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## Participation of Senegalese civil society in the formulation of ICT policies

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The dynamic of Information and Communication Technologies (ICT) development demonstrates the importance of this sector for Senegal's economic and social development, not only in terms of growth, but with regard to equipment and infrastructure, mobilisation of human and financial resources, potential for social and economic integration on a sub-regional, regional and world-wide level, decrease in inequalities, and strategic importance for the future development of the country.

This study describes the policies, strategies and actions instituted by the relevant stakeholders (public institutions, private and international players) and analyses the participation of local civil society organisations (CSOs), in order to propose a draft plan of action whose aim is to strengthen participation in formulating and supervising ICT policy implementation.

### Executive Summary

The study, "Participation of Senegalese civil society in the formulation of ICT policies" describes the policies, strategies and actions instituted by the relevant stakeholders (public institutions, private and international players) and analyses the participation of local civil society organisations (CSOs), in order to propose a draft plan of action whose aim is to strengthen participation in formulating and supervising ICT policy implementation.

## 1. The central role of the public stakeholders

Since its emergence in Senegal (towards 1989), the ICT sector has been organised according to different methods, and recently underwent a complete restructuring as a consequence of the privatisation of the historical national telecommunications operator. The new **Telecommunications Act** (December 2001) replaces the 1996 Telecommunications Act and institutes the **Telecommunications Regulation Agency (Agence de Régulation des Télécommunications - ART)** as the main player in formulating and supervising Senegalese ICT policies.

### 1.1 The Organisational Role of the State

The state plays a central, high-level role in the organisation of ICT policies, with the guidance of, and under the control of the Republic's Presidency.

- The **Presidency's Committee for New Information and Communication Technologies**, which coordinates ICT reforms undertaken or envisaged by the President, chiefly: The State Informatics Department, the State Technology Charter for interoperability of information systems, the Telecommunications Regulation Agency, the modernisation of computer systems for Customs, the

Grand Prize for NTIC awarded by the Head of State, the Senegalese Agency for Technological Innovation (Agence Sénégalaise pour l'Innovation Technologique), the government web site. The following are in draft: the development of administrative teleprocedures, the connection of schools to the Internet, videoconferences between African heads of state.

<http://www.gouv.sn>

- The Office **for the implementation of NEPAD's ICT component**, which organises the promotion of the central points of NEPAD's ICT component: telecommunications and teledensity infrastructure, harmonisation of telecommunications legislation and regulations, technology transfer and promotion of endogenous industry, training and production organisations, securitisation of the intergovernmental IP network, statistical databases, computerisation of the legal data system, electronic customs clearance, cooperation against terrorism, telemedicine, production and dissemination of history, art and culture, electronic trade portal for the exchange of agricultural and fishery products.

<http://www.nepadsn.org>

- The **State Informatics Department**: (Created by decree in January 2002, and now undergoing restructuring). Mission: definition of internal policies and reorganisation of informatics in the civil service.

## 1.2 Telecommunications Regulation Agency (ART)

Created in December 2001 and established in March 2002, ART assumes several of the functions of the Ministry of Communications, which was dissolved in May 2001. A public institution with a legal personality and financial autonomy, it is involved in the telecommunications sector from the point of view of policy formulation and adherence, but is not involved in matters relating to content (See: Audiovisual Supreme Council). Its mission was set by the Telecommunications Act, and will be complemented by an implementation decree that will specify its operational tools.

ART controls the implementation of the Act and its regulations, advises the President of the Republic and the Government, and oversees national telecommunications interests. It is obligatorily consulted on all actions relating to legislation, regulations and security in the ICT field, revision of conditions for telecommunications activities, approval of telecommunications service tariffs under the monopoly, and universal service tariffs.

It represents the State in regional and international ICT organisations; ensures respect of the principle of equal treatment for users and telecommunications service providers; ensures adherence to the legislative and regulatory provisions by network users and telecommunications service providers (licence granting and conditions, authorisations, approvals and registrations) and penalises violations in this area (its personnel are sworn in). It arbitrates disagreements between the civil service and the State, network users and telecommunications service providers, and investigates and follows-up complaints by consumer organisations.

