



Challenges to civil society participation in internet governance in the MENA region

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1. Introduction

The landscape of internet governance has been rapidly evolving in the decade since the conclusion of the World Summit on the Information Society (WSIS) in Tunis in 2005. The Tunis Agenda for the Information Society¹ not only affirmed the commitment of all involved countries to develop a people-centred, inclusive and development-oriented information society, but also proposed a multistakeholder approach to internet governance, a model where management of the internet should involve all stakeholders, including civil society.

Despite the region hosting the summit, Arab governments were latecomers when it came to civil society engagement in internet policy, preferring exclusive government approaches to setting internet policy. For example, on a global level, Arab governments prefer empowering the International Telecommunication Union (ITU) – the UN specialised agency for information and communication technologies (ICTs) – to handle internet governance,² rather than multistakeholder bodies.

However, as the region also undergoes rapid transformations, the Arab Spring in 2011 brought greater interest in internet policy by civil society as well as increased funding and capacity building to the region, enabling civil society to effectively demand a seat at the table. Therefore, it was no coincidence that in 2012, the first Arab Internet Governance Forum (IGF) was held, the first multistakeholder forum of its kind for the region.

It did not take long, however, for this push for democratisation and civic engagement to be dampened, with the rise of instability and extremist violence in the region, which empowered a counter-revolution and a crackdown on freedoms, taking the region back to pre-2011 levels of unilateral policy making by governments, if not cementing it even further.

This issue paper will attempt to link these regional challenges to civil participation in internet governance and the state of internet rights in the region with civil society advocacy strategies, as well as providing some recommendations. To do so, we decided to focus on Tunisia, Egypt, Jordan and Lebanon, which are countries that have a substantial engagement in internet policy both on a global and regional level, and have local specificities that provide an interesting insight on the variety of challenges facing civil society in the region.

2. State of internet rights in the Arab world

Human rights online in the Arab world in 2016 reflect the state of human rights in the Arab world offline. For a brief period of time at the beginning of the 21st century, a margin of freedom was created as the internet and ICTs proliferated in the region. The spread of technology was sanctioned and enabled by governments which saw the internet and ICTs as an opportunity for economic development.

As the region also witnessed mass protests and increased demands for freedoms and rights during the past 10 years, this margin of freedom enabled online communities and activists to flourish, allowing Arabs to express themselves and associate with each other in ways that were often discouraged and repressed offline. This was not meant to last, as governments began to catch up with the online world

¹World Summit on the Information Society. (2005). *Tunis Agenda for the Information Society*. <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

²McCarthy, K. (2014, 16 October). Arab States make play for greater government control of the internet. *The Register*. www.theregister.co.uk/2014/10/16/arab-states-itu-internet-control

themselves, enacting legislations and regulations as well as deploying technology in order to extend their control of information and surveillance from the offline to the online world.

In the early days of the internet, it was often only prominent activists who would be arrested for their activities online. While many prominent activists still sit in jail, authorities in the region no longer arrest them exclusively, particularly in an age where social media has allowed all citizens to voice their political opinions to a larger audience. According to a panel organised by the Gulf Center for Human Rights at the 2015 Arab IGF, 70% of “prisoners of opinion” in the Arab world are imprisoned on charges of unlawful internet use, and 70% of those are prosecuted because of social media content.³

To highlight these challenges, this paper will look into cases from Tunisia, Egypt, Jordan and Lebanon as examples from the region, showing how legislation and its application have impacted human rights online in the region.

2.1. Tunisia

In Tunisia, the internet was heavily surveilled and controlled until the ouster of the Ben Ali regime in 2011. While this led to an era of Tunisia becoming a champion of internet freedom, including a new constitution in 2014 that includes access to ICTs and freedom of expression as fundamental rights, the application of these principles does leave a lot to be desired. Furthermore, there remains a lot of work to be done to amend laws that are no longer valid, such as the ICT Act of 2004.

