internet governance initiatives, they will also have the opportunity to shape their own national agendas with the support of experts from different international, multilateral and donor organizations, and from the public, private and non-for-profit sector.

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