

# INFORMATION CONTROLS AND INTERNET SHUTDOWNS IN AFRICAN ELECTIONS

## *The Politics of Electoral Integrity and Abuses of Power*

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### ABSTRACT

*Internet shutdowns in Africa are becoming increasingly widespread, particularly when governments face competitive or contentious elections. They have also come to symbolise a widening fracture between competing conceptions of the global Internet and its regulation. Governments in Africa are justifying shutdowns as able address misinformation and disinformation, protect the election process, and ensure national security. International organisations, NGOs, and social networking platforms condemn these as an inadmissible form of censorship and information control, an abuse by political actors seeking to silence critics or manipulate elections. This article offers an alternative reading on internet shutdowns by placing them in the historical context of the wide range of information controls around elections, many of which are widely regarded as being acceptable and legitimate mechanisms to support competitive elections. By offering this context, we can ask what is new about shutdowns and whether they can ever be regarded as a proportionate response to real concerns of social media and election manipulation. We conclude by highlighting the inequalities of online content moderation as an often-overlooked factor in driving the use of shutdowns, and the failure of social media companies to effectively address misinformation and disinformation in Africa, particularly around elections.*

**Keywords:** internet shutdowns; media and elections; information controls; mis/disinformation; censorship; African elections

## INTRODUCTION

In August 2021 Zambia joined the growing list of countries in Africa to order an internet shutdown during an election period. The Zambian government was true to its threat if, in their view, Zambians ‘failed to use the cyberspace during this year’s election correctly’ it would be shutdown (Kene-Okafor 2021). This follows a series of other recent shutdowns on the continent around elections: Republic of Congo, Burundi, Togo, Guinea, Tanzania, and Uganda, among others. As with the Zambian elections, shutdowns tend to occur when there is political competition and the potential for violence. Despite the shutdown, the Zambian opposition party, the United Party for National Development, led by Hakainde Hichilema, successfully defeated the incumbent President Edgar Lungu of the Patriotic Front. This was Hichilema’s third attempt, after being narrowly defeated in 2016. Violence was reported during the election period, including in the North-Western province where the ruling Patriotic Front chairman was killed, and the military was deployed to several provinces to address concerns of election-related violence (Mitimangi & McHale 2021).

Shutdowns are often justified as a tool to address security threats and protect the integrity of the electoral process, including impeding the spread of misinformation. As Barnabe Kikaya Bin Karubi, an advisor to outgoing President Joseph Kabila, explained, the post-election internet shutdown after the Democratic Republic of Congo’s 2018 elections was to stop the circulation of ‘fictitious results’ on social media that ‘could lead... straight to chaos’ (Bujakera & Mahamba 2019). This perspective was further elaborated by Lamber Mende Omalanga, the Minister of Communication at the time, who argued there was ‘no other way’ to stop ‘sneaky guys who wanted to use social networks to... [publish] false figures, false data’, and that the Congolese people should accept that an internet shutdown is a necessary ‘price to pay to maintain the integrity of their electoral process’ (Actualite 2019). Shutting off the internet, he argued, was necessary to avoid sliding into civil war: ‘What is more important? Our comfort or our security?’ (*Francetvinfo* 2019).

How, and why, governments decide to use the comparatively blunt tool of internet shutdowns during election periods, is the focus of this article. From the United States to Uganda, elections are periods of conflict and tensions that sometimes turn violent. Governments or political parties may have a real interest in inflaming tensions and may be the driving provocateurs of violence; but in other instances they (or other public authorities) may be attempting to stem or calm violence. There are also growing trends of interference and manipulation on social media by external states and actors (such as diaspora groups) attempting to disrupt or undermine electoral processes.

In this context, we attempt to offer an alternative reading of internet shutdowns around elections in Africa. Digital rights and internet freedom groups quite rightly raise concerns around how governments often order shutdowns to restrict freedom of expression, to stifle opposition voices, or to reduce opportunities for greater public (and international) scrutiny on the corruption of election procedures. Many of these efforts are well-documented (Accessnow 2021). But this absolutist approach to human rights (or digital rights) fails to recognise or account for the very real concerns and grievances about how social media might be manipulated during Africa's elections. It also obscures the vast inequalities between how social media content is moderated to a greater extent in rich priority countries such as the United States, in comparison with far less moderation in poorer, more economically marginal countries like Uganda.

