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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published
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TOGO

INTERNET GOVERNANCE IN TOGO: BUILDING THE HOPE OF MULTISTAKEHOLDER DIALOGUE

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Introduction

Since it was first held in 2011, the Togo Internet Governance Forum (Togo IGF)[1] has opened an important window for multistakeholder debate on internet governance issues in the tiny West African nation. According to its pioneers, the forum aimed to create a framework to discuss and reflect on internet development issues in Togo, identify relevant stakeholders, and collect ideas and recommendations from different perspectives to strengthen the dialogue process. While international and regional organisations such as the Open Society Initiative for West Africa (OSIWA)[2] and Free Software and Open Source Foundation for Africa (FOSSFA)[3] were instrumental in laying the foundations for the forum, it has grown from strength to strength. With about 80 participants in 2011 – mostly members of the technical community – the following four forums experienced an overall increase in the number of participants taking part, with 500 in 2013, 150 in 2014, 100 in 2015 and 300 in 2016. It was officially recognised by the UN IGF secretariat in 2015.

However, the Togo IGF has not been without its challenges – most notably the absence of the government in these discussions. This report reviews the evolution of the forum in Togo, the actors, the challenges, and the influence of national IGF recommendations on national internet policy processes.

Policy, economic and political background

Togo, a country of approximately 56,785 square kilometres, shares borders with Ghana to the west, Burkina Faso to the north and Benin to the east. The nation of 7.6 million inhabitants has over the years been the target of criticism over its human rights record and poor political governance.

For the last 50 years, the country has known only two presidents. The current president, Faure Essozimna Gnassingbé, was appointed to the presidency by the military in 2005 following the death of his father, who had ruled for 38 years.

After a period of instability, Faure Gnassingbé won two elections, in 2010 and 2015. Both were decried by the opposition, but the international community, including the African Union and European Union, said the vote was largely free and fair.

After gaining independence from France in 1960, Togo struggled to build a stable country, infrastructure and economy. The country is among the world's top five producers of phosphates but depends on foreign aid for its survival. Foreign direct investment is still allowed only in certain sectors, and regulatory and judicial systems are vulnerable to corruption and political interference.

The main drivers of the economy are agricultural production and the extractive industries. Agricultural production accounts for approximately half of the country's gross domestic product (GDP).

Since 2015, the country has undertaken a series of economic reforms, restructuring its key sectors – especially banking, electricity, transportation and information and communications technology (ICT). The corporate tax rate, formerly one of the region's highest, has been lowered. The government has also taken steps to exempt value-added tax (VAT) on ICT equipment and create a digital infrastructure company to hold its strategic telecommunication assets.

Before the first IGF in 2011, Togo had no multistakeholder internet public policy dialogue process – and also had no ICT policy. Early attempts at engaging stakeholders to formulate one failed mainly due to political instability.[4]

The West African nation's state apparatus has remained locked in favour of the ruling party since the enactment of a constitutional amendment in 2002, which allows the president to serve for more than two consecutive terms.

The move sparked protests, and the party in power for the previous 35 years blocked all attempts at reforms in many sectors, including the ICT

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1 www.fgi-togo.tg

2 www.osiwa.org

3 www.fossfa.net

4 Akoh, B. (2012). *Supporting Multistakeholder Internet Public Policy Dialogue in a Least Developed Country: The Togo Experience*. Winnipeg: International Institute for Sustainable Development. https://www.iisd.org/library/supporting-multistakeholder-internet-public-policy-dialogue-least-developed-country-togo

area, in particular due to the political instability and unrest both before and after the presidential election of June 2003.

After the 2002 constitutional amendment and June 2003 election, the country descended into political chaos. In 2005, the international community and regional bodies urged a power-sharing deal, which lasted until 2007 when the government was reshuffled twice with new ministers.

