2022 REPORT
Environmental Assessment of Civic Space in West Africa

Commissioned by
West Africa Civil Society Institute
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The West Africa Civil Society Institute (WACSI) was established by the Open Society Initiative for West Africa (OSIWA), now Open Society Foundation (OSF-Africa) in 2005 to reinforce the capacities of civil society in the sub-region. The institute became operational in July 2007. WACSI envisions a West Africa of efficient, effective, and influential civil society functioning as strategic partners for democracy, good governance, and sustainable national development. WACSI is a not-for-profit organization that seeks to strengthen the institutional and operational capacities of civil society organisations through capacity strengthening programmes for increased and effective policy engagement, and the promotion of development, good governance, and democratic values in West Africa.

www.wacsi.org

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WACSI extends its sincere appreciation and gratitude to Ibrahim Bangura (PhD), the lead researcher and key contributor to this report, for his unwavering commitment, meticulousness, and dedication throughout the comprehensive assessment that spanned the West African region. His invaluable contributions have significantly enriched the quality and depth of this research.

Furthermore, we would like to recognize the outstanding efforts of our esteemed colleagues at WACSI who played pivotal roles in shaping and finalizing the research output. Special mention goes to Omolara Balogun, Head, Policy Influencing and Advocacy Unit for her expertise, leadership, and editorial role; John Frinjuah, Programme Officer, Policy Influencing and Advocacy and Tograbaye Alnoudjim, Programme Assistant, Policy Influencing and Advocacy, for their dedication and tireless support to the research and editorial teams. We appreciate our partner and one of the Civic Space Resource Hub (CSR-Hub) faculties, Oyebisi B. Oluseyi, Executive Director of Nigeria Network of NGOs, for co-editing the final draft.

The success of this maiden edition of the Environmental Scanning of Civic Space in West Africa would not have been possible without the generous financial and technical support provided by the Ford Foundation, through the West Africa Civic Space Resource Hub (CSR-Hub) project launched in May 2022, to respond to the capacity and technical needs of civil society organisations working to push back restrictions to civic space in West Africa. We express our deep gratitude for their partnership and unwavering commitment to our shared objectives. We remain optimistic that this collaboration will continue to yield significant impact in advancing civic space and strengthening civil society across the region.

Finally, we extend our heartfelt appreciation to our esteemed partners and civil society constituents throughout West Africa. Their invaluable insights, cooperation, and active participation in interviews have been instrumental in shaping the depth and relevance of this research. We are immensely grateful for their unwavering support and dedication to promoting an enabling environment for civil society in the region.

In conclusion, we acknowledge and thank everyone who contributed their time, expertise, and perspectives to this crucial project. Your collective efforts have resulted in a comprehensive and meaningful assessment of civic space in West Africa, serving as a valuable resource for advancing the cause of civil society and human rights in the region.

We look forward to continuing our shared journey towards a more empowered and resilient civil society in West Africa.

Nana Asantewa Afadzinu. Executive Director, WACSI.


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<tr>
<th>Acronym</th>
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<td>ACHPR</td>
<td>African Charter on Human and Peoples Rights</td>
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<td>ACF</td>
<td>Action Against Hunger</td>
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<td>AU</td>
<td>African Union</td>
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<td>CCOC</td>
<td>Civil and Commercial Obligations Code</td>
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<td>CSO</td>
<td>Civil Society Organisations</td>
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<td>CIPESA</td>
<td>Collaboration on International ICT Policy for East and Southern Africa</td>
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<td>COVID-19</td>
<td>Corona Virus Disease 2019</td>
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<td>DCF</td>
<td>Development Cooperation Framework</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>Economic and Financial Crimes Commission</td>
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<td>GSMA</td>
<td>Groupe Speciale Mobile Association</td>
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<td>ICCPR</td>
<td>International Covenant on Civil Political Rights</td>
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<td>IDEA</td>
<td>Institute for Democracy and Electoral Assistance</td>
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<tr>
<td>LGBTQ</td>
<td>Lesbian, Gay, Bisexual, Transgender and Queer</td>
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<td>LICR</td>
<td>Lawful Interpretation of Communication Regulation</td>
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<td>MFWA</td>
<td>Media Foundation for West Africa</td>
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<td>NGO</td>
<td>Non-Governmental Organisations</td>
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<td>RSF</td>
<td>Reporters without Borders</td>
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<td>SARS</td>
<td>Special Anti-Robbery Squad</td>
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<td>SWAT</td>
<td>Special Weapon Tactical Team</td>
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<td>SMS</td>
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<td>USA</td>
<td>United States of America</td>
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<td>VAT</td>
<td>Value Added Tax</td>
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<td>VPN</td>
<td>Virtual Private Network</td>
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II. EXECUTIVE SUMMARY

In the past decade, a global decline in democracy and human rights has been observed by watchdog organisations. The Corona Virus Disease 2019 (COVID–19) pandemic escalated this trend, with governments around the world imposing restrictions on civil society in the name of public health. In West Africa, attacks by the state on civil society have been manifested in forms such as internet shutdowns, intimidation of journalists and media houses, clampdowns on public demonstrations of dissent and the passing and utilisation of legislations that expand state power and enable it to act against citizens and political opposition, under the guise of national security.

This report presents findings from desk research and semi-structured interviews conducted with civil society actors in all fifteen countries in West Africa. It provides a critical assessment of the issues that civil society in the region contended with in 2022 and how they tried to navigate them. Alongside identifying these challenges, the report also explores the opportunities that are available to civil society and suggests ways to build on them to expand civic spaces and participation thereby enhancing good governance and democracy in West Africa.

Civic spaces serve as the foundation for civil society to contribute to society as well as exercise socio-economic and political agency, by stimulating discussions and debates on critical issues, campaigning for a more inclusive society, providing services, developing community spirit, confronting those in authority on their actions and sometimes contributing to their removal from office. A healthy, functioning democratic state protects the freedoms of its civil society and Civil Society Organisations (CSOs), in order to maintain the power balance between a state and its people.

West Africa has experienced a surge in violent extremism and terrorist groups in the last ten years, leading national security institutions in the region to adopt an increasingly militarised approach in response to these threats, such as investing in surveillance technologies and restricting the activities of CSOs. Often, governments use ambiguous legislations or outright disregard the law under the guise of national security. This is particularly prevalent as domestic terrorism has prompted heightened investments in digital surveillance capabilities. Surveillance software such as Pegasus and Elbit Systems Ltd have been used across countries - from Nigeria, to Ghana, to Togo amongst others. Unfortunately, surveillance has evolved into a political tool, with various countries utilising it to monitor dissidents, political opponents, human rights campaigners, civil society activists, and journalists.

Thus, the scope for CSOs to operate in West Africa is narrowing, owing to legislations that seek to limit the space within which they function, physical attacks, threats, and the vilification of human rights defenders. Despite governments in West Africa ratifying international and regional human rights treaties, regulations instituted in the region seek to restrict CSOs in a variety of ways, including limiting the flow of foreign funds, limiting foreign hiring, making it harder to register organisations, and allowing official interference in the sector while constructing operational barriers. According to the CIVICUS Monitor (2022), apart from Cape Verde, all other countries in West Africa have narrowed or obstructed civic space.

The limitations imposed on CSOs are exacerbated by the deterioration of press freedom in West Africa. Media outlets at both national and regional levels are increasingly being intimidated, and there
nations in West Africa had the biggest year-on-year score decline worldwide in 2019

African population estimated to be under the age of 25 in 2019

are frequent attacks on journalists, as documented by numerous media monitoring organisations. In addition, there is a worrisome trend of media polarisation in the region. The 2020 Freedom in the World report by Freedom House (2020) reported that five out of the 12 nations that had the biggest year-on-year score decline worldwide in 2019 were in West Africa.

The growing involvement of citizens in public discourse through the internet and social media has prompted governments to introduce laws aimed at regulating the digital space. Throughout the years these laws have played a significant part in hindering the use of information technology to enhance human rights and strengthen democratic practices—while at the same time, effectively shrinking the digital space for civil society. Consequently, self-censorship is now common among ordinary citizens, activists and journalists who would, in the past, hold governments accountable for misconduct. West Africa is increasingly seeing the closure and intimidation of independent and private media outlets based on ethics violations or defamation, while at the same time journalists are being harassed, attacked, and killed in the line of duty, with many of the perpetrators behind this violence being law enforcement or security agents.

With over 60% of the African population estimated to be under the age of 25 in 2019, young people, non-traditional, and marginalized civil society actors in West African nations are increasingly participating in social issues, leveraging social media to gain public support for their causes. Popular arts, such as music, comedy, graffiti, and poetry, have also become critical channels for engagement and expression by youth and women in West African societies. However, demonstrations of dissent by citizens are often met with state repression in the form of physical violence or tactics like internet shutdowns and online censorship.

Internet shutdowns are often justified by citing political and related concerns, such as maintaining peace and protecting national security, public safety, and order. As more people in the region acquire access to the Internet and Internet-enabled communication services, the number of African governments resorting to internet disruption in West Africa is increasing. In a report by internet freedom watchdog organisation KeepItOn, internet connections had been interrupted at least 19 times across Africa and shutdowns had increased between the period of 2020, 2021 and 2022. This included West African nations like Burkina Faso, Niger, Nigeria, and Senegal.

Internet shutdowns are especially prevalent during elections. They are not solely enforced by countries that are commonly viewed as undemocratic, but also by nations that are typically regarded as models of democracy, such as Ghana and Senegal.
Social media clampdowns are closely intertwined with internet shutdowns, as more individuals use social media platforms to establish citizen movements, advocate for their causes, and disseminate information about government activities, particularly in the face of media censorship.

Nearly one in two people in Sub-Saharan Africa owned a smartphone and more than one in four had mobile internet access in 2020, according to mobile phone industry organisation GSMA. This is around double the rate for both statistics compared to 2014. As more citizens utilise social media platforms such as Facebook, Twitter, WhatsApp, YouTube etc. to express their views on governance, governments resort to measures such as removing posts and erasing tweets critical of them in an attempt to retain control.

This study concludes that democracy West Africa is at risk of being reversed as governments shrink civic spaces through legal regulations, digital surveillance, sanctions, and judicial recourse, among other actions against civil society.

Citizens have responded by using social media and music to promote and safeguard civic spaces. However, internet shutdowns are being increasingly used by governments to restrict critical voices. Regional and international actors must protect and promote citizens’ freedom and rights. Institutions such as the African Union (AU) and the Economic Community of West African States (ECOWAS) should engage member states and support policy and regulation compliance aimed at maintaining civic spaces and enabling CSOs to function effectively. The current restrictions only pave the path to insecurity and instability in the region.

