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GLOBAL INFORMATION SOCIETY WATCH

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



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

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National and Regional Internet Governance Forum Initiatives (NRIs)

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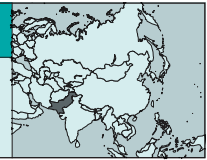
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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published as a companion edition to the 2017 GISWatch annual report. It looks at the history, challenges and achievements of NRIs, as recounted by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

PAKISTAN

THE IGF THAT WASN'T



Media Matters for Democracy

Asad Baig and Sadaf Khan

www.mediamatters.pk

Introduction

In mid-2015, the same year the government in Pakistan geared up to pass a regressive cybercrime law, a group of digital rights activists¹ started planning to host Pakistan's first national Internet Governance Forum (IGF). However, the Pakistan IGF never materialised. Days after the first Multistakeholder Advisory Group (MAG) meeting was held, the political climate worsened and the government passed the legislation² against which the digital rights community had been advocating for over a year.³ The adoption of the law without any consideration being given to human rights concerns deepened the rift between the government and civil society.⁴ In this environment, the government was reluctant to share a platform with the same activists who were vocally opposing the law, and the IGF process stalled.

This report is a reflection on the experience of attempting to host a national IGF and the factors that hampered its implementation. It looks specifically at the challenge of multistakeholderism in regressive regimes and the unfortunate trend of competitive activism that pitches activists against each other in competition for the same pool of resources. Readers will find a candid analysis of the factors outside and within the internet community that adversely affected the planning for an IGF in Pakistan.

Policy, economic and political background

A former British colony, Pakistan "inherited the colonial legacy of authoritarianism,"⁵ further exacerbated by successive martial laws that "have left

intractable and spillover impacts on politics"⁶ and legislative structures. In addition, rampant terrorism has created an environment where "security concerns" reign supreme.

Civil society in Pakistan is a threatened sector and activists operate in an extremely hostile climate.⁷ While economic considerations make the business community a stronger ally of the government, recent concerns about the possibly stifling impact of a billion dollar economic partnership with China⁸ may have an impact on the relationship between the government and corporate sector. An all-powerful stakeholder is the country's military establishment that continues to wield power over legislative decisions, as demonstrated during the drafting of cybercrime legislation.⁹

In 2015, a leaked copy of the proposed new cybercrime legislation, drafted by the Ministry of Information Technology and Telecommunication, alarmed activists across the country.¹⁰ Under public criticism of this draft and the secrecy surrounding it, the government was forced to open it up to public consultation¹¹ that continued for over a year before the final law was passed. However, the government dismissed civil society as "not being real stakeholders"¹² and sought inroads into industry instead. This is reflective of the attitude generally taken by the government towards a multistakeholder governance approach.

1 Media Matters for Democracy was one of the organisations involved in the initial planning of the Pakistan IGF and one of the co-authors of the report that Sadaf Khan was initially working on as the national IGF coordinator

2 Pakistan Today. (2016, 11 August). NA passes Cybercrime Bill today. *Pakistan Today*. <https://www.pakistantoday.com.pk/2016/08/11/na-passes-cybercrime-bill-today>

3 Shahid, J. (2016, 24 April). NA committee must reconsider cybercrime bill. *Dawn.com*. <https://www.dawn.com/news/1177889>

4 Yusuf, H. (2016, 15 August). Closing space. *Dawn.com*. <https://www.dawn.com/news/1277530>

5 Taimur-ul-Hassan. (2013). Authoritarianism in Pakistan. *Journal Of Political Studies*, 2. pu.edu.pk/images/journal/pols/Currentissue-pdf/Roots%20of%20authoritarianism%20in%20Pakistan-KU.pdf

6 Baloch, J., & Gaho, G. (2013). Military Interventions in Pakistan and Its Implications. *The Government - Annual Research Journal of Political Science*, 2(2), 57. sujo.usindh.edu.pk/index.php/THE-GOVERNMENT/article/view/937/879

7 Rashid, A. (2013, 8 February). Viewpoint: Pakistan civil society under threat. *BBC News*. www.bbc.com/news/world-asia-21379192

8 Butt, N. (2016, 29 December). CPEC: FPCCI seeks protection of local industries. *Business Recorder*. fp.brecorder.com/2016/12/20161229118019

9 Daily Times. (2016, 20 October). ISI gets legal cover to act against cyber-crimes. *Daily Times*. <https://dailytimes.com.pk/51040/isi-gets-legal-cover-to-act-against-cyber-crimes>

10 Media Matters for Democracy, Bytes for All, Pakistan, & Association for Progressive Communications. (2016, 14 April). Prevention of Electronic Crimes Bill 2016, yet another story of deception from democracy. *Media Matters for Democracy*. mediamatters.pk/prevention-of-electronic-crimes-bill-2016-yet-another-story-of-deception-from-democracy; Dawn. (2015, 21 April). Human Rights Watch, others declare cyber crime bill 'undemocratic'. *Dawn.com*. <https://www.dawn.com/news/1177235>