It is responsible for planning, managing and controlling the frequency spectrum and the national numbering system; approving the directory of interconnection of network users; approving standardisation norms; contributing towards the growth of universal service, value-added service industries and technology transfer in the telecommunications sector. It draws up the annual list of operators considered as leaders in the telecommunications market.

It is directed by a Regulatory Board and headed by a General Manager, whose chief responsibility is to present a public Annual Report on the Agency's activities and the position of the ICT sector in Senegal from the perspective of the application of current legislation and regulations. Its personnel are exclusively Senegalese (approximately 30 employees, of which 10% are women, and 40% are technical personnel).

Its budgetary surplus is reallocated, 1/3 to universal service, 1/3 to training and research and 1/3 to the promotion of new information technologies.

**Action priorities:**

- Expansion of mobile and rural telephone systems
- Revision of the agreement with the traditional national operator, complete liberalisation of the sector (end of 2002)
- Facilitation of service offers by large companies and SMEs (encouragement of value-added services)
- Organisation of a social development fund for universal service
- Liberalisation of voice over Internet Protocol (IP) (scheduled for end of 2004)
- ART functions, and schedule of operations

**Objectives of regulations under draft:**

- Aggressive but harmonious development of the sector
- Benefits for users
- Impact on the economy in the larger context
- Improvement in state finances

The current unavailability of certain tools and documents relating to ART's functions is impeding the implementation of certain activities (frequency allocations, approval of the third telephone provider, for example).

<http://www.art-telecom.sn> (*en construction*)

### **1.3 The Audiovisual Supreme Council (Haut Conseil de l'Audiovisuel - HCA)**

The HCA, an independent authority created in 1998, operates on the State budget and is responsible for controlling all audiovisual media. It controls the activities of the media world in terms of content, but does not have a regulatory role.

Its mission is to guarantee independence, freedom of information and communication, and free and healthy competition in the audiovisual media; to ensure objectivity and equality in dealing with information broadcast by the audiovisual media; to set rules relating to conditions of producing, programming and broadcasting regulated audiovisual transmissions.

*Functions:*

- To participate in discussions on allocating public service concessions for programme broadcasts.
- To respect the terms and conditions required of the beneficiaries of these concessions for radio or television broadcasts
- To advise on important audiovisual media issues: raising the moral standards and the quality of the sector's activities, drafts of legislative texts, or regulations relating to audiovisual media.
- To respect programme laws and regulations, and protect cultural identity, childhood and adolescence.

*Actions*

- Monitoring or formal demand notices to offenders, warnings or partial or total suspension of a programme referred by the Minister for Communication for higher-level punishment.
- Quarterly public notices quantifying the imbalances in, or non-adherence to, audiovisual pluralism, and proposals for corrective actions.
- Supervision of a controversial bi-monthly radio and television broadcast reserved for political parties.
- Respect for equity, periodicity and balance amongst all parties.
- Public Annual Report on the application of the law.

*Seizure procedure* in the event of violation of the legislative and regulatory requirements governing the audiovisual media, or of equitable access to State media for political parties, unions and organisations recognised by civil society.

## 2. Private sector stakeholders

The limited framework of this document only allows for a typological presentation of the different stakeholders in a fast-growing private sector.

### 2.1 The Operators

Before 2001, **Sonatel**, as the traditional national operator, played a pivotal role in the emergence of the ICT sector in Senegal by concurrently fulfilling access provision, regulatory, entrepreneurial and commercial functions. Since its privatisation and the creation of ART, a clear distinction has been established between public and regulatory functions on the one hand, and private and operational functions on the other.

Sonatel, the main telecommunications operator in Senegal, is a public corporation that was created in 1985, privatised in 1997, and organised into a group with the two subsidiaries of Sonatel Mobile (mobile telephones: Alize network) and Sonatel Multimedia (development of Internet and ICT related products and services, chiefly the Sentoo portal). The results announced in its annual report show it to be one of the most important enterprises in Senegal, with a degree of growth well above the national average. It is one of the leading economic powers, not only nationally, but also sub-regionally (development of a hub serving Mauritania, Gambia and Mali).

