

BOOK REVIEW

The Internet, Development, Human Rights and the Law in Africa, edited by Danwood M. Chirwa and Caroline B. Ncube, Routledge, 2023, 4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN, 250 pp., US\$ 192.00 (hardcover), ISBN 978-1-032- 31072-5

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One cannot undervalue the interaction between the Internet and development. The Internet has become fundamental to development. It promotes inclusion, efficiency, and innovation. Both globally and locally, people acknowledge the connection between the Internet, human rights, and development. A wide range of measures are taken collectively and individually to harness this link for the benefit of people, yet it is coupled with risks and controversies. At times, ferocious national and strong institutional stances on human rights protection and Internet provision have led to an increased risk of fragmented jurisprudence.

The issues it addresses and its scope primarily motivate the selection of the book under review. It offers more than a mere rhetorical contribution to an increasingly intricate legal field. The Internet, Development, Human Rights, and the Law in Africa is among the first books dealing with issues and challenges that the Internet poses for development and human rights in Africa.

The Internet, Development, Human Rights, and the Law in Africa is an edited volume that is multidisciplinary. The introduction of the book promises to track and critique the impact of the Internet in Africa. Its main gist is to explore the legal policy implications of and responses to the Internet in matters spanning human rights, development, technology, trade, criminal law, intellectual property, and social justice. It exposes the continent from different perspectives, citing examples from several African countries and regions. The authors' main discussion focuses on issues the Internet raises for human rights and development to unlock its full potential for the benefit of humankind. Ten chapters, grouped into four themes, coherently divide the book. These are access to the Internet as a right; Internet freedom of expression, privacy, and intellectual property; e-commerce and cybercrimes; dispute resolution; and the Internet. It contains a table of contents, which helps the reader easily locate the chapters. There is also a list of tables that are good for referencing. Additionally, there is a list of contributors and a preface that introduces the

book's premise to the reader. Additionally, the book provides a bibliography for reference. The preface promises an account of the challenges that the Internet raises for human rights and development from an African perspective.

The book begins by laying the foundation for the subsequent chapters. In Chapter 1, it introduces the connection between the Internet, human rights, and development. The book emphasises that the world is more connected now than at any other time in history. Throughout this chapter, the book presents human rights in an African context, as well as the relationship between the Internet, development, and human rights. More importantly, it covers the regional and sub-regional responses to Internet-related policy and legal issues. Furthermore, it emphasizes that African regional and subregional levels have adopted policies and strategies to address Internet-related issues. The chapter also highlights the structure of the book.

In chapter 2, the book discusses access to the Internet as a human right. The chapter not only considers several arguments against access to the Internet as a right, but also dissects those arguments and finds them to be unsatisfactory. Furthermore, it focuses on international and some African instruments, as well as how they recognize access to the Internet as a human right. The instruments presented include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the African Charter on Human and Peoples' Rights (the African Charter), the African Union Convention on Cyber Security and Personal Data Protection (the Malabo Convention), the African Union Declaration on Internet Governance, and the Development of Africa's Digital Economy, among others. We primarily appreciate the author's focus on these instruments, considering their growing citation as the foundation for acknowledging Internet access as a fundamental human right. The chapter provides a fascinating chronology with a nod to current events, showing that Internet access is an evolving, comprehensive right.

Chapter 3 of the book discusses privacy as a human right in Africa and the global Internet. The chapter provides an overview of privacy protection in international law, the African region, sub-regional and national constitutions, and data protection legislation. The author's approach to navigating human rights in this chapter is commendable. For instance, he uses a broad-brush approach in discussing the state of the global Internet in Africa and the protection of privacy under international law. Subsequently, the author turns specifically to African perspectives on privacy protection. The discussion covers not only instruments like the African Charter, the African Charter on the

Rights and Welfare of the Child (ACRWC), and the Malabo Convention, but also how they evolved from human rights perspectives, the then European Data Protection Directive 95/46/EC, the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1980, and the OECD Guidelines on the Protection of Privacy and Trans-border Flows of Personal Data 1981. The discussion is interesting as the author critiques the African data privacy policy frameworks. Within the discussion, he offers an analysis of privacy protection through national constitutions and data protection legislation. He believes that constitutional protection is weak because its scope is too broad, it excludes the private sector, and it attracts different remedies than those provided in data protection legislation.

Chapter 4 provides a discussion on the data subject of privacy and mHealth with insights from Kenya and South Africa. The authors endeavour to provide a comparative analysis that details, for example, the point of departure in legal and ethical measures applicable in Kenya and South Africa. They specifically discuss the ethical and legal measures developed to safeguard the privacy and confidentiality of sensitive mHealth data. The authors conclude the chapter by suggesting the creation and execution of strategies to guarantee that mHealth participants receive not only legal tools but also codes of practice, guidelines, and essential information to safeguard their privacy and prevent exploitation.