Some key recommendations in the study support regional and development partners addressing the decline in democracy and investing in building infrastructure for a robust civil society and free media. Furthermore, an international and legal framework that compels regional governments to implement a “citizen first” approach to security and prioritize human rights should be established, and civil society should be included in drafting the legislations. To preserve the hard-won democratic gains in the region, both civil societies and regional actors must work together to safeguard and promote a strong civil society and the civic space.
The end of the Cold War in 1989 signalled the start of a unipolar world, with the emergence of the United States of America (USA) as the only global superpower of its time. The democratic wind of change that followed significantly impacted West Africa, with governments transitioning from a one party to a multi-party system of governance. Democratic reforms were undertaken, which helped to open civic spaces and improved citizen participation, with governments in the region committing to promoting and protecting human rights and freedoms.

However, in the past decade, and especially since the outbreak of the Corona Virus Disease (COVID-19) in Wuhan, China in 2019, the decline of democracy and the shrinking of civic spaces have been observed globally; the West Africa region has not been exempt. The curtailment of freedoms due to the growing autocratic approach to governance is manifesting in many dimensions. Some examples include increased political instability, re-emergence of military regimes (for instance in Guinea, Mali and Burkina Faso), muzzling of the opposition and stifling of dissent, mounting citizen agitation, growing security concerns, and internet shutdowns, among others.

These approaches have led to the fast decline of political rights and civil liberties in West Africa.

Civic spaces serve as the foundation for civil society to contribute to society as well as exercise political, social and economic agency, by stimulating discussions and debates on critical issues, campaigning for a more inclusive society, providing services, developing community spirit, confronting those in authority on their actions and sometimes contributing to their removal from office, for example in Burkina Faso in 2015, or in Senegal in 2012.

However, over the years, there have been deliberate restrictions on civic space and the activities of Civil Society Organisations (CSOs), the media, and individual activists across West Africa. CSOs, individual activists, human right defenders, and journalists who raise concerns about government policies and actions, or demand for transparency and accountability, frequently face retaliation from both state and non-state actors such as armed groups and terrorist organisations.

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**COVID-19**

**THREATENED DECADES OF PROGRESS IN GLOBAL HEALTH**

- **Infected more than 500 million people worldwide (mid-2022).**
- **Led to 15 million deaths (2020-2021).**
- **Disrupted essential health services: 92% of countries (end 2021).**
- **Halted progress on Universal Health Coverage.**

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Civic space restrictions are being carried out through a series of structural and systemic changes. Authorities in some countries are instituting new rules for technology companies and increasing their efforts to regulate the internet space, particularly social media, in order to suppress free expression and gain greater access to private data.

Civil society activities around citizens’ organising; facilitation of political dialogues; advocacy for accountable governance, rule of law, and human rights; and monitoring of government policies and expenses have been severely disrupted. Along with growing restrictions on civic spaces, there has been an increase in regressive regulatory environments, spawned by unfavourable legislations and the lack of advocacy and resource capacity of CSOs to counter the increasing threats to civic spaces.

The COVID-19 pandemic, for example, was tactfully used by some governments, including those of Guinea and Nigeria, to further muzzle any kind of collective bargaining efforts from civil society. Challenging election results and organising protests, for example, were not possible during the COVID-19 lockdowns.

In addition to contributing to growing inequality, the pandemic also put additional strain on the sector’s over-reliance on external donors, extreme fragility of operational systems, visibly weak technology infrastructure, institutional resilience, and the capacity to adapt to changing circumstances. Furthermore, the current waves of democratic reversals and decline into authoritarianism in West Africa have revealed a significant setback in the role of civil society in strengthening democracy and advancing development processes.

This report is a product of desk research and semi-structured interviews conducted with civil society actors in West Africa. It covers all fifteen countries in the region and critically assesses issues including legislations governing CSOs, press and media freedom; digital rights and surveillance; citizen mobilisation and protests; internet shutdowns and online censorship, and social media clampdowns. While examining the challenges civil society contends with within the region, it also explores the opportunities that are available to them, and how those opportunities could be built on to expand civic spaces and participation to enhance good governance and democracy in West Africa.
LEGISLATIONS GOVERNING CSOs
The scope for CSOs to operate in West Africa is narrowing, owing to legislations that seek to limit the space within which they function, physical attacks, threats, and the vilification of human rights defenders. These acts are usually perpetrated by the state and its political elites, and their instrumented security and justice sectors. The regulations instituted seek to restrict CSOs in a variety of ways, including limiting the flow of foreign funds, limiting foreign hiring, making it harder to register organisations, and allowing official interference in the sector while constructing operational barriers. For instance, in Niger, the government has banned several CSOs and prohibited others from travelling within specific parts of the country, citing terrorist activities in the Sahel and the Gulf of Guinea as justifications for imposing the bans.

These restrictions remain in place, even though several governments in West Africa have pledged to uphold the fundamental rights of citizens by signing/ratifying international and regional human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples Rights (ACHPR). Furthermore, the constitutions of most countries guarantee fundamental rights, such as freedom of organisation, assembly, and expression. CSOs that focus on human rights, anti-corruption and governance, as well as activists and individuals who speak out against government abuses and policies, are primarily victims of the repression by states. These developments have resulted in a shrinking civic space. According to the CIVICUS Monitor (2022), aside from Cape Verde, where the civic space is said to be unrestricted, all the other countries in West Africa have narrowed or obstructed civic space.

In Nigeria, the Non-Governmental Organisation (NGO) Bill, officially titled ‘Bill for an Act to Provide for the Establishment of the Non-Governmental Organisations Regulatory Commission for the Supervision, Coordination and Monitoring of Non-Governmental Organisations’, was initially introduced in 2014, then in 2016, and again in 2019. The mandate of the Bill is to create a federal institution in charge of managing, coordinating and monitoring CSO operations in Nigeria. If passed, this law would compel all CSOs operating in Nigeria to register with the government every two years and provide information such as the location and length of projected operations, as well as information on all sources of funding.

The requirement of periodic re-registration will increase the administrative burden on CSOs. The implication of this requirement of periodic re-registration is that CSOs critical of the government could be denied their licence or delayed in the process of acquiring it, if the government wishes to restrict their operations in retaliation.

The proposed law requires prior government clearance for implementation of initiatives by CSOs. This would give the government arbitrary power over the work that CSOs do, with the state essentially encroaching into the civic space.

Furthermore, the proposed legislation stipulates that CSOs must provide "further information" as demanded by the Board upon registration, but does not specify what this "extra information" is. Such "extra information" could be any type of documentation, including documentation that CSOs may not have at the time of registration.

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4 Smidt. 2018
5 Kode. 2018.
7 CIVICUS 2018. “Nigeria: ‘If passed, the NGO Bill will reduce the ability of CSOs to hold the government accountable and ensure that human rights are respected’”. https://bit.ly/4DFB4jz (Accessed 15 Nov 2022)
8 CIVICUS. 2018.
Finally, the legislation does not set a cap on CSO registration fees, leaving that decision to the Commission’s discretion. The use of discretion provides a sense of uncertainty, and could have significant implications for CSOs that the state may want to muzzle. Individuals who breach the law face up to 18 months in prison or a large fine, and those convicted of such violations will be barred from holding positions in a CSO for ten years.9

While the NGO Bill is currently stalled due to strong opposition, the Companies and Allied Matters Act, that was amended in 2020 has caused a lot more controversies over the operationalisation of CSOs in Nigeria. The Act expands the government’s influence over CSOs by allowing the government to remove trustees from an NGO’s board when it believes it is in the ‘public’s interest’ to do so.1011 The CSO sector is also subject to other additional legal frameworks which include the Companies Income Tax Act 2006, Taxes and Levies Act 1998, Value Added Tax (VAT) 1993, VAT Amendment Act 2007, Federal Inland Revenue Service (Establishment) Act 2007, National Planning Commission Act 2013, The Money Laundering Prohibition Act 2011 (as Amended) and Terrorism (Prevention) Act 2011.12

Overall, these frameworks include measures that leave CSOs vulnerable to misuse of power by government agents and officials, who have been accused of utilising the frameworks to deprive activists of their fundamental freedoms. Some groups have been harassed with accusations of money laundering and links to terrorism that lack evidence.13

Another case in point is Senegal—despite having an overall CSO sustainability score of 4.2, CSO14 activities in the country deteriorated slightly in 2020 as civic space was constricted by pandemic-related limitations, and the harassment of CSO leaders and activists intensified. Nonetheless, CSOs participated in the COVID-19 Response Fund, as well as assisted in resource mobilisation to combat the pandemic.15 Generally, CSOs in Senegal are regulated by the Civil and Commercial Obligations Code (CCOC), Decrees No. 96-03 and No. 2015-145.

Other legislations include Basic Law No. 65-60 of July 21, 1965, establishing the Penal Code; Law No. 68-08 of March 26, 1968, establishing the Civil and Commercial Obligations Code (CCOC), which in 1968 took the place of the French Law of July 1, 1901 on Associations and remained in effect after Senegal gained independence in 1960; Law No. 76-040 of January 16, 1976, on Associations with Goals of Popular Education, Sport, and Culture; Decree No. 76-199 of February 17, 1976, Setting the Conditions for Granting the Recognition of Public Utility to Associations; Law No. 79-02 of January 4, 1979, Anticipating the Dissolution of any Association whose Activities Harm Public Order; Law No. 81-77 of December 10, 1981, on Racial Discrimination, Anticipating the Dissolution of any Association whose Activities are in whole or in part Devoted to Practising Social, Ethnic, or Religious Discrimination or Inciting such Practices; Law No. 84-37 of May 11, 1984.16

In many ways, these regulations gave the Senegalese government power over CSOs and transferred oversight over them to the Ministries of Interior, Finance, and Foreign Affairs.

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9 CIVICUS Monitor 2022.
15 USAID. 2022.
Other features included in the regulations are annual financial reviews to be submitted by CSOs and a review of sources of funding conducted by the Ministry of Finance and Economy. It is important to note that CSOs can be used to launder money, and as such it will be unfair to fully dismiss the concerns of the state, as they may be legitimate in some cases. However, there should be an independent board established that reviews and regulates CSOs that do not directly fall under the government.

Further restrictions pertaining to speech and freedom of expression of CSOs focused on advocacy in Senegal include the Penal Code (Law No. 2016-30). The code defines “terrorist acts” to include, among others, “seriously disturbing public order,” “criminal association,” and “offences linked to information and communication technologies,” all punishable with life imprisonment. Even though the code is intended to combat terrorism, the ambiguous wording could be used to penalise nonviolent political activities, advocacy groups, and impede freedom of association and assembly.