It is a dominant private corporation in the telecommunications sector, that is no longer expected to fulfil a public service role, and whose policy is to meet (and anticipate) the needs of clients with regard to supply, logistics, informatics and human resources. Its national commercial presence reflects the demographic and economic distribution of the country.

Until April 2004, it has the monopoly of the national fixed telephone network (3000kms, entirely in fibre optics and secured by a looped network; number of telephones installed +32%: 228 000 fixed telephone lines (+10%) and 301 082 mobile telephone lines (+54%, of which 93% are prepaid lines: it participates in a total of 90% of telephone calls). 150 new rural villages were connected in 2001, to make a total of 862 villages connected out of the 30 000 in Senegal. It provides direct international connections (satellite and underwater cable transmissions – 155 specialised Internet lines; 215 Internet Protocol access lines), with telecommunications operators in 35 foreign countries. Voice over IP in May 2001; experimentation with local radio loop.

The Sonatel Foundation (May 2002) will participate in education, culture and health.

Sonatel has played, and still plays, a dominant role in the ICT sector, supported by its traditional position as a monopoly, and its obvious role in terms of national and sub-regional infrastructure and equipment. This dominant position has received regular criticism from many other players in the private sector and from civil society organisations, as being an impediment to freedom of competition, real prices, and dialogue amongst all players. Currently, Sonatel no longer has a monopoly in the different sectors (mobile telephone network, for example), which undoubtedly explains the recent establishment of a department to promote public interest, and measures – still limited – for dialogue with other stakeholders (mainly consumers).

Faced with the opening of the ICT market to competition, Sonatel has significantly (though still insufficiently) developed its commercial policy: tariff reductions, decreased connection delays, improvement in connection quality, and regionalisation of services.

<http://www.sonatel.sn>

<http://www.sentoo.sn>

<http://www.alize.sn>

Despite a lengthy dispute with the state over the terms of its operating licence, **Sentel**, the second authorised mobile telephone operator, has played a definite role in challenging this dominant position. This has encouraged diversification, interconnection of services (telephone and internet), popularisation of the mobile telephone network (especially amongst youths – despite the recent charges introduced on text messages) and a reduction in tariffs.

<http://www.sentelnet.com/>  
<http://www.everyday.sn/>

A third mobile telephone network operator should soon be approved by ART.

## 2.2 Service providers

The **Association Telecom Society** was created in April 2002 on ART's request, to facilitate dialogue with operators in the ICT sector in terms of regulations (NB: this type of process was not envisioned with civil society for reasons given below, although ART would be open to dialogue if the right conditions were established). This association brings together all the ICT players (operators, service providers, equipment manufacturers). Its main objective is to advocate the stimulation of the national private sector. Its complaints are mainly the size and cost of bandwidth, the prohibition of voice over IP, and taxation rates.

*Secretary General: Mouhamet Diop, Next S.A.*

Service and teleservice providers are moreover very active in civil society organisations that act for the promotion of public interest in the ICT sector. (see part four).

<http://www.osiris.sn/fournisseurs.htm>

## 2.3 Telecentres

Sonatel facilitated an increase in the number of private telecentres: supervision and training, diversification of benefits resulting from Internet usage. Representatives of the private telecentre owners want a preferential tariff on the base unit price, and a reduction in VAT rates to compensate for the loss of revenue linked to the decrease in telephone prices. The telecentres represent 24 000 jobs, and a turnover of 40 billion for Sonatel.

The participation of telecentre and teleservice users in the activities of civil society organisations is still limited. The main focus of the **National Union of Telecentre and Teleservice users in Senegal (L'Union nationale des exploitants de télécentres et de téléservices du Sénégal - UNETTS)** is the relationship between telecentres and Sonatel.

## 2.4 Teleservice and training enterprises

Between 1999 and 2001, the national development strategy for the ICT sector was to support the development of teleservices, but this strategy does not seem to have survived the disappearance of the Ministry for Communication and Information Technology.

