

# Assessing IRI's Contribution to the Development of ICT Law in Africa<sup>1</sup>

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<sup>1</sup> This article is dedicated to Professor Peter Seipel (the first director of IRI) in recognition of his great contribution to internationalization of ICT Law.

## Abstract

In this paper the author examines the role of the Swedish Law and Informatics Research Institute (IRI) in the development of ICT Law in Africa. The paper was set to explore and document some evidences that arguably show IRI's contribution to the jurisprudence of ICT Law in Africa. The study was purely desk review in which various legal scholarly works of relevance to the topic were reviewed and findings drawn. The findings indicate that IRI's Master in Law and IT programme attracted many students from Africa. During or shortly after completion of their studies these alumni went back to home countries. These countries made significant reform to the laws by enacting ICT related legislation (Data Protection Act, Cybercrimes Act and Electronic Transactions Act to mention just a few). Moreover, some Universities in Africa for the first time they included ICT Law course in their LL.B curriculum. ICT law research institutes and legal information institutes have also emerged. Given the steady growth of Internet penetration and the pace of development of mobile applications in Africa, cybercrimes have also increased. Therefore, the ICT Law knowledge that IRI has exported to Africa will increasingly be appreciated as it empower people in Africa with knowledge of ICT Law.

## 1 Introduction

The adoption of ICT particularly the Internet in Africa has for a long time been lagging behind. This is due to the lack of fixed telecommunication networks. However, the situation has recently been changing thanks to mobile telecommunication which has led to amazing innovations such as mobile payment systems in particular M-PESA.<sup>2</sup> That innovations has enabled development of mobile health applications and access to financial services to the Africans located not only in urban but even in remote rural areas. Despite the innovation brought by the mobile telecommunication, knowledge of ICT Law was lacking. That is probably why most of ICT related laws in Africa were delayed to be enacted.<sup>3</sup>

Luckily, some students from Africa went abroad including Sweden to study ICT Law. This paper examines the contribution of the Swedish Law and Informatics Research Institute (IRI) to the development of ICT Law in Africa. It

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2 Hughes, N., and Lonie, S., *M-PESA: Mobile Money for the "Un-banked", Turning Cellphones into 24-Hour Tellers* in Kenya Innovations, 2:1/2(Winter & Spring), 2007, pp.63-81; InterMedia, (2013a), *Mobile Money in Tanzania, Use, Barriers, and Opportunities*. Retrieved on 28th March 2018, from "[www.intermedia.org/wp-content/uploads/FITS\\_Tanzania\\_FullReport\\_final.pdf](http://www.intermedia.org/wp-content/uploads/FITS_Tanzania_FullReport_final.pdf)"; InterMedia, (2013n), *Mobile Money: A Path to Financial Inclusion-Findings from the Tanzania, Mobile Money Tracker Study*. Retrieved on 26th March 2018, from, [www.intermedia.org/wp-content/uploads/YearEndReport-Tanzania-Mobile-Money.pdf](http://www.intermedia.org/wp-content/uploads/YearEndReport-Tanzania-Mobile-Money.pdf). International Finance Corporation (IFC), 2012, *M-Money Channel of Distribution Case-Tanzania: Vodacom Tanzania M-PESA*. Retrieved on 26th March 2018 from "[www1.ifc.org/wps/wcm/connect/3aa8588049586050a27ab719583b6d16/Tool%2B6.8.%2BCase%2BStudy%2B-%2BM-PESA%252C%2BTanzania.pdf?MOD=AJPERES](http://www1.ifc.org/wps/wcm/connect/3aa8588049586050a27ab719583b6d16/Tool%2B6.8.%2BCase%2BStudy%2B-%2BM-PESA%252C%2BTanzania.pdf?MOD=AJPERES)".

3 See for example Cybercrimes Act in Tanzania enacted in 2015.

argues that the group of students who studies ICT Law at IRI have and yet are contributing to development of ICT Law in Africa. However, it is important to start by stating albeit briefly the history of IRI.