Decree No. 2013-4506 of 6 November 2013 paved the way for the return of surveillance of the internet by the government, by establishing the Technical Telecommunications Agency (ATT).⁴ The agency is headed by Jamel Zenkri, a former employee of the Tunisian Internet Agency (ATI), which used to serve as the surveillance and censorship arm of the Ben Ali regime. Fears about the ATT were confirmed when the final text for the draft cyber crime law was leaked in July 2014. The draft law contained vague and broad provisions that violated user rights to privacy and free speech. Furthermore, Article 24 provided a six-month jail term and a TND 5,000 (USD 2,900) fine for anyone who uses “information and communications systems to spread content showing obscene acts and assaulting good morals.” The punishment increases to a three-year jail term if the content in question “incites immorality.”⁵

While the law remains a draft, the climate of fear driven by terrorism which enables this erosion of freedoms in Tunisia remains rife. On 3 July 2015 the Tunisian government abruptly withdrew the draft Law on the Right of Access to Information, which was drafted and demanded by civil society. The government did not provide a reason for its abrupt withdrawal. The Committee to Protect Journalists has argued that many of the provisions in the cyber crime law that are intended to combat terrorism are already covered by Tunisia’s anti-terror legislation, and called upon the government to stop stifling the press and freedom of expression.⁶

³Yakzan, S. (2015, 25 December). The unwritten laws of the Arab Internet. *SMEX*. www.smex.org/the-unwritten-laws-of-the-arab-internet

⁴Szakai, V. (2014, 4 August). ATT and New Cybercrime Draft Law are But Snags in Tunisia’s Threadbare Legislative System. *Nawaat*. <https://nawaat.org/portail/2014/08/04/att-and-new-cybercrime-draft-law-are-but-snags-in-tunisia-threadbare-legislative-system>

⁵Abrougui, A. (2014, 28 July). Leaked Cybercrime Law Could Undo Tunisia’s Pioneer Status on Internet Rights. *Global Voices*. <https://advoc.globalvoices.org/2014/07/29/leaked-cybercrime-law-could-undo-tunisia-pioneer-status-on-internet-rights>

⁶Ben Said, S. (2015, 27 October). In Tunisia, press freedom erodes amid security fears. *Committee to Protect Journalists*. <https://www.cpj.org/reports/2015/10/in-tunisia-press-freedom-erodes-amid-security-fear.php>

2.2. Egypt

While Egypt underwent a similar social upheaval as Tunisia, the political situation has diverged greatly. The final turning point was 3 July 2013, when Egyptian army chief Colonel General Abdel Fattah el-Sisi led a coalition to remove President Mohamed Morsi from power. This led to an unprecedented crackdown on any opposition, as Colonel General el-Sisi consolidated his grasp on authority.

This manifested itself online as dozens of people were arrested for their online activities, as reported by Amnesty International. A memo from the Egyptian Interior Ministry leaked in June 2014 called for tenders for a more sophisticated mass monitoring system which would scan social media networks for 26 topics, including defamation of religion, calling for illegal demonstrations, strikes and sit-ins, as well as terrorism and inciting violence.⁷

Following a crackdown on civil society, and arrests and forced disappearances of thousands of citizens, including many activists, in May 2015 the government passed amendments to the penal code that enacted new sanctions in relation to cyber crime, with officials promising that this would help tighten their grip on social media and websites.⁸ In November 2015, Egypt held its first parliamentary elections under el-Sisi, and witnessed low voter turnouts and practically no participation by the opposition. The parliament has since convened and was first tasked with reviewing the 150 “exceptional laws” that were passed since el-Sisi assumed power. However, with the parliament having an exclusively pro-regime stance, it seems unlikely that it will serve to check the powers of the government.

2.3. Jordan

While the internet in Jordan remained largely uncensored for most of its history, the crackdown on freedom of expression online began in 2011, as the government began to target news websites. In August 2012, the Jordanian parliament passed an amendment to the 1998 Press and Publications Law, which contained vague provisions requiring all websites publishing news material concerning “external or internal affairs of the Kingdom” to register with the government and to appoint editors-in-chief who are members of the country’s journalist syndicate – the Jordanian Press Association.⁹

A year after the passing of the law, the Press and Publications Department began to implement this decision, using arbitrary regulations and opaque procedures that led to the censoring of over 300 websites. Later that year, the government released a draft Telecommunications Law that contained further articles entrenching censorship in the hands of the government.¹⁰

In May 2014, authorities passed a new Anti-Terrorism Law¹¹ containing further vague provisions that incriminate any act of digital expression that appears to voice support for “terrorist groups”, but offers no

⁷Amnesty International. (2014, 4 June). Egypt’s plan for mass surveillance of social media an attack on internet privacy and freedom of expression. <https://www.amnesty.org/en/latest/news/2014/06/egypt-s-attack-internet-privacy-tightens-noose-freedom-expression>

⁸Shukrallah, S. (2015, 6 May). Egypt cybercrimes law a potential threat to liberties: Activists. *Ahram Online*. english.ahram.org.eg/NewsContent/1/64/129214/Egypt/Politics-/Egypt-cybercrimes-law-a-potential-threat-to-libert.aspx

