The Changing Landscape of Internet Shutdowns in Africa

Introduction

ELEANOR MARCHANT[1]
NICOLE STREMLAU[2]
University of Oxford, UK

There is an evolution underway in terms of how Internet access is perceived and understood. The view that Internet access should be a fundamental right has continued to gain traction. At the same time, concerns are increasing about the very real threat of offline harm posed by the dissemination of misinformation and hate speech online. This Special Section looks at these tensions within the context of one particularly extreme solution to perceived online threats: shutting off Internet access. While Internet shutdowns have now occurred across nearly all continents, they are on the rise in Africa, where some of the longest shutdowns have taken place. This Special Section brings together authors from law, communications, political science, and human rights to encourage a reevaluation of how we understand Internet shutdowns by reframing how they are situated within a broader landscape of other censorship and infrastructure challenges. The articles in this collection examine the causes and effects of shutdowns in the African context and challenge our current thinking about them.

Keywords: Internet shutdowns, Africa, Internet access, social media, censorship, misinformation

Internet shutdowns are not a new phenomenon. Nearly a decade ago, they were used by the government of Egypt as part of its effort to quell the prodemocracy protests sweeping the country. It is the increasing scope and scale of Internet shutdowns that now makes them an urgent issue. In recent years, hundreds of separate Internet shutdowns have taken place in India alone, while single Internet and social

media blackouts in Cameroon, Chad, and Myanmar have each lasted over a year. Much has been written about the censorship strategies of authoritarian governments, like China and Russia, but less focus has been given to overt shutdowns. It is their totality, their bluntness, that make them distinct from more targeted efforts at censorship such as blocking websites, arresting bloggers, or criminalizing the posting of certain topics on social media.

This is a particular moment in the life of Internet shutdowns. Technological advancements and changing perceptions of the risks and benefits that Internet access brings are shaping how Internet shutdowns are deployed now and will continue to shape how they are used in the future and what form they will take. As newer, subtler tools for surveilling citizen and manipulating public opinion or online content become available, the use of Internet shutdowns is likely to evolve. Yet for some governments, the totality of Internet shutdowns will continue to make them irresistible, especially in the context of growing end-to-end encryption. However, even in these cases, the increasing complexity of national Internet networks also means that it will not always be as simple as hitting an Internet "kill switch." For example, an Internet shutdown in Iran in early 2020 reportedly took a full 24 hours to implement due to the complexity and diversity of the country's network infrastructure (Newman, 2019). At the same time, other tactics are becoming more sophisticated, such as the deployment of troll armies against critics in which groups of people adopting fake identities flood social media or online forums with a specific message to drown out the opposition. Bots, or automated programs, have also been effective at distorting conversations by overwhelming certain platforms with misinformation and fake news. In these cases, the concern is less about overt censorship and more about actually having access to too much information, much of it low quality and even harmful, and the competition for attention. Moreover, governments are also finding innovative ways of discouraging the use of certain social media platforms without shutting them off through policies that create networks of incentives and disincentives like social media taxes in Uganda or the social credit system in China.

In recent years, there has also been an evolution in how Internet access is perceived and discussed in popular global discourses shaping how Internet shutdowns are understood. On the one hand, the view that Internet access should be seen as a fundamental right has gained traction. States like Finland and Estonia have made access to the Internet a legal right for their citizens. International bodies have also framed Internet shutdowns as a human rights issue but have not yet gone so far as to officially list Internet access as a human right. The UN Human Rights Council (OHCHR), for example, explicitly condemned "measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law" (Human Rights Council, 2016, p. 4). The African Commission on Human and Peoples' Rights passed a similar resolution the same year guaranteeing the right to freedom of information online (ACHPR, 2016). To combat this, the African Network Information Centre, the body responsible for registering African IP addresses, proposed that IP addresses and numbers should be restricted for a year for governments that intentionally limit Internet access (Mutung'u, 2017). Ultimately, the body decided to abandon the idea fearing that it "might antagonize governments in a way that will worsen the situation as a whole" (McCarthy, 2017, para. 2).