The article proceeds by exploring trends in shutdowns around elections in Africa, when they most often occur, during which types of elections, and for what reasons. We then turn to contextualising shutdowns within the broader range of information controls that have been, and often continue to be, used to address information flows around elections. These have typically applied to the mass media, and have often been considered legitimate, or reasonable restrictions to protect the integrity of the election process. Such controls range from bans on political advertising in the immediate run-up to elections, restrictions on the publication of public opinion polls, and limitations on exit polls. While these controls may be misused for political ends or exceed what might be considered 'reasonable' (whether in length, duration, or reach) in many cases they are recognised by all parties and are regarded as acceptable limitations that help to prevent manipulation, coercion, or interference with a free and fair election process. Finally, by broadly reflecting on research we conducted in Ethiopia, Chad, Cameroon, and Uganda, we draw out some factors that inform government decision-making around shutdowns and what this suggests about the future of information controls around elections.

## TRENDS IN ELECTIONS AND SHUTDOWNS

Internet shutdowns can refer to a variety of techniques, best described as a spectrum of controls (Marchant & Stremlau 2020b). These restrictions range from partial shutdowns where selected sites, platforms, or tools (such as WhatsApp or Twitter) are targeted; slowdowns whereby internet service providers make accessing the internet so slow as to render it effectively useless; location-specific internet blackouts where the internet will be completely inaccessible in a specific city or region; to total nation-wide shutdowns where there is no access at all (Marchant & Stremlau 2020a). While there are some tools for circumventing

restrictions, including Virtual Personal Networks (VPNs) which can re-route traffic and enable users to access blocked websites, the efficacy of circumvention tools depends on the extent and type of shutdown. Not surprisingly, total internet shutdowns are more difficult to evade and occur with increasing frequency.

There are roughly two turning points around the use of shutdowns in Africa. The first came with the protests associated with the Arab Spring between 2011 and 2013, when telecommunications services were cut in Egypt, Libya, and Tunisia. These were the first significant use of shutdowns on the continent; they were widespread and impactful but were not directly associated with elections. A second turning point was 2016. Before then, only the Democratic Republic of Congo (DRC) had used a shutdown during the 2011 election, but 2016 saw a significant surge with five countries holding presidential elections (Congo, Gabon, The Gambia, Niger, and Uganda) shutting down the internet either before, during or after the election (*Voaafrique* 2016).<sup>1</sup> All five cases are similar in that an incumbent president was vying for re-election. In Congo, The Gambia and Uganda, the shutdowns were used by the government on the day of the election to pre-empt and prevent protests and violence. For example, despite protests, Congolese President Denis Sassou Nguesso had managed to have a new constitution installed allowing him to run for a third term and extend his 32-year rule. Telephone, internet and SMS services were shut down for 48 hours for 'reasons of security' as the country headed to the polls as an effort to pre-empt possible disruptions (Aljazeera 2016). In Gabon, it was a post-election shutdown. Ali Bongo Ondimba ran for a second term, and won, in an election marred with irregularities. After protests and riots broke out following the announcement of the result, the internet was shut down.

After this surge of election-related shutdowns in 2016, the number of African countries implementing shutdowns has continued to grow and this tactic was used during 6 out of 14 elections in 2021.<sup>2</sup> By examining the number and type of elections being held, and keeping in mind that in some years there are fewer elections (and thus fewer election-related shutdowns), there is a trend towards an increasing acceptance and use of shutdowns, particularly during elections that are competitive or somewhat competitive. Governments that have a firm grip on power (such as Rwanda, where President Paul Kagame received 98.8% of the vote in 2017) appear less likely to turn to shutdowns, as are countries that regularly hold elections considered to be competitive and are rarely associated with violence or protests (such as South Africa or Botswana). It is those countries

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1 DRC had gubernatorial elections and ordered a shutdown ahead of time.

2 None of the elections held in 2017 had shutdowns, in 2018, 3 out of 11 (27%) of the elections had shutdowns and this grew to 3 out of 14 in 2019 and 5 of 13 in 2020.

in the middle, such as Uganda, or Cameroon, that are most likely to use shutdowns during elections.

### *Shutdowns as a Response to Election Violence*

One of the most important factors for elections and shutdowns is the real, or potential, association of violence during election periods. This has been a persistent feature of elections in Africa, and it is often overlooked when international organisations or human rights groups respond and condemn shutdowns. Similar to the acceleration in internet shutdowns around elections, there is evidence that incidences of election-related violence are on a distinct upwards trajectory (see, for example, the ELVI Dataset which indicates that 54% of national elections in 2020 had some form of violence associated with them, the highest level in four decades) (ELVI 2021; Frank 2011). Given that there is a wide range of what might constitute violence around elections, the connection is not always so clear. Violence associated with elections in different contexts ebbs and flows – in some cases, governments come to power and enforce peace but then, during efforts to maintain power, alter constitutions or exacerbate existing political polarisation that may provoke violence.