Chapter 5 addresses the questions raised by the interface between the Internet, freedom of expression, and intellectual property. The chapter underscores the extent to which African states have addressed these questions in their legislation and case law. In a very interesting way, this chapter provides an overview of constitutional protection of intellectual property rights and freedom of expression in Africa, drawing examples from a few selected countries (e.g., Kenya, South Africa, Tunisia, Uganda, and Egypt). The chapter discusses not only the available legislation and existing case law but also how the law regulates intermediaries' liability.

Chapter 6 addresses a legal framework for e-commerce in Africa. The chapter discusses not only the progress but also the challenges and opportunities of e-commerce. It provides an overview of international, regional, and national legislative attempts on e-commerce. The chapter cites examples of United Nations model laws at the international level, such as the Model Law on Electronic Commerce, 1996, the Model Law on Electronic Signatures, and many others. Instruments such as the Malabo Convention, the Southern African Development Community (SADC) Model Law on e-Commerce, the Southern African Development Community (SADC) Model Law on Cyber Crimes, and

the Economic Community of the West African States (ECOWAS) Directive on Fighting Cybercrimes illustrate legislative attempts at the regional level. The chapter not only presents the efforts made in regulating e-commerce using the instruments above but also highlights the weaknesses or limitations of the latter. The African experience with ICTs, crime, and human rights is the focus of Chapter 7. One cannot help but praise the chapter's presentation of not only the linkage between ICT, crime, and human rights but also the types of cybercrime and the prevalence of the problem. Although the chapter has a regional and sub-regional focus, it particularly focuses on southern Africa. The chapter considers the fact that, as with all crimes, cybercrimes also undermine human rights and fundamental freedoms. Most welcome is the submission that individual cybercrimes may also undermine other human rights and freedoms. For example, hacking and data interference violates the right to privacy. Furthermore, cybercrimes that cause damage to ICTs can lead to the loss of money or property, as well as violate the right to property, among other violations.

Chapter 8 contains a discussion on the Internet and dispute resolution. It analyses the challenges of resolving disputes that arise between people in the online space. To name a few, there is the difficulty of establishing jurisdiction and the prohibitive cost. The chapter recommends the use of online dispute resolution (ODR). Interestingly, the chapter does not only suggest that ODR can enhance access to justice due to its flexibility, reduced cost, and simplicity but also the need for sufficient legislative measures. It further reviews the potential of ODR in the African context by assessing the continent's readiness and other factors. It argues that there is clear existing evidence that African nations can use ODR tailored to meet African public policy goals and be responsive to society's broader needs.

Chapter 9 discusses emerging African practices regarding the admissibility and weight of electronic evidence. The chapter critically analyses the admissibility requirements for electronic evidence under the Malabo Convention. It makes a comparative analysis between Tanzania, Nigeria, and South Africa. The analysis details the notable efforts made and the common points of departure in practice. The chapter concludes that it is high time for African states to ratify the Malabo Convention and modernize their domestic laws in light of the Convention because cybercrime is borderless and effective combat requires international cooperation.

Chapter 10 is essentially a concluding chapter. It summarises all the preceding chapters. The chapter concludes by stating that without addressing human rights

and development issues through law and policy at both regional and national levels, Africa may not reap the benefits and opportunities associated with the Internet and related technologies (p. 225).

Overall, the editors' endeavour with this book has been successful, maintaining an African perspective on the subject matter throughout the text with expert comparative insights. One cannot help but commend this edited volume for contributing to the body of knowledge in this emerging field, focusing on the African continent. One would have expected a chapter on COVID-19 issues and their impact on human rights, given the book's 2023 publication. This is because COVID-19 was a global hot topic, and contact-tracing apps were associated with privacy and data protection breaches. The concluding remarks in Chapter 10 do not adequately cover the topic and its impact. However, the references, which date back before the breakup of COVID-19, clearly demonstrate that the book was in print during the COVID-19 pandemic. Nevertheless, the book misses a disclaimer from the editors that it will not cover some hot topics like COVID-19.

Despite the book's focus on Africa, it only presents a few of the nation's experiences, which is surprising. This makes the discussion very blunt. Perhaps it would be better if the contributions in the edited volume could reflect national experiences rather than majoring in regional instruments while drawing experiences from a few selected countries that purport to represent the entire African continent. However, this remains a robust legal text with coverage relevant to audiences across Africa and beyond. Academics and practitioners in this particular field, as well as ordinary people affected by Internet-related issues, find the provided substance useful. The contributors successfully present the topics and employ a comparative approach. It not only reveals expertise in the field but also improves comprehension of the presented subject matter.