11 Media Matters for Democracy. (2016, 3 July). Digital rights activists highlight concerns in PECB2016; Senate Committee set to make some changes in the Bill. mediamatters.pk/digital-rights-activists-highlight-concerns-in-pecb2016-senate-committee-set-to-make-some-changes-in-the-bill

12 The News. (2015, 11 August). Cyber bill. *The News*. <https://www.thenews.com.pk/print/55826-cyber-bill>

The Pakistan IGF: A dream far from fruition

A demonstration of challenges to multistakeholderism in Pakistan

The 40-page draft cybercrime bill, which was leaked in March 2015, outlined a draconian regime for monitoring, surveillance and censorship, and was a nightmare for activists. From March 2015 to August 2016, a Joint Action Committee (JAC), comprising civil society groups and industry representatives, engaged in advocacy for changes in the draft. JAC members engaged the media,¹³ petitioned the senate,¹⁴ submitted written feedback, and participated in national assembly and senate committee sessions to make sure that their concerns were heard.

The Prevention of Electronic Crimes Act (PECA),¹⁵ finally passed in August 2016, was a long way from the original, but retained some of the key regressive elements.¹⁶ During the PECA advocacy, the challenges to multistakeholderism in internet governance were on display:¹⁷ the government engaged with civil society only under tremendous pressure; the industry sector, although advocating from the joint platform of JAC, did not support civil society on some key issues like censorship; the media, an important stakeholder, remained largely silent for a long time before finally adding its voice to the cause; and the general environment among all the stakeholders working towards the

common goal of an effective and progressive cybercrime law remained extremely hostile.

To be true to the spirit of multistakeholderism, all “relevant perspectives on the issue of concern should be represented in a balanced manner to achieve a sound, consensual and legitimate outcome.”¹⁸ However, the political environment in Pakistan, particularly in 2016, was not conducive to this. Instead, the cybercrime law advocacy experience exposed the rift between internet governance stakeholders. At the same time, the experience also highlighted the immense need for effective discussions between these stakeholders.

The idea of a national IGF is conceived

It was during the advocacy for a progressive cybercrime law that a small group of digital rights advocates got together to brainstorm about the possibility of Pakistan’s first national IGF. Convinced that internet governance issues ran much deeper than this one law, the group contacted the global IGF Secretariat and started connecting with different stakeholders locally for the creation of the national MAG. The MAG initially included representatives of the digital rights community, the media, academia, industry, the legal community, the Ministry of Internet Technology (i.e. the government), parliament, the Pakistan Telecommunication Authority (PTA) and UNESCO. All in all, the MAG was strong and well placed to bring the support of the members’ respective communities. On paper, the initiative appeared to be going in the right direction.

However, as the coordination for the first MAG meeting began, different issues began to surface, ranging from mistrust within the government and other stakeholders to the very practical issue of a lack of resources. While any large-scale initiative ultimately has to tackle such teething problems, the general political environment in the country made the process more challenging than usual.

The following key issues deterred the Pakistan IGF initiative:

- *The narrative of “anti-state” civil society:* First and foremost, there was the issue of a complete trust deficit between the government and civil society. In addition to the direct confrontation between the government and digital rights advocates on the PECA, the government was additionally engaging in steps to monitor and restrict the operations of civil society in Pakistan.¹⁹ Government represent-

13 Khan, S., & Baig, A. (2016, 27 May). Prevention of Electronic Crimes Bill 2016 – Implications for Investigative and Public Interest Journalism. *Media Matters for Pakistan*. mediamatterspakistan.org/prevention-of-electronic-crimes-bill-2016-implications-for-investigative-and-public-interest-journalism

14 Media Matters for Democracy. (2016, 22 June). MMFD-PFUJ petition hearing in the Senate Standing Committee; the Chairman announces a sub-committee to jointly works towards consensus on PECB. *mediamatters.pk/mmfd-pfuj-petition-hearing-in-the-senate-standing-committee-the-chairman-announces-a-sub-committee-to-jointly-works-towards-consensus-on-pecb*

15 www.lawsofpakistan.com/wp-content/uploads/2016/07/the-prevention-of-electronic-crime-act-2016.pdf

16 Media Matters for Democracy, Bytes for All, Pakistan, & Association for Progressive Communications. (2016, 11 August). In spite of continued objections over serious human rights implications, Pakistan’s new cyber crime bill passes through. *Media Matters for Democracy*. <https://www.apc.org/en/pubs/spite-continued-objections-over-serious-human-righ>