During the 1990s, when many of Africa's countries moved towards democratic politics and began holding some sort of elections, there was widespread euphoria, particularly by international donors and supporters, that elections would lead to 'good governance' and more peaceful states (Young 1993, pp. 299–312). The general assumption was that these governments were more responsive to citizens needs and would offer more accountable, and legitimate, alternatives to non-democratically elected authorities. But in recent years, the evidence has become quite clear that, particularly in poor countries, elections often serve as a catalyst for violence (Söderberg & Bjarnesen et al. 2018). In some contexts elections have been associated with encouraging or even facilitating poor policies and divisive practices (Collier 2011, p. 40). While electoral violence occurs in a range of polities (and one must only look to the 2020 US post-election storming of the US Capitol), it is now estimated that more than half of elections in Africa are associated with some degree of violence (Dionne & Burchard, 2016).

Similar to the ambiguities of drawing a direct connection between hate speech or incitement on social media and offline violence, the relationship between violence and elections is not always clear, nor direct. This can make it difficult either to link an internet shutdown with preventing or mitigating election-associated violence or to connect the absence of an intervention with exacerbating or instigating violence. First, there is the issue about how to distinguish election violence from other forms of social unrest. Should it, for example, only be related

to incidents during an election? How is pre-election violence different from post-election violence? One way to differentiate electoral violence is to focus on whether it is strategic and directed towards particular outcomes (Daxecker & Höglund 2020, pp. 3–14) or if violence centres on disrupting the elections, slightly less planned than strategic efforts but nevertheless used with the intention to advance certain political or economic goals. The most ad hoc type of violence is incidental, which is more likely as disgruntled voters disapprove of election results.

The use of violence may be linked to broader political strategies muddying the boundaries between what might be considered election-related violence or other forms of speech and violence. Examples include making land a divisive issue for the election, as seen during Kenya's contested elections; or in the Ivory Coast where narratives of immigrant farmers taking over the south-west of the country have become highly politicised during elections. Such violence is frequently outsourced, often through longstanding associations with public authorities and non-state actors. In Nigeria, the city's transportation trade unions provide a source of violent agitators, the *agberos*, who are recruited to attack rival political candidates and coerce (Agbibo 2018). Nonstate groups that instigate or carry out violence on behalf of politicians can vary in how close they are ideologically to the political groups they support, and this can have longer implications for whether a country will be at peace or not in the aftermath of an election (Staniland 2015). Ahead of the 2016 elections in Uganda, a special police force, recruited from among the disenfranchised, carried out acts of electoral violence including beating opposition supporters (Ojok & Acol 2017).

Other strategies that use violence to silence certain groups include making it impossible for opposition groups to mobilise and contest an election. In some cases, this means having candidates, or their entourage and political supporters, attacked as has been the case in Uganda where opposition leader Bobi Wine has been repeatedly attacked and jailed by government forces (Krippahl 2020). In other instances, violence may be a targeted attempt to silence, intimidate, or coerce voters directly. In a detailed study of Nigeria's 2007 election, it was shown that political violence was more likely from the minority political party which often had a vested interest in intimidating voters into not voting at all (Collier & Vicente 2014). Lowering the turnout for the more popular parties meant increasing their share of votes. Pre-election violence does have a direct effect on voter turnout (Bekoe & Burchard 2017), whether deterring voters who fear for their lives, or spurring certain groups into action. While ethnicity and status are often cited as motivating factors for violence, these differences must be mobilised in some way. Elites often have an incentive to enhance differences around elections, as such elites use polarising tactics to antagonise minorities into the kind of protest and

violence that can, in turn, bring greater coherence and solidarity to the majority political party (Wilkinson 2009).

One of the most significant factors influencing violence around elections is whether the country has recently had a domestic war. Collier has shown that post-conflict elections (which are usually carried out hastily, with demilitarised groups often turned into political parties), shift the risk of conflict reversion. In the year before the election the risk of returning to violence is reduced; but in the year after the election violence is significantly more likely. In some instances, new parties formed after the conflict draw heavily on military experience and alter people's opinions as to whether violence may be justified, leading to more violence (Linke, et al. 2015; Melber 2009).

Similarly, the type of electoral system may also contribute to the likelihood of violence. Fjelde and Høglund, for example, found that violence is more likely in majoritarian systems than those with proportional representation as the majoritarian system escalates the stakes in an election by creating an atmosphere where the winner takes all. Election violence is often in places where the election management institutions are said to favour one party (Solà-Martín 2018). Recourse to the courts after losing an election is not usually a viable option in countries with quasi-independent as opposed to fully independent judiciaries, and so violence is more likely (Nkansah 2016).