The section below presents the history of IRI. The next section looks at IRI's contribution to the development of ICT Law in Africa. This section is subdivided into other parts Law reform: enactment of ICT related legislation, establishment of ICT Law research institutes and legal information institutes, launching of ICT Law courses and programmes, development of institutional collaboration and legal scholarship, and thereafter concluding remarks are drawn.

### **1.1 IRI's History – 1968 from ADBJ to IRI : 50 Years of Transformation**

The history of the Swedish Law and Informatics Research Institute, *Institutet för rättsinformatik* (IRI) at Stockholm University, Sweden traces back to 1968 when the Working Party for Electronic Data Processing and Law was found. The focus of the Working Party was on legal informatics and legal aspects of computing. In 1981 the Working Party was reorganized and two institutions were established the Swedish Law and Informatics Research Institute and *Automatisk databehandling och Juridik* (ADBJ) the Swedish Association for Law and ICT.<sup>4</sup>

IRI's focus area is the interaction between Law and ICT. Historically the focus was on legal issues of ICT i.e. legal aspects of computing but also development of technical or technological solutions in the legal profession famously known as legal informatics.

Research projects undertaken at IRI revolve around ICT and Law which is also one of research agenda at Stockholm University. Moreover, since 1999 IRI offers International Masters Degree Programme in Law and Information Technology. This educational programme has been successful in internationalising IRI. This paper therefore examines IRI contribution to the development of ICT Law in Africa. The following section describes IRI contribution to making ICT law research agenda. This though does not mean that other Universities did not play a role in such initiative. Furthermore, there were other factors that perhaps contributed to making ICT Law research agenda, for example, the fact that Sweden already had data protection law since 1973 may have been vital factor. The Swedish Personal Data Act of 1973 is probably one of the most exported ICT related legislation. Now many countries in the World have data protection legislations.<sup>5</sup>

The background of the Swedish Data Protection Act is somewhat connected with the then emerging Electronic Data Processing (EDP) brought concerns over

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4 For details on ADBJ see "siju.se/" the focus of the association is on IT and Law; see also "irilaw.org/".

5 See Bygrave, L.A., *Privacy Protection in a Global Context*; In Wahlgren, P., (ed), IT Law, Stockholm: Stockholm Institute for Scandinavian Law, Scandinavia Studies in Law, Vol. 47, p.319-348 (for global survey of data protection laws); see Makulilo, A., (ed.), *African Data Privacy Laws*, Springer, 2016 (for discussion on data protection laws in Africa).

people's privacy. Moreover, the EDP led to manual works such as computation of tax and social security benefits to be done by computers.<sup>6</sup> This increased accuracy and reduced human errors but computers increased risk of employees losing their jobs as some of task were computerised.

Studies on legal issues relating to data protection have been one of traditional research areas for IRI. Along that it is important to mention other ground breaking works of IRI researchers namely: Computing Law, Automated Legal Reasoning and Automated Decision Making in Public Administration. These works have been cited by hundreds of scholars globally. These all have in one way or other have contributed to making ICT Law a research agenda.

## **1.2 IRI 's Contribution to Making ICT Law as Research Agenda**

For an academic institution the maturity of a discipline is not just having the methodology and a group of people prophesying a particular discipline rather the institution and the discipline ought to be seen as contributing something tangible to the community.<sup>7</sup> Here some examples will be drawn to show IRI's contribution to the understanding of some legal issues brought by transformation and use of ICT, as well as how IRI pioneered the development of the discipline which today is known as ICT Law.

IRI members have contributed through research projects that solved various legal problems in Sweden, EU and International community.<sup>8</sup> IRI played a significant role in finding answers to some legal related questions that perplexed legal systems emanating from the development and use of ICT ranging from privacy and data protection, automation of law (legal issues relating to use of ICT in public administration), use of technology to address cybercrimes and a crucial question right from 1970s on defining the place of computing law in the big picture of law as a discipline.