Attempts at engaging the government to formulate an ICT policy were subjected to great risk,[5] even though a political agreement for Togo called the *Accord Politique Global* (APG) was signed in neighbouring Burkina Faso in August 2006, following dialogue between the government and various opposition parties.[6]

It was nearly impossible under the chaotic political circumstances experienced in Togo in the early 2000s to pay attention to ICT policy concerns, despite the attempts to do so. Similarly, it was also almost impossible to engage the government with ongoing national and regional policy initiatives such as those spearheaded by the United Nations Economic Commission for Africa (UNECA) under the National Information and Communication Infrastructure (NICI)[7] initiative and the Economic Community of West African States (ECOWAS) ICT reform.[8]

According to a report published by the International Institute for Sustainable Development (IISD) in 2012, titled *Supporting Multistakeholder Internet Public Policy Dialogue in a Least Developed Country: The Togo Experience*, ten attempts have been made to produce a national ICT policy document without yielding much by way of tangible outcomes.[9]

Between 2005 and 2010, Togo had a total of four cabinet reshuffles. But this did not result in new policy dialogue or major reform in policy.

Togo's first IGF

Although Togo had not yet produced a public policy document on ICTs or the internet as of 2011, several national actors and stakeholders in the technical community, academia and especially in civil society were already members of several mailing lists and discussion groups at the sub-regional and continental level.

Some of the stakeholders actively participated in international forums and dialogue related to internet governance and public ICT policies. Others were members of organisations such as the Internet Corporation for Assigned Names and Numbers (ICANN),[10] the Internet Society (ISOC),[11] the Association for Progressive Communications (APC),[12] AfriNIC[13] and the West African Forum on Internet Governance (WAIGF).[14]

Since early 2010, organisations such as APC and FOSSFA, among others, had identified local champions of internet development in Togo as national resource persons to lead the foundation for the first IGF in the country.

These organisations liaised with core local resource persons like Alain Aina (from AfriNIC), Jean Robert Hountomey (ISOC Togo), Arnaud Amelina (*Agence Universitaire de la Francophonie*),[15] and Atafeitom Tagba (Director of Cabinet of the Ministry of Telecom).

By the end of 2010, there was a general consensus to hold Togo's first multistakeholder IGF. An advisory committee, including representatives of the government,[16] the telecommunication regulation authority, the technical community and civil society, was set up, and the IGF was set for 18 April 2011 at the ECOWAS Centre of Financial Services (CASEF) in the capital of Lomé.

The forum brought together some 60 participants from universities and youth organisations, along with representatives from local human rights groups and NGOs, the local internet technical community, internet service providers (ISPs) and media representatives. The ministry in charge of ICTs in the country did not participate in the advisory group or the forum. However, the ICT regulator intervened in a panel during the IGF. The gathering, which was the first public consultation with a specific focus on the internet and its impact, opened the debate on issues related to internet development and the need to produce ICT policies in Togo.

The forum also allowed the different actors to discuss the conclusions of a regional study carried

5   The power-sharing deal resulted in political instability of the ministries and institutions and a lack of political will.

6   OECD, et al. (2011). *African Economic Outlook 2011: Africa and its Emerging Partners*. Paris: OECD. dx.doi.org/10.1787/aeo-2011-en

7   UNECA. (2007). *NICI e-Strategies: Best Practices and Lessons Learnt*. Addis Ababa: UNECA. www.uneca.org/sites/default/files/PublicationFiles/nici-book.pdf

8   World Bank. (2007). *Regionalizing Telecommunications Reform in West Africa*. Washington, D.C.: World Bank. documents.worldbank.org/curated/en/125301468009942364/West-Africa-Regionalizing-telecommunications-reform-in-West-Africa

9   Akoh, B. (2012). Op. cit.

10   https://www.icann.org

11   https://www.internetsociety.org

12   https://www.apc.org

13   https://www.afrinic.net

14   www.waigf.org

15   www.tg.refer.org

16   Initially, the government participated in the advisory group but not the event itself. In 2016, it did not participate in the advisory group or the event.

out by the IISD[17] on the real need and opportunity to launch multistakeholder discussions on the development of the internet in the West African sub-region, and especially in Togo. Recommendations were drafted and submitted to the government and all the stakeholders.

The recommendations highlighted the importance of grassroots involvement in internet governance and suggested that local-level policy consultations should not be trivialised but rather considered an intrinsic part of the process of developing national priorities and objectives.

The IGF also catalysed public interest in ICT policies, arguably leading to major later reforms in the sector.