The connection between elections and violence has implications as to how electoral management bodies, laws and regulations are crafted, including information controls, particularly during conflict or in post-conflict periods. Mass media, and journalists in particular, have long been targets of incumbent governments, particularly when there is fear of losing power or the potential for media to incite violence. Efforts to restrict opposition access to the media, enforce laws around treason and sedition to threaten and silence journalists, force journalists out of their jobs for controversial opinions, or buy off critical media outlets, have been common tactics to influence elections (Stremlau & Price 2009; Gagliardone, Stremlau & 2019). Similar trends have persisted for social media, although given the newness of various platforms there is far less evidence as to precisely how. TikTok, for example, is less than ten years old yet is enormously popular and has raised concerns about spreading disinformation, misinformation, and inciting violence during Kenya's recent 2022 elections. This makes it trickier for either domestic or international efforts to intervene. While there is a relatively robust corpus of research and policy work related to information interventions prior to the rise of social media, far less consensus has emerged around how to intervene to protect the rights of communities when social media is seen to have a role in genocide or mass violence (De Gregorio & Stremlau 2021).

Given these concerns, we turn now to examine how information controls that have primarily targeted traditional media, or offline communications, have been used around elections as a way of mitigating the real, imagined, or politicised idea of violence.

### A SPECTRUM OF INFORMATION CONTROLS

One way of understanding the turn towards internet shutdowns, or the spectrum of information controls that might be placed on social media, particularly during elections, is to situate them within the range of other laws, policies, or interventions in the media space that has been used as a way of legitimately seeking to protect or enable competitive elections. The role of media is often outlined in the substantial corpus of grey literature (handbooks, guides, and policy papers) created by various international and national organisations about best practices around elections (Merloe 2008). Much of the emphasis is around election laws, including specific provisions about what information, when, where and how, media can disseminate around elections. Inevitably, these information controls have been misused.

Our focus, in this section, is also on the extent to which they have been legitimate, and how, or why, they have been justified – and what their use may imply for efforts to place restrictions on social media, or the internet, around elections. This does not mean that their implementation has not been without significant criticism: there have, for example, been intense lobbying efforts by organisations such as the World Association for Public Opinion Research (Donsbach 2001), criticising bans on the publication of public opinion polls prior to elections. The point is, however, that social media makes the goals and intentions behind many of these restrictions impossible to implement, wholly or partially. This is especially the case for countries that are marginal markets for social media companies and where fewer resources are dedicated to content moderation (whether human moderators or the development of machine learning for automated removal).

This section considers media restrictions in the run-up, or prior, to elections; during the voting period; and in the post-election period. We also examine restrictions on international actors, particularly broadcasters. This includes radios associated with foreign governments, such as the BBC World Service, or satellite channels funded and run by diaspora groups abroad.

#### *Information Controls Prior to Elections*

Prior to elections, information controls have focused largely on periods of ‘election silence’. The range of information that might be enveloped in these restrictions



includes opinion polls, political advertising, campaigning, and political rallies, or meetings. In most countries, election silence is written into the law or statutes around elections, but it may also be informal agreements between parties (as in Sweden). In some cases, a blanket period of silence is issued in addition to other laws and regulations governing media and information around elections, particularly in anticipation of highly contentious elections or possible violence. Several days prior to sensitive presidential elections on 21 June 2021, for example, Ethiopia's National Election Board (NEBE) ordered a 'period of silence' which included a ban on campaign rallies and new rules for local media houses. As the NEBE explained on its Facebook page: 'Mass media outlets are not allowed to broadcast any kind of election-related activities during this period of silence. In addition, these institutions are not allowed to interview political party candidates' (Pelz 2021).

As in Ethiopia, many rules around election silences focus on the role of mass media. There have been longstanding concerns about what information can disrupt or interfere with free and fair elections, for example whether political advertising is to be permitted. This debate usually depends on whether it is constructed as being concerned with freedom of speech and how much public ownership of broadcasting there is. In France and Britain, for example, there is general hostility to paid political advertising whereas in the US it is more common. In the US, debates in this area revolve around the 1987 repeal of the fairness doctrine which required broadcasters (licensed to administer a limited resource to the US public) to provide balanced information in instances other than the rare event that they were reporting on live events. Critics of the removal of this doctrine have blamed it for the rise of divisive talk radio and Fox news, which is known to use a lot of political advertising. In Canada, election advertising must be on a specific channel.