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The amendments also make it a crime to incite others, to commit acts of terrorism. However, the term ‘incitement’ remains unclear, putting media freedoms and freedom of expression in danger, by offering a potential basis for prosecuting and consequently limiting free speech. Despite the oversight, government restrictions on CSOs are limited and only apply to those groups whose goal and activities are contrary to penal laws or directed against “public order”, this seriously threatens CSOs championing the rights and welfare of minority groups, like the Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) community.

As a result of the ambiguity of the penal codes, various activists in Senegal have been arrested over the course of 2022, with various allegations levelled against them. In June 2022, Abdou Bara Dolly, a state officer, was arrested for making critical remarks against President Macky Sall. He was charged and detained for the offences of insulting the President (Article 80 of the penal code), dissemination of false news (Article 255) and defamation (Article 258).

18 ICNL 2022.
Another instance occurred in August 2022 when a social media activist, Pape Ibra Guèye, also known as Papito Kara and Outmane Diagne were both detained on charges regarding the dissemination of false news, as well as for deletion, modification, fabrication and use of computer data to publish headlines from media outlets and newspapers. Furthermore, in September 2022, Abdou Karim Gueye and Cheikh Oumar were both detained and charged for broadcasting false news, after they claimed that an Imam’s death was as a result of the heavy-handedness of state security actors.

These laws are repressive from a human rights perspective, as they are designed to be purposely ambiguous, thereby leaving room for state authorities to restrict speech and assembly, and pursue objectives that would not be considered legitimate, or in accordance with international human rights standards. Furthermore, these laws carry harsh penalties, resulting in self-censorship, for instance in speech and association.

Ghana, like Senegal, received an overall score of 4.2 in the 2019 CSO sustainability rating. This means that CSOs can conduct their activities more easily in the country. The legal framework governing CSOs in Ghana is the Companies Code of 1963 (Act 179) which was then replaced in 2019, to improve corporate governance standards. However, periodic attempts have been made by the state to regulate the operation of CSOs in the country.

For instance, the 2007 Draft Bill for Trust and Non-Profit Making Civil Society aimed to establish a Trust and NGO Commission, with the objective of regulating the activities of trustees and CSOs in Ghana. Several organisations came together to express their concerns over the inclusion of CSOs in the Trust Bill. That is, the Trust Bill did not include the National Policy for Strategic Partnership for CSOs, which was formed as the policy document that would regulate CSOs in Ghana.

Moreover, the Trust and NGO Bill did not stipulate which institution is responsible for drafting the code of conduct to guide the activities of CSOs in Ghana. This essentially meant that CSOs would have to follow the rules and regulations provided under the Trust Bill that caters specifically to trusts, thereby impacting the activities of CSOs.

Trusts function differently from NGOs and CSOs, as they mainly deal with “money and/or other assets that will later be distributed to the beneficiaries named on the trust. They’re created to house assets on another person’s behalf under the supervision of a licensed estate planning attorney.” Thus, lumping them alongside CSOs was of concern to CSOs in Ghana. However, a specific bill on NGOs is currently being developed, with CSOs engaging with the government in order to limit state overreach in the bill in ways that that would be inimical.

Both Ghana and Senegal were previously regarded in the region as examples of states that foster healthy civic spaces, with CSOs encouraged to be at the centre of the democratic transformation of their respective countries. However, the regulations that limit the space for CSOs point to a shift from the previously liberal and progressive approach to engaging CSOs.

In the last ten years, the West African region has experienced a surge in the activities of violent extremist and terrorist groups. Thus, national security institutions have adopted an increasingly militarised approach to responding to these threats, such as investing heavily in surveillance technologies and justifying restrictions on CSOs as a security imperative. In Nigeria, for instance, there is a bill proposed to regulate donor funding as it is alleged that some CSOs are conduits for money laundering and terrorism financing. In 2019, in Borno state, Nigeria, a charity organisation called Action Against Hunger (ACF) was shut down by the Nigerian Army on allegations of “aiding and abetting terrorists”.

Furthermore, criminalising and enforcing anti-terrorism laws on social justice campaigns that state actors consider to be anti-establishment or dissenting, provides state institutions with opportunities to block websites of targeted individuals/groups, while profiling them as terrorists. Additionally, West African governments have expanded the definition of terrorism in ways that enable state officers/institutions to label individual actions that are deemed “offensive” as an act of terrorism.

This is evidenced in Nigeria with the arrests of Ali Yakubu for describing a state governor as a “father of all thieves” in 2021. In addition to this, Amudat Babatunde was charged with possession of firearms for terrorism related activities and promotion of terrorist acts through their Facebook accounts.

Others include Ambrose Nwoagwugwu and Emperor Ogbonna, who were also charged with being involved in acts of terrorism, because they had posted comments on their social media platforms that were critical to state executives.

The Government of Sierra Leone adopted the NGO policy or Development Cooperation Framework (DCF) in 2018, with continuous reviews to improve on the existing policy. The purpose of the policy is to enhance the partnership, collaboration, and cooperation between the Government of Sierra Leone and CSOs. However, the policy has received criticism from CSOs, who point out that it is a tool used by the state to control CSOs, narrow civic space and silence dissenting voices. This is evidenced in the barriers experienced in the registration and operationalisation of CSOs in the country.

In order to register, CSOs are required to sign a Service Level Agreement (SLA) with their respective sectors before they can commence operations, undergo field verifications and in-person interviews, and have to undergo re-registration every two years. CSOs are subjected to sanctions for failure to comply with the provisions of the policy.
They are also subjected to stringent reporting and supervisory requirements, that is, they are required to submit annual reports detailing purpose of funds, source of funds, details of donors, etc., as evidenced in June 2022. when the members of parliament summoned 22 NGOs to provide accounts of their operations and funds received.38 Above all, CSOs are required to align their mission statements with the national development priorities of Sierra Leone. This means that every project that is to be implemented in Sierra Leone must be approved by the government, thereby hindering and restricting the operations of CSOs, as well as granting the state power to restrict and shrink civic spaces.39

In 2022, the Ministry of Planning and Economic Development of Sierra Leone, embarked on the process of reviewing the National NGO Policy Framework, which will be adopted in 2023, with a life span of five years. The new policy requires NGOs to re-register every two years, with the Ministry of Planning and Economic Development overseeing their activities in the country.

Thus, while examining the state of West African civil society in 2022, it is evident that countries in the region are clamping down on civil society and shrinking the space within which CSOs function, mainly through legal frameworks. Even countries that were once regarded as liberal democracies are now backsliding. The 2022 Mo Ibrahim Index observed that while Cape Verde came fourth in the overall governance ranking in Africa, it ranked very low under the Participation, Rights and Inclusion category, and was categorised as one of the countries demonstrating increasing deterioration in that category.

Mohamed Camara, a security analyst in Guinea called for a reflection on some of the factors that lead states to introduce regulations targeting civil society. He had this to say:40

There are fundamental questions that national, regional and international actors, should examine in relation to some of the specific factors that prompt states and governments to pass legislations that heavily regulate CSOs? These questions include whether the factors stem from legitimate security risks? not forgetting that West Africa has been plagued with conflicts and insurgencies since the post-independence era. Or whether it is caused by the increased civil society actions that push for greater democracy and transparency in governance, hence endangering corrupt/authoritarian governments? Or are CSOs exploiting their space by engaging in actions that are not necessarily that which they should be involved in. This should maybe be explored at some point as it will provide more nuance perspectives on the views of those, we have considered the “other side”.

While the argument made in the quote above, calls for a nuanced approach to criticising the methods used by government, it is worth noting that over the years governments in the region have not succeeded in constructively engaging CSOs to address their concerns, if any. Rather, they have built the perception of CSOs being critics of their agendas, resulting in a contentious relationship between the two.

Thus, while there may be instances where concerns in relation to the activities of some CSOs may be legitimate, the use of legislations tailored to muzzle CSOs has become widespread and inimical to the civic space and the promotion of rights and freedoms in West Africa.

39 ICNL 2022.
40 Interview conducted virtually on 14 March, 2023.
PRESS AND MEDIA FREEDOM
Free press is the lifeline of an active and dynamic democracy. It provides an outlet for citizens to exercise their fundamental right to freedom of expression and, ideally, keeps civil society informed of political, economic and socio-cultural shifts in society. The rise of private and independent media outlets, access to information, and an environment of freedom of expression, have all been cited as important aspects of a transparent, accountable, and participatory democracy. With the rise of multi-party democracy in West Africa in the 1990s, ushering in a favourable environment for the region, there was an explosion of newspapers, radio, and television stations, with diverse editorial policies. In addition, countries such as Sierra Leone and Liberia saw the rise of independent media during the period of civil wars, as state-owned broadcasting systems were on the verge of collapse. Nigeria had, by the 1970’s, welcomed independent and private media houses – albeit under political constraints.

### a. The decline of free press in West Africa:

Even though there are several media outlets across countries in West Africa, the ongoing democratic decline has had a significant impact on the media environment. The 2020 Freedom in the World report by Freedom House (2020) reported that five out of the 12 nations that had the biggest year-on-year score decline worldwide in 2019 were in West Africa, i.e., Benin, Burkina Faso, Guinea, Mali, and Nigeria. With the rising authoritarianism across many West African countries, individual freedoms are increasingly curtailed, with political and civil liberties eroding.

Furthermore, reports of widespread electoral irregularities, the detention of pro-democracy activists and journalists, the killing of peaceful protestors, and the growing reach of armed extremist organisations in the Sahel region are all cause for alarm.

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As media and democratic growth are mutually conditioned and consequential, they influence one another. Consequently, the events unfolding in the region paint a grim picture of press freedom.

There is a growing sense of intimidation of the media at both the national and regional levels, with attacks on journalists prevalent, as illustrated by several reports by media monitoring organisations such as CIVICUS and Media Foundation for West Africa. For instance, according to a 2021 report by CIVICUS, Carlos Ketohou, a Togolese journalist and editor of the newspaper L’Indépendant Express, was detained for four days by security forces on charges of defamation.

In Guinea, despite the decriminalisation of press offences, journalists continue to be imprisoned on a range of charges, including defamation and ‘insulting the head of state’. This was the case for Amadou Diouldé Diallo, who was detained for three months in 2021. Lastly, in 2021 in Nigeria, Adeola Oladipupo, a journalist for the Foundation for Investigative Journalism, was briefly detained whilst covering the Democracy Day protests.

In Sierra Leone, on 1 May, 2020, a veteran journalist Sylvia Olayinka Blyden, the proprietor of the Awareness Times Newspaper, was arrested and detained and later charged with sedition, defamation, and “perversion of justice” over her social media posts. Other journalists have suffered similar fates, creating a sense of insecurity and panic among media practitioners.

In Niger on 3 January, 2022, a court in the capital Niamey sentenced two prominent journalists, “Samira Sabou and Moussa Aksar, to one-month and two-month suspended jail terms respectively for republishing the findings of a May 2021 report by the Geneva-based Global Initiative Against Transnational Organized Crime (GITOC). The report alleged that a huge drug seizure made by the Niger authorities had been reacquired by the drug traffickers using illicit means.”