Among these were:

- A draft Electronic Communication Bill.[18]
- A sectorial policy statement, the Technology Strategy for the Promotion of Information and Communication Technology 2011–2015.[19]
- Implementation of an e-administration report commissioned by the government in 2009 and financed by the United Nations Development Programme (UNDP).

Moving ahead...

With a new government in 2012 and fresh legislative elections, other policy initiatives followed. The Ministry of Post and Telecommunications, which for years had been in charge of the ICT sector, changed its name to the Ministry of Post and Digital Economy. The regulator of the of ICT sector, known as the Regulatory Authority for the Post and Telecommunication Sectors, also changed its name and status and became the Authority for the Regulation of Electronic Communications and Post. The new ministry, which focused more on the digital economy and e-government projects, eventually passed the draft Electronic Communication Bill mentioned earlier into law and launched an e-government project between 2015 and 2017.

In 2013, Togo organised its second national IGF, which brought together even more participants (about 500) and representatives of almost all relevant stakeholder groups. Again, important discussions and recommendations were produced to advance policy dialogue and internet development in the country.

The discussions were mainly around accessibility and affordability of the internet, the need for a VAT exemption on ICT products, the need for a national policy to promote broadband, the re-delegation of Togo's country code top level domain (ccTLD), the need to have an online transaction and cybersecurity law, and the need to amend the Universal Service Fund (USF) Act, among others.

Participants also recommended that the country set up an internet exchange point (IXP) through which ISPs and content delivery networks in the country could exchange internet traffic between their networks. Again, the recommendations were sent to the government and all the stakeholder groups.

Between 2015 and 2016, the Togo IGF's recommendations reiterated the crucial need for the government to join the public consultations and to participate in national dialogue with other stakeholders.

In 2017, the government launched the first IXP in Togo, and waived the VAT on ICT products entering the country. The Bill on Electronic Communication was also passed into law. In August 2017, the government also launched a new sectorial policy statement for the period 2018 to 2020, with a focus on broadband internet connectivity, deployment of a fibre-optic cable across the country, smart schools, and a review of the regulatory framework to attract more foreign investment into the ICT sector. Most of the focuses of this new sectorial policy statement reflect the recommendations of the 2016 national IGF.[20]

There may be no direct correlation between the different internet governance multistakeholder consultative forums and the sudden emergence of the important policy outcomes mentioned above, but these important moves by the government have at the very least motivated stakeholders to deepen the debates on mailing lists and other ICT-related forums to produce important recommendations for policy and legislative change in the country.

The major projects embarked on by the government also indicate the importance of public multistakeholder consultations – a multistakeholder approach allows a wider net of beneficiaries to profit from the government plans to increase infrastructure and the development of the digital economy.

Since 2016, the government of Togo, through the Ministry of Post and Digital Economy, has been

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17 Akoh, B., et al. (2011). *Preparing the grounds for the West Africa Internet Governance Forum*. Winnipeg: International Institute for Sustainable Development. https://www.iisd.org/library/preparing-grounds-west-africa-internet-governance-forum

18 www.droit-afrique.com/upload/doc/togo/Togo-Loi-2012-18-communications-electroniques.pdf

19 www.artp.tg/rapport/dpstic.pdf

20 A year before, in 2016, the parliament had voted on a law on access to public information and also the re-delegation of the ccTLD (.tg).

organising an annual forum called IT Forum Togo[21] in collaboration with national and sub-regional actors. The forum aims to promote the use of ICTs as a vector of transformation and modernisation in companies and public administrations.

However, this forum does not have a bottom-up approach, and the invitation is extended to select stakeholders only. The forum has not produced any policy recommendations.

Regional reflection

The Togo IGF initiative is part of the WAIGF. The sub-regional forum, led by ECOWAS, was a key partner in the initiation of the Togo IGF in 2010.

As explained earlier in this report, ISOC, APC, AfriNIC, FOSSFA and OSIWA are all partners of the WAIGF. They engaged in discussions and encouraged local actors to launch the national IGF.

Since then, the Togolese forum has always had a close relationship with WAIGF and national initiatives of neighbouring countries such as Benin, Ghana and Burkina Faso. Each year, Togo, through its delegates, takes part in various forums in the sub-region, either as participants or sometimes as panellists.