Media, and particularly public or government-owned media, are often called upon to facilitate debate and enable a broad array of different views and opinions. There may be regulations that require broadcasters to give equal amounts of time to incumbents or opposition parties. Sierra Leone's Electoral Law, for example, enjoins the management of the public broadcaster, the national radio and television, to ensure that each candidate and each political party has access to airtime at public institutions during the campaign period. Similarly, in Kenya, Act 36 of the 2016 Elections Act stipulates that political parties have equal access to state-owned media during the campaign period. Arrangements might also be less formalised. In Mauritius, for example, although there is no legally-set official election campaign period, public and private broadcasters are expected to refrain from broadcasting any politically-related issues and political programmes from the eve of election day to the close of the polls (EISA 2014). Acts and statutes that

contain information about when a candidate may campaign are usually closely associated with acts about the equal and fair coverage of different candidates in the media.

Political advertising on media is also often restricted, and with this comes rules about campaign financing as well as loopholes to bypass them. For example, in the US, intermediary firms cover the costs of what may be called political advertising but that does not necessarily get audited as such. There are also rules about how much political parties should get from the state, usually based on what percentage of the vote they received, as well as caps on the amount of private donor funding they can receive. African countries tend to be lenient when it comes to private funding; but there are caps in countries like Tanzania, Uganda and Morocco. The Kenya Election Campaign Financing Act, for example, bans donations from foreign interests to political parties. It also limits the amount a private donor can give to a party during an election, stating that no contribution from a single source 'shall exceed twenty percent of the total contributions received by that candidate, political party or referendum committee'.

Opinion polls have been used as far back as the 1824 presidential election in the US, and were developed by pioneers in the field like George Gallup in tandem with other survey methods (Converse 2017). By the 1980s polls had become ubiquitous in the elections of most countries and politicians began to voice concerns about their influence, for example their ability to create a 'bandwagon effect', leading uninformed voters to support the candidate in the lead at the time of the poll. In the UK, the Representation of the People Act of 1983 prohibits the publication of information on the way voters have voted, or forecasts of the result before the election poll has closed.

Polling has been particularly contentious and subject to restrictions around Kenya's elections, including the recent elections in August 2022. But it was the elections of December 2007 that really highlighted the challenge polls pose, and forced policy and legal reforms, including for traditional media and social media. During the 2007 elections, polls were seen to have had a contributing role in the post-election violence because the most prominent were suggesting that opposition leader Raila Odinga would win the election (Stremlau & Price 2009). The Steadman Opinion poll, conducted by the market research and media monitoring consultancy company, the Steadman Group, was under particular scrutiny. As the elections drew closer, the Steadman poll put Odinga ahead but by only a narrow margin, leading to rumours that the government was forcing Steadman into reporting that the incumbent Mwai Kibaki was gaining ground (Osborn 2008). The Statistics Act (2006) was thought to be able to contain the powers of polling firms but in the 2007 elections it was not called upon to regulate them (Wolf 2009). The discrepancies over the polls led to the Electoral Opinion Polls Act No. 39 of 2012, which placed restrictions on the publication of such polls and

forced publishers to provide more information about what exactly had been asked in the surveys or questionnaires. Despite this Act, the Steadman Group, which had been subsumed by Synovate by this time, continued to publish the results of surveys for the 2013 elections and thus provoke controversy. In the run-up to the election in March 2013, prominent politician Martha Karua remarked 'I cannot accept the results of research that have been financed by my competitors to be the perceptions of Kenyans' (Makulilo 2013), reflecting a common view that the polls are not impartial but are politically motivated.

Information controls prior to elections have been significantly impacted by social media. The ease and immediacy of publishing internet polls or other forms of opinion poll on social media, has made periods of election silence, or restrictions on polls around elections, increasingly difficult to implement. Efforts to restrict campaign advertising as well as international interference, as referenced above, have also proved difficult. This is particularly in Africa which has been a marginal priority for social media companies, a point we will return to later in this article.

### *Information Controls During Elections*

How and when information about election results is shared is frequently contentious. Electoral management bodies are often tasked with releasing the results to the media, although media often pre-empt these official announcements. These bodies may be independent<sup>3</sup> (at least in structure, if not always in practice) such as in Burkina Faso, Liberia, Mauritius, Nigeria, and South Africa, or they may operate as a government office as in Denmark, Switzerland and the UK. Still others have adopted a mixed model whereby policy and oversight are independent but implementation of the election is housed within the government, as is the case in some French-speaking countries in West Africa such as Senegal and Mali. In the latter, elections are organised by the Ministry of Territorial Administration, and vote-counting is conducted by both the Independent National Electoral Commission and the Constitutional Court.