⁹Folio, R. (2015, 19 December). The 2012 Amendment to Jordan’s Press and Publications Law: The Jordanian Government’s Stigmatization Campaign against News Websites. *Jadaliyya*. www.jadaliyya.com/pages/index/23392/the-2012-amendment-to-jordan%E2%80%99s-press-and-publicati

¹⁰Almasri, R. (2014, 10 June). Icing the Virtual Cake: Jordan's Draft Telecom Law. *Global Voices*. <https://advoc.globalvoices.org/2014/06/10/icing-the-virtual-cake-jordans-draft-telecom-law>

¹¹Almasri, R. (2014, 30 April). Jordan’s Anti-Terrorism Law: A Choice between Security or Speech. *7iber*. 7iber.com/2014/04/anti-terrorism-draft-law-a-choice-between-security-or-speech

clear definitions of what constitutes “support” and “terrorism”. Dozens of citizens have been prosecuted under such laws for simply sharing news articles on social media websites, or in the case of one activist, for sending a message “denigrating a friendly nation” on the popular chat application WhatsApp.¹²

2.4. Lebanon

While Lebanon stands out amongst Arab countries in regard to allowing more freedom of the media, it appears as if this does not extend to the internet as a medium. In 2010, a draft e-transactions law was posted online, with activists worried that it would create an overpowered censorship authority, threatening investment in the country and the development of the ICT sector. The planned vote was shut down by heavy protests from the Lebanese internet community, and was delayed indefinitely.¹³

This led to a second attempt in 2012, with the government proposing the Lebanese Internet Regulation Act, which suffered the same fate as the previous law. As a result, the internet in Lebanon now is governed by a set of outdated laws, which means that in most cases, the decision is usually at the judge’s discretion.¹⁴ Online speech, for example, is governed by the penal code, except for journalists, who are governed by the publications law. This has led to many extreme and unpredictable cases, such as the June 2014 sentencing of Jean Assy, a blogger, to two months in jail for defaming and insulting President Michel Sleiman on the micro-blogging platform Twitter.¹⁵ Arrests of activists for their activities online intensified in 2015, with the Lebanese NGO Social Media Exchange observing five such cases in October 2015.¹⁶

3. Internet policy spaces and the MENA region

This section will attempt to map internet policy spaces in the Middle East and North Africa (MENA) and how civil society and governments interact within them. It will look at regional actors and spaces and the interaction within that context. Then it will look at specific local contexts, looking particularly at legislative, executive and regulatory aspects of internet policy and how accessible they are to civil society, considering the capacity of civil society within the context.

3.1. Arab IGF and the regional roadmap initiative

The only significant multistakeholder regional internet policy process in MENA is the Arab Internet Governance Forum. The Arab IGF was established under the joint umbrella of the League of Arab States (LAS) and the United Nations Economic and Social Commission for West Asia (ESCWA), realising their self-ascribed roles set by the regional roadmap initiative for internet governance in the Arab region.¹⁷ The

¹²alsawt.net/%D9%88%D8%A7%D8%AA%D8%B3-%D8%A7%D8%A8-%D8%A7%D8%AD%D8%AF%D8%AB-%D8%AA%D9%87%D9%85%D8%A9-%D9%84%D9%84%D9%86%D8%A7%D8%B4%D8%B7%D9%8A%D9%86-%D9%81%D9%8A-%D8%A7%D9%84%D8%AD%D8%B1%D8%A7%D9%83-%D8%A7

¹³ Al Khatib, L. (2010, 18 June). Lebanon: E-transactions Draft Law Postponed. *Global Voices*. <https://globalvoices.org/2010/06/18/lebanon-e-transactions-draft-law-postponed>

¹⁴Mackreath, H. (2013, 10 June). Constraints on the internet in Lebanon. *openDemocracy*. <https://www.opendemocracy.net/helen-mackreath/constraints-on-internet-in-lebanon>

¹⁵www.ar.smex.org/%D8%A7%D9%84%D9%85%D8%B7%D8%A8%D9%88%D8%B9%D8%A7%D8%AA-%D9%84%D9%84%D8%B9%D9%82%D9%88%D8%A8%D8%A7%D8%AA-%D8%A3%D9%86%D8%AA-%D8%A7%D9%84%D8%AD%D9%8F%D9%83%D9%85-%D9%88%D8%A7%D9%84%D8%AD%D9%8E%D9%83

¹⁶Abou Jaoude, R. (2015, 5 November). Freedom of Expression Regressing in Lebanon, Online and On the Ground. *SMEX*. www.smex.org/freedom-of-expression-regressing-in-lebanon-online-and-on-the-ground

¹⁷El-Sherbiny, A. (2012). *Arab Dialogue on Internet Governance - ArabDIG Initiative*. archive.igfarab.org/docs/meetings/01/Arab%20IGF%20and%20Roadmap%20MAGmeeting%20June2012%20v2.pdf

roadmap process was led by the ESCWA in order to serve as a guideline for Arab policy makers in the five-year period parallel to the renewal of the global IGF in 2010, and to provide a platform for Arab countries to act on their views in the global arena.