As for the research conducted and their outputs: Few ground breaking works will be mentioned here e.g. Peter Seipel – *Computing Law*, Cecilia Magnusson Sjöberg – *Legal issue relating to computerization of public administration*, and Peter Wahlgren – *Automation of Legal Reasoning*. These by no means are the only research projects conducted; there are other works that have been done and are ongoing.<sup>9</sup>

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6 Seipel, P., (ed.), *From Data Protection to Knowledge Machines*, Tano, Norstedts, 1990; Wahlgren, P., *The Quest for Law: Law Libraries and Legal Information Management of the Future*. Stockholm: Jure AB, 1999.

7 Kuhn, T., *The Structure of Scientific Revolutions*, University of Chicago Press, 1962; see the ADBJ role; in 1980s Professor Peter Seipel participated in working group of EC to discuss a need to teach computers and law in European Universities. See Council of Europe, *Recommendation R (80)3 Teaching, Researching and Training in the Field of Computers and Law*.

8 Peter Seipel (worked in various EU expert groups); Cecilia Magnusson Sjöberg have been involved in LISA, EU Data Protection projects; Peter Wahlgren have been involved in in several EU projects such as Bridge, etc.

9 Ubena John (legislative and regulatory techniques), Maeve Dion (international cyber security preparedness, response, and accountability), Jonas Ekfeldt (ICT evidence), Liane Colonna

At this point, a special mention ought to be made on the Computing Law – A perspective towards new discipline.<sup>10</sup> This work by Peter Seipel deserves a special mention. There are several reasons as to why the author does this. Foremost the work was written in 1977. This was the time the World Wide Web was not yet to be invented. The Internet was only for the few Universities and the Military department especially in the USA. Moreover, most of what was projected by the author of that particular works in the 1970s is increasingly becoming a reality now. The commission of crimes via computers and privacy violation via the computers have become the order of the day in the contemporary world.

Following IRI's significant contribution to ICT Law, Stockholm University made ICT Law one of its research agenda. In any University to make a particular research area University's research agenda takes many considerations. In other countries research agenda is not simply a matter of research institutions interest or mission and vision but it has to take into consideration country's vision as well as global perspective such as millennium sustainable development goals.<sup>11</sup>

IRI's growth into fame was not simply because ICT Law is research agenda at Stockholm University rather there were other practices that accelerated internationalization of IRI. One of such practices was the Nordic Conference on ICT Law, conducted annually in one of Nordic cities.

### **1.3 From Regionalisation to Internationalization**

Examining IRI development from regional to international institute, one has to make reference to Nordic Conference on legal informatics, IRI's master in Law and IT programme and PhD research projects. ICT Law being a specialised area of law has taken time to grow and to be recognized. There were times people thought it is just a legal sub field which may eventually wither.<sup>12</sup> In the Nordic

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(Legal implications of data mining), and Stanley, Greenstein (Our Humanity Exposed – Predictive Modelling in a Legal Context); Mårten Edenroth (Information verification) and others. For details see "[irilaw.org/about/organisation/](http://irilaw.org/about/organisation/)", visited on 28th March 2018.

10 Seipel, P., *Computing Law-Perspective on a New Legal Discipline*, Stockholm: LiberFörlag, 1977.

11 In Tanzania for example ICT Law is yet to be a research agenda in the Universities. However, the National ICT Policy of 2016 clearly stipulated that ICT Law should be taught in the Universities in Tanzania to raise people's awareness of the same.

12 Greenbaum, E., *Is the media the message, A discussion of Susskind's Future of Law*, International Journal of Legal Profession, Vol. 6, Issue No.2, of 1999, at p.197 (criticising emphasis of ICT Law on media); Guadamuz, A., *Attack of Killer Acronym: The Future of IT Law*, International Review of Law, Computers & Technology, Vol. 18, Issue No. 3, of 2004, pp. 411-424 (criticising the increasing acronyms in ICT Law and lack of legal theory contribution); Viveca Bergstedt Sten, *The IT-practitioner's World*, in Seipel, P., *Law and Information Technology- Swedish Views*, IT Law Observatory, SOU 2002:112 at pp. 67-73 (wondering whether there is any legal field worth calling IT Law); for responses to these critics have been given by Seipel, P., and Ubena John. See Seipel, P., *ICT Law-A Kaleidoscope View*, Sc. St. L. V. 56, 2010, pp. 33-58; Ubena John, 2017, *Is ICT Law – A*

region ICT law in the name of legal informatics has deep roots since 1960s. Its tradition started with the Nordic Conference on Legal Informatics a yearly event which up to now has been conducted 32 times. Arithmetically, it means these conferences have been organized from 1984 to date.