A large number of private training and informatics provision centres have been established, but the sector is neither organised, nor active in the context of protection of the public interest. Harmonisation and recognition of the validity of training curricula does not seem to be on the agenda.

## 2.5 Private Sector Applications

The national private sector increasingly uses ICTs for various applications (banks, electronic commerce, intermediation services, agriculture, tourism, art and culture, employment, information etc.). These applications fall within the scope of private initiative and are currently neither supervised nor regulated by a specific public legislative or control system.

### 3. The Parastatal and Cooperation sectors

#### 3.1 Training and Research

The training curricula offered by training institutions mainly cover technical skills (infrastructure, operation of technical services, use of ICT techniques and applications in the different professional fields: **Multinational School of Telecommunications (Ecole Multinationale des Télécommunications)**, **Polytechnic College (Ecole Supérieure Polytechnique)**, **School of Library Science and Archival Studies (Ecole des Archivistes, Bibliothécaires et Documentalistes)**, **Francophone Virtual Campus (Campus Numérique Francophone)** ). The research subjects that are covered within the university context concentrate primarily on analysis of the ICT social appropriation process (“Technology and Society” Research Programme, **UNRISD**) and legal research on Internet regulations.

<http://www.refer.sn>

<http://www.auf.org>

<http://www.esp.sn>

<http://www.esmt.sn>

#### 3.2 International cooperation

Programmes of international civil cooperation in the ICT field deal more particularly with ICT appropriation by the different components of civil society:

- The **International Development and Research Centre’s (IDRC) Acacia Programme**, targeting communities, women and youths.
- Democratisation and increased awareness of social stakeholders (parliamentarians, unionists) in ICTs (**Frederich Ebert Foundation, USAID, Konrad Adenauer Foundation**)
- Education (**World Links for Development – WorLD, PAGE Programme of the Francophone Agency, CISCO...**)
- Grass-roots development (**Afrique Initiatives**)
- Infrastructure and cooperation (**UNDP**)
- Electronic commerce (**USAID, CEA, IDRC**)
- Research (**Institute for Development Research [Institut de Recherche sur le Développement] ex-ORSTOM**)

<http://www.idrc.ca/acacia/>

<http://www.undp.org/sn/>

<http://www.fes.sn>

<http://intif.francophonie.org/PAJE/>

<http://www.world-links.org/senegal>

#### 3.3 Local authorities

A large number of town councils are beginning to increase their use of ICTs (web presence, ICT usage training) mainly in terms of local information and administrative formalities. The population’s representative authorities (parliamentarians, local councils) and political supervisory authorities (election monitors) could be more involved in the promotion of e-governance.

#### 3.4 Commerce and Electronic Commerce

The **Trade Point Senegal Foundation (Fondation Trade Point Sénégal)**, a partnership between the Government of Senegal and representative private sector organisations, is working towards the international commercial integration of Senegalese economic operators, in liaison with the Department of Customs, External Trade and Taxes.

Numerous events and meetings are regularly organised on themes related to ICTs and economic development, and departments for economic monitoring and employment intermediation have been established.

## 4. Civil Society Participation

### 4.1 Public consultation processes

A draft law passed by the Council of Ministers and assigned to the relevant ministerial departments was prepared by committees composed of representatives of the relevant public departments. Thematic experts were consulted. After submission to the Constitutional Council, it was defended before the National Assembly by a member of the Government. Participation in the formulation process was thus established within the framework of representative public authorities. However, the public at large and civil society are not involved as such: experts are consulted in their capacity as professional experts and not because of their possible affiliation to a CSO.

<http://www.assnat.sn>

This is a consequence of the lack of organisation within civil society, which consequently does not constitute an institutional representative recognised by the political authorities. The definition of the notion of “civil society” is not unanimous (does it include unions and para-professional organisations, political parties, etc?). Its different components reflect very different, and often antagonistic interests on a given theme. Civil society is perceived more as a concept than a representative entity, and only a (small) part is directly involved in ICT policies.

Among the various CSOs, those that would receive validation and recognition by the authorities and the private sector are mainly composed of professional experts. They are recognised because of the sector of their professional integration, and they are extending their commitment in the associative framework of the ICT themes currently under discussion in Senegal. These organisations receive support and some funding from other private and public stakeholders (organisation of Annual Internet Festivals, for example).

