

GLOBAL INFORMATION SOCIETY WATCH 2011

INTERNET RIGHTS AND DEMOCRATISATION

Focus on freedom of expression and association online



This edition of Global Information Society Watch is dedicated to the people of the Arab revolutions whose courage in the face of violence and repression reminded the world that people working together for change have the power to claim the rights they are entitled to.

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NEPAL

WAITING FOR THE NEPAL SPRING



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Backstage

The tiny, mountainous, newly formed Federal Democratic Republic of Nepal,¹ with a population of about 30 million, was removed from a list of the countries with the worst record of censoring the internet in the 2009 report published by Reporters Without Borders.² Just four years earlier, with the persistence of political insurgency and instability after the royal regime had taken over power in the country in February 2005, the national communication systems and services – fixed telephone lines, mobile telephone service, radios and televisions, as well as the internet – were blacked out for seven days. The reason cited was the need to contain the volatile political situation.

When the censorship and clampdown on the media continued for several months after February 2005, the sporadic existence of online citizen journalism publications in Nepal found their due recognition and prominence. During the royal clampdown citizen journalism websites like *Mero Sansar*,³ started informally by a group of journalists after becoming disenchanted with a mainstream paper, became recognised as an independent source of information and a means to uphold freedom of expression.

The royal coup in Nepal in 2005⁴ was the turning point in the history of internet use in the country, sparking the flame of widespread use of blogs and social networking sites that supported civil society resistance. But it was only in 2006 when networking tools like Facebook, Skype and LinkedIn became popular in Nepal. In recent years, this has resulted in a number of spontaneous activist groups emerging

online that have been instrumental in civil protest and resistance.

Policy background

The Right to Information Act (2006) guarantees each Nepali citizen the right to demand and receive information on any matter of public importance, except when sharing that information is considered not in the national interest. Though a new constitution for Nepal is still being prepared, the incumbent constitution guarantees freedom of speech and freedom of expression. Nepal as a state is also a signatory to the Universal Declaration of Human Rights and its Article 19 on the right to freedom of opinion and expression.

The country's first legislation on the internet can be found in the Nepal Information Technology (IT) Act (2000). This law was later revised and named the Electronic Transaction Act (2008), which regulates the degree to which the internet can be exploited in Nepal for business or civil purposes. The Electronic Transaction Act also comes close to being a cyber law in Nepal. Besides upholding the legitimacy of electronic document transactions and economic transactions like online banking and online payment, it contains clauses that regulate the content that can be posted on the web. And, of course, penalties, both in terms of monetary fines or imprisonment in the event of violating the regulations, are included.

However, 2010 was not a good year for internet freedom in Nepal. The authorities persistently clamped down on internet service providers (ISPs) by forming a special central investigation bureau that grilled the ISPs on the misuse of the internet by their clientele. Voice over internet protocol (VoIP) is also not yet legal in Nepal, though public internet centres use it illegally. The authorities argued that due to the illegal use of the internet to make telephone calls, the national telecom authority was losing billions of rupees every year. The authorities were also of the view that the internet and VoIP were being illegally used for criminal activities, making it impossible for them to trace these activities. At the same time, the authorities argued that what it considered anti-social content was being published online.

1 Previously a kingdom, Nepal was declared a republic in late May 2008 by the elected Constituent Assembly. Nepal currently has a presidential system of multiparty democracy.

2 en.rsf.org

3 www.mysansar.com "My Sansar" in English translates as "My Universe".

4 For further information on the royal coup visit: www.crisisgroup.org/en/regions/asia/south-asia/nepal/Bo36-nepal-responding-to-the-royal-coup.aspx

Recently the authorities issued a regulation that one can use the internet or internet telephones in public internet cafés only after registering using an identity document.

Social activism online

Despite these restrictions, online social activism has had some effect in Nepal. In 2011, one of the English dailies in Nepal ran this news headline on 7 May: “Facebook brings hundreds to street.”⁵ The report said: “There were no organisers, nor were there the leaders. But hundreds of citizens assembled at Maitighar Mandala at 3.00 pm today, just less than a hundred yards from the administrative headquarters Singha Durbar to press for the promulgation of the constitution on time.” (sic)

The protests took place just a few weeks before the deadline of 28 May 2011 that had been set for the promulgation of the new constitution. Interestingly, the newspaper reported that banners carried by protestors read, “You have already taken full wages, give us constitution”, but no names of organisations who had called for the protests were seen. The campaign was reportedly called “We Are All Nepalis for Change”. It was discussed by a dozen people at a gathering a week earlier that then turned into a Facebook campaign, ultimately culminating in the street protests.

The protests were followed by several other Facebook activist campaigns, including “Nepal Unites”.⁶ Its Facebook page states: “Nepal Unites is a social movement that began on Facebook where frustrated Nepali youths united to speak up and stand up against the current government demanding a timely constitution, and co-operation from the government.” It goes on further to say that “Nepal Unites is a social media revolution” that shows the “global concern and strength of youth (...) in building a better and prosperous Nepal.” Finally it states, “We are an informal group of concerned Nepali citizens that came together to raise our voice.”