Perhaps for historical and linguistic reasons the Nordic legal scholars have a tradition of meeting and conducting academic symposia. Therefore, in the field of legal informatics the University legal scholars from Denmark, Sweden, Norway and Finland have been meeting annually to discuss the development of ICT Law as a discipline. While this was being done in the Nordic, at the European level similar developments were emerging in Germany, France, Italy, UK, etc. In the Nordic region there are three ICT Law scholars that admittedly the author was privileged to be taught by and meeting them in the Nordic ICT Law annual conferences. These are Professor Peter Seipel (IRI, Stockholm University), the late Professor Jon Bing (NRCCL- Oslo University), and Professor Peter Blume (Denmark). These professors have enormously contributed to the development of ICT Law not only in Europe but also globally. One cannot research on ICT Law without coming across with their instructive publications.

As stated earlier on the Nordic Annual Conference on ICT Law has contributed to generating new ideas and new research areas. The emerging legal problems in ICT Law have always been the subject of these annual conferences e.g. in 2012 the theme was Digitalisation and Internationalisation of law.

Interestingly, the Nordic Annual Conferences on ICT Law could be regarded as breeding ground for new research agenda. However, what is to be noted in the practice of holding these conferences in regional context does not mean that participation is restricted to only those from Nordic countries. There are times participants have come from as far as Australia and the USA. Therefore, important from this Nordic practice is that the regionalisation is now becoming internationalisation as more international legal scholars are attending. It is unclear though if the name will change to global conference on ICT Law. Such practice is not rare though not in ICT Law area for example the International Association for Philosophy of Law and Social Philosophy (IVR) World Congress on social and philosophy of law normally conducted at a selected University, and in 2011 it was held at Frankfurt University in Germany.<sup>13</sup>

Despite lack of global ICT Law conference, Nordic Universities in particular IRI at Stockholm University have a tradition of exporting ICT Law to other countries in the world. Introduction of Master in Law and IT in 1999 was one way through which knowledge of ICT Law was indirectly exported worldwide. As presented below among the beneficiaries of IRI's Master in Law and IT programme are some of countries in Africa.

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*discipline without jurisprudence?* Institute of Judicial Administration Law Journal Lushoto, Vol.1, Issue No. 1, November, 2017, pp. 6-22.

13 Frankfurt AM, IVR Congress on Social and Philosophy of Law.

#### **1.4 Enrolment of Students from Africa into Master in Law and IT**

Before the introduction of tuition fee in 2011, IRI's master in Law and IT attracted many brilliant students from all over the world Africa being no exception. For Africa IRI will always be appreciated as about fifteen students from seven African countries successfully pursued master in law and IT at Stockholm University.<sup>14</sup> Along this, one candidate for Doctor of Laws in ICT Law from Tanzania successfully completed his doctoral project in 2015. What is remarkable is that most of IRI alumni in Africa are in academic institutions. For that matter they are continuing to be good ambassadors of IRI's academic heritage. They continue to teach ICT Law in their respective countries as well as publishing various legal scholarly works. Some of IRI's alumni have introduced ICT Law courses in their home Universities. The section below presents some of areas that IRI's contribution in Africa is depicted.