Civil society in general (or with particular reference to ICTs) is not organised in a sustainable and representative manner. In the event of global mobilisation on an issue of general interest, *ad hoc* Committees are set up (for example for elections, or for the protection of political freedom). There are no public hearing procedures on subjects of public interest, which would allow the different categories of stakeholders to make their viewpoints heard.

### 4.2 CSOs that are active on ICT policy issues

- A small number of CSOs are directly and semi-exclusively concerned with ICTs and ICT policies. Their real intention is not to be mass organisations, and they are mainly composed of professional experts from different sectors (technical, public, private, research etc).

The objectives of **ISOC Senegal**, the Senegalese chapter of the Internet Society are: to encourage Senegalese participation in ISOC work and to increase knowledge of ISOC in Senegal while cooperating with the other African chapters; to promote national languages and local content on the Internet; to organise and participate in meetings and publications; and to act for the democratisation of the Senegalese internet environment. Its activities chiefly relate to training (INET workshops), increasing public awareness, advocacy, sharing experiences, and publications.

<http://www.isoc.sn/>

The objective of **OSIRIS**, the Observatory on Information Systems, Networks and Information Highways in Senegal (Observatoire sur les Systèmes d'Information, les Réseaux et les Inforoutes au Sénégal), is to analyse and popularise information on ICTs, and to increase public awareness of the use and appropriation of ICTs in

Senegal, through its website and through BATIK, its monthly electronic bulletin board: studies and documents, ICT indicators, supervision of Internet access points, and lists of Senegalese websites. OSIRIS is active in terms of research, action and circulation of information (Internet Festivals, seminars, conferences, multimedia caravans, research).

<http://www.osiris.sn>

The Senegalese Association for Linux and Free Software (Association Sénégalaise pour Linux et les Logiciels Libres - **AS3L**) aims to promote free software.

<http://www.as3l.org/>

**GARENTIC**, the African Group for Research and Study of New Information and Communication Technologies (Groupe Africain de Recherche et d'Etudes sur les Nouvelles Technologies de l'Information et de la Communication) is an observatory of research and analysis of changes brought about by ICTs for the benefit of individuals, businesses and African authorities: ICT rights, policies and development.

<http://www.garentic.com>

**ADEETELS**, the Association for the Protection of Consumers of Water, Electricity, Telecommunications and Services (Association pour la Défense des usagers de l'Eau, de l'électricité, des Télécommunications et des Services), is working to promote and provide information on consumer rights, to fight against abusive practices, and to decrease tariffs and ensure their transparency.

*President: Dr Amadou Abdouluauae Aidara*

The objective of **@nsuit**, the Senegalese National Association for Telephone and Internet Users (Association Nationale Sénégalaise des Utilisateurs de la Téléphonie et d'Internet), is to protect the interests of its members within the framework of Internet and NICT usage; to exchange information among its members and local or foreign NICT stakeholders, and to monitor services.

- Also to be included in this category are CSOs who act for social development. As a part of their activities, they have invested in ICTs as a factor of social change for community development, and they are consequently concerned with ICT policy issues from a civil point of view, above and beyond their other ICT implementations.

**ENDA Third World** was the first service provider in Francophone Africa to act for ICT connection and usage by Third World NGOs. Different programmes of activity and political advocacy were implemented to democratise ICT appropriation and to fight against inequality: The Communication Programme for Women (famafrigue) website), The Centre for Community Resources (Cyberpop): research, activities, advocacy, publications, network activities.

<http://www.enda.sn>

<http://www.famafrique.org>

<http://www.enda.sn/cyberpop>

**SIUP**, Urban Popular Information System (Système d'Information Urbain Populaire) acts to promote urban cybrcitizenship within the framework of regional and local decentralisation, through the activities of the Association for the Economic, Cultural and Social Promotion of Yoff (APECSY, a grass-roots community organisation) and the Yoff Eco-community Programme (EcoYoff): dialogue between different stakeholders in local development, and the fight against poverty and for sustainable development; management and decision-making tools: ensuring data availability for urban management decision makers, dialogue between government and people, expansion of the project to 52 local communities in the Dakar region.