The release, announcement, or publication of early results and the conduct of exit polls are the most frequently regulated aspects in response to evidence suggesting that the early publication or dissemination of election results in one region of a country can have an impact on voting in other regions. Elections in France provide a case study: prior to 2005, overseas territory voters could see the result of mainland presidential elections; but in 2005, when exit polls in France were banned from being published before the votes were counted in the overseas territories, voter participation increased significantly and voting patterns differed

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3 If they are independent, some countries have two bodies, one for administering policy and the other for administering the election process.

in these regions (Morton et al. 2015). Media are often present to report the opening of polling stations around the country in the early hours of election day and they also often show images of the queues later in the day, both of which can affect voter turn-out in particular areas. Newspapers, radio, or television often have their own polls and these might be directed towards a particular policy issue. Polls conducted immediately after voters leave the voting booth can help predict the result ahead of the official announcement, and they can help protect the public from voter fraud. But similarly to opinion polls, they are often criticised for their potential to be manipulated, and are therefore restricted. As with the case of public opinion polls above, social media has had a significant impact on the immediacy and oversight of such polls, making them far harder to regulate within a short time period such as polling day.

There is a range of different rules for conduct around voting stations that reach into communications beyond the mass media. Election observers often look for whether voters are given clear indications of who they can vote for through a list and displays at voting stations. Regulations may be designed to support a secret ballot, and one that aspires to limit opportunities for corruption, bought votes, or voter pressure. These efforts may include a ban on publishing voter lists and restrictions on handing them out to the polling stations up to a few hours before voting starts. In some cases, there may be restrictions around whether interviews can be conducted near voting stations. For example, in Ethiopia during the 2005 election, the media were instructed not to 'interview voters, candidates' representatives, observers, or election observers, during registration or polling' (Teshome-Bahiru 2009, p. 94). And while election standards often stress that access to all polling stations should be open to representatives of political parties, accredited observers and the media, electioneering in or around polling stations is often banned. In the Philippines for example, there can be no propaganda or soliciting of votes 'within the polling place and with a radius of thirty meters thereof'. One task of staff at polling centres is to ensure that booths are free of campaign posters or flyers or that posters or music, and in some cases even certain T-shirts or badges, may be banned within a certain radius of the polling station, the latter of which is often difficult to restrict. The US, often regarded as the most liberal with regard to information controls around elections (and regulations vary across individual states) shares some of the most notable restrictions including a ban on electioneering within 100 feet of the polling station and the prohibition of photographs and social media posts within polling stations.

### *Information Controls Post-Elections*

One of the most delicate moments during an election period involves the timing and announcement of election results. The most important task for electoral

bodies after elections is ensuring that results are accepted as credible and freely available for scrutiny. When the results are not released in stages, but the electoral body decides to wait until releasing the final result, the individual tallies from local communities can go missing, as was the case in the second round of the presidential election in Ghana in 2007 (Fridy 2009). A long, drawn-out counting of the vote has the potential for increasing tension and creating more opportunities for protest. Again, Kenya's 2007 election serves as a case in point; the election turned tense when a lead of one million votes for opposition leader Raila Odinga suddenly vanished, leading to a slim victory for the incumbent, Mwai Kibaki. In the face of public outrage and confusion, the Electoral Commission declared that they could not tell if the vote was valid. Journalists were ordered out of the Kenyatta International Conference Centre. In the Electoral Commission's headquarters in Nairobi a press conference was called to announce the delayed results. A heckler forced the spokesperson off the stage under protection of security, only to return to the podium to announce Kibaki as president with a lead of 230 000 votes. A team of observers from the European Union said the Electoral Commission had failed to ensure credibility. Nonetheless, Mr Kibaki was hastily sworn in.

What followed was one of the continents' most referenced cases of post-election violence. In what has been described as three waves of violence, 1 200 people were killed: the spontaneous looting of government buildings and Kikuyu families in Nairobi and Kisumu; the targeting of anti-Kibaki opposition actors; and retaliatory attacks by the government and Kikuyu militia that often targeted migrant workers (Schuberth 2018). The media was ordered to suspend live broadcasts of the violence. The ban was imposed on the basis that viewers of violence were being incited to commit more violence and were becoming increasingly radicalised by witnessing police brutality. The Kenyan internal security minister John Michuki ordered the ban 'in the interest of public safety and tranquillity' (Kivuitu 2007). Some, however, have argued that the blackout of media coverage caused more harm as protesters, desperate to know what had happened with the vote, took to the streets perpetuating the protests and violence. Reporters Without Borders said that the media blackout was 'counter-productive' and 'impose[d] a climate of intimidation... and confusion' (AllAfrica 2007).

There were prohibitions on the media covering candidate announcements before the election body had declared the official results. An opposition member could declare themselves the winner before the official announcement, causing doubt about the publication of results. In 2017, Raila Odinga proclaimed himself the winner in a presidential election based on results compiled his own party. The country's electoral commission chairman, Wafula Chebukati, responded by saying it was the only body legally allowed to count votes (BBC 2017).