## **2 IRI's Contribution to Development of ICT Law in Africa**

### **2.1 Law Reform in Africa: Enactment of ICT Related Legislations**

The strong wind of law reform in Africa to embrace ICT related legislation came at the time when many IRI alumni in Africa returned to their home countries between the year 2004 and 2011. Coincidentally in 2011 tuition fee for higher learning education was introduced in Sweden and consequently the number of students from Africa in IRI's master in Law and IT programme also declined. Significantly, the introduction of tuition fee came at the time when already several students from Africa have completed or are about to complete their Master degree in Law and IT studies. For that matter tuition fee did not affect the students who were already pursuing their studies. These students completed their studies and acquired knowledge and skills required by their countries in Africa. The knowledge of ICT Law particularly how legal rules intersect with tools was necessary to understanding how the process of law reform such as enactment of new ICT related legislations could be done.<sup>15</sup> This is crucial as these laws have to take into consideration regional context into which they will be implemented.

The law reform that led to enactment of various ICT related legislation in Africa may be the evidence of contribution made by IRI's alumni and hence IRI may be given credit for such contribution. However, that does not mean that African countries that do not have IRI alumni do not have ICT related laws. Countries such as Kenya do not have IRI alumni but still there is ICT related legislation in Kenya (e.g. Electronic Communications Act of 2008).

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14 The rough statistics for IRI alumni from Africa for Master in Law and IT stand as follows Egypt - 2, Namibia - 1, South Africa - 4, Tanzania - 4, Zambia -1, Zimbabwe -1, and Uganda -3.

15 See Seipel, P., *IT Law in the Framework of Legal Informatics*, Sc. St. L. V.47, 2004, pp. 31-47. (discussing inter alia that the focus of ICT Law is the intersection of legal rules and tools).

Nevertheless, the attempt in the section below is to present examples of ICT related legislation(s) in various African countries. At least from examples cited herein, it is evident that where there are IRI alumni there are ICT related laws.

ICT related legislation referred to in this section includes Cybercrimes legislation, Privacy and Data Protection Legislation, Electronic Signature Act, Electronic Transaction or E-Commerce Act, and Freedom of Information Act.<sup>16</sup> To start with Egypt, this is one of the countries in Africa where IRI alumni are found. Egypt does not have specific legislation bearing similar name to the examples cited herein above. However, ICT Law awareness is high in Egypt especially after the wake of the so called the Arab Spring which was said to have been spearheaded by the Internet activists. To address cybercrimes and protect people's privacy online the Egyptian government have proposals for ICT related laws. These are the Protection of Personal Information Law (draft law 2017) and the Cybercrimes Act Bill 2017 (the latter is yet to be approved by the Cabinet).

Namibia is another African country in which IRI alumnae is found. The Namibian government has not enacted ICT related legislation. Despite that Namibia in accordance with Southern Africa Development Community (SADC) has committed itself to enact the law that will address cybercrimes and also enact Electronic Transactions law that will be in line with other SADC countries that have enacted cyber related legislation.<sup>17</sup> Namibia will benefit from the SADC Model law on Cybercrimes. Despite the observed delay in enacting ICT related laws, Namibia already have Electronic Transaction and Cybercrimes Act (Bill 2018), which may shortly be enacted into law.

Regarding South Africa, there are not less than two IRI alumni from South Africa. In terms of ICT infrastructure South Africa is quite advanced compared to other African countries. As for ICT related laws, the South African government have already enacted several ICT legislation(s). These are namely: Electronic Communications and Transactions Act of 2002; Regulation of Interception of Communications and Provision of Communication – Related Information Act 2002.<sup>18</sup> As that is not enough the South African government have prepared the Cybercrimes and Cyber security Act (Bill 2017) though not yet enacted into law.

As for Tanzania on the other hand, there are not less four IRI alumni. Tanzania is one of the leading countries in mobile money payments known as M-PESA. Internet penetration has also reached 22 million users out of total population of about 55 million people. The country has been racing to address cybercrimes which is at the rise.<sup>19</sup> One of the efforts to curb cybercrimes was to

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16 See Makulilo, A., (ed.), *African Data Privacy Laws*, Springer, 2016 (surveying data protection laws in Africa).