A free and unbiased press:

- Keeps the state accountable.
- Keeps citizens informed.
- Provides the public with balanced views.
- Is the backbone of a liberal democracy.

44 Olugbue, 2014.
From the below graphs, it is observable that violations against freedom of speech have increased through the year of 2022 in West Africa – with additional violations such as internet shutdowns, fines, denial of assembly and shutdowns of publications being noted in the 2nd quarter. It is notable that a large number of violations in the second quarter occurred in Guinea, in the lead up to the November general elections in the country. This is keeping in line with policies of West African countries that clamp down on press, internet and public assembly freedoms during election time.


b. The Current state of the media in West Africa:

In 2022, the attack on press freedom in West Africa continued through legislations and actions by state actors. A 2023 report by Spaces for Change\(^{52}\) noted that in 2022, Nigeria recorded the highest number of attacks on press freedom in West Africa, with a total number of 122 incidents, with 16 incidents reported in Ghana with and 14 in Liberia. These attacks are in the form of arrests, repressive legislations, sanctions and fines on media houses, amongst other tactics.

Similar findings were observed in a report by the International Press Institute covering the period of April-June 2022. They noted that there were 116 press freedom violations in Sub-Saharan Africa. A total of 30 of the press/media violations occurred in West Africa i.e., Nigeria, Ghana, Mali, Gambia, Guinea-Bissau, Burkina Faso and Sierra Leone. In addition, most of the violations included arrests, detention, physical attacks of journalists and media infrastructure, and verbal attacks by state actors.\(^{53}\)

In line with the above, the World Press Freedom Index 2022 classified Nigeria as having “very bad”, “bad” or “problematic” environments for press freedom and ranked the nation 120 out of 180 on the index. Other West African nations that ranked similar to Nigeria included Benin at 114,\(^{54}\) while Togo dropped 26 places from the previous freedom ranking of 74 to 100, thereby indicating deterioration of press and media freedoms in the country.\(^{55}\)

This is evidenced in the shutdown and withdrawal of licences for L'Indépendant Express after it published an article on government ministers in Togo accused of being involved in corrupt practices. Likewise, L’Alternative, The Guardian, and La Symphonie were suspended for two to four months for publishing articles that included allegations of corruption.\(^{56}\)

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\(^{55}\) See: https://www.togofirst.com/en/public-manage-

\(^{56}\) 055-9902-togo-tumbles-26-places-in-the-latest-world-press-freedom-index#:~:text=(Togo%20First)%20%2D%20Togo%20lost,in%20180

\(^{57}\)20countries%20and%20territories(Accessed 07 February, 2023).

In 2022, the Host of “The Citizens Show” Kwabena Bobbie Ansah on Accra FM in Ghana was arrested by individuals believed to be state security actors, for allegedly publishing false news and committing other ‘offensive conduct’.98

Writing on the media clampdown in Guinea Bissau in 2022, Deutsche Welle stated “Guinea-Bissau’s government closed 79 radio stations nationwide in April after the expiry of a last-minute 72-hour deadline to pay license fees … Only 9 out of 88 registered radio stations appeared at the Communications Ministry to renew their licenses. Others have since paid their fees.”99

A worrisome trend in West Africa is media polarisation, as is the case in Mali. The polarisation of media is emerging as a major hurdle in the development of the country. Mali’s political history and the tensions between the current government and their former colonial power, France, has led to multiple incidents of mistrust and accusations.100

This was the case in April 2022, when two French broadcasting channels - RFI and France 24 - were accused by the Malian government of airing disinformation on human rights violations by the Malian army, subsequently banning them from the Malian airwaves.101

The breach of freedom in West African countries has been occurring on two fronts—the limits on non-traditional media actors and their freedom of speech, and those on traditional media actors. Activists, CSOs, social movements, and social justice organisations have grown in number and influence throughout West Africa, and make up the ‘non-traditional’ sphere of media.102

Cyber Laws and their Effects on Digital Freedom and Expression

The proliferation of the internet and social media has opened up novel opportunities and widened the scope for both established and emerging players. However, the growing involvement of citizens in public discourse has prompted certain governments to enhance their grip on the digital realm, through the introduction of laws aimed at regulating it. Over the years, such laws have played a significant part in dimming the prospects for the use of information technology to improve human rights and deepen democratic practices. For instance, in 2018, the parliament of Benin adopted a digital code in which Article 550 on harassment through electronic means of communication stipulates:

**Whoever, initiates an online communication coercing, intimidating, harassing, or creating an emotional distress in a person, using an information technology system to encourage, and replicate a dangerous and hostile behaviour is punishable by imprisonment of one (1) month to two (2) years or fined any amount from five hundred thousand (500, 000) to ten million (10, 000, 000) CFA Francs, or both.**

The act has provided the legal backing that saw the arrest and prosecution of at least 17 journalists, bloggers, and online activists between 2018 and 2020. Similar to the above, in 2020, the Cybercrime Act was passed in Sierra Leone, with it being:

> [A]n Act to provide for the prevention of the abusive use of computer systems; to provide for the timely and effective collection of electronic evidence for the purpose of investigation and prosecution of cybercrime; to provide for the protection of Critical National Information Infrastructure; to provide for facilitation of international cooperation in dealing with cybercrime matters and to provide for other related matters.

The introduction of the Cybercrime Act has been controversial and criticised by CSOs and human rights practitioners. Similar instances have been recorded in Togo, Niger, and Côte d’Ivoire, whereby laws adopted to regulate online content have resulted in citizens jailed for defamation, or fake news publication.

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63 Media Foundations for West Africa. 2023
The adoption of such provisions and legislative instruments limit freedom of expression and of the press, smother civil society, and weaken political pluralism.\textsuperscript{70} In Sierra Leone, in May 2022, the politician Ibrahim Kemoh Sesay was arrested and denied bail under the Cybercrime Act. According to particulars of the offence, “Kemoh Sesay between March and April 2022, through social media, via WhatsApp, in Port Loko District, Bakeloko Chiefdom in the Northern Province of the country, did wilfully and repeatedly communicate directly to the President, Dr. Julius Maada Bio in a manner that he knows to be false, for the purpose of causing danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to His Excellency President Dr. Julius Maada Bio or causes such a message to be sent.”\textsuperscript{71}

The case was subsequently dismissed by the court, as the charges could not be supported. Shortly after, the magistrate Sahr Kekura, who dismissed the case of the state, was reported to have been sent on an indefinite leave by the Judiciary.\textsuperscript{72}

In 2015, Nigeria passed the Cybercrime Act that authorises law enforcement officers to arrest bloggers and online journalists on grounds of “cyberstalking”. Subsequently, the number of people arrested and prosecuted for publishing false information, including citizens and journalists, skyrocketed, especially during the height of the COVID-19 pandemic when governments enacted emergency measures.\textsuperscript{73} Furthermore, the Ebonyi State in Nigeria passed the Infectious Diseases Regulation Bill into law,\textsuperscript{74} and although officials claimed that the law was essential in the fight against the coronavirus, as it criminalised the transmission or dissemination of false information about the disease, the law also targeted reporting of any events that were connected to, or potentially connected to the COVID-19 outbreak in the State.\textsuperscript{75}

The Media Foundation for West Africa documented measures enacted in Côte d’Ivoire that appeared to be taken to silence the media, where six journalists were arrested for the publication of what was referred to as false information.\textsuperscript{76}

The aforementioned examples illustrate that civil liberties are increasingly being breached in West African nations, leaving little space for civic engagement. Consequently, individuals may feel hesitant to express their opinions on political and social matters, as they fear that their statements could be monitored and utilized against them.\textsuperscript{77} Additionally, self-censorship is now common among activists and journalists who would, in the past, hold governments accountable for misconduct. For instance, in Mali and Niger, journalists fear recrimination and thus, tend to exercise self-censorship on issues relating to state security and corruption amongst powerful political and business elites and religious leaders.\textsuperscript{78}

This study’s findings revealed that these journalists lack faith in their countries’ judicial systems. Thus, some tend to pander to the views of the elites, to avoid being arrested and detained. Those who hold their ground come in conflict with the laws, which disadvantages them, and are then...
used as examples to discourage others from being critical when reporting on the governing elite. In 2022, in countries such as Guinea and Burkina Faso, it was safer to be quiet than to speak against the system. While Gambia seems to be improving drastically in its approach to the media and civil society in general, other countries appear to be finding new and much more effective ways to clamp down on media outlets.

Over time, it was thought that the elimination of criminal libel laws had helped to advance the culture of democracy in the region. However, with the recent resurgence of restrictive laws, there are growing fears of the limits placed on media freedom and freedom of expression. This is evident in Senegal, where the adoption of the June 2012 Press Code has been widely criticised for its intolerance namely Articles 224 and 225 of Law 14/2017 which imposes crippling sanctions, severe fines and custodial sentences, and Article 192 for the crime of libel and also “threat[s] to the national security”. In 2022, this law continues to exist, and is used by the elites to either threaten, or actually persecute dissenting voices.

West Africa is increasingly seeing the closure and intimidation of independent and private media outlets on the basis of ethics violations or defamation. According to the 2018 State of Freedom of Expression Report, media in Burkina Faso is significantly intimidated and crippled by large fines and fees that can force them to shut down. Furthermore, the High Council of Communication suspended the Omega Media Group for five days (from June 8 to 13, 2021) for alleged inaccuracies in its coverage of a terrorist assault.

The group is known to be critical of the government and as such its reports are dismissed as being unbiased. Countries such as Niger, Benin, Togo and Guinea have also seen some of their pro-opposition media houses shut down. In Benin, seven media outlets were arbitrarily closed in 2016 for a variety of reasons, including a change in transmission location.

In 2019, Ghana’s media regulating agency shut down two opposition-aligned media outlets, Radio Gold, and Radio XYZ. Furthermore, media outlets working in politically charged environments are frequently intimidated. In Guinea, for example, the media regulatory authority shut down several media organisations over claims of non-payment of licence fees, while the then President, Alpha Conde, had explicitly warned media organisations against interviewing opposition members.

On 27 September, 2022, planned demonstrations by journalists against the High Authority for Communication were banned by the current military junta. A typical example of the heavy handedness of the High Authority for Communication, as reported: “On September 23, 2022, the High Authority for Communication released a statement suspending journalists Mamadou Mata Bah, Minkailou Barry and Kalil Camara from all radio and television broadcasts from September 23 to October 22, 2022. According to the regulator, they lacked professionalism and "violated the ethics and deontology of the journalist, as well as the code of good conduct of Guinean journalists."