Nepal Unites has organised various social and political campaigns, including in countries like the United Kingdom and others where the Nepali diaspora can be found. A BBC TV journalist reported that Nepal Unites protest marches and campaigns have heralded the start of Facebook activism in Nepal. Another Facebook campaign by Nepal Unites was reported by Yahoo news: “Thousands of young Nepalese have united behind a new Facebook

campaign to stop paying the country’s battling politicians if they cannot produce a new constitution by the May 28 deadline.”⁷

The deadline for promulgating the new constitution in Nepal expired on 28 May, and it has been extended by another three months. Nepal Unites continues to organise campaigns on other issues of public interest and importance, such as corruption and unnecessary foreign travel by politicians.

If one compares what is happening in Nepal as far as Facebook or social media activism is concerned to the impact of social media activism in countries like Egypt, the argument can be made that while Nepal Unites has been likened to a social movement, it has not necessarily had that level of impact. This may largely be due to the number of internet users in the country, and the number of those who use social networking tools.

According to Internet World Stats,⁸ the number of Facebook users in Nepal as of June 2011 was 1,072,999 – just over 3.5% of the total population of about 30 million people in Nepal. Egypt, on the other hand, is one of the top internet countries in Africa. A little over 20 million people – or around 25% of the total population – have access to the internet and use Facebook. This suggests that the impact of social media activism can be realised when the number of internet users in a country is significant.

While this may hypothetically be the case, I recall that when twelve Nepali migrant workers were killed by an Iraqi militant group in 2004 and the video footage of the killings was posted on the internet, the immediate impact of this was felt. There were riots in Kathmandu, with tyres burned, and many of the labour companies that arranged work for migrant Nepalese were attacked, ransacked and burnt. In 2004 the number of internet users or those who could access the video footage of the Nepalese killed in Iraq was definitely less than what it is today. In that case, the videos were downloaded and burnt on CDs, spreading the images like wild fire. The immediate impact of the videos was so intense and emotive to sections of the Nepalese people that they resorted to violence to express their discontent. With persistent rioting, the government had to impose a curfew in Kathmandu and several other cities. They also had to offer to compensate the families of the victims killed in Iraq.

If somebody were to ask me today if Nepal’s “internet generation” is ready to bring about change, my answer would be no. I used to call them the

5 www.thehimalayantimes.com/fullNews.php?headline=Facebook+brings+hundreds+to+streets&NewsID=287061

6 nepalunites.org

7 my.news.yahoo.com/facebook-group-vents-anger-nepals-leaders-025816239.html

8 www.internetworldstats.com/asia.htm

“chat generation” at some point in my quest to understand new media and their impact in our societies and on governance. But nowadays, like others, I call them the “Facebook generation” or rather the “social media generation”. When internet penetration has increased by several fold in Nepal, and the population who are children now are youths, then maybe I would say yes, the “internet generation” is ready to bring about the desired change Nepalese people in general have always aspired to.

The social movements incited by social media activism, or for that matter Facebook activism, have not yet been able to really make a dent in the existing political situation in countries like Nepal. However, it cannot be ruled out. Facebook activism is gaining momentum in Nepal, and it is likely to have a multiplier effect that can catalyse the change and bring about a “Nepal Spring”.

Not yet concluded...

Social media activism has been gaining ground since May this year in Nepal. It has definitely paved the way for building social resistance, mostly amongst the youth, which has organised several social campaigns pushing for the constitution to be promulgated in Nepal, and fighting against corruption, amongst other things.

Nepal Unites does not consider itself a formal organisation, but a group that started spontaneously because of its concern over the issue of the new constitution and with peace in Nepal. For these sorts of spontaneous associations, their independence is important. While their impact can also be felt in the diaspora, the exact extent of this impact is not yet clear.

Perhaps when the volume of social media activism increases and the right critical mass is created there will be a tangible impact on change in Nepal. While a Nepal Spring is yet to take place as a result of social media activism, there is ample room to wait and watch with loads of optimism to keep buoyant our sense of anticipation.

Action steps

The following action steps can be suggested:

- There is a need for more effective awareness on the potential use of social media activism in social resistance and protest.
- Capacity needs to be developed in civil rights activist groups so that they can use social media tools.
- Social media activists should link up with civil rights activist organisations to make their activities more effective.
- According to the data available, more than 35% of the Nepalese population uses mobile phones. These need to be integrated into activist campaigns using new media. ■

In the year of the Arab uprisings **GLOBAL INFORMATION SOCIETY WATCH 2011** investigates how governments and internet and mobile phone companies are trying to restrict freedom online – and how citizens are responding to this using the very same technologies.

Everyone is familiar with the stories of Egypt and Tunisia. **GISWATCH** authors tell these and other lesser-known stories from more than 60 countries. Stories about:

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GISWATCH also includes thematic reports and an introduction from Frank La Rue, UN special rapporteur.

GISWATCH 2011 is the fifth in a series of yearly reports that critically cover the state of the information society from the perspectives of civil society organisations across the world.

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