17 See *SADC Model law on Computer Crime and Cybercrimes* available at “[www.itu.int/en/ITUUD/Cybersecurity/Documents/SADC%20Model%20Law%20Cybercrime.pdf](http://www.itu.int/en/ITUUD/Cybersecurity/Documents/SADC%20Model%20Law%20Cybercrime.pdf)” visited on 30th March 2018.

18 Thornton, L., *Telecommunications Law in South Africa*, IRDC, 2016.

19 Serianu, *Tanzania Cyber security Report of 2016*, available at “[www.serianu.com/downloads/TanzaniaCyberSecurityReport2016.pdf](http://www.serianu.com/downloads/TanzaniaCyberSecurityReport2016.pdf)” visited on 25th February 2016.



enact the Cybercrimes Act in 2015.<sup>20</sup> Apart from enacting the cybercrimes Act the government enacted Electronic and Postal Communications Act (EPOCA), 2010, which among other things it provides for mandatory registration of SIM cards. The use of unregistered SIM card is an offence.<sup>21</sup> In the year 2015 the Electronic Transactions Act was enacted. This Act provides for legal recognition of electronic contracts, electronic signatures, and admissibility and authenticity of electronic evidence in civil proceedings.<sup>22</sup> Tanzania however does not have privacy and data protection legislation. Nevertheless, there is a Bill which may in the near future be enacted into law.<sup>23</sup>

In Zambia there is at least one IRI alumnae. Zambia already has Electronic Communications and Transactions Act of 2009 and the Information and Communication Technologies Act of 2009. There are also several ICT related Bills, i.e. the Cybercrimes Act (Bill 2017); Cyber security Act (Bill 2017); Data Protection (Bill 2017) and e-Transmissions and e-Commerce Act (Bill 2017). Zimbabwe is another country where an IRI alumnae is found. Zimbabwe does not yet have ICT related law. However, there is Cybercrime and Cyber security Act (Bill 2017). It is hoped that these Bills will be fast tracked into laws as part of fulfilling the countries obligations to harmonize their laws with the SADC model laws.

Last but not least is Uganda, which has about three IRI alumni. Uganda has made progress in enacting cyber related laws. They have Computer Misuse Act of 2011 and E-Signature Act 2011. Uganda though does not have privacy and data protection law. Nevertheless, the Data Protection Act (Bill of 2016) was published, but not yet enacted into law.<sup>24</sup> This seems to be a problem common to East African Countries. As shown earlier on Tanzania too does not have data protection legislation. However, this state of affairs does not mean that privacy is not recognized as a fundamental right.<sup>25</sup>

It is important to note that IRI's alumni have been in one or another been involved in the aforesaid law reforms. The governments in Africa have been using these experts to prepare the draft Bills or solicit their opinions with regards to the proposals for ICT related laws. The IRI alumni especially those in

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20 Cybercrimes decreased after enactment of the Cybercrimes Act. *See* the report.

21 In 2017, Tanzania Communications Regulatory Authority fined six telecom operators eleven billion Tanzania shillings for allowing their customers to use unregistered SIM cards. *See* Elizabeth Edward, *Six Telcos fined record shs 11bn over SIM card registration*, “[www.thecitizen.co.tz/News/Six-telcos-fined-record-Sh11bn-over-sim-card-registration/1840340-4015406-vt3bic/index.html](http://www.thecitizen.co.tz/News/Six-telcos-fined-record-Sh11bn-over-sim-card-registration/1840340-4015406-vt3bic/index.html)” visited on 28th March 2018.

22 Sections 5, 6, 18, 21 and 46 of Electronic Transactions Act of 2015.

23 Wangwe, S., *Status of Cyber initiatives in the country*, presentation made before the 1st National Cyber Security Forum, at the BOT Conference Hall in Dar es salaam, Tanzania, on 22nd February 2018. The lack of Privacy and Protection Act in Tanzania has been criticized by several scholars, *see* Ubena John, 2012, *supra*; Makulilo, 2016, *supra*.