The process of drafting the roadmap started with an LAS meeting in March 2010 in Cairo, and was discussed subsequently in a LAS meeting in July 2010 in Damascus, after which a near-final draft was presented to the public at the fifth global IGF in Vilnius in September 2010. An expert group meeting convened by ESCWA in Beirut in October 2010 worked towards finalising the roadmap. In January 2011 the roadmap was presented at a conference held by ESCWA, LAS and the Lebanese Presidency Council of Ministers, co-sponsored by RIPE NCC and the Kuwaiti Information Technology Society.

The conference resulted in an outcome document that was presented by the LAS secretariat to the Executive Bureau of the Arab Telecommunications and Information Council of Ministers (ATICM) and subsequently adopted.¹⁸ The process was eventually made official by an ESCWA Ministerial Resolution at the 27th Ministerial Session in May 2012.

The secretariat of the Arab IGF was assumed by Egypt, in particular by the Egyptian telecom regulator, the NTRA. The NTRA organised the nomination and selection of the first Arab Multistakeholder Advisory Group (AMAG), modelled after the group of the same name that advises the procedure of the global IGF. The first AMAG consisted of 31 members, including 12 from government and six from civil society.¹⁹

The first Arab IGF was held in Kuwait on 9-11 October 2012, hosted by the Kuwait Information Technology Society (KITS), and was attended by around 290 participants from 16 countries, mostly from the Arab region.²⁰ It was followed by a second edition in Algiers in 2013, and a third and fourth edition, both held in Lebanon, in 2014 and 2015.

The Arab IGF has been seen by civil society both as a space for constructive debate as well as a missed opportunity to bring stakeholders together. The first and second editions of the Arab IGF were criticised for being hosted in countries that restrict civil society activity. At the third edition of the AIGF, APC along with 40 other CSOs, activists, academics, technologists and human rights advocates read a jointly drafted intervention of concern about the future role of the internet in economic and social development and the spread of human rights violations on the Internet in the Arab world.²¹

The fourth edition of the Arab IGF was held again in Beirut. This was indicative of a declining interest by governments in the region to pursue the roadmap initiative and in the forum as a space for regional conversations on internet governance. On the other hand, it provided an opportunity for civil society to organise workshops on internet rights and to have constructive debate around these issues. Initiatives such as IGMENA,²² the Middle East and Adjacent Countries School on Internet Governance (MEAC-SIG) and the MENA internet policy camp enriched the space by increasing the capacity of civil society to engage in the process.

¹⁸The ATICM is a council that comprises all members of the League of Arab States and aims to coordinate ICT policy and development amongst Arab countries.

¹⁹wsms1.intgovforum.org/sites/default/files/06%20Nov%202012%20IGF%20Arab%20IGF%20Cooperation.doc

²⁰RIPE NCC. (2012, 17 October). RIPE NCC Participates in First Arab IGF.

<https://www.ripe.net/publications/news/announcements/ripe-ncc-participates-in-first-arab-igf>

²¹Taher, M. (2014, 27 November). Civil Society Groups Issue Statement at the Arab IGF. SMEX.

www.smex.org/statement-from-participants-of-arabigf

²²igmna.org/home

3.2. Local contexts: Principal national institutions, actors and environment

3.2.1. Tunisia

As a country in the wake of a revolution committed to transition to democracy, Tunisia has the benefit of a long practice of civil society. This was best highlighted when the national quartet representing Tunisian civil society and trade unions was chosen to win the Nobel Peace Prize in 2015.²³ While Tunisian civil society organisations are many and active, a situation that is better than most countries in the region, one relative weakness is that many of them seem to be geared towards education, charity or cultural events, rather than engaging in policy making.²⁴

The National Constituent Assembly (ANC), the body responsible for legislation and for crafting a new constitution, was elected in 2011. Immediately after the formation of the assembly, the ANC sought to include civil society at large in the legislative process through the establishment of a civil society outreach bureau. Civil society was invited to participate in a series of public discussions, as well as given access to committees drafting the new constitution to give their input.²⁵ As a direct result, the constitution of Tunisia adopted in 2014 was very progressive: it enshrines the right to free expression, the right to access information and communication networks, and the right to privacy and personal data protection, and bans prior censorship.