The spread of COVID-19 appears, at least initially, to have bolstered this view of the importance of Internet access by refocusing the debate on the role the Internet plays in disseminating vital health

information, providing telemedicine, and enabling the continuation of livelihoods through remote online work. In many ways, Internet access is now seen as more indispensable than ever. Yet countries like Ethiopia, India, and Myanmar have continued to restrict Internet access in certain subregions, particularly those often associated with separatist or refugee groups, despite even more insistent condemnation from human rights organizations than usual (Access Now, 2020).

On the other hand, concerns are also increasing about the very real threat of offline harm posed by the dissemination of things like misinformation and hate speech online, leading to new debates about the extent to which some forms of restricting access might be acceptable. There have been a few key events that have signaled this shift, varying in scale and intensity. There was, for example, the temporary (and very limited) shutdown of the Wi-Fi on the London Tube in response to the large environmental protest led by the activist group Extinction Rebellion in 2019. The blocking of the tube's Wi-Fi by the British Transport Police, was not announced publicly before being implemented. It was an unprecedented attempt to disrupt protests by restricting public internet access in the United Kingdom. As the British Transport Police argued, "In the interests of safety and to prevent and deter serious disruption to the London Underground Network, British Transport Police has taken the decision to restrict passenger Wi-Fi connectivity at Tube Stations" (Embury-Dennis, 2019, para. 3). This was far more limited than a nationwide disruption to the Internet, but it was notable particularly because the British government had positioned itself as a leader in the movement to develop a norm prohibiting the use of Internet shutdowns. In 2018, the British government led the commonwealth in issuing a "cyber declaration" that sought to prevent Commonwealth countries from curtailing access to the Internet, even in the context of unrest (Grigsby, 2018). Response to the temporary Internet outage was both limited and muted.

The attacks in Christchurch, New Zealand, in March and Sri Lanka on Easter Sunday later in 2018 reflected another turning point in terms of international responses to Internet shutdowns. The Christchurch attacks, in which 51 people were killed during Friday prayers at a mosque, were livestreamed and available on sites such as Facebook and YouTube. Social media companies appeared unable to contain the proliferation of the video across their platforms, leading Prime Minister Jacinta Arden to lead calls to mobilize the international community for a stronger response to addressing terrorist and violent extremist content online. After coordinated and sophisticated terrorist violence left more than 250 dead, the government of Sri Lanka immediately blocked access to social media sites including Facebook, Instagram, Snapchat, WhatsApp, and YouTube. In contrast to previous Internet or social media shutdowns, there was muted outrage and even significant positive commentary by some tech activists writing in media outlets such as *The Guardian* (Wong & Paul, 2019) and *The New York Times* (Swisher, 2019). Those that often would be the first to condemn a government for shutting off access to the Internet or social media platforms were among the first to suggest that the government might have made the right choice. From this perspective, misinformation and incitement to violence were controversially considered more serious and had a higher potential of inflicting real harm than shutting down social media sites.

These instances are just two examples, among others, that reflect a growing frustration with how difficult it is to control extreme speech and misinformation on social media and the perceived inaction and inability of large companies to effectively address those challenges. The days have passed when social media platforms were overwhelmingly perceived in a positive light for their assumed peace-making abilities, whether by bringing warring parties into dialogue (as Mark Zuckerberg claimed was the case with the FARC

in Colombia; Reyes, 2015) or through the Facebook Safety Check, where users flag themselves as safe during violence or a natural disaster. But neither are we now in a place where they are seen as overwhelmingly negative. The role that Facebook played in spreading hate speech that perpetuated the genocide against the Rohingya in Myanmar has been widely acknowledged (Stevenson, 2018) as have the serious psychological issues raised by the spread of the live video footage of the Christchurch mosque massacre in 2019 on Facebook's platform. But there is also indication from research that social media can be effectively used to counter misinformation as well, particularly if official government and reputable news media sources are used to provide accurate, factual information (Bode & Vraga, 2018; van der Meer & Jin, 2020).