24 Uganda, Data Protection Bill of 2016, “[parliamentwatch.ug/bills/data-protection-and-privacy-bill-2016/#.Wr3vrohubIU](http://parliamentwatch.ug/bills/data-protection-and-privacy-bill-2016/#.Wr3vrohubIU)” visited on 29th March 2018.

25 *See* article 16 of United Republic of Tanzania constitution of 1977 (providing for the right to privacy).

academia have published various legal scholarly works commenting on the need for ICT related laws e.g. in 2009 the author published an article on electronic communication law and in 2010 the government of Tanzania enacted the Electronic and Postal Communications Act.<sup>26</sup> It is also hoped that the void on data protection law will soon be filled as the Bill is ready.<sup>27</sup> Moreover, the scholars have been vocal on such void which has left people's privacy at stake.<sup>28</sup> The contribution of legal scholars is also observed in the establishment of ICT law related research and legal information institutes.

## **2.2 Research: Establishment of ICT Law Research Institutes and Legal Information Institutes**

IRI's influence through its alumni has led to the establishment of research and legal information institutes in Africa. The two institutes that come to the fore are the African Law and Technology Institute (AFRILTI) launched in 2017. IRI alumni in South Africa have contributed to the development of Southern Africa Legal Information Institute (SAFLII). In 2010 the said IRI alumni co-founded African Legal Information Institute (AFRICANLII).<sup>29</sup> Of importance to note is that one of the founding members of AFRILTI is IRI alumni and associate. The AFRILTI conducts research, consultancy and training on ICT Law related areas.<sup>30</sup> It conducts monthly seminars on current topics on ICT Law such as legal issues of electronic evidence, privacy and data protection, cybercrimes and regulation of electronic and mobile payment systems. AFRILTI has also submitted commentaries on ICT related legislation including the proposed Bills to particular government agencies such as Law Reform Commission of Tanzania.

Similar to AFRILTI, one of the founders of AFRICANLII is IRI alumnae. AFRICANLII and SAFLII are concerned with technical solution to legal field. Both of them are web based databases with legal information institutes providing free access to legal sources including legislation and case law in Africa. The objective of SAFLII and AFRICANLII is to address the problem of lack of

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26 Ubena John, *Why Tanzania Needs Electronic Communication Legislation*, the Law Reformer Journal, the Journal of the Law Reform Commission of Tanzania, Vol.2 No. 1, 2009, pp.17-26; Ubena John, 2017, supra note 12 (discussing inter alia the role of ICT Law in understanding and applying electronic evidence in the courts of law in Tanzania).

27 See Wangwe, S. 2018, supra note 23 (stating inter alia that the data protection Bill will be enacted into law).

28 Ubena John, *Privacy - a forgotten right in Tanzania*, Tanzania Lawyer, 1/2JTLS, 2012, pp.72-114; Makulilo (ed), *African Data Privacy Laws*, Springer, 2016.

29 Mariya-Badeva Bright is a co-founder of African Legal Information Institute (AFRICANLII) "[www.africanlii.org/about-us/mariya-badeva-bright](http://www.africanlii.org/about-us/mariya-badeva-bright)" visited on 29th March 2018.

30 AFRILTI website is "[www.afrilti.org/](http://www.afrilti.org/)".

access to legislation and case laws in Africa. SAFLII and AFRICANLII assemble various statutory laws (legislations) and case laws in Africa.<sup>31</sup>

It is interesting to note how IRI has nurtured the big ideas of its alumni in providing solutions to legal problems in Africa. It is pertinent to remember that solution to problems facing Africa could be developed by scholars who understand Africa's context. It must also be stated at this juncture that there used to be Virtual Law Firm Website indicating locations of IRI alumni. This platform was one of its own kind and it helped the alumni to maintain contact. It was further possible for alumni to know where others are located. It is unclear whether privacy and data protection laws or migration to other platforms have led to the demise of Virtual Law Firm. At the moment virtual law firm could have become a social network on which IRI alumni could maintain contact among themselves as one big family. Besides IRI alumni establishing research and legal information institutes, they also played a role in launching ICT Law programmes and courses in their respective countries.