While Tunisia engages civil society on some internet governance issues, there is no formal or ongoing process for civil society to engage in internet governance. Post-revolution Tunisia has embraced internet freedom, holding a slew of multistakeholder dialogues and forums.²⁶ It held the first national IGF in the region as well as a Freedom Online conference, the latter as part of its commitment to join the Freedom Online Coalition, the only Arab country to do so. These activities have been criticised by civil society since they did not lead to any serious reform to internet governance in Tunisia, nor to any meaningful engagement of civil society in decision making.²⁷

Furthermore, these efforts seem to have slowed down, as demonstrated by Tunisia's lack of participation in the 2015 Freedom Online conference, and the postponement of the national IGF. Another initiative that was criticised was the government's attempt to set up a strategic council for digital economy, which failed to include civil society and looked more like a private-public partnership than a multistakeholder approach.²⁸ The Ministry of Telecommunications responded to the objections by opening a position for a civil society representative on the council.²⁹

²³United States Institute of Peace. (2015, 9 October). Tunisia's Nobel Peace Prize Highlights the Role of Civil Society. www.usip.org/publications/2015/10/09/tunisia-s-nobel-peace-prize-highlights-the-role-of-civil-society

²⁴Mejdi, I. (2016, 1 February). Tunisia: a booming civil society, a fragile democracy, and endless challenges ahead. *Nawaat*. <https://nawaat.org/portail/2016/02/01/tunisia-a-booming-civil-society-a-fragile-democracy-and-endless-challenges-ahead>

²⁵Jasmine Foundation. (2014, 4 March). An Interview with Badreddine Abdelkefi: The Role of Civil Society in Drafting the New Constitution. www.jasmine-foundation.org/en/?p=903

²⁶Abrougui, A. (2013, 13 February). Tunisia Embraces Internet Freedom. *SMEX*. www.smex.org/tunisia-embraces-internet-freedom

²⁷Ben Youssef, D. (2014, 2 September). Tunisia Fails to Implement its Multistakeholders IG Model. *IGMENA*. igmna.org/Tunisia-IG-Model

²⁸Ben Youssef, D.(2015, 28 May). Tunisia's ICT Sector: Lobbies within the Council for Digital Economy deviate from National Strategic Plan. *Nawaat*. <https://nawaat.org/portail/2015/05/28/tunisias-ict-sector-lobbies-within-the-council-for-digital-economy-deviate-from-national-strategic-plan>

²⁹Ben Youssef, D.(2015, 26 September). Tunisie : l'économie numérique se fait un lifting. *Nawaat*. <https://nawaat.org/portail/2015/09/26/tunisie-leconomie-numerique-se-fait-un-lifting>

In July 2015, IGMENA, the Tunisian Internet Society chapter, Article 19 Tunisia, and IWatch, in partnership with the Institute of Press and Information Sciences, Tunisia Tec4Dev and the National Institute for Telecommunication, announced the formation of an initiative called Alliance Article 32, committed to the promotion of the right of access to information and communication networks. This was announced at a national conference that included deputies from the Assembly of the Representative of the People (ARP), government officials, private sector representatives, academics, members of local and foreign media organisations, NGO representatives, members of civil society and internet activists.³⁰

3.2.2. Egypt

As the most populous Arab country, Egypt has traditionally had one of the largest bodies of civil society in the region despite having highly restrictive laws curbing the freedom of assembly.³¹ However, in August 2014, the Egyptian government gave NGOs a three-month deadline to re-register under the severely repressive 2002 Law on Associations.³² This led to many independent NGOs either shutting down their activities or moving them abroad.

In the wake of the 2011 revolution, Egyptian civil society took steps to engage on several law bills, such as an amendment to the telecom act to prevent another internet kill switch situation such as the five-day internet blackout ordered by former President Mubarak.³³ Civil society managed to stop a “face-lift amendment” which would have maintained the government’s ability to take over telecoms, and managed to raise public awareness on issues such as criminalisation of encryption, access to radio spectrum, the right to build networks as an enabler of free speech, and the lack of independent oversight on telecommunications.