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There is evidence that the environment in which the media operates in West Africa has become increasingly hostile, with journalists being harassed, attacked, and killed in the line of duty, and the majority of the perpetrators behind this violence being law enforcement or security agents. The vast majority of those who commit such violations are not prosecuted. This has contributed towards the high rate of persecution that the press and media in West Africa face.  

It is however, important not to lose sight of the fact that social media such as Facebook and WhatsApp have indeed been utilised to spread misinformation and instigate violence in various regions across the world. Additionally, violent extremist and terrorist organisations have also used social media to radicalise and recruit vulnerable people, especially the youth from all corners of the world.

This becomes much more concerning as the region is currently experiencing the spread of violent extremist groups. As such, there is the urgent need of states to work with experts to draft policies that protect advocacy and access to information, while identifying potential security risks in a way that still ensures freedom of speech, and press freedom.

The advent of modern digital technology has transformed the world into a global village. As humanity has become more connected around the world, the speed of information has rapidly increased. People can now communicate in real time over long distances, and a range of information can be accessed only a click away.\(^8\) On the other hand, authoritarian governments have discovered the potential of new technology and learned to use it for their own purposes: to propagate their own version of "the truth" unchecked by professional media, to influence public opinion in their favour, to track and silence opposition voices, or to shut down access entirely. States such as Niger, Mali, Nigeria, and Benin serve as examples to how the state security apparatus is used to intimidate and perpetrate violence against investigative journalists.\(^9\)

Internet Penetration in Africa, December 2021. While it is below the global average, internet usage on the continent has been increasing with every passing year, slowly changing the landscape for citizen action.\(^9\)


\(^{91}\) Ibid.

\(^{92}\) Bussiek. 2022.

\(^{93}\) Bussiek. 2022.


\(^{95}\) Oloyede. 2021.
b. The misuse of security measures by states

Domestic terrorism has also fuelled the need for enhanced surveillance, resulting in increased spending in this area. Furthermore, the Ebola virus epidemic in 2014 and the COVID-19 pandemic, established public health emergency as a foundation for health surveillance.\(^9\) In enforcing surveillance, the Nigerian government purchased monitoring technology from Elbit Systems Limited in Israel in 2013,\(^9\) citing the need to “advance the internet and computer-based gathering of Nigerian citizens’ personal data”.\(^9\) Despite citizen and civil society opposition, as well as the lack of enabling legislation for such a purchase, the administration proceeded. In the same year, additional evidence exposed the government’s collaboration with worldwide spyware company FinFisher.\(^10\)

In July 2021, the Nigerian Senate approved 4.8 billion Naira (US$11 million) for the purchase of WhatsApp Intercept Solution and Thuraya Intercept Solution, a “communications system used for monitoring voice calls, call-related information, Short Message Service (SMS), and data traffic, among other things.”\(^11\) Under Nigeria’s Cybercrimes Act, investigating authorities can petition the court to undertake surveillance without informing the person being watched, and there is no means to question or appeal the decision.

Additionally, there is no institutional framework to ensure checks and balances. The Act does not include provisions for an independent oversight agency to keep track of the activities of the investigative agencies. The Federal High Court’s participation is confined to surveillance requests brought to its attention, but there is no comparable procedure for requesting an audit or publicly publishing a transparency report of authorisations and interception requests.\(^10\)

Meanwhile, the Senegalese government has approved an anti-terrorism law that authorises law enforcement agencies to intercept communications and surveil its citizenry in response to the escalating acts of terror in the West African region.\(^10\) However, the state has purportedly used surveillance for purposes other than those required by the government, such as purchasing surveillance equipment to monitor its citizens.\(^10\) In other instances, according to the telecommunications firm Orange’s 2019 Transparency Report on Freedom of Expression and Privacy, the Senegalese government made the highest number of customer data interception surveillance requests in Africa, followed by Mali, Côte d’Ivoire and Guinea.\(^10\)

In a similar report comparing the period between 2020 and 2021, the Senegalese government made the highest number of interceptions in Africa i.e. 38,787 and 58,650 respectively, with regards to customer data interception; Côte d’Ivoire had 9,457 in 2020.\(^10\)

\(^9\) Ibid.
\(^12\) Oloyede. 2021
\(^13\) Ibid.
This is even more alarming once one takes into account that Côte d’Ivoire has a much bigger population than Senegal. This trend has not changed in 2022, as media actors engaged in both countries indicated that their governments continue embarking on data interception surveillance.

c. Surveillance as a political tool

There are concerns that various countries are acquiring surveillance capabilities in order to monitor dissidents, political opponents, human rights campaigners, and journalists. Countries such as Côte d’Ivoire and Ghana were reported to have purchased and deployed surveillance equipment. Following a forensic examination, the Guardian and other media sources reported in July 2021, that states such as Togo were using Israeli business NSO Group’s Pegasus Software, which allows security forces to listen to phone calls, intercept texts, and track individuals. This software has allegedly been used to spy on dissidents, opponents, journalists, and foreign leaders. The system was still in place in 2022, and respondents of this study have stated that it has been used by the government to remain in power and expand its reach into civic spaces.

Despite the various legislations put in place to safeguard against illegal surveillance, the ambiguity of the laws allows for misinterpretation and/or enables the state to impose surveillance operations on stakeholders such as telecommunication companies.

For instance, in Niger, companies are obligated to monitor and/or block access to certain content stored on their platforms when ordered by the court. In Liberia, telecom companies are required to monitor communications to and from a user’s telephone and provide that information to authorities.

West African countries have, in some instances, shifted oversight of surveillance operations to state entities. In Niger, interception is through the President; in The Gambia, it is through the Minister of Interior; whilst in Togo it is with the Prime Minister and selective ministries. Failure to render assistance to state entities with encryption services results in hefty penalties as is the case in Guinea, where the punishment is imprisonment of up to five years, and in Togo, a fine of USD 3,544 to USD 14,178.

Subsequently, surveillance legislation that is implemented indiscriminately with limited transparency and oversight by competent judicial authorities is of concern, as this provides the state and its entities unrestricted access to users’ private data beyond prescribed limits. More importantly, the failure to enact comprehensive privacy laws, in the absence of effective constitutional guarantees to citizens’ right to privacy, opens the door for unchecked executive surveillance powers, and leaves citizens with weak due process safeguards, and limited opportunities to exercise or enjoy their rights and seek redress in cases of abuse.
CITIZEN ORGANISING AND PROTEST
In response to the increasing surveillance on freedom of speech and movement, and decreasing civic spaces, citizens have had to innovate the ways in which they organise and voice their demands for accountability, transparency, and socio-political change. West African countries have increasingly seen young people and non-traditional and marginalised civil society actors get involved in social issues, using social media to garner public support for their agendas. Increasingly, popular arts such as music, comedy, graffiti and poetry have become critical means of engagement and expression by youth and women in West African societies.118

The increasing presence of young people in citizen organising and protests in West African countries is explained by the fact that young people make up the majority of the population in the region and are the demographic that is most affected by domestic and regional socioeconomic and political events. By 2019, it was estimated that about 60% of Africa’s population was under the age of 25, making Africa the world’s youngest continent.119

Since the Arab Spring, many young people in different countries in Africa have demonstrated against dictatorships, the extension of presidential term limits, the lack of transparency during elections and unpopular socio-economic policies. In some of these protests, youth movements have succeeded in gaining considerable success in removing political leaders, such as in Burkina Faso (2014) and Senegal (2012), and affecting tangible policy changes.120

a. **Youth movement utilising social media: #EndSARS**

The youth utilise the internet and social media for mobilisation and organising activities. They build solidarity networks for support during protests through blogging and popular social media platforms such as Twitter, Facebook, WhatsApp, and Instagram. The #EndSARS Movement in Nigeria, one of the most prominent citizens’ movements in recent African history, has redefined the New Social Movement in the age of social media and internet connectivity on the continent. The #EndSARS movement evolved in October 2020, in response to the rampant brutality of the Special Anti-Robbery Squad (SARS) in Nigeria.

The protest gained traction with a video that went viral on social media platforms such as Facebook, Instagram, WhatsApp, and Twitter. It showed SARS personnel commandeering a Lexus SUV belonging to a young man they had killed in Ughelli, Delta State on 3 October, 2020. The viral video sparked uproar online, resulting in a nationwide public protest by young Nigerians demanding the dissolution of SARS and comprehensive changes to Nigeria’s security system. Previous online agitations asking for the disbandment of SARS attracted little attention from the Nigerian government and police administration prior to the EndSARS demonstration.

The EndSARS movement was spearheaded by the youth of Nigeria— who account for nearly 70% of the total population of the country. Their goal was the complete dissolution of SARS, a special unit in the Nigerian police force set up in 1992 to deal with violent crimes related to murder, drug and arms trafficking, gangs, and other armed groups. Overtime, SARS emerged as a violent and formidable organization that committed scores of human rights violations such as illegal detention, torture, rape, extortion, and extrajudicial killings. Their special status meant that they could not be prosecuted or indeed, even questioned for these acts. Eventually, the Nigerian government disbanded SARS within days of the protest, only to replace it with another similar body, the Special Weapon Tactical Team (SWAT).

The other policy reforms put forth by civil society were ignored, and the movement continued, gaining momentum through international support spurred on by the Nigerian diaspora, in various countries such as the United Kingdom, France, the United States and Canada. Attention to the movement increased with various celebrities such as Kanye West, Beyonce, and Viola Davis tweeting in support, as well as major international news media picking up the story. The movement did not only trend globally on the internet but also made international headlines due to the brutality of the state’s response to it. The police, organised as a violent and repressive arm of the state, were deployed to dismantle the movement, and break the spirits of the activists and civil society members who were involved in it.

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125 New Social Movement- is a theory that assert postmodern movements do not follow the traditional social movements challenging the social order ie. class-based or gender-based movements.
129 Aubyn and Frimpong. 2022.
130 Ibid.
132 WACSI 2022.
Despite the call for a stop to the heavy-handedness of the police, and reforms that would democratise them, on 20 October, 2020, police opened fire on unarmed protestors in Lagos and killed several of them. While the official government figure is 25 injured and 2 dead, this is disputed. This incident, termed the “Lekki toll gate shooting”, and the subsequent rioting the following day, was a death knell for the movement. The government formed a judicial committee to investigate the Lekki toll gate shooting, but so far there have been zero arrests and no accountability for the state violence against peacefully protesting citizens.\(^\text{133}\)

133 Data calculated from Data Reportal, February 2023.\(^{134}\) While in most countries, more than half of the population uses the internet, there is low usage still for social media. The highest number of internet users are in Ghana (which is considered fully democratic), and in Nigeria and Senegal (home to some influential and popular citizen movements) as well as Cabo Verde. With increasing internet penetration in the region, the young population of West Africa has begun to harness the internet landscape to build its citizen movements and spread messages through advocacy.

b. Youth movement utilising the creative arts (music): Y’en a Marre in Senegal

Popular culture has been utilised, especially by young people, to influence changes in society. This is notably the case with music. Throughout history, music and other forms of art have been used by young people to express their dissent against their governments.\(^{135}\) This was the case with Y’en A Marre (or “We have had enough”) in Senegal.

