

## **Kenya and the Global South at WSIS+20: Fixing Digital Governance Failures**

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The World Summit on the Information Society (WSIS) marked a turning point in global digital cooperation. It gave the world a framework for thinking about access, rights, and governance. Twenty years later, the review process known as WSIS+20 comes at a decisive moment. Kenya and other states in the Global South face pressure from fast technological change, new forms of inequality, and growing power imbalances between states and corporations.

WSIS+20 is not just a stock-taking exercise. It is a chance to shape the next twenty years of digital governance. Yet we must first face the failures of past UN processes. The Global Digital Compact (GDC), the earlier WSIS tracks, and related initiatives suffered from three major flaws. These were lack of genuine participation, weak financing and accountability, and inadequate rights protection. Each flaw undermined trust and limited impact. Each flaw can, with political will and legal reform, be turned into a strength.

### **Flaw One: Exclusion and Weak Participation**

The first flaw in past WSIS and GDC processes was exclusion. Participation was often symbolic. Consultations were short, rushed, and dominated by well-resourced actors. Civil society from Africa, small states, and grassroots groups could not engage on equal terms. Translation, funding for travel, and accreditation were weak or absent. Many voices were heard only on the margins.

The GDC process in particular showed how opaque design can undermine legitimacy. Draft texts appeared with little warning. Input mechanisms were confusing. Governments of the Global South were left reacting rather than shaping. Civil society actors noted that consultations were more about optics than genuine negotiation.

This exclusion weakened the outcomes. Documents lacked depth on issues that matter most to developing countries: affordable access, public financing, and data sovereignty. The imbalance also increased mistrust between North and South.

### **Fix One: Legally Guaranteed Multistakeholder Inclusion**

To turn exclusion into strength, WSIS+20 must adopt binding rules of participation. Participation should be written into the legal framework of the process, not left to goodwill. That means:

- Secure funding for Global South stakeholders to attend and engage.

- Mandatory translation into UN languages and key regional languages such as Swahili.
- Transparent accreditation rules with clear timelines.
- A legal requirement that all inputs be published and acknowledged in final drafts.

The Internet Governance Forum (IGF) can serve as a model. It has a culture of openness, but it lacks teeth. WSIS+20 should go further by giving the IGF a formal mandate, secure funding, and the authority to feed directly into UN resolutions. If inclusion is made binding, not optional, participation becomes a strength. It builds legitimacy and ensures outcomes reflect real global needs.

### **Flaw Two: Weak Financing and No Accountability**

The second flaw has been the absence of predictable funding. WSIS declarations were full of promises about bridging the digital divide, but there was no binding financing mechanism. The GDC repeated this gap. It stressed the importance of digital cooperation but failed to show where money would come from, how it would be managed, and how progress would be measured.

For Kenya and many African states, this is not a minor issue. Access gaps remain stark. Only a third of citizens in the least developed countries are online. Women and rural communities are left behind. Without clear financing, digital rights become empty promises.

The lack of accountability made it worse. Past UN processes had no enforcement. Reports were written, but no state faced consequences for failure to meet targets. This created a cycle of weak delivery and declining trust.

### **Fix Two: Binding Financing Rules with Oversight**

To correct this flaw, WSIS+20 must establish enforceable financing mechanisms. Options include:

- A digital development tax on global tech companies, tied to their revenues in developing markets.
- Mandatory contributions from states based on capacity, similar to UN budget rules.
- Earmarked funding streams for rural connectivity, women's access programs, and digital literacy.

All financing must be transparent. A global fund under UN oversight, with regular independent audits, would prevent misuse. Civil society and parliaments should have

access to reports. A compliance mechanism, even if soft at first, would build accountability.

This turns a weakness into a strength. Financing becomes predictable. Digital development is no longer charity but a legal obligation. Accountability ensures that commitments matter.

### **Flaw Three: Inadequate Rights Protection**

The third flaw was the weak treatment of human rights. WSIS and the GDC both affirmed rights in broad language, but they left loopholes. Governments could cite “public morals” or “abuse of ICTs” to justify censorship. Surveillance powers grew without proportional safeguards. Data protection was uneven and often missing.

This failure had real costs. Activists were jailed for online speech. Journalists were silenced. Citizens lost trust in digital systems that exposed their personal data. In many states, the digital sphere became a site of repression rather than freedom.

#### **Fix Three: Binding Rights Standards with Oversight**

WSIS+20 must reject vague language. Rights must be written in clear, enforceable terms. Specific steps include:

- Explicit protection of freedom of expression online, tied to international law.
- Ban on vague terms such as “abuse of ICTs” that allow arbitrary censorship.
- Clear rules that any surveillance must be lawful, necessary, and proportionate.
- Independent oversight bodies with power to review digital surveillance.
- Strong global minimum standards for data protection, including restrictions on cross-border data exploitation.

Kenya can lead here by pointing to its 2010 Constitution, which anchors rights and limits state power. If WSIS+20 embeds strong rights protections, digital spaces can become zones of trust. This turns a past weakness into a foundation for justice.

### **Kenya’s Core Priorities at WSIS+20**

From these lessons, Kenya should focus on six legal priorities.

First, insist on full and fair participation. Demand funding for Global South actors, clear accreditation, and a legal mandate for the IGF.

Second, guarantee internet access in law and practice. Target rural areas and women. Push for binding financing rules through digital development taxes and public funds.

Third, secure digital sovereignty. Keep core systems in public hands. Protect citizen data from foreign and private misuse.

Fourth, integrate African regional frameworks. Declarations from Dar-es-Salaam and Cotonou must shape WSIS+20 outcomes.

Fifth, defend human rights. Block vague censorship language. Demand surveillance oversight. Safeguard expression and due process.

Sixth, reform intellectual property rules. Protect traditional knowledge and cultural heritage. Support indigenous and community data rights.

### **The End Result if WSIS+20 Objectives Are Met**

If WSIS+20 adopts these reforms, the result will be transformative.

All voices will be included, not just the powerful. Decisions will reflect the lived reality of the Global South. The IGF will be a strong, permanent body with a legal mandate.

Digital access will be recognized as a right. Financing will be predictable. Rural schools, women entrepreneurs, and small businesses will come online with real support.

Data will be governed by strong sovereignty laws. Citizens will know their information is safe and not exploited. Digital systems like ID and health records will serve the public, not private profit.

Human rights will be anchored in clear legal standards. Censorship loopholes will close. Surveillance will be subject to checks. Citizens will speak and create freely online.

Cultural rights will gain new protection. Traditional knowledge will be respected in global IP law. Indigenous communities will control their data.

For Kenya, this means a trusted digital environment. Innovation can thrive, linked to strong rights and local control. Growth will be inclusive. Citizens will trust digital systems.

For the world, it means a balanced digital order. WSIS+20 will not repeat the weaknesses of past processes. Instead it will deliver binding rules that serve justice, equity, and human dignity.

### **Conclusion**

WSIS+20 is the last major global review before the digital world becomes fully embedded in every aspect of life. It is a chance to learn from failure and to act.

The past UN processes fell short because they excluded voices, failed to fund commitments, and left rights protections weak. Kenya and the Global South must ensure these are not repeated. The fixes are clear: binding rules for participation, financing, and rights.

If these steps are taken, WSIS+20 can be remembered not as another exercise in rhetoric, but as the moment the world placed digital governance on a firm foundation. A foundation where inclusion is real, financing is reliable, and rights are non-negotiable. That is the path toward digital justice. That is what Kenya should fight for.

<https://www.kictanet.or.ke/kenya-and-the-global-south-at-wsis20-fixing-digital-governance-failures/>