### **2.3 *Launching of ICT Law Courses and ICT Law Programmes***

IRI's contribution to Africa has taken many forms one of them is through education in which its alumni (especially those who are academicians) went back to their home Universities in Africa and launched ICT Law related courses. For example in 2008 at Mzumbe University IRI alumnae developed ICT Law course for Bachelor of Laws (LL.B) at Mzumbe University – since 2008. In addition to that another course Commercial Law for Bachelor of Science in ICT and Management which is more of ICT Law for ICT professionals is also offered at Mzumbe University. Along that there is a proposal to launch E-Government Law course for Public Administration and Management Programmes as well as launching of E-Commerce Law for programmes undertaking business studies at Mzumbe University. It should be noted that Mzumbe University is the first and the only University in Tanzania to offer ICT Law to LL.B programme.

The contributions do not end up there. There is also LL.M in IT and Telecommunication Law at the Open University of Tanzania. It is vital to note that the programme was somewhat efforts of Professor Alex Makulilo the alumna of Norwegian Centre for Computers and Law (NCCRL) at Oslo University. Currently, the programme is being reviewed by a team that includes the author of this paper, one IRI's alumna. This will undoubtedly be IRI's another remarkable contribution.

Apart from launching academic programmes, there is also professional development programmes: AFRILTI is running monthly seminar series on ICT Law topic areas such as Data Protection, Cybercrimes, Electronic Transactions, Payment Systems Regulation, Online Defamation, etc., since 2017, IRI Alumnae have in collaboration with the Bar Association of Tanzania Mainland conducting Continuing Legal Education Seminar series on Legal Issues surrounding tendering of electronic evidence before the courts of Law in Tanzania. The

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31 SAFLII website is [www.saflii.org/](http://www.saflii.org/); see also AFRICANLII website at "[www.africanlii.org](http://www.africanlii.org/)".

seminar series on the topic areas have been running since 2016. In addition to professional development programmes,

#### ***2.4 Development of Institutional Collaboration and Legal Scholarship***

In 2012, Stockholm University, Sweden entered into institutional collaboration with Mzumbe University, Tanzania which ended in 2017. The background of this collaboration was among other things the IRI researcher who came from Tanzania, who initiated the collaboration. In addition there was ICT Law seminar conducted in Tanzania in 2011. In that seminar delegates from IRI, Stockholm University participated and presented papers.

Although the institutional collaboration between Stockholm University and Mzumbe University did not manage to develop new projects, it managed to provide some literatures that are relevant to ICT law. Under this arrangement some literatures have been donated to Mzumbe University. Moreover, in the year 2012, one lecturer from Mzumbe University was invited to IRI, Stockholm University as guest lecturer. He had privilege to attend and present paper in the Nordic ICT Law conference. As Mzumbe University is continuing to offer ICT Law course to its LL.B students it is hoped that the collaboration might be revived in the future. This is also fuelled by the fact that ICT Law training is now a national agenda stated in the Tanzania National ICT Policy of 2016.

### **3 Concluding Remarks and Way Forward**

While IRI's 50<sup>th</sup> anniversary is being celebrated there is a need to reflect on its future. Undoubtedly, IRI has made a remarkable contribution in the internationalisation of legal informatics and ICT Law. It is suggested that more could be done by continuing to provide scholarship and tuition fee waiver to the exceptionally talented students from least developed countries. Moreover, the LL.M in Law and IT should be revived as its contribution is significant. The programme also represented IRI's internationalisation. IRI could also be organising international conferences on ICT Law inviting its alumni and ask them to contribute their thoughts on the future of IRI globalisation of ICT Law. Moreover, IRI should consider a need to reinstall the Virtual Law Firm (website). This network was relevant and important as the aim was to build a network of IT Law experts in the world. It is also believed that the more IRI alumni stay close the more likely will be fertilization of ideas and knowledge of legal issues of ICT in a global perspective.

# **Regulatory Techniques**