The country has weathered the usual storms that mar good governance in the region – corruption, nepotism, mismanagement of the economy and an exclusion of youth, women and minorities from politics and the economy. However, civil society has still managed to shape politics to a certain extent and have its voice heard in the last decade or so – largely due to a movement known as Y’en A Marre.\(^{136}\)

The Y’en A Marre movement is a collective of prominent music artists from across the country, who sing and rap about important socio-political and economic issues that the country is contending with. Y’en A Marre, as a collective, managed to use their popularity, and those of their founders’ – rappers Thiat and Mallal Talla – to spread the message of democracy and dissent against what they viewed as the corrupt practices of their government.\(^{137}\) They prevented a constitutional change in Senegal that would see President Abdoulaye Wade voted in for a third term and that would reduce the number of votes needed for a total majority from 50% to 25%.\(^{138}\)

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\(^{136}\) WACSII 2022.

\(^{137}\) Ibid.

The movement did this by not only using their music as a tool to spread their message, but also investing their time and energy into travelling through the rural areas of the country, where approximately 70% of the Senegalese population live, and registering over 400,000 young voters in time to prevent the re-election bid of then President Wade in 2012.\textsuperscript{139} Thus, the movement used its platform to advocate for their fellow citizens, and to raise awareness amongst the populace of their rights and the agency that they have to make significant political difference in their society. The use of music to create awareness and advocate for change is clever, in that it is inclusive in its broad appeal and reaches a diverse range of the populace.\textsuperscript{140}

This movement continues to hold the current President Macky Sall and his government accountable for political repression and economic mismanagement. Their aim is to foster a vibrant civil society with a “New Senegalese” who will be aware of their rights and be politically active to achieve true political agency and democracy.\textsuperscript{141}

In 2022, this group remained very vibrant, and continues to encourage the current president Macky Sall, to respect the constitution of Senegal, and desist from any attempt at a third term bid.

In 2022, Senegal experienced protests, with the government reacting with force to disperse protesters. Demonstrations were banned by the government before the legislative elections held on 31 July, 2022. On 17 June, 2022 there were clashes between the government and protesters which led to the death of three people, with over 200 arrested including two MPs. According to Africanews, “To justify this new ban, an order from the prefect of Dakar cited “real threats to public order”, “real risks of infiltration by ill-intentioned individuals”, “serious threats of attacks on public buildings” and “real risks of hindering the free movement of people and goods”.\textsuperscript{142} These protests and the response by the government has left room for questions, as to what may happen during the 2024 presidential elections. However, what has become clear is that the youth in Senegal understand their agency and ability to mobilise and challenge the excesses of the state.

\textsuperscript{139} WACSI 2022.
\textsuperscript{141} Jusu and Sen. 2022.
In Sierra Leone, in October 2022, Ady Macauley, a lawyer and opposition politician, was arrested over incitement allegations, when he expressed his opinions on the country’s freedom of assembly laws. He claimed that people could protest without the need of a police permit. Subsequently, his comments were viewed as “inciteful”, and he was arrested following the 10 August, 2022 demonstration in Freetown and other parts of the country over growing economic hardship.

The protests turned violent, with over 20 civilians and six police officers losing their lives.\textsuperscript{143} The president accused the protesters of being terrorists and acting under the directives of opposition politicians and Sierra Leoneans in the diaspora.

Similarly, in July 2022, Madam Femi Claudius Cole and Dr. Dennis Bright, both opposition politicians, were arrested on allegations of inciting a group of women to stage protests against the rising cost of living and poverty.\textsuperscript{144} In the same month, 57 people were arrested in Freetown, Lungi, Port Loko, Mile 91, and Magburaka for “organising or participating in an unauthorised demonstration” in contravention of the Public Order Act 1965.\textsuperscript{145}

These actions continue to undermine the relationship between the government and its citizens, especially those that are critical of it. The protest raises concerns over the police response to citizens action, especially given the history of the country and the fact that it will be holding elections in June 2023.

d. **State violence against citizen protest**

In Guinea, on 20 October, 2022, protests against the military regime’s unwillingness to have a clear road map for a transition to democracy left five protesters with gunshot wounds.\textsuperscript{146} In 2022, Ghana experienced a series of demonstrations, with the last one taking place on 5 November, 2022 in Accra, on the poor state of the economy and the toll it was having on citizens.\textsuperscript{147} Similarly, in Liberia, on 17 December, 2022, “more than a thousand people joined a demonstration in a suburb of Liberia’s capital on Saturday, protesting over economic hardships and President George Weah’s prolonged absence from the country.”\textsuperscript{148} The protest was also one of several experienced in the country in 2022. The difference between the protests in Ghana and Liberia, as opposed to those in other countries, was that they were peaceful, and the state did not react violently.

In both Mali (14 May, 2022)\textsuperscript{149} and Burkina Faso (4 October, 2022),\textsuperscript{150} pro-regime activists staged rallies in support of the military juntas. This show of support for a military regime in a country like Burkina Faso points to the level of distrust and lack of faith in civilian regimes. Preference for a military regime over that of a civilian elected government highlights the failure in leadership and decline in democratic practices in the region. Military regimes, however, often fail to transition into a democracy; rather, they cement their authority through autocratic rule, as can be seen in Guinea currently. West Africa witnessed extensive citizen mobilisation in 2022, with the succeeding year having the potential to experience more protests, as the economic hardship persists or intensifies.

INTERNET SHUTDOWN AND ONLINE CENSORSHIP
Internet shutdowns are becoming much more frequent globally. According to #KeepItOn, an international organisation that tracks global Internet shutdowns, there were 213 incidents of Internet blackouts in 2019, and the number of countries that shut down the Internet increased from 25 in 2018 to 33 in 2019.\textsuperscript{151} Digital curfews aimed at controlling the Internet have been utilised by countries in the developed and developing world. But Africa seems to have become a major breeding ground for the Internet ‘kill switch’ phenomenon,\textsuperscript{152} despite very little scientific or social evidence demonstrating their effectiveness in reducing violent conflict or preventing social upheaval. The first case of internet disruption was in Guinea in 2007, following protests calling for former President Lansana Conté’s resignation. This closure, implemented to prevent mass mobilisation and protests, was a historic moment for Africa's online rights and freedoms, and it was the first instance of Internet censorship in Sub-Saharan Africa.\textsuperscript{153}

\textbf{a. What do internet shutdowns signify for West African democracy?}

Internet shutdowns are often justified by citing political and other concerns, such as maintaining peace and protecting national security, public safety, and order. As more people in the region acquire access to the Internet and Internet-enabled communication services, the number of African governments resorting to Internet disruption in West Africa grows, as evidenced in Benin, Liberia, and Sierra Leone.\textsuperscript{154} Similar findings were made in a report by KeepItOn, which stated that internet connections had been interrupted at least 19 times across Africa and that shutdowns had increased between the period of 2020, 2021 and 2022. This included West African nations like Burkina Faso, Niger, Nigeria, and Senegal.\textsuperscript{155}


Number of total internet shutdowns in West Africa (2019-2020).\textsuperscript{156} It is a steadily increasing trend in the region. As internet usage grows, so too does the government’s clampdown on its utilisation. The landscape for citizen action is indeed changing into the digital, but so are the tactics that governments are using to restrict those very same digital civic spaces. This trend points towards increased internet shutdowns in the future – as internet usage grows.

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\textsuperscript{154} Endong, 2022.


However, not all countries that are considered traditionally undemocratic are resorting to shutting down the internet – the list also includes supposed model democracies, such as Ghana. Ahead of the 2016 presidential and parliamentary elections, the Ghanaian government threatened to shut down social media. This provoked a storm of protests from pressure groups, civil society organisations, the media, and other stakeholders, forcing the government to abandon the idea. The threat had been averted, but the fact that the Ghanaian government contemplated such an undemocratic strategy showed that even those considered the most democratic states in Africa are not immune from the ‘Internet shutdown mania’.\textsuperscript{157}

Research by The Collaboration on International ICT Policy for East and Southern Africa (CIPESA) indicates that internet disruptions in Africa are mostly a preserve of authoritarian states i.e., the less the democratic a government is, the higher the likelihood that it will order internet disruptions.\textsuperscript{158}

Similarly,\textsuperscript{159} the growing number of Internet blackouts in Africa can be connected to the rise of undemocratic governance in various African countries. It can be argued that the peculiarities of internet shutdowns in Africa “have been linked to countries with records of human right violations and protracted authoritarian practices in the region” (2019: 151).

August 2016 in Mali saw the suspension of Facebook, Twitter and Viber just after the arrest of a journalist who had been an outspoken critic of the government and army.\textsuperscript{160} Sierra Leone experienced internet shutdowns during the 2018 elections and also during the August 10, 2022 protests, to avoid the flow of information through social media that would increase insecurity.\textsuperscript{161}

Other instances where authoritarian or hybrid regimes have shut down internet services include countries such as The Gambia in 2016, which had a total shutdown of its internet services, including the phone services; Niger, which not only shut down its SMS services but also social media in 2015; and lastly, Togo had a complete shutdown of its internet services in 2017.\textsuperscript{162}

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|}
\hline
 & 2019 & 2020 & 2021 & 2022 \\
\hline
Sierra Leone & 1 &  &  & 2 \\
Nigeria &  & 2 & 1 &  \\
Senegal &  & 1 &  &  \\
Mali &  &  & 1 &  \\
Burkina Faso & 1 &  & 2 &  \\
Liberia &  & 1 &  &  \\
Niger &  & 1 &  &  \\
Mauritania & 1 &  &  &  \\
Togo &  & 1 &  &  \\
\hline
\end{tabular}
\caption{No. of Internet Shutdowns by Country in West Africa} \textsuperscript{163}
\end{table}

\textsuperscript{157} Endong, 2022.
\textsuperscript{158} Mwanza et al. 2021
In other instances, the duration in which a president has spent in power increases the propensity and the likelihood of an internet shutdown in a country, according to findings by CIPESA. It is noted that most of these governments are struggling to repress or neutralise dissenting social movements. As stated by CIPESA, “the connection has been a leader who will not relinquish power and who has therefore grown more powerful and later fearful of the rallying power of the Internet for citizens’ organisation against their rule”.

Likewise, it has been observed that although most African governments justify internet shutdowns as a requirement to maintain national peace and security, their real motives are usually political, aimed at muzzling opposition voices and letting various forms of authoritarianism prevail.