<http://www.cresp.sn/>

**Amnesty International** is working for the protection of public freedom and respect of cybrcitizenship rights: legal research and advocacy.

### 4.3 Potentially involved CSOs

These organisations have not yet acted in the actual field of ICT policy, but have undertaken important activities in terms of using ICTs to promote community development. They could therefore be included in promotion activities that aim to strengthen the participation of civil society in formulating and monitoring ICT policies.

**RADDHO**, African Forum for the Protection of Human Rights (Rencontre Africaine pour la Défense des Droits de l'Homme): research and action to promote citizenship and personal rights, advocacy and lobby.

**GEEP**, Group for Research and Development on Population (Groupe pour l'Enseignement et l'Etude de la Population), works towards training youths by popularising ICT in educational and informal circles.

[http://www.refer.sn/sngal\\_ct/rec/geep.htm](http://www.refer.sn/sngal_ct/rec/geep.htm)

**Yinternet.org**, which runs activities and resource centres on ICT for young association and NGO leaders.

<http://www.yinternet.org>

**SAFEOFOD**, a local governance observatory, which works to disseminate information on decentralisation through national languages.

The **Panos Institute - West Africa** acts for a culture of democracy, peace, citizenship and pluralism of information – notably radio – by strengthening the capabilities of journalists to produce information on sustainable development.

<http://www.panos.sn/>

**ARPAC**, the Association of Rural and Community Radio Stations and Radio Station Projects, that wishes to act to improve the legislative and regulatory framework (press aid, financing activities through publicity) as well as **AMARC** Senegal (Worldwide Association of Community Radio Broadcasters) and **various organisations and networks of journalists and communicators**.

<http://www.amarc.org>

Stakeholders in the media world that use ICTs (online press and radio, training institutes for journalists and communicators, professional bodies) could also become allies of civil society in terms of communication policies.

Union organisations and political parties, if they are considered to be part of civil society, should be involved in activities aiming to protect workers and citizens.

## 5. Potential CSO contribution to ICT policy issues

The national ICT strategy, defined by the Telecommunications Act, and in accordance with the nation's economic and social development plan, is built on the principles of transparency, healthy and fair competition, equal treatment of users, respect for confidential correspondence, respect for the conditions of an open network, and of the contribution of operators to tasks and responsibilities relating to the development of a universal telecommunications service, respect for international agreements and treaties relating to telecommunications and the impartial interconnection of networks.

Civil society organisations should therefore emphasise their perspectives and contribute towards formulating, implementing and *respecting* these principles, especially with regard to the following set of themes proposed by the APC Internet Rights Charter:

## 5.1 The Right to Communicate

- **Democratisation of access** (access for all, universal service) and the **fight against exclusion** (marginalised groups, gender equality) are the two political concerns most largely shared by CSOs.

In this context, CSOs could legitimately organise their cooperation in public and parastatal institutional activities in terms of formulating and monitoring policy implementation, particularly rural electrification and rural telephone networks, which are the two main focal points of public policy.

Moreover, CSOs (for example: **ENDA, 2BI** To be one, **FORUT, WARF** - West African Rural Foundation for West Africa, **Project Joko, CONGAD** - Council of NGOs in Support of Development) with international support and cooperation (Francophone Agency, International Development and Research Centre, UNESCO, IUT, World Bank...), and even the support of the private sector, are particularly well placed to bring their expertise to issues relating to the fight against social inequality (gender, income, age, training, access to education, handicaps etc) and to the formulation of ICT citizenship and democratic policies.

It would be particularly appropriate if these organisations were partners in defining and applying the mandate assigned to ART for the **promotion of universal service**, and to which it should dedicate a third of the resources that it generates (chiefly within the framework of the organisation of the Fund for Universal Service, which is being created with the support of the World Bank).