Media often face a difficult task in determining whether to provide media coverage to the losers who are likely to claim election fraud and unfair elections. For example, after his election loss in 2020, former US President Donald Trump persistently and vociferously undermined the electoral process. He filed more than two dozen lawsuits, particularly in swing states around the country, claiming voter and ballot-counting fraud. To any media that would listen, Trump advanced conspiracy theories of rigged voting machines, electoral fraud and an international communist plot against him.

This section has focused on the range, depth, and variety of approaches that different actors, often government or electoral bodies, have adopted as part of an effort to protect the integrity of elections and to address concerns around the potential role of media during election-related violence. Trump presents one of the most well-publicised examples of a politician exacerbating electoral polarisation and inciting election-related violence on social media. His example leads to the next argument that seeks to contextualise internet shutdowns (both full and partial) within this range of earlier efforts to shape the information environment around elections.

### THE SWING TOWARDS SHUTDOWNS

It has been only in the last several years that the discourse around social media and democracy has shifted. Much of the early literature on the internet's impact on democracy was fundamentally positive, highlighting the opportunities for broadening participation, connecting communities, and evading restrictions on speech. Now academics, journalists, and even politicians are more likely to lead with questions such as 'Can Democracy Survive the Internet?' (Persily 2017), or concerns such as that by former US President Obama argued that social media is 'well designed' to destroy democracies because platforms have the wrong incentives and are 'turbocharging some of humanities worst impulses' (as quoted in Hatmaker 2022). Much of the debate, however, has centred on attempting to control mis/disinformation around elections in North America and Europe.

Trump's use of social media, and Twitter in particular, during the 2021 elections reflected a turning point in corporate accountability for the responsibility (or not) platforms have in addressing the potential harms of political speech on election integrity. Notably, Facebook and Twitter both placed bans on Trump's use of their platforms, citing risks to public safety in the aftermath of the insurrection in the US Capitol on 6 January 2021. Both platforms have typically been more lenient in enforcing their rules or community standards for elected officials and world leaders. While Twitter, for example, has been eager to emphasise that 'the accounts of world leaders are not above our policies entirely', they also allow

for such leaders to violate Twitter rules if there is a clear public interest value in keeping the tweet on the platform (Twitter 2019). And Facebook continues to instruct the fact-checking organisations it partners with not to fact-check political speech, whether by government or opposition, and allow such speech to remain.

There are, however, deep inequalities between how content is moderated in countries in the global north and global south. In the north, rich governments can provide significant oversight and pressure on companies, and companies gain significant advertising revenues from their users while collecting robust and profitable data about them. Countries in the global south, and those affected most by internet shutdowns, are peripheral markets. These levels of prioritisation were made explicit in a series of whistle-blower leaks from former Facebook employees. This included, for example, what the *Guardian* newspaper (which led the investigation), termed the 'Facebook loophole'. This referred to the breadth of state manipulation of content and how the company handled a variety of cases by non-western, small, and poorer companies. What emerged was a company that was quick to address political manipulation around elections in countries such as the US, Taiwan, South Korea and Poland, but slow to move in cases such as that of Honduras where the president, Juan Hernandez, was implicated in a large disinformation programme that Facebook did not take action on for more than a year. This reflected its priority system for protecting political discourse around elections. In an email that was leaked by a Facebook executive, it was argued 'We have literally hundreds or thousands of types of abuse....That's why we should start from the end (top countries, top priority areas, things driving prevalence, etc) and try to somewhat work our way down' (Wong 2021). Another email indicated that the priorities for investigating this type of interference should prioritise 'the US/western Europe and foreign adversaries such as Russia/Iran/etc.' (ibid.).

Furthermore, when it comes to moderating content in Africa, whether hate speech or misinformation, it is clear that the existing mechanisms (both human and machine learning) fall far short of addressing the scale of the problem. Content moderation is available in limited African languages leading some spaces to have minimal, if any moderation. And the same is true for the terms of service (or rules that govern content) and opportunities to report harmful content in languages such as Somali or Tigrinya.

It is in this context that we see the turn towards internet shutdowns, partly as a response to uneven practices of content moderation and the sense, on the part of many African governments, that they have few tools for addressing harmful speech around elections. The decision-making processes by the Cameroonian government around the 2017–2018 shutdown reflect this challenge. While this shutdown did not occur immediately around elections (it was, however, in response to opposition supporters), the choices the Cameroonian government

believed it had are indicative of elections as well. This shutdown was also notable for its totality (it cut-off the anglophone regions of Cameroon) as well as its duration (nearly 240 days).