Between 2011 and 2012, Egyptian human rights researcher Amr Gharbeia coordinated a group of civil society actors that drafted a freedom of information bill, which they subsequently took to the parliament and advocated for, as an alternative to the government’s proposed bill. This avenue for advocacy was abruptly cut off when the Supreme Court dissolved the parliament in June 2012, but civil society still managed to stop the government’s bill from passing.³⁴

In terms of governmental institutions, the Ministry of Communications and Information Technology (MCIT), along with the Interior Ministry, set the ICT agenda and policy in Egypt. The MCIT has sometimes engaged with civil society actors, such as the open source software initiative called Open Egypt.

The National Telecommunications Regulatory Authority (NTRA), which was established in 2003 as part of the Telecommunications Act, plays the role of the telecom regulator in Egypt. While it sees its role as a “prudent arbiter between state, industry and consumer”,³⁵ the NTRA is overseen by a board of mostly government entities, also including a few experts and “public figures”, but no civil society whatsoever.

³⁰IGMENA. (2015, 15 December). Pre-Event Maharat Foundation - Multi-stakeholders in Internet Governance. www.igmena.org/index.php?p=524

³¹Mikhail, A. (2014, 6 October). The obliteration of civil society in Egypt. *openDemocracy*. <https://www.opendemocracy.net/arab-awakening/amira-mikhail/obliteration-of-civil-society-in-egypt>

³²Human Rights Watch. (2014, 30 August). Egypt: Dissolution Ultimatum for Independent Groups. <https://www.hrw.org/news/2014/08/30/egypt-dissolution-ultimatum-independent-groups>

³³Glanz, J., & Markoff, J. (2011, 16 February). Egypt Leaders Found ‘Off’ Switch for Internet. *The New York Times*. www.nytimes.com/2011/02/16/technology/16internet.html?_r=2&hp=&pagewanted=all

³⁴Email interview with Amr Gharbeia, 4 March 2016.

³⁵www.tra.gov.eg/en/SitePages/default.aspx

In fact, the NTRA only allows for one representative of NGOs on its ICT Industry Representatives Committee, considering civil society as just one sector of industry, rather than a stakeholder in its own right. This is echoed in the MCIT's 2020 ICT Strategy, which sets the agenda for internet legislation for the country, only referencing industry and consumers as stakeholders.³⁶

In December 2013, activists in Egypt started a campaign called "#InternetRevolution" protesting high prices and poor service by internet service providers (ISPs). The campaign amassed hundreds of thousands of supporters in the first few months. The NTRA responded by meeting with ISPs to "discuss the quality of their services and methods of improving their efficiency over the short and long term."³⁷

However, this did not lead to any substantial improvements, and the campaign is still going on two years later, with almost a million online supporters. Recent plans to organise a demonstration were abandoned after the group's request to demonstrate was arbitrarily denied by the authorities.³⁸

3.2.3. Jordan

Having only lifted the ban on political activities in 1989, Jordan boasts a modest, young and fragile tradition of civil society. More recently, in 2009, Jordan changed its law regulating non-governmental organisations. The revised law makes it easier for groups to register, but increases the authority of officials to interfere in their work, including through a new clause requiring cabinet-level approval for foreign funding.³⁹

Jordan was the first Arab country to commit to the Open Government Partnership (OGP). This commitment has led to an improvement in terms of transparency and access to information. On a legislative level, this has meant that civil society has access to draft laws during a public consultation period before any law is passed to the parliament for discussion. While the government is not obliged to act on the public comments, and laws restricting assembly limit how civil society may react to such draft laws, this has led to increased debate in the country over recent internet legislation.

Outside of the public consultations on legislation, there are no formal processes in Jordan for civil society engagement in internet governance. The Ministry of ICT (MoICT), as the principal government body responsible for setting the agenda for ICT and its legislation, has also conducted similar public consultations for its draft telecommunications law and draft cyber crimes law. Policies set by the MoICT are enforced by its two regulatory bodies, the Telecom Regulatory Commission (TRC) and the National IT Centre (NITC).

While the NITC acts as a purely governmental agency, managing the ICT resources for the government, the TRC was established as an independent regulatory body. This independence is questionable, however, as the TRC's budget, policy, chairperson and board of commissioners are assigned by the government. Furthermore, it is worth mentioning that the last two chairmen of the TRC, as well as the past two director generals of the NITC, all came from a military background, and that the army runs its own

³⁶www.mcit.gov.eg/Upcont/Documents/MCIT-English-general-24-11-2014.pdf

³⁷Ayoub, J. (2014, 6 March). #InternetRevolution: For a Better Internet in Egypt. *SMEX*. www.smex.org/internetrevolution-for-a-better-internet-in-egypt