- **Financial accessibility** (determination and transparency of service tariffs, taxation, equipment costs) is a subject already under consideration by the various CSOs (**OSIRIS, ADEETELS, UNETTS...**). However, there is no authority for organised dialogue between the decision-makers on tariff-related issues (ART, Sonatel...) that takes CSOs into account, on the model, for example, of the authority for dialogue for the private sector established at ART's request. This could be appropriate at the current time when ART is in the process of studying a schedule of tariffs and a policy for the structure of prices and service for the benefit of marginalised populations.

- **Integration of Media rights**

The "classic" media which is very active (chiefly in free and community radio and press, also on the regional level), liberalised and growing rapidly, is subject to procedures of user licence allocation (currently being audited before reorganisation by ART) and supervision by the Audiovisual Supreme Council in terms of content (chiefly in the political area). Nevertheless, the appropriation of ICTs by this sector is suffering from technical and access constraints, equipment prices, and insufficient training adaptation. The private media have clearly demonstrated their capacity to use ICTs within the framework of their public information goals (election coverage).

High circulation newspapers and radio are broadcast on the Internet, and several have special ICT columns, two local press agencies work online, and various communicators' institutions and networks are active in promoting electronic communication for pluralist democracy (**Panos Institute – West Africa, African Centre for Women in Media- CAFM, Mediatic network**) and are involved in the issue of media and communications rights. The inclusion of organisations representing the media in ICT policy formulation would certainly be relevant in the perspective of community development.

- **Accessibility of Public Information**

Besides institutional information presented on the government website (online voter lists, administrative procedures), more and more community organisations, NGOs, and even private organisations are publishing information of local or national interest: information relating to law, decentralisation, culture, related life, civil state (**SIUP and various town councils, SAFEFOD, various private portals...**). However, there are still numerous areas to be covered, as much from the purely informational point of view as from that of interaction between the stakeholders (elected bodies, for example).

- **Impact in terms of development** (social equality, education, health, local private sector, good governance and the fight against poverty).

The development CSOs have already proved their commitment and capacity for involvement in this area, at the level of implementing ICTs for development (amongst other things, either with or without the collaboration of public, private, or international cooperation services: **ENDA Cyberpop** (popular appropriation, poverty), **famafrique** (gender equality), **Lead Programme** (participation in international conferences), **OSIRIS** (Multimedia Caravan, Internet Festival), **Page and Joko Projects**, **2B1, Ynternet** (education and youths), **WARF** (rural world), **Panos** (democracy), **CAFM** (AIDS), **FISSA** Self-Sustaining Health and Auxiliary Task Force [Force d'Intervention Sanitaire et Satellitaire Autoportée] (telemedicine for infant and maternal health), etc...

However, in the more specific area of formulation of ICT policies, the involvement of CSO's is a lot more embryonic, and would benefit from expansion in accordance with a strategy that is still to be decided, from several suggestions presented in the following section.

- **Respect of Workers' Rights**

The formal sector only involves a very small part of the national workforce, as the largest part participates in the popular economic sector (rural and urban). The large union organisations of the formal sector are beginning to open up to ICT use, especially through their international affiliations, and chiefly for use in the international rather than the local scope, and in the context of institutional information. Their contribution towards the formulation and monitoring of ICT policies is currently almost non-existent.

## 5.2 Freedom of Expression and Information Exchange

Chiefly at the request of some CSOs and regulatory authorities, lawyers have very recently started to become involved in this area. From examination of the state of the issue, they concluded that Internet rights are almost virgin in Senegal. Freedom of expression, protection of the rights of vulnerable groups, protection of intellectual property rights, and freedom of demonstration are neither limited nor monitored, which opens the door to all types of possibilities as well as abuses. Although no case of flagrant violation of individual or public rights has yet been tried, lawyers indicate that the current legislation would not be in a position to deal with such, owing to the absence of laws and the maladjustment of legal concepts currently used for cyberspace. University research projects (**Law Faculty of the University of Dakar and of Saint Louis**), local projects inspired by international activities (**Droit et Toile** project) and CSOs (**GARENTIC**) are currently involved in these issues.