Togo has always been invited to present its report and the recommendations that result from its national IGF at the West African forum and the UN global IGF.

This allows Togo to inform other actors in the sub-region on the continent and at the global level about what is happening in Togo in terms of internet governance and to share the various points of view of the actors involved. Togo is also inspired by the forums and themes of the sub-region and sometimes invites the actors involved in these forums to the Togo IGF to enrich the exchanges.

This is also the case when it comes to the African Internet Governance Forum (AfrIGF), in which Togolese stakeholders often participate. In 2016, for example, two actors from Togo were invited to the AfrIGF, where they were panellists and participants. They also participated in that year's African School on Internet Governance (AfriSIG).[22]

It should also be noted that the choice of annual themes for the Togo IGF is not only linked to national realities, but also to global realities and the theme chosen by the UN global IGF secretariat for that year. For example, sometimes the global IGF theme is contextualised at the national level. In 2016 the global IGF's theme, "Enabling Inclusive and Sustainable Growth", resulted in sections and panels in Togo's IGF on how to enable inclusive and sustainable growth in Togo through internet development.

The members of the Togo IGF steering committee are also members of an online discussion list created by the WAIGF for the exchange of information and the discussion of issues related to internet governance in the sub-region.

Conclusions

The Togo IGF faces a critical challenge: the principal stakeholder, which is the government, is no longer participating in the advisory group of the IGF despite being involved in the group for the inaugural national IGF in 2011.

Due to its political situation, which is often unstable, Togo remains one of the countries in the West African sub-region where trust between the government and other actors remains fragile. It is very difficult to engage the government in discussion, and attempts to do so always fail for many reasons, including trust and accountability.

However, the good news is that the IGFs have attracted increasing attention over the years, with more participants taking part and stronger and more wide-ranging recommendations resulting from the interactions. Even though it is difficult to establish a direct correlation between these recommendations and government decisions and policies, they remain useful guidelines for stakeholders.

While the Togolese are really interested in the internet governance process, it remains important to build trust among stakeholders to foster the process and to ensure its sustainability.

When the first IGF was held in 2011, stakeholders understood the need to engage in a national policy dialogue and to produce policy documents that can serve both the government and stakeholders outside the government, including international partners and donors.

There is also a need for a stable political environment and a close relationship between the government, civil society, academia and the business community, among other stakeholders. The involvement of the government will ensure the increased participation of the private sector, and much greater public awareness of the event.

In 2016 and 2017, the IGF Academy,[23] an internet governance fellowship programme initiated by the German NGO iRights[24] and supported by APC and the German Ministry of Economic Cooperation, has been training fellows from Togo and has funded

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21 www.ciomag-events.com/it-forum-togo
22 afrisig.org

23 igf.academy
24 https://irights.info

their participation in regional workshops and the global IGF.

The project aims to foster freedom of expression on the internet and inclusive and transparent national internet governance and policy processes, and has helped shape the Togo IGF, including boosting the national event with the knowledge of renowned experts in the field. Such initiatives are still needed in Togo, as many more people need capacity building in internet governance, and awareness needs to be raised on its importance to create a strong and sustainable multistakeholder dialogue.

Action steps

In the future, civil society in Togo must:

- Advocate for more involvement and capacity building of marginalised groups such as peasant groups, youth and women's organisations, the LGBT community and people with disabilities, among others.

- Connect and collaborate with other regional and international civil society organisations to share best practices and challenges. Pave the road towards a sustainable future for multi-stakeholder internet governance discussions. Focus on capacity building and the creation of constructive networks among all stakeholders, especially the government and communities that have not been involved in internet governance discussions yet such as rural communities and geographically isolated communities.

- Develop informal relationships with key stakeholders in the government, including in security, and the human rights and ICT-for-development community, among others. The strength of these informal relationships can often influence the success of attempts to establish formal mechanisms for engagement.

- Anticipate, identify and bring emerging issues affecting the rights of internet users and other voiceless stakeholder groups to the table. These include internet shutdowns and disruptions of communications, net neutrality, equitable access, and the gender divide.

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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