³⁸<https://www.facebook.com/Internet.Revolution.Egypt>

³⁹Human Rights Watch. (2012, 1 August). Jordan: Government Clamps Down on Civil Society. <https://www.hrw.org/news/2012/08/01/jordan-government-clamps-down-civil-society>

private and comprehensive telecommunications infrastructure, which also serves as a backbone telecommunications infrastructure for the Kingdom.⁴⁰

3.2.4. Lebanon

Lebanon hosts a vibrant civil society community. The Law of Associations in Lebanon provides a legal enabling environment for CSOs to flourish, as well as undertake political, social and economic activities. The 2005 mass demonstrations triggered by the assassination of a former prime minister started a resurgence amongst social movements, with Lebanon now boasting thousands of recently established CSOs.⁴¹

However, a political order that enshrines sectarianism and polarisation, rampant corruption, and an uncertain security situation all contribute towards difficulties for CSOs to engage in meaningful policy dialogue, and limit CSOs' abilities to mobilise people and resources to fulfil their missions. Activists are routinely harassed, threatened, and in some cases physically attacked. A political deadlock has led to long stretches without a president, and in 2014, the parliament voted to extend its own mandate to 2017, cancelling the elections planned in 2015.

Internet policy in Lebanon is set by the Ministry of Telecommunications. The state-run ISP Ogero controls the country's communications infrastructure, including the country's links to the global internet. This monopoly, along with allegations of corruption, has led to the extremely slow growth of infrastructure in Lebanon.⁴² This issue set the tone and provided a focal point for internet activists in the country at the start of this decade.

Campaigns such as Ontornet ("ontor" means "wait" in Arabic) and Open the Tap put pressure on the ministry to tackle the problem and to issue promises that the internet speed will be improved and the cost of internet will go down.⁴³ The prices of the internet are set by the government and are linked to internet speeds, and every time the government wants to lower the price of the internet, they have to issue a decree.⁴⁴

In June 2014, Lebanon launched the Lebanese Internet Center (LINC), an independent body with a multistakeholder governance structure, which would be financed by taking over the country's domain name registry. The centre was launched by the Lebanese Ministry of Trade and Economy, along with the president of ICANN, Fadi Chehade, who was born in Lebanon. Generally seen as a positive, if only symbolic, development, Chehade said he wants the LINC to be a real showcase for the region and the world as a true multistakeholder initiative.⁴⁵

⁴⁰Tomaira, R. V. (2008). *Legacy of a Rentier State: Reforming Jordan's Water, Energy, and Telecommunications Sectors*. Berkeley: University of California.

⁴¹Civil Society Facility South. (2015). *Mapping Civil Society Organizations in Lebanon*. eeas.europa.eu/delegations/lebanon/documents/news/20150416_2_en.pdf

⁴²Johnson, H. (2011, 13 October). Lebanon web suffers from 'world's slowest connection'. *BBC*. www.bbc.com/news/business-15273510

⁴³Social Media Exchange. (2011, 8 July). Broadband in Lebanon: No Longer a "Pipe" Dream? www.smex.org/broadband-in-lebanon-no-longer-a-pipe-dream

⁴⁴Murray, L. (2015, 8 April). Four reasons Lebanon's internet is so slow. *Executive*. www.executive-magazine.com/economics-policy/four-reasons-lebanons-internet-is-so-slow

⁴⁵Berytech. (2014, 20 June). Launch of the Lebanese Internet Center (LINC). berytch.org/launch-of-the-lebanese-internet-center-linc

The Cybercrime and Intellectual Property Bureau was established in 2005 as part of the Internal Security Forces in Lebanon. Activists have raised concerns about the legality of the service memorandum establishing the bureau, suspicious links to foreign funding,⁴⁶ and its mandate of regulating speech online, often by summoning activists for questioning and harassing them into not targeting certain people, such as politicians. It has been described as the “Lebanese repression office”.⁴⁷

Despite being a law enforcement bureau, it has not shied away from participating in internet policy spaces. Major Suzanne al-Hajj, head of the bureau, actively participated in her official capacity at the third AIGF, eventually serving on the Arab MAG. Hajj has also advocated for Lebanon to join more international treaties that regulate the internet, claiming it would strengthen her mandate.⁴⁸

4. Conclusion

The challenges across the region facing human rights-oriented civil society in engaging in internet policy can vary greatly from one country to another. However, the challenges that they aim to address are quite similar, such as monitoring violations of internet rights, pushing for the protection of activists prosecuted for enjoying their internet freedoms, and advocating for better laws.