The current COVID-19 pandemic exemplifies the tension between the potential harms and benefits of social media access and the challenges posed in reducing harm. In March 2020, social media outlets, including Facebook, Google, Reddit, and others, released a joint statement announcing coordinated efforts to counter misinformation about the pandemic and elevate "authoritative content" on their platforms (Facebook, 2020). Shortly thereafter, links to official World Health Organization and national health sources began to appear prominently on Google search results and at the top of Facebook news feeds. But as Joan Donovan, research director at Harvard's Shorenstein Center on Media, Politics and Public Policy, wrote in *Nature* a month later, "Moderating content after something goes wrong is too late. Preventing misinformation requires curating knowledge and prioritizing science, especially during a public crisis" (Donovan, 2020, para. 10). Moreover, the efficacy of these campaigns to counter misinformation and prioritize official sources is further complicated or stalled altogether when official sources themselves begin to push unsubstantiated "cures" that lack medical evidence.

We are in the midst of a particularly confusing time when it comes to understanding the role of the Internet in very diverse contexts. The climate of ambivalence around the future of Internet and social media shutdowns suggests a crucial moment to move beyond polarized discussions and the dominant advocacy-led debates on the subject to take a more nuanced examination of the phenomenon and its causes, effects, and varying manifestations.

This Special Section, focused on Internet shutdowns in Africa, is one attempt to begin to provide such nuance. By bringing together authors from law, communications, political science, and human rights, this Special Section encourages a reevaluation of how we understand Internet shutdowns by reframing how they are situated within a broader landscape of other censorship and infrastructure challenges that arise in diverse contexts.

This Special Section emerged from a conference organized by the Programme in Comparative Media Law & Policy at the University of Oxford's Centre for Socio-Legal Studies and the School of Communications at the University of Johannesburg on the topic of Internet shutdowns in Africa (Marchant & Stremlau, 2019). It is part of the European Research Council project, ConflictNet, which looks at the politics and practice of social media in conflict. The workshop brought academics from across the continent and from diverse disciplines including law, communication, and computer science together with legal, technological, and human rights practitioners. Some of the articles in this section are the culmination of ideas that were originally presented at that conference, while others come from scholars who were unable to join in person

but whose research does important work in pushing forward our understanding of what Internet shutdowns are, why they occur, and what impact they have.

Together, the pieces in this section pull apart the many facets of Internet shutdowns by looking specifically at how and why various kinds of Internet and social media restrictions are deployed and experienced in Africa. While intentional Internet shutdowns have now occurred across nearly all continents, they are on the rise in Africa, where some of the longest Internet and social media shutdowns in history have been seen in recent years. It is also home to a particularly wide variation in types of Internet shutdowns, including a proliferation of government initiatives, such as social media taxation or new restrictive regulations, which blur the boundaries between what is and what is not an Internet shutdown. Nevertheless, the scope of existing research in this area on Africa is limited, including research into the social, political, economic, and legal contexts in which Internet blockages are embedded and the very different types of shutdowns that occur. The articles in this collection provide an important basis from which to inform and encourage future research in this area.

Articles in the Special Section

In the first article, "Internet Shutdowns and the Limits of the Law" (this Special Section), Nicole Stremlau and Giovanni De Gregorio adopt a socio-legal approach exploring the justifications given by states when they block the digital environment. The authors draw on international law to assess the validity of Internet shutdowns and to argue that most Internet shutdowns are carried out in an ad-hoc manner and that the international legal environment pertaining to Internet shutdowns is fragmented. They contend that legal arguments are missing from many of the debates around Internet shutdowns and that bringing these perspectives back into the exploration of the justifications around shutdowns may make their use less frequent and more limited when they do occur.