17 It is important to note that the government, in particular the Ministry of Information Technology, has described the process of developing the cybercrime legislation as a multistakeholder process, owing to the fact that the government held multiple public consultations and civil society participation was facilitated with the Senate Standing Committee’s working group. However, these consultations remained symbolic and had little impact on the outcome. The challenge lies with the way the term multistakeholderism is understood. A 2007 study by Fransen and Kolk states that the term multistakeholderism is “poorly defined, and leaves ample space for interpretation so that even consultation processes or advisory roles, regardless of their impact on the ultimate policy outcome, may be portrayed as multi-stakeholder.” [cited in Hofmann, J. (2016). Multi-stakeholderism in Internet governance: putting a fiction into practice. *Journal Of Cyber Policy*, 1(1), 33. <https://www.tandfonline.com/doi/full/10.1080/23738871.2016.1158303>]. During the advocacy on cybercrime legislation in Pakistan, this vagueness in how multistakeholderism is understood was used by the government to discredit civil society.

18 Hofmann, J. (2016). Multi-stakeholderism in Internet governance: putting a fiction into practice. *Journal of Cyber Policy*, 1(1), 32. <https://www.tandfonline.com/doi/full/10.1080/23738871.2016.1158303>

19 Mukhtar, I. (2017, 23 June). 23 NGOs barred from operating in Pakistan. *The Nation*. nation.com.pk/national/23-jun-2017/23-ngos-banned-from-operating-in-pakistan

atives continued to paint civil society as being “hostile to the state”²⁰ and reports about new regressive laws concerning funding, registration and restrictions on NGOs were surfacing.²¹ Within this environment, moving towards a model of governance that was not just new to Pakistan but also demanded a cohesive and collaborative relationship with government functionaries became too huge a hurdle.

- *The multiple interests of multiple stakeholders:* The issue of conflicting interests of different communities is common across the world. The Pakistan experience was no different. While the tense relationship between the government and civil society in Pakistan is discussed above, the business and technical communities often collaborate with the state. In the case of the business sector, it does so even when state policies are intrusive towards its consumers, to protect its commercial interests.

Pakistan’s political history has created an additional stakeholder that, however, is not visibly present at the discussion table: the country’s powerful security establishment, which has a direct stake in how the internet is governed.²² Even as the PECA was being debated in the parliament, multiple news reports pointed towards the influence of the security agencies²³ in some of the most concerning sections of the draft law. However, the parties in power and security agencies have historically worked behind the scenes. Because of this, it was impossible to engage one of the most influential stakeholders at any level. Even if it were possible to somehow engage with the country’s security apparatus, a force that traditionally operates in secrecy and remains opposed to transparency is hardly likely to be open to an approach that is rooted in openness and transparency.

As can be seen from this, even though a wide range of stakeholders were represented in the MAG, it was unlikely that they could influence their communities enough to actually view the

IGF as a collaborative platform. The possibility of a positive outcome within a multistakeholder arrangement is increased with “mutual respect, understandings, learning and trust among stakeholders.”²⁴ However, given the context in Pakistan, respect, understanding and trust were scarce.

- *The elephant in the room:* The final challenge to hosting the Pakistan IGF was the lack of resources. The IGF process on principle is supposed to be open, inclusive and non-commercial. To be effective, a forum like the IGF should ideally include participation from global and regional internet policy experts who can help the local community contextualise national internet governance challenges within the larger global framework. In addition, to be truly inclusive, the forum should be big enough to accommodate participants from different communities and regions. All of this comes with a heavy price tag. At the same time, a forum that is held with government funding or commercial sponsorship is at risk of being biased to protect the interests of the sponsors.

For the Pakistan IGF, these issues meant focusing on development funding, which is harder to come by. It is usually a small pool of funds that different NGOs from the same country are competing for. It was therefore challenging to raise the requisite funds for the initiative. Additionally, as the Pakistan IGF was being planned, a rift within the digital rights community in Pakistan was increasing. The factors behind the rift were varied.²⁵ However, the fragmentation within the community further added to the challenge of raising sufficient funds for the national IGF.

The IGF that never was

The factors outlined above all combined to create an environment where hosting the Pakistan IGF became too challenging. In the very first MAG meeting, issues of trust, complicity, resources and the under-representation of different communities were raised. The Pakistan experience is also demonstrative of a

20 The Express Tribune (2016, 11 March). Crackdown on NGOs. *The Express Tribune*. <https://tribune.com.pk/story/1064161/crackdown-on-ngos>

21 Ministry of Interior – Pakistan. (2015, 2 October). New policy for NGOs prepared: Chaudhry Nisar. <https://www.interior.gov.pk/index.php/news-and-events/306-new-policy-for-ngos-prepared-chaudhry-nisar>