During interviews with leaders, activists, and internet service providers about the shutdown, a technical advisor to the president of the Republic of Cameroon explained that when faced with the threat of violent protests in the anglophone region, his government believed they had three options. All three options were targeted strategies focused on restricting what they saw as harmful online content in the specific regions, rather than the country as a whole. The first option they identified was access to the customer database of mobile telephone operators in order to identify and locate the separatist groups in the region. The second was to seize the persons in charge of the main social networks in which the messages and the images of the separatists are diffused. And the third was to shut down the internet in the specific region.

The advisor explained that the telecommunications operators in the country refused the first option. This was corroborated by an employee of Orange (the French-owned telecoms company active across Africa) who was directly involved in the shutdown, and who explained that despite frequent and forceful demands from governments, they refuse to give out the personal data of their clients. The second option, the technical advisor explained, 'was slower to implement, because our request had to be studied on a case-by-case basis by social networks. And honestly, we weren't sure it would succeed. Cameroon does not have the economic or political weight of China, which is capable of imposing decisions on social networks'. He continued, 'we only had the third position left, which we finally adopted and applied on January 17, 2017', initiating the long shutdown. While this decision was reportedly not taken easily, it evolved into a longer-term policy and set a precedent for the subsequent growth in shutdowns across the continent.<sup>4</sup>

## CONCLUSION

The threat of an internet shutdown looms over many competitive or contested African elections. But shutting off the internet during elections is not always the first reaction, as some advocacy groups assume. Nor is the spirit behind many election shutdowns entirely different from that of other information controls around elections.

The rise of shutdowns as a tool to address information flows around elections also does not mean that media shutdowns will cease or become less relevant. In the aftermath of the contested 2017 elections in Kenya, as previously noted,

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4 Interview with a technical advisor, 2022.



the government turned to a television shutdown, blocking the broadcasts of several private television channels that were covering the mock 'presidential inauguration' of the opposition leader, Raila Odinga as the 'people's president' that was held in protest. In this case, television was targeted because of its breadth and reach, including the larger demographics it covers. The government justified the television shutdown, arguing that the broadcast of the Odinga 'swearing in' was 'an illegal act' that had the potential to spark further violence by undermining, or casting doubt, on the highly contested election results. Kenya's National Cohesion and Integration Commission attempted to assuage concerns that the 2022 elections could see a social media shutdown. Instead, the government's Strategic Plan focused on barring perpetrators of hate speech, and those that mobilise ethnicity for violence, from running for political office (Kejitan 2022). In Kenya, social media companies invested more in addressing online hate around the elections than in other elections on the continent. These efforts, however, fell far short as companies regularly approved advertisements calling for ethnic violence, and failed to take down hateful comments and posts in the lead-up to the elections (Global Witness 2022).

Just as restrictions around mass media have long been circumvented or evaded through other means of communication, shutdowns too have their limits. There is a growing array of tools to evade partial internet shutdowns, such as the use of VPNs or Virtual Private Networks. These create a private network giving users privacy and anonymity, and circumvent many efforts to block access to certain sites or tools such as Tor that help to provide anonymity to users. In Uganda, for example, VPNs have been particularly popular in order to avoid the country's well-known social media tax. But many users started downloading them in 2016 to evade election-related restrictions, foreshadowing the restrictions of 2021.

Evading total internet shutdowns is more difficult and requires more technical expertise on the part of users. Techniques such as using a mesh network, which helps users communicate in clusters over wifi or Bluetooth (but not with the outside world) have been used during times of protest such as in Sudan. And in some contexts, satellite connectivity, while expensive and risky for users, has enabled connectivity when governments impose a total shutdown. Continued development, investment, and advocacy around these tools, particularly by internet freedom organisations, may place limits on the perceived utility of shutdowns in the future.

Shutdowns, particularly during African elections, are seldom discussed as legitimate tools for mitigating violence or election manipulation, at least in the terms that we engage in here. But to address concerns around the misuse, and abuse, of internet shutdowns, we must take seriously the justifications and

underlying rationale for imposing them. As we have described, in some cases shutdowns may be the response to legitimate concerns of violence, and efforts to control the spread of misinformation or incitement. However, in other instances a shutdown may clearly be motivated by political ends, or efforts to silence certain opposing voices. In many cases, a shutdown may be a mix of both or more reasons.

Social media has undoubtedly made implementing information controls around elections more difficult. Facebook did, for example, institute a ban on all new political advertisements for the week prior to the US elections in November 2020; this was then expanded into the post-election period and lasted for several months. However, this has not been uniformly extended to other election periods, particularly in African countries which remain marginal to the concerns of large companies. There are few tools for governments to place on targeted restrictions or information controls on the flow of social media during the election period. In the absence of other options – or the array of options available when governments are addressing national media outlets – this is one factor that we have argued here makes internet shutdowns so appealing.

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