According to CIPSEA, “Such excuses are, at best, a convenient subterfuge, as the real reason for the disruptions and shutdowns has often been the desire by incumbent governments to mute dissenting voices and maintain power”. Accordingly, as of January 2019, 79% of the African leaders who have been in power for more than 13 years had ordered an internet shutdown at least once during their tenure. For instance, the erstwhile Gambian president Yahya Jammeh, who had been in power since 1996, ordered an internet shutdown and banned international calls on the eve of the country’s 2016 elections.

Leaders who have taken over after long serving rulers have continued the repressive trend of shutting down the internet; as is with the case of Faure Gnassingbé in Togo.

### b. Legitimising internet shutdowns through domestic legislation:

African governments have used various laws and policies to implement and order internet shutdowns. According to Access Now, 27 countries, including West African nations such as Nigeria and Benin, still have laws that enable arbitrary internet shutdowns or takeovers of telecom platforms and networks by the state. In addition, the vague nature and broad scope of legislation developed to safeguard national security and public order, regulate telecommunications and media, and fight against terrorism, cybercrimes, hate speech and fake news, have enabled its interpretation in ways that it can be utilised to enforce internet shutdowns. For instance, following the 2017 elections in Togo, the President shutdown the internet and justifying his action as being within the limits of the law.

In Nigeria, various cyber legislations have, in many instances, been used by some government agencies to virtually muzzle the press in the country. For instance, the Cybercrime (Prohibition, Prevention etc) Act since its adoption in 2015 has been used to seriously crack down on many citizen journalists and online publishers. The Nigerian authorities have particularly exploited Section 24 of the legislation – which offers a series of provisions on cyber stalking – to arrest several citizen journalists and to subtly intimidate many anti-government voices.

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168 CIPESA 2019.

169 CIPESA 2021.


This was the case on 20 August 2015 when a popular Nigerian blogger named Azare Musa Babale was arrested following his use of social media (Facebook and Twitter) to criticise the policies of Bauchi governor Muhammad Abdullah Abubakar.  

Similarly, armed operatives of the Economic and Financial Crimes Commission (EFCC) arrested another blogger by the name of Abubakar Sadiq Usman on allegation of cyber stalking on 8 August of the same year. This arrest followed the blogger’s regular posting of contents which were described as “offensive publications” by the EFCC. The Commission therefore arguably arrested Sadiq for “offences bordering on cyber stalking.” Similarly, armed operatives of the Economic and Financial Crimes Commission (EFCC) arrested another blogger by the name of Abubakar Sadiq Usman on allegation of cyber stalking on 8 August of the same year. This arrest followed the blogger’s regular posting of contents which were described as “offensive publications” by the EFCC. The Commission therefore arguably arrested Sadiq for “offences bordering on cyber stalking.”  

The Nigerian authorities’ control over social media platforms continued in June 2021, when the Ministry of Information suspended Twitter till January 2022, after the platform had deleted the tweets and account of the President Muhammadu Buhari for “contents that threatens or incites violence”. As justification, the Ministry (on Twitter) cited “the persistent use of the platform for activities that are capable of undermining Nigeria’s corporate existence”, without referring to any legal basis for the suspension.

Benin has the Digital Code Act of 2018, which criminalises the publication of false information, incitement of rebellion using the internet as well as online media-related offences. The Act also provides discretionary power to the regulator and to the Office of the President, thus the Presidency can unilaterally issue a directive for an internet shutdown to internet service providers in the country, often citing security risks as a reason. This was the case in the lead-up to the country’s 2019 elections, where there was disruption of social media – Facebook, Twitter, WhatsApp, Telegram – as well as restriction of VPNs.

In several countries, regimes have disrupted the Internet in response to protests, as evidenced in Guinea, Liberia, and Togo, among others. Similar blocks were implemented by the government in Sierra Leone in 2022 in reaction to protests over increasing cost of living, economic hardship, and delayed government. These shutdowns are intended to prevent individuals from mobilising online, prevent the free flow of information online, ‘plunge people into darkness’, and help governments to perpetuate impunity, whilst concealing crimes and human rights violations.

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174 Ibid.
179 Mwanza et al. 2021
Internet shutdowns during elections are predictable, leading to organisations such as Access Now deploying targeted and pre-emptive advocacy efforts to push back against election-related shutdowns. In 2020 alone, shutdowns were implemented in various West African countries such as Togo and Guinea, which impacted the integrity of democratic processes. Similar tactics were applied in the Gambia, which had a nationwide internet shutdown on the eve of its presidential elections in 2021. Likewise in Benin, elections have experienced the same censorships. The first case of internet shutdown in Sierra Leone was experienced during the 2018 elections.

Access Now further notes that several shutdowns in Africa, particularly those in 2021 thus far, have occurred around elections, with the intent to mar elections and control information. To put the above mentioned trend in perspective, Benin shut down the internet for the first time in the country’s history on the day of legislative elections in April 2019. In March 2020, social media sites were blocked in Guinea, during a referendum and in October that same year, a general shutdown of the internet ensued during the general election.

Even after the general connection was re-established in Guinea, users reported that certain sites, specifically Facebook, remained blocked for several weeks. Likewise, Niger disrupted mobile internet for three days after the presidential election in February 2021, when protests erupted following the official announcement of results.

Attempts to restore the rule of law and establish the precedence regarding internet shutdowns to curtail critical uprising have been made. For instance, following the internet shutdown in August 2017 in Togo, the ECOWAS court in the ruling in Amnesty International Togo and Others vs The Togolese Republic (2020) confirmed that these internet shutdowns were illegal. The Court held that the shutdowns constituted a form of prior restraint and that although access to the internet is not in itself a fundamental human right, it provides a platform to enhance the exercise of freedom of expression and therefore becomes a derivative right.

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Although a step in the right direction, it has not discouraged African governments from continuing to suppress digital freedom. The ruling came shortly after the Togolese government had, once again, shut down the internet on election day in February 2020. Additionally, although Côte d’Ivoire became the first country to pass a law protecting human rights defenders on 11 June 2014, later followed by Burkina Faso and Mali, these laws are not enforced and human rights defenders, including civil society, remain largely unprotected.

According to a survey conducted by Surfshark, about 300 million Africans suffered internet outages in 2022. The report states that “Five African countries—Sudan (5), Burkina Faso (4), Zimbabwe (3), Sierra Leone (2), and Somalia (1)—were listed in the report as having collectively banned the internet 13 times in 2022.” Two of the five countries listed are in West Africa. The economic cost of Nigeria’s internet shutdown was $82.7 million in 2022, which is in fact way lower than what was reportedly lost in 2021 - which was $1.45 billion.

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SOCIAL MEDIA CLAMPDOWN
People across Africa are increasingly adopting social media, as mobile internet coverage expands. In 2020, it was reported around 12% of sub-Saharan Africans were on Facebook, one of the most popular apps after WhatsApp and YouTube. Nearly one in two people in Sub-Saharan Africa owned a smartphone and more than one in four had mobile internet access in 2020, according to mobile phone industry organisation GSMA. This is around double the rate for both statistics compared to 2014. With the increase of social media usage in Africa, the purpose of social media has also evolved, with Africans now taking to WhatsApp, Facebook, and Twitter in ever greater numbers to voice their opinions.

Subsequently the rising social media use is making some African leaders uneasy. In a news article by Tobore Ovuorie, in which he quoted a statement by Edetaen Ojo, Executive Director of Lagos-based Media Rights Agenda, “A lot of African governments are really scared of their citizens being able to express themselves more freely than ever before”. He further stated that since citizens can now directly discuss “issues of governance and the performance of government using a variety of social media platforms without intermediaries or mediation … This is not a power that many governments like their citizens to have”.

Nigeria has also witnessed a clampdown on social media. On 5 June 2021, the Nigerian President Muhammadu Buhari instructed telecommunication companies in the country to “indefinitely suspend” Twitter operations in the country. The suspension came “two days after Twitter deleted a tweet by President Muhammadu Buhari that was widely perceived as offensive”. However, the government insisted that the ban on twitter was as a result of the platform being used “for activities that are capable of undermining Nigeria’s corporate existence”.

Furthermore, the government’s official explanation for banning twitter in Nigeria was that the platform was being used by digital dissidents i.e. including indigenous people of Biafra’s Nnamdi Kanu. However, a report by Daily Beast showed that Twitter had deleted the Presidents tweet, which had threatened genocide against the Igbo ethnic group of Southeast Nigeria. This angered and embarrassed the President, and the situation was exacerbated when Facebook deleted his post. The paper further reported that the President wanted to not only ban Twitter but also Facebook; however, he was dissuaded against it by his closest aides, so as to not make it “blatantly obvious that he was acting in response to the deleted post”.

On 10 January, 2022, access to Facebook was blocked in Burkina Faso. The government spokesman Alkassoum Maiga, stating the reason for the action of the junta, said: “I think that if we have a choice between letting insecurity spread and taking measures that allow us to maintain a minimum control over the situation, then the choice seems clear to us that the national interest must take precedence.” Such an action provides an indication of how the state uses security concerns as an excuse to clampdown on social media at any point in time.

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192 See: https://corporate.dw.com/en/increased-social-media-use-puts-african-leaders-on-edge/a-61303854#:%7E:text=Around%2012%25%20of%20sub%2DSahara/mobile%20phone%20industry%20organisat
Facebook has come under criticism for undermining democracy in Africa, as it allowed its platform to be used for coordinated misinformation campaigns during elections in several African countries. These were often coordinated from abroad and took advantage of the low levels of literacy among the local African population. The pervasive surveillance that social media puts in place for economic purposes, such as advertising, can be easily exploited by authoritarian regimes. WhatsApp was allegedly used by authoritarian regimes to spy on dissidents.

However, it is important to note that despite these challenges, Facebook and other media giants provide a platform for citizens to engage on socio-economic and political issues, a platform that has significantly contributed to the quest for social justice, and the protection and promotion of rights and freedoms globally. It is important nonetheless, for the new media giants to improve on how they serve society and contribute to the protect their users from authoritarian regimes.

Social media clampdowns in Africa follow the precedent of other non-democratic regimes, like Iran, China, Myanmar, China, who after failing to negotiate with the social media companies to sanction censorship and surveillance, have resorted to completely blocking the sites. This trend is becoming common in West Africa, although the blocks are usually temporary. They nonetheless point at how far the state can go in limiting access to social media and citizens’ freedom of expression.

Given the increasing trend of authoritarianism in the region, there is the need for national, international, and regional actors to engage on the need to strengthen freedoms and rights in West Africa, with the current decline in democracy halted and reversed. CSOs should be at the heart of the change process needed in the region, with them empowered to monitor the activities and excesses of their respective states. Institutions such as ECOWAS and the AU should implement policies geared towards ensuring that member states work constructively with, rather than constrain the space within which CSOs function.