22 Rao, H. (2016, 20 October). Beware! ISI to take action against cyber criminals who breach national security. *Daily Pakistan Global*. <https://en.dailypakistan.com.pk/pakistan/beware-isi-to-take-action-against-cyber-criminals-who-breach-national-security>

23 Gishkori, Z. (2016, 20 October). ISI to take action against cyber crimes breaching national security. *Geo.tv*. <https://www.geo.tv/latest/118292-Govt-accepts-ISIs-role-in-taking-action-against-cyber-crimes>

24 Boström, M., & Tamm Hallström, K. (2013). Global multi-stakeholder standard setters: how fragile are they? *Journal of Global Ethics*, 9(1), 100. <https://dx.doi.org/10.1080/17449626.2013.773180>

25 Charges of sexual harassment against a MAG member from a civil society organisation divided the digital rights community in Pakistan. Eventually the accused filed a defamation case, denying the harassment charges. The original allegations and the consequent case are both of a sensitive nature and are not being publicly pursued, so identifying details are being avoided. Media Matters for Democracy, as one of the organisers, was constantly approached by other stakeholders and civil society groups about the scandal, which also had an impact on the credibility of the initiative.

key issue that might resonate with digital rights advocates across the world: the minuscule number of people and organisations who understand and identify with the cause of digital rights.

In Pakistan, the number of organisations focusing on digital rights is less than 10. On TV and in newspapers, one sees the same names again and again, stressing the need for open, transparent and rights-based internet governance processes. The failure of digital rights advocates to mainstream these issues and create allies within the media and the larger human rights community has also made it difficult to have any real and direct impact on policy processes. The government finds it relatively easy to discredit the few vocal activists and the term “alarmists” appears apt when the number of voices raising the concerns is so small.

Regional reflection

The fragmentation between different internet governance stakeholders in Pakistan is demonstrated in the country’s participation in regional and global IGFs. A look at the participants in the last few IGFs will reveal a small number of activists and one or two government functionaries in attendance, and extremely few journalists. Sessions led by Pakistani activists and organisations both at the global IGF and the Asia Pacific Regional IGF (APrIGF) remain devoid of any government participation. In fact, it is rare to see any interaction between the two sides at any of these platforms.

However, the participation of the few activists who attend remains strong – at the 2017 regional IGF, Pakistan-based organisations hosted and participated in various sessions, focusing on a diverse set of issues ranging from freedom of expression online to the online harassment of women. Unfortunately, while activists are able to connect the local issues to global challenges, it has been difficult to plug these debates into local internet rights advocacy efforts. During the advocacy on the PECA, for example, it was obvious that officials at the Ministry of Information Technology and the Federal Investigative Agency were either unaware of or unwilling to pay any heed to human rights standards in internet governance processes, demonstrating the disconnect with the global debate on these issues. In addition, the mainstream media, which could technically be a strong ally, demonstrated a similar disconnect. This shows that the small number of local participants in global and regional IGFs have been unsuccessful in pushing for the link between global best practices and the local context to be recognised in engaging a larger stakeholder group.

Conclusion

The challenges discussed here are not unique to Pakistan. Regionally, as well as globally, digital rights advocates face similar hurdles. The security narrative that allows governments to gain public support even as they clamp down on civil liberties often brings activists in direct confrontation with the government. Within the digital realm a key aspect of human rights is connected to data security and privacy. Because of this, activists also find themselves in conflict with corporations who benefit tremendously from the collection and commercialisation of big data. Corporations and states both benefit from mutual cooperation and therefore civil society is often the odd person out.

The Pakistan experience has lessons for all those who want to host a national IGF. Months of planning and outreach, and the subsequent direction that the initiative took, have made one thing abundantly clear: unless internet rights activists can work as a united force and engage mainstream human rights stakeholders, real contributions to policy processes will remain difficult.

Finally, it is important to remain realistic and grounded. A grand event that brings global champions of digital rights to your country would be ideal, but a forum of this scale requires huge resources. It might be best to look for a more diverse set of funding sources than usual.

Action steps

To ensure that the local internet governance and internet rights discussion benefits from the global and regional discussion, civil society needs to find ways to increase its outreach to different stakeholders and push digital rights issues into the mainstream.

This means researching the links between global best practices and the local context, and developing tools to raise awareness among the media, stakeholders not engaged in digital rights, and internet users in general.

Given that the mainstream media in Pakistan is instrumental in setting the public agenda and putting pressure on the government, it has to be encouraged to reflect a human rights approach to internet governance.

Finally, renewed efforts to engage key stakeholders to enable Pakistan’s first national IGF are urgently needed. Part of this involves addressing the fragmentation in the digital rights community, which is easy to exploit by those who want to defeat human rights in the country. The fragmentation can also result in a lack of synergy in advocacy efforts, and a weak overall impact of advocacy work. It is important for organisations to unite and work beyond their differences.

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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2017 Report

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