## 5.3 Diversity of content, ownership and control, and the protection of user rights

The principle of diversity of content is neither in dispute, nor the subject of particular encouragement. As a result, the share reserved for national languages is very small, except for audio broadcasting, publication in Arabic by associated websites, and in national languages on certain subjects by some NGOs (for example: **SAFEFOD** on the decentralisation issue).

Senegalese content published on the Internet is mainly economic, administrative and touristic, and to a lesser extent, commercial and cultural. Control of content falls within the scope of the **HCA**, which does not, however, have the power to make regulations. Content openly responds more to the needs of the well-off formal sector urban fringe than to the needs of the diverse components of the population (rural world, women, popular sector, cultural diversity etc.). **The World Bank's Indigenous Knowledge for Development Programme** publishes sources of information on local knowledge in Wolof.

## 5.4 Licences and Control of Intellectual Property

Licence allocation, in accordance with the methods prescribed by the Telecommunications Act, and the establishment of standards, in accordance with WIPO standards (contact in process) fall within ART's scope. The promotion of free software is the objective of the activities of **AS3L, the Senegalese Association for Linux and free Software**.

### **5.5 Protection of Privacy**

Increasing awareness of the issue of private protection on the Internet is an emerging theme, especially in the legal world, and within the framework of the concerns of **Amnesty International Senegal**, which emphasises the dangers of the current legal gaps (for example in terms of encryption, protection of personal data, cybercriminality, possibilities of recourse in the event of violation of privacy or security on the Internet). ART plans to put into service a green (free) number for users' complaints.

### **5.6 Global, regional and national governance of the Internet**

The management of domain names in *.sn* is entrusted to a Committee composed of University experts operating from the **University of Dakar** (Polytechnic College). **ISOC Senegal** participates in monitoring the adoption and implementation of technical standards, a Senegalese expert is a member of **ICANN**, and is active in **Afrinic**.

### **5.7 Rights awareness and realisation of rights**

Mechanisms for educating the public and increasing awareness of their rights have not yet been instituted. Sentel's recent decision to introduce charges for text messages on mobile phones (young subscribers) incited spontaneous student protests (Gaston Berger University). **ADEETELS** announced its opposition to the lack of transparency in telephone tariff schedules.

## **6. Strengthening the Participation of Civil Society: Prelude and Actions**

This study shows that Senegalese civil society has very little involvement in the formulation and application of ICT policies, for the following reasons:

Owing to its lack of internal organisation, civil society is not recognised as a representative participant by the authorities responsible for defining ICT policies. The organisation of civil society on an institutionally representative basis could be difficult, moreover, because of the wide range of interests it covers.

In addition, there is still only a limited number of CSOs with direct involvement in ICT issues (development NGOs), and the number of partners who could potentially participate in ICT policies is even smaller.

In addition, CSOs that could be more immediately involved in the area of ICT policies mainly comprise persons who are professionally involved in ICT, and come from the social sectors (public, private, parastatal, CSOs). This could be an advantage – by making civil society a forum for pluralist expression and exchange of ideas – if the issue of recognition of their role was resolved. On the other hand, their very specialised audience is a impediment to the democratisation of ideas and debates.

Recognition of civil society as a legitimate participant in ICT policy decision-making would not be impossible: such sectoral mechanisms were established in other sectors (committees for dialogue between public services and NGOs), and ART would probably not be opposed to this.

Whatever the situation on the ground, CSOs' development mission gives them good reason to wish for inclusion in the process of formulating, defining and monitoring the application of ICT regulation policies.

However, numerous activities would need to be undertaken to strengthen the participation of NGOs at the negotiation table in this area:

- Organising the recognition and representative nature of civil society.
- Clarifying the notion of civil society, as well as the nature of alliances and oppositions with the other stakeholders.
- Organising and popularising an argumentative advocacy of increasing awareness within civil society on the content and stakes of ICT policies, with a view to democratising the debate.
- Holding specialised training in lobby techniques adapted to the ICT sector.
- Developing and popularising the notion of e-governance, from the point of view of civil society and in the national context.
- Establishing an internal plan of action and distributing functions.
- Engaging in dialogue activities with other stakeholders.
- Participating in network activities (including on a regional and international level).

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