Number of Facebook subscribers by country in West Africa, 2022. The use of Facebook as a tool for socio-political messaging remains hotly debated in policy, academic and civic spaces. While it has increased the scope for freedom of expression, Facebook has been accused of doing little to stop the spread of misinformation, contributing to conflict and working with governments to spy on their citizens (notable examples of this from outside the continent are in Myanmar and India). As internet and social media use increases in West Africa, it remains to be seen how Facebook will work with CSOs, governments and regional bodies to ensure fair, safe and accountable usage.

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CONCLUSION
West African nations have been through tumultuous but successful processes to establish democratic principles in their polity. These gains accelerated after the end of the Cold War, which is also the period that saw the promotion of citizen involvement in democratic governance, and commitment to further open civic spaces. These advancements in democracy are now at the risk of being reversed, as governments across the region, through a series of systemic and structural changes, are shrinking civic spaces.

These changes take the form of legal regulations, digital surveillance, sanctions and judicial actions against civil society actors, social media clampdowns, and total or partial internet blackouts. Against this backdrop, the analysis of civic space must be taken in conjunction with the decline of democracy in West Africa. While not all countries in West Africa have concerning levels of civil space restrictions, covert attempts by governments to regulate the critical voices of citizens are being made. For instance, democratic countries are increasingly willing to enact laws that regulate the activities of existing civil society actors and create barriers for entry. Take for example the NGO Bill in Nigeria that mandates direct and frequent contact of CSOs with government authorities. Another approach is the inclusion of vague legal provisions that can be interpreted in ad hoc manners by states to clamp down on citizen action, whenever they choose to regulate the civic space.

In response to these changes however, citizens in West Africa have innovated the ways in which they organise themselves and voice their concerns. This innovation is also supported by the changing demographic composition of countries—young people make up the majority in these countries, and are well-versed with the use of the internet, digital technology and social media.

This has created space for social media to be used to disseminate information, organise citizen voices, and has prompted unconventional actors like artists to use hip-hop and other forms of music to promote and safeguard civic spaces. Additionally, social media hashtags are increasingly used to exploit the existing technology and algorithms to enhance the reach and accessibility of citizens.

The innovative use of the internet and social media by citizens pose a challenge to autocratic or undemocratic regimes. Hence, internet shutdowns are a powerful tool used by governments to restrict critical voices. These internet shutdowns come at a huge economic and political cost, and set grave precedence in how governments constrict digital spaces and the freedoms of citizens. Internet blackouts and online censorship are enabled by a systemic effort from state authorities to gain control and influence over the country’s telecommunication providers and citizen voices.

National, regional and international actors have a critical role to play in protecting and promoting the rights and freedoms of citizens in the respective West African states. Institutions such as the AU and ECOWAS should engage member states and monitor their compliance with policies and regulations aimed at opening civic spaces and the ability of CSOs to effectively function. The current regulations against CSOs, coupled with the other restrictions on freedoms and rights, only pave the path to insecurity and instability in the region.
RECOMMENDATIONS

This section provides specific recommendations for government, civil society and regional and development actors. They are based on the findings and conclusions of the study.
a. **National Governments**

**Collaborative State-CSO Partnerships:** Governments in West Africa need to see CSOs as partners in development rather than as adversaries. The presentation of CSOs as anti-state, resulting from their advocacy and demand for socio-political and economic changes, should be changed. The ability of governments and CSOs to partner and promote democratic good governance will contribute significantly to the growth and development that citizens want to see in their respective countries. The continuation of a contentious relationship can only succeed in contributing to tensions and instability in a country.

**“Citizen first” security approach:** Security and rule of law institutions including the police, intelligence agencies and the justice system should be sensitised on their obligations to protect and promote the rights and dignity of their citizens, rather than on using heavy-handed measures to deal with protests, demonstrations and dissenting voices. The use of heavy-handed measures has over the years undermined the trust and confidence of citizens in the state, which led to the rise in insurgency movement and currently contributing to the spread of violent extremist groups in West Africa. States need to understand their responsibilities as duty bearers, and should seek to strengthen their relationship with their citizens rather than denying them their rights and clamping down on them, when they demand their rights and freedoms.

**Public consultations and campaigns by states before drafting legislation:** West African nations should commit to a broad and inclusive stakeholder consultation on drafting legislations that could impact civil society and civic space. West African governments have a history of utilising legislations to clampdown civic space –physically, as well as online and through media censorship. This is because of legislations that are either vague, broad and leave room for several interpretations which gives government oversight of these spaces, or deliberately created to restrict the space with which civil societies can operate. Therefore, adequate consultation with the various stakeholders is needed to ensure their input is taken into consideration prior to drafting legislation. Thus, working with CSOs and other actors, governments should amend or altogether get rid of legislations with obnoxious, vague, unclear clauses or sections that are subject to abuse or arbitrary interpretation that ultimately further constricts civic spaces. Governments should redefine legislations that protect media freedom. These frameworks should include the upholding of freedom of expression, protecting journalists from harassment, arbitrary censorship or arrest.

**Right to freedom of speech and privacy:** Governments are obligated to uphold the right to freedom of speech and peaceful assembly, in accordance with international human rights norms. Additionally, it is imperative to re-evaluate the use of spyware on individuals such as opposition parties, journalists, critics if the government, and the general population, as such actions violate fundamental human rights and weaken democracies.

**People centric policies:** Governments should integrate CSOs and other actors in the development of laws and policies that are geared towards addressing security threats. This will help to mitigate any misunderstanding and at the same time will help to have such laws and policies reflect the perspectives and aspirations of civil society. Approaches to security have to be people centred for them to be effective, and states need to understand and embrace this.
b. **Civil Society**

**Building solidarity networks:** CSOs in each country should establish stronger networks that will further enhance their agency and ability to engage the state on issues related to their restriction of the space within which they function. It has been observed that governments make efforts to divide civil society, and use the gaps to punish those that are perceived to be anti-government. A united and formidable network of CSOs could better engage the state and prevent the development of laws and policies that are not favourable to them. Building solidarity networks take time and dedication, and there are various ways CSOs can go about it such as –

a. Sustained advocacy campaigns on social media as well as in spaces such as educational institutions, youth and community centres, labour unions etc.

b. Funding and getting involved in popular media that engages with civic and social issues (such as TV and radio shows, OTT platforms, magazines etc).

c. Using creative arts and media to spread the message (theatre, music, visual arts etc).

d. Being mindful to create inclusive and welcoming spaces for all ages/ethnicities/socio-economic groups to diversity solidarity networks.

**Building formal structures and processes:** CSOs should seek external funding and capacity building, to reduce their vulnerability and to enhance the technical skills required to undertake and defend the work they do, and also to seek legal remedies when the state infringes on their rights and freedoms.

**Building transnational solidarity networks:** CSOs networks at the regional level should step up their engagements with regional and international actors, with the aim of having these institutions develop mechanisms through which they can intervene to mitigate the violations of the rights and freedoms of CSOs and the populace, especially in relation to the introduction and use of laws and policies by member states that are inimical to those rights and freedoms. At the moment, the existing networks have not been successful in delivering the necessary pressure and outcomes for effectively mobilizing and utilizing regional support for their members when needed.

**Be vigilant:** At the regional and national levels, CSOs should develop tools to monitor internet shutdowns. This could be done in collaboration with pre-existing initiatives such as KeepItOn. This will allow civil society to document, navigate and anticipate shutdowns and, subsequently, hold governments, leaders and politicians accountable for their actions whilst making the actions public so as to inform citizens of their leaders' actions. Similar initiatives could be done with journalists, press houses and civil society who in upholding their duties have been attacked, threatened, or arrested.

**Support and protect free press:** Civil society should continue to support and create a conducive environment to protect journalists and press/media houses from harm. Online and media censorship has seen journalists arrested, detained, and threatened for criticising/condemning the actions of governments and leaders. A safe and conducive environment can be created through amplifying reporting and creating awareness through blogging, opinion pieces, documentaries, and other forms of publications on the attacks towards journalists and press/media houses. Consequently, such
actions would ultimately lead to the public being aware of the attacks on media freedom and influence policymakers to draft and implement laws that promote and protect journalists and press houses.

**Maintaining transparency and accountability:** CSOs could benefit from having independent auditors. Independent auditors play a vital role in ensuring transparency, good governance and accountability. They are required to provide an objective assessment of CSOs financial statements. Added credibility to financial statements would improve the reputation of CSOs, enhancing their ability to attract new donors and partners. Improved governance could help identify areas of improvement, which in turn would enhance its accountability and effectiveness. Overall, independent auditors can help build trust and credibility with stakeholders, the government and the general populace. It would also make it much more difficult for governments to restrict CSOs, implement arbitrary regulations or even shut them down without a reasonable excuse.

**Invest in building infrastructure for a strong civil society and fair media:** International development partners should invest in building the technical and financial capacity of the media, civil society and social movements in West Africa. With the right capacity and limited dependence on government, these actors will be able to defend the rights and freedoms of citizens and ultimately improve the civic space. As noted earlier in the report, internet penetration in West Africa is still below the global average – a starting point can be the funding of infrastructure so that those living outside the centre of political and economic centres can also access the internet and stay informed and connected.

**Create specific policies to protect freedom of speech and internet:** Likewise, regional bodies such as ECOWAS need to create a framework/policy that ensures the protection of its citizens as well as media houses and internet access. As exemplified in the Amnesty International Togo and Others v The Togolese Republic case, in which the ECOWAS court ruled that the internet shutdown prior to the 2017 election was illegal and infringed on freedom of expression of the Togolese people.

c. **Regional and Development Partners**

**Address regional decline in democracy:** ECOWAS and the AU, alongside their development partners, should work with states in West Africa to address the decline in democracy that the region is experiencing. This will require an integrated and multistakeholder approach, with governments regularly cautioned and advised to keep on the right track. Diplomatic engagements on specific issues can increase governments’ awareness that their excesses are known and have consequences, and they can be called out for their excesses.
National Governments should:

- Have collaborative partnerships with CSOs.
- Take a “citizen first” approach to security.
- Consult the public before drafting important legislation that could affect personal freedoms.
- Protect citizens' rights to privacy and freedom of speech.
- Create and implement people-centric policies.

CSOs should:

- Build strong solidarity networks.
- Build formal structures and processes to ensure smooth functioning.
- Build transnational solidarity networks.
- Be vigilant of government actions.
- Support, protect and demand a free press.
- Maintain transparency and accountability within their organisations.

Regional and Development partners should:

- Work with states to address the regional decline in democracy.
- Invest in building the infrastructure required for a strong civil society and free media/internet.
- Create and implement clear and specific policies to protect freedom of speech and internet.
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