Despite positive steps taken in Tunisia towards enshrining human rights online into laws, most newly introduced regulations in the region are severely restrictive, and contravene international standards for human rights, particularly in the areas of freedom of expression and privacy. In Egypt the state of human rights online is deteriorating at an alarming rate. Jordan has had a mixed approach to human rights online, with a general trend towards more formal repression and control on the internet. In contrast, Lebanon has extended more informal control over the internet. Attempts by the government to legislate censorship have been successfully protested by civil society.

While initial backing by the LAS and ESCWA, supported by other regional and global internet bodies, gave a push to a regional internet governance effort, this effort seems to have stagnated in the past couple of years, and has not effectively managed to engage civil society actors meaningfully.

On a local level, several countries have been developing interesting multistakeholder models for consultation, discussion and even decision making. These however are the exceptions rather than the case. Internet governance in the region remains largely opaque, formulaic and undemocratic. While civil society in Tunisia has many chances to be heard, the government has struggled in opening up its decision-making processes to other stakeholders. The shrinking space in Egypt for civil society at large is a grave concern to a free and open internet in the region.

Civil society engagement in Jordan is vital for its reform process, but steps taken to move in that direction have often been slow, and have faced far too many setbacks. Political intractability in Lebanon provides a severe obstacle in the way of a vibrant and active civil society, which makes all attempts at reforming internet policy spaces in the country almost impossible.

⁴⁶Frangieh, G. (2014, 27 February). Lebanon’s Cybercrime Bureau: A License to Censor? *The Legal Agenda*. english.legal-agenda.com/article.php?id=590&lang=en

⁴⁷Qasqas, O. (2015, 21 January). Fighting cybercrime in Lebanon. *The New Arab*. <https://www.alaraby.co.uk/english/features/2015/1/21/fighting-cybercrime-in-lebanon>

⁴⁸Ibid.

5. Recommendations

5.1. Recommendations to governments

Open and transparent decision-making

Governments need to open up their internet governance processes to other stakeholders, in line with recommendations under the Tunis Agenda. Involving academia, the technical community and civil society will only serve to improve people-centric and evidence-based internet governance in the region. Fledgling multistakeholder experiments must be supported, and studied, with lessons learned informing further practices and reform of current governance structures.

Support regional and national forums and roadmap

The Arab IGF and the roadmap initiative are the only regional internet governance spaces. Governments should continue to support these processes, and engage civil society meaningfully in dialogue, by offering to host the forum, and by setting up proactive processes to build capacity within civil society to engage as well as be able to attend the forums. This includes providing resources in order to establish regional multistakeholder ICT forums, and to support those that already exist.

Uphold human rights obligations

Governments, as duty bearers of human rights, have an obligation to uphold and protect these rights. Multistakeholder models and civic engagement cannot function in an environment where the rights to free expression and free association are restricted. Beyond not interfering with these rights, governments are also obliged to positively facilitate the enjoyment of these rights, by building capacity and providing opportunities for civil society to meaningfully engage in public policy processes.

5.2. Recommendations to CSOs

Cross-movement building in the region

CSOs in the region engaged in internet policy should raise awareness of internet policy issues across the wider civil society and social justice community. Digital rights CSOs should also particularly involve movements calling for economic, cultural and social rights, by raising awareness of how these rights manifest themselves online, as a more comprehensive approach that supplements current efforts to enshrine political and civil rights online. This comprehensive human rights approach will ensure the equal development of rights work in the region.

South-South cross-movement building

The problems that the region continues to face include lack of access to infrastructure, underdeveloped policies, opaque and out-of-date institutions as well as bad legislation. CSOs in the region should look to the efforts undertaken by organisations in the global South to address these issues, including both successful and failed attempts at including civil society in internet governance, as these experiences might be more relevant, particularly in countries undergoing democratic transition and reform.

More knowledge production

Locally sourced research and analysis on the region is scarce, and challenges include lack of transparency and obstacles to access public information set by governments, lack of capacity in the region to produce such research, and little cooperation between CSOs and academia. CSOs should seek to build their capacities to produce research and analysis, as well as build ties with academia, government, media institutions and other CSOs, in the region or internationally, in order to fill the knowledge gaps.

A more proactive approach

Digital rights CSOs in the region seem to have a reaction-based approach to digital rights advocacy. While it is important to address violations of rights and threats to a free and open internet, CSOs should also develop strategies and visions for digital rights advocacy and be more proactive in putting their issues on the agenda of governments, to move beyond the status quo into a more enabling rights environment. This could include establishing platforms for cross-regional collaboration and advocacy.