Further examining the mechanisms behind Internet shutdowns, Admire Mare in "State-Ordered Internet Shutdowns and Digital Authoritarianism in Zimbabwe" (this Special Section), examines why and how private telecommunications operators comply with government orders to shut down the Internet. Through an in-depth case study of Internet shutdowns in Zimbabwe, he demonstrates that while private telecommunications companies own much of the domestic telecommunications infrastructure, ownership of international telecommunications gateways like underwater fiber cables must also be considered. Mare argues that private telecommunications companies must respond to a complex array of sociopolitical and economic pressures, many of which come from the government. These pressures are particularly acute in an authoritarian context like Zimbabwe and include licensing requirements, intermediary liability, and the militarization of the telecommunications regulatory authority.

The next article takes a provocative look at the presumed effects of Internet shutdowns. Across Africa, many of the Internet shutdowns that take place coincide with protest movements in what many observers believe are attempts by government officials to quell opposition or separatist protest movements. In "Dissent Does Not Die in Darkness: Network Shutdowns and Collective Action in African Countries" (this Special Section), Jan Rydzak, Moses Karanja, and Nicholas Opiyo come together to challenge prevailing assumptions about the relationship between Internet shutdowns and protest movements. Through a cross-

national analysis looking at cases of Internet shutdowns across Africa, they argue that instead of quelling opposition, Internet shutdowns may actually have only a limited effect in reducing protests and in some cases may even galvanize new protests. They enrich this analysis by highlighting how through strong structures of organization and coordination within resistance networks, protest movements are often able to persist even amid varying levels of connectivity and social media penetration.

Challenging our existing conceptualizations of what constitutes an Internet shutdown, in "The Slow Shutdown: Information and Internet Regulation in Tanzania from 2010 to 2018 and Impacts on Online Content Creators" (this Special Section), Lisa Parks and Rachel Thompson introduce the idea of a "slow shutdown." Unlike a technical shutdown in which a government orders Internet service providers to block access to the Internet or certain platforms, a slow shutdown is instead a collection of state regulations that together have the effect of "prohibiting, interrupting, or making too costly online content creation." Using process tracing, they demonstrate how through the adoption of a series of repressive information and Internet regulations in Tanzania between 2010 and 2018, the government of the Chama Cha Mapinduzi party has, over time, imposed a slow shutdown on the Tanzanian public. They explore the social side of the effects of this shutdown in relation to more technical Internet shutdowns highlighting the impact on gender and class divisions.

In "'Don't Tax My Megabytes': Digital Infrastructure and the Regulation of Citizenship in Africa" (this Special Section), Clovis Bergère provides us with another reflection on the sometimes-fluid borders between what constitutes an Internet shutdown and what does not. By looking comparatively at two attempts to tax social media platforms in Guinea and Benin, he provides a vivid illustration of how a policy like a tax can, for some, be experienced in much the same way as a technical Internet shutdown. He also provides important insight into how the architecture of the Internet can mediate the relationships between citizens and the state in Africa. In contrast to the liberating or democratizing ways in which Internet access is often portrayed in parts of Africa, Bergère illustrates how digital technologies—particularly those that allow leaders to identify and locate their citizens in new ways—can give governments new mechanisms through which to control their publics.

The Special Section concludes with an article by the section's guest editors, Eleanor Marchant and Nicole Stremlau, "What Future for Internet Shutdowns?" (this Special Section). Here we make the case for moving away from the binary way in which Internet shutdowns are currently understood, and moving instead toward a spectrum approach. Such a spectrum helps to account for the wide variation in types of Internet shutdowns that exist, ranging from brief social media shutdowns aimed at a small community of users all the way to nationwide shutdowns lasting many months, variations that are likely to evolve in the future. As reflected in the articles in this Special Section, we demonstrate how broadening conceptions of Internet shutdowns help to situate them more clearly within the wider landscape of discussions about other forms of censorship and information controls particularly in periods